



1.0 Pipe Permitting

Pipe installations should be issued with a Work on Highway Right of Way permit (WHROW). A permanent pipe for irrigation, liquid manure, or potable water shall require a utility permit. Other categories are shown in the table below.

2.0 Pipe Installation Type and Permit to Use

PIPE INSTALLATION TYPE ¹	PERMIT TO USE	
	Utility (DT1553)	WHROW (DT1812)
a) Culvert, drainpipe/tile, underdrain		<input type="checkbox"/>
b) Permanent pipe for irrigation, liquid manure, potable water, etc.	<input type="checkbox"/>	
c) Temporary pipe/hose for irrigation, liquid manure, etc.		<input type="checkbox"/>
d) Storm sewer for highway drainage		<input type="checkbox"/>
e) Storm sewer not associated with highway drainage	<input type="checkbox"/>	
f) Sanitary sewer (municipal or privately owned)	<input type="checkbox"/>	
g) Petroleum (oil, gas), natural gas, propane	<input type="checkbox"/>	
h) Frac sand (slurry)		<input type="checkbox"/>
i) Ground monitoring well		<input type="checkbox"/>
j) Empty pipe or casing		<input type="checkbox"/>
k) Empty conduit (reserved for utility use)	<input type="checkbox"/>	

A WHROW or utility permit, not a State Municipal Maintenance Agreement (SMMA), should be issued regardless of whether the pipes are being replaced with a Wisconsin Department of Transportation (WisDOT) project or not. If the pipes are not owned by WisDOT, the permit provides indemnification to WisDOT and provides a record of the owner, the owner’s responsibilities, pipe materials, size, etc.

If a utility permit was issued in error, it can be corrected by voiding the utility permit and superseding the utility permit with a WHROW permit.

Culverts, drainpipes/tiles, etc. are not considered utilities since they do not convey or transmit water for consumption or irrigation. Handle them as private drainage systems and require a WHROW permit (similar to storm sewers for highway drainage).

- 1) For privately-owned pipes, the applicant must be the property or business owner (not a contractor, consultant, etc.). A contractor or consultant may fill out the permit form on behalf of the applicant. The applicant must sign the form, and an electronic (typed) signature is acceptable. If a business or farmer is leasing the land, the permit may be issued to either one. However, a letter is required from the landowner agreeing to the proposed pipe installation. When determining who applicant is, ask, “Who will own, operate and maintain the pipe?”
- 2) If a drainpipe is being installed across WisDOT Right of Way (ROW) and the downstream property owner is different from the upstream owner requesting the permit, the upstream owner shall obtain a permanent easement, permanent drainage easement or some type of legal agreement from the downstream owner in order for WisDOT to approve the permit.

2.1 Permanent vs Temporary Pipes

Permanent pipes are treated differently than temporary pipes/hoses since WisDOT needs a record of these installations for highway improvement projects, maintenance operations, and other work that may occur in highway ROW. Permanent pipes can be located either with aboveground markers and/or placed on Diggers Hotline. Temporary pipes/hoses may be placed inside WisDOT culverts if the installation does not adversely affect the hydraulic capacity nor increase potential clogging of the host pipe. For liquid manure pipes/hoses, be proactive in approving these permit requests since they consequently minimize the number of manure trucks that would use local and state roads thereby reducing wear and tear on those roads.

2.2 Privately Owned Water Facilities

Privately-owned water pipes used for consumption or irrigation are considered utilities and as such are permitted by the region's utility unit (not a WHROW permit) since the facilities are crossing only.

2.3 Storm Sewers

Storm sewers for highway drainage shall be treated the same as other privately-owned culverts, drain tiles/pipes, etc. and permitted with a WHROW permit. Storm sewer utility facilities not associated with highway drainage are considered a utility.

2.4 Sump Pumps

Landowners are responsible for directing water to pervious surfaces and away from the highway to prevent damage and cannot drain private water flow into WisDOT ROW without approval. WisDOT may remove unauthorized, fixed, or movable encroachments.

2.5 Frac Sand

Frac sand is a growing industry in Wisconsin, and the two ways of transporting the material across or along highway ROW are by pipe and conveyor. Conveyance of frac sand requires a WHROW permit.

2.6 Casing for Directional Boring

Pipe casing is not required however WisDOT can require casing if the pipe is under a major highway, or the pipe size may increase in future years (thereby eliminating the need for an additional bore) or there is a need for additional protection from potential leakage.

2.7 Drain Tile

Drain tile is typically used to intercept ground water, but it is also used to intercept surface water that seeps into the ground. WisDOT personnel should coordinate with the State Drainage Engineer to evaluate whether STH highway system ditches/drainage features can handle the extra water prior to permitting.

Drain tile systems with lift stations is primarily guided by the Wisconsin Department of Transportation (WisDOT) and the Wisconsin Department of Natural Resources (DNR). The DNR regulates how these systems interact with wetlands, while WisDOT governs their installation within or near state highway rights of way.

Subsurface Drain Tile Failures: When a subsurface drain tile system, whether on public or private property, fails and causes subsurface water to become surface water that negatively affects the state highway ROW, the landowner must correct the problem at their own expense. Failure to do so may result in legal action.

Landowners are responsible for the proper functioning and maintenance of any subsurface drain tile system that impacts the state highway ROW. The landowner needs to obtain a permit from WisDOT for any work involving drainage pipes or tiles that are within the state highway ROW.

WisDOT is responsible for monitoring and maintaining the state highway system and addressing drainage issues that may impact the safety and integrity of its ROW. If a problem is identified, issue a directive to the responsible landowner requiring them to correct the issue within a specified timeframe.

2.8 Drainage/Sewerage Districts

[Chapter 200.11 \(5\)\(b\) of the statutes](#) provides the requirements for Metropolitan Sewerage Districts.

Only Milwaukee, Madison and Green Bay are all defined as first class cities and do not need to get permits on WisDOT ROW. The Sewerage District may enter upon any state, county or municipal street, road or alley, or any public highway for the purpose of installing, maintaining and operating their system, and may construct in any such street, road or alley or public highway necessary facilities without a permit or a payment of a charge. Whenever the work is to be done in a state, county or municipal highway, the public authority having control thereof shall be duly notified.

2.9 Culverts Under Controlled Access Highway

Culverts, or conduits, may be installed under controlled-access highways, but new longitudinal installations are prohibited.

All installations require a permit from WisDOT. For interstate highways, approval from Central Office and the Federal Highway Administration (FHWA) is also required.

2.10 Monitoring Wells

The Region needs to ensure that the responsibility for the well stays with the adjacent property that is or will be responsible for any current or future contamination. The responsible party is not necessarily the current owner (Lease holder, or previous owner who retained responsibility for the remediation, but sold the property to someone else).

[Monitoring Well Placement Agreement](#) – This document is filled-out and recorded against the property deed of the responsible party (RP) when ground monitoring wells are installed to track a hazardous material plume that may be already on or migrating towards state highway ROW. The Agreement is included with the permit as a special provision. It becomes available in State Highway Access and Permitting Electronic System (SHAPES) when the box is checked under question 10.

2.11 Permit Review by Region Staff

1. WisDOT is not responsible or liable for pipes that get clogged, fail to properly function, or are damaged from mowing, ditching, other maintenance operations, utility work, or any other work on highway ROW.
2. All pipe maintenance shall be the responsibility of the permittee.
3. WisDOT shall not repair/replace pipes that get damaged or destroyed as a result of a natural disaster.
4. All pipes and their outlets shall meet WisDOT standard specifications for highway and structure construction, current edition, unless otherwise approved by WisDOT.
5. Proper erosion control best management devices shall be used as necessary for pipe installation.
6. With three days advanced notice given to WisDOT ([WHROW Contacts](#)), the permittee shall be allowed to access the ROW to inspect, clean-out, or maintain their pipe. No additional permit should be necessary, unless the operation affects traffic in some manner.

7. The permittee shall be responsible for remediation and disposal of any non-point pollution source runoff that is discovered on WisDOT ROW and directly attributable to the permittee's drain pipes/tiles as documented by the Department of Natural Resources (DNR).
8. DNR concurrence that the additional water flowing under the highway is not an issue, and that the boring pit excavations along with associated equipment disturbance will not affect wetlands (or if it does, a permit from DNR would be needed).
9. During pipe construction, the bore or other installation method shall take place from outside of ROW to outside of ROW (to eliminate the need for work zone traffic control).
10. Require a shut-off valve on the upstream end of the flow and outside the ROW to avoid clear zone issues.
11. Clearly state that any relocation and/or adjustment of the pipe due to a highway improvement or maintenance project shall be borne by the permittee.
12. The irrigation line shall not be placed through any culvert or on top of any ditch or other portion of STH ROW.
13. Ensure that there is the same ownership on each side of the highway. The permit needs to be issued to the owner, not the lessee. If someone is leasing the land and will be involved in some manner with the permit, then you need some sort of agreement between the owner(s) and lessee to go with the permit to document what that relationship is (e.g., financial responsibility).
14. Do not mandate that the owner become a member of Diggers unless there are unique circumstances, i.e., a prevalence of underground utilities in the area, or if there are multiple crossings by one company. If the irrigation line is clearly marked by an aboveground marker on each side of the highway, that should suffice. If it gets obscured by trees or other vegetation, then the permittee should do clearing at his/her expense and that requirements should be a provision on the permit.
15. If you want to get accurate records of the depth of the bore across your highway, require the permittee to use a bore head that can be tracked by a computer, i.e., a device that records the x, y, and z components.
16. Access to the ROW for construction and maintenance is restricted and will be specified in the permit. The use of frontage roads or existing public roads is preferred.
17. If the existing security fence is disturbed, the utility is responsible for its repair or replacement to WisDOT specifications.