



7-80.1 General

The engineer, cognizant of any access controls, Trans 233 land divisions, or more restrictive local or municipal ordinances and regulations should, in conjunction with initial layout and staking operations on the project, check and review requirements and locations for access points to be constructed under the contract, as shown on the plans, against actual field requirements. The plan will provide a driveway intersection detail and a schematic of required right-of-way and allowed access points along the project. The plan should also provide the engineer with a list of all new and to-be-restored access points to be staked by station and offset.

The engineer should be notified of any conflicts between the plan and field requirements as to the number and type of access points and the resolution to the conflict.

The engineer should consult with all property owners regarding the location of each entrance to ensure that it will be built, if practical, where the owner desires it, thus avoiding any future question concerning location. The width should be as the owner wants, within the staked limits. The original grade should not be exceeded where possible.

The location and width of entrances determined to be restored or constructed should be staked or laid out in the field, and all pertinent information given to the contractor to avoid errors and the necessity of removing and reconstructing entrances constructed at the wrong location.

Requests by property owners for entrances in addition to those required to be restored or constructed under the terms of the contract in accordance with the requirements of the Wisconsin Statutes, and as discussed herein, should be referred to the region office for review and issuance of the necessary permit, if approved. Additional permitted entrances must be constructed at the property owner's expense and must incorporate all necessary approved drainage facilities.

The restoration and construction of entrances in urban sections and curb and gutter sections may present special problems beyond the scope of this section. These problems should be resolved with the region. The mere omission of the curb section does not constitute restoration; therefore, the omission of curb in anticipation of a permitted entrance to be constructed at the owner's expense does not constitute restoration even though little additional work remains behind the curb for the owner to perform to secure a satisfactory entrance. The contractor must be held to the obligation under the contract to fully restore the entrance.

The locating of a new entrance or the change in location of an existing entrance is controlled in an urban area under the permit authority of the municipality. No curb opening can be provided without permission of the local unit of government.

Generally, driveways and entrances are restored with the same type of surfacing material as previously used, provided it is consistent with plan requirements and municipal ordinances. In some instances, the property owner may request a type different from that allowed or previously used, and it will be necessary for the engineer to check with the region and local officials to determine its acceptability and any need for landowner monetary contribution to absorb increased costs. Also, the type requested may not be feasible to construct if it is made of a material not readily procurable by the contractor at a reasonable price. For example, a solitary concrete driveway on an asphaltic-surfaced urban street with asphaltic driveways may not be feasible.

Every effort should be made to minimize inconvenience to abutting businesses and residences. Driveways and entrances should be resurfaced concurrent with surfacing operations on the street or highway, or as soon thereafter as practicable.

7-80.2 Statutory Basis for Construction and Restoration

Section 86.05 of the Wisconsin Statutes, provides in part: "Whenever it is necessary, in making any highway improvement to cut or fill or otherwise grade the highway in front of any entrance to abutting premises, a suitable entrance to the premises shall be constructed as a part of the improvements; and if the premises are divided by the highway, then one such entrance shall be constructed on each side of the highway."

An interpretation of this statute relative to the word "premises" was given in an opinion of the attorney general, dated July 25, 1957. A question had arisen relative to the number of entrances required to be restored to a property or contiguous properties of the same ownership whereon were located a number of "premises", some of which were occupied by tenants and some by the owner. In essence, the opinion held that independence of use of a property or portions of a property rather than its ownership should be the deciding factor.

Section 86.05 is construed to require the restoration of a maximum of one entrance per economically separate

premise or property of separate ownership on each side of the highway, except that when adjoining portions of the premises are divided by a natural barrier such as a stream, a second entrance may be restored. Where highways are relocated, an entrance is normally provided as part of the construction on each side of the highway to restore access for the divided premises.

The restoration or construction of private entrances may not be in accordance with the foregoing policy or the provisions of Section 86.05 of the Wisconsin Statutes when access controls exist along the highway, or when a local or municipal ordinance or zoning is more restrictive. Section 84.25 of the Wisconsin Statutes, relating to controlled-access highways, restricts an abutting property owner's access to a controlled-access highway. Section 84.295(5) of the Wisconsin Statutes, relating to Freeways and Expressways, states that for any highway on relocation, that is designated as a freeway or expressway, no right of access shall accrue to any abutting property owner.

Section 84.09 and Chapter 32, Eminent Domain, of the Wisconsin Statutes provide for the acquisition and purchase of access rights. Wisconsin Administrative Code, Chapter Trans. 233, based on Chapter 236 of the Wisconsin Statutes, provides that no direct vehicular access may be had between a state trunk highway and the individual lots of a land division without the express consent of the department. In addition to these state statutes access covenants have been recorded against many properties adjacent to state trunk highways. These covenants restrict access to the highway.

The engineer should contact the region access coordinator before constructing or modifying any driveway or private street that is not shown on the plan sheets. The region access coordinator will determine if there are existing access controls that affect the property.

7-80.3 Construction Standards - Trans 231

Pursuant to and under authority of Section 86.07(2) of the Wisconsin Statutes, the Wisconsin Administrative Code Chapter Trans 231 prescribes the placing, constructing, altering, and maintaining of private driveways connecting with state trunk highways under permits. It is applicable generally to restoration and construction of all entrances on the state trunk system, except where local ordinances or regulations impose more restrictive requirements.

The following applicable sections of Chapter Trans 231 are excerpted and presented as a guide to construction standards.

7-80.3.1 Trans 231.03 Location, Design, and Construction Requirements - General

"The location, design, and construction of a driveway shall conform to the following:

1. A driveway shall be located and restricted as to width as necessary so that the entire driveway roadway and its appurtenances are contained within the frontage along the highway of the property served. At public highway intersections a driveway shall not provide direct ingress or egress to or from the public highway intersection area and shall not encroach on or occupy areas of the roadway or right of way deemed necessary for effective traffic control or for highway signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it will have adequate sight distance in both directions along the highway.
2. The number of driveways permitted serving a single property frontage along a state trunk highway shall be the minimum deemed necessary by the engineer for reasonable service to the property without undue impairment of safety, convenience, and utility of the highway.
3. The island area on the right of way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way line shall remain unimproved for vehicular travel or parking. Such area shall be considered as restricted and may be filled in or graded down only as hereinafter provided in sub. (7).
4. The surface of the driveway connecting with rural-type highway sections shall slope down and away from the highway shoulder a sufficient amount and distances to preclude ordinary surface water drainage from the driveway area flowing onto the highway roadbed.
5. The driveway shall not obstruct or impair drainage in highway side ditches or roadside areas. Driveway culverts, where necessary, shall be adequate for surface water drainage along the highway and in no case less than the equivalent of 15 in diameter pipe. The distance between culverts under successive driveways shall not be less than 10 ft, except as such restricted area is permitted to be filled-in under the provisions of sub. (7).
6. When curb or gutter is removed for constructing a driveway, the new connections shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. The driveway surface shall connect with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. The driveway construction shall include replacement of sidewalk areas that are inadequate or become damaged by reason of vehicular travel across the sidewalk.
7. The restricted area between successive driveways may be filled in or graded down only when the following requirements are fully complied with:
 - 7.1 The filling in or grading down shall be to grades approved by the engineer and, except where highway

drainage is by means of curb and gutter, water drainage of the area shall be directed away from the highway roadbed in a suitable manner.

- 7.2 Culvert extension under the restricted area shall be of like size and equivalent acceptable material of the driveway culvert, and intermediate manholes adequate for clean-out purposes may be required where the total culvert length exceeds 100 ft.
- 7.3 Where no highway side ditch separates the restricted area from the highway roadbed, permanent provision may be required to separate the area from the highway roadbed, to prevent its use for driveway or parking purposes, by construction of a border, curb, rail, or posts deemed adequate by the engineer."

7-80.3.2 Trans 231.04 Commercial - Rural Driveways

"On rural type highway cross section, driveways serving commercial or industrial establishments shall conform to the following:

1. Width of Drive:

No driveway except as hereinafter provided shall have a width greater than 35 feet measured at right angles to the centerline of the driveway, except as increased by permissible radii. In no instance shall a driveway have a width greater than 62 feet (including flare of return radii) measured along a line 10 feet from and parallel to the edge of the pavement on which the entrance will be constructed.

2. Return Radii:

No return radius projected between the edge of highway pavement and the driveway shall be greater than 40 feet. Usually, these radii will be determined by the restrictions given in subs. (1), (3), and (4).

3. Angular Placement of Drive:

The angle between the centerline of a driveway serving two-way traffic and the edge of the pavement shall not be less than 45°. Where suitable precautions are taken or one-way operation along divided highways permit only one-way operation of the driveways, the angle of the entrance drive to grantee's property may be decreased. The angle of the exit drive with the highway pavement shall be not less than 45°.

4. Island Areas:

- 4.1 An island of a minimum length of 10 feet shall be maintained between driveways serving the same premises. (The measurement shall be along a line 10 feet from and parallel to edge of pavement.) The permit shall specify that the island area, if less than 20 feet in length or 10 feet in width, is to be defined by curbs, posts, boulders, masonry walls, guardrail, etc. Materials used to define the island, except concrete curbs, shall be painted white. The side of the island next to the highway shall be not less than 10 feet from the pavement edge. The side of the island farthest from the highway shall be at the right-of-way line.

- 4.2 The area within 5 feet of a property line shall be a restricted area over which no driveway may be developed. The 5-foot restriction shall be measured parallel to the pavement edge and shall be effective between the right-of-way line and a line 10 feet from and parallel to the pavement edge. This is to serve as an island area should the adjoining property owner request a permit for a driveway."

7-80.3.3 Trans 231.05 Noncommercial - Rural Driveways

On rural type highway cross section, driveways serving farm or residence property shall conform to the following:

1. Width of Drive:

No noncommercial driveway or combination of driveways shall have a width less than 16 feet nor greater than 24 feet measured at right angles to the centerline of the driveway except as increased by permissible radii.

2. Return Radii:

No return radius projected between the edge of highway pavement and the driveway shall be greater than 30 feet.

3. Angular Placement:

The centerline of that part of the driveway lying on the State right of way shall be at approximately right angles to the pavement, except as topography may make certain angular placement necessary."

7-80.3.4 Trans 231.06 Commercial - Urban Driveways

"On urban type highway cross section, driveways serving commercial or industrial establishments shall conform to the following:

1. Width of Drive:

No driveway shall have a width greater than 35 feet measured at right angles to the centerline of the driveway, except as increased by permissible radii.

2. Return Radii:

The return radii projected between the line of face of curb of the highway and the driveway shall be determined by the engineer, basing his decision on the type of traffic and the restrictions given in subs. (1) and (4). In all cases, the entire flare shall fall within the right of way.

3. Angular Placement of Drive:

The angle between the centerline of the driveway and the curb line shall be not less than 45°.

4. Island Areas:

4.1 When sidewalk is adjacent to curb, an island of a minimum length of 6 feet, measured along the curb line, shall be placed between each entrance to a state highway. The curb shall be left intact for this length.

4.2 When sidewalk is remote from curb, an island of a minimum length of 10 feet measured along the right-of-way line shall be maintained between each entrance to a state highway. All flares shall be tangent to the curb line.

4.3 A curb length of not less than 3 feet shall be left undisturbed adjacent to each property line to serve as an island area should the adjoining property owner request a permit for an entrance.”

7-80.3.5 Trans 231.07 Noncommercial - Urban Driveways

“On urban type highway cross section, driveways serving residence property shall conform to the following:

1. Width of Drive:

No noncommercial driveway or combination of driveways shall have a width greater than 24 feet measured at right angles to the centerline of the driveway, except as increased by permissible radii.

2. Return Radii:

The radius of the return connecting the line of face of curb of the highway and the edge of driveway shall not exceed 10 feet. In all cases, the entire flare shall fall within the right of way.

3. Angular Placement:

The centerline of the driveway may be either parallel to the property line of the lot for which access is requested, or at right angles to the curb line.”