

Chapter Public Works 16-146

PERMITS FOR ACCESS AND RELATED ALTERATIONS
IN COUNTY TRUNK HIGHWAYS AND COUNTY RUSTIC ROADS

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SUBCHAPTER I
GENERAL PROVISIONS

Public Works 16-146.10 Purpose. Chapter Public Works 16-146 includes administrative rules pursuant to the Racine County Code of Ordinances § 16.146.

History: 2011 cr.

Public Works 16-146.11 Definitions. In this chapter:

(1) "Access point" means a single public or private vehicular thoroughfare or bridge open to public or private use for purposes of travel to and from a highway.

(2) "Department" means the County of Racine Department of Public Works and Development Services.

(3) "Engineer" means the Department's Manager of Planning and Engineering Services.

(4) "FDM" means the State of Wisconsin Department of Transportation Facilities Development Manual, current edition.

(5) "Highway" means all public ways or thoroughfares and bridges on the same, including the entire width between the boundary lines of every way open to the public as a matter of right for the purposes of vehicular travel, within the administrative jurisdiction of the department.

(6) "Specifications" means the State of Wisconsin Department of Transportation Standard Specifications for Highway and Structure Construction, current edition.

History: 2011 cr.; 2012 am.

County of Racine Ordinance 2011-74 abolished the Public Works Department and created the Department of Public Works and Development Services. See Racine, Wis., COUNTY CODE OF ORDINANCES § 2.266(5) (2011).

Public Works 16-146.12 Application. Chapter Public Works 16-146 regulates vehicular access to: county trunk highways (designated by letters of the alphabet) and three highways on the rustic-road system (designated as R-2, R-5, and R-43). The department maintains a map that depicts the various highway systems located within Racine county. Contact the engineer for a copy of this map.

(1) County jurisdiction may extend beyond geographic boundaries. The County of Racine forms agreements with neighboring administrative authorities to designate administrative jurisdiction where highways either cross or lie on geographic boundaries.

(2) If any provision or clause of this Chapter Public Works 16-146 or its application to any entity or circumstance becomes invalid then, the invalidity shall not affect the other provisions or applications of this Chapter Public Works 16-146 that remain effective without the invalid provision or application. To this end the provisions of this Chapter Public Works 16-146 remain severable.

History: 2011 cr.

SUBCHAPTER II
ADMINISTRATION

Public Works 16-146.20 Administrative process.

The applicant must:

(1) Obtain functional category information for the highway and for the access point from the department.

(2) Design the access according to the standards assigned by subchapter III of this Chapter Public Works 16-146.

(3) Apply to the department for permission to create the access point. The department will review the application and respond within 15 days. If the Department does not respond within 15 days then, deem the application denied. The response will either: ask for more information, permit the facility, or deny the facility. Applicants may modify their applications according to department recommendations and apply again without an additional fee.

History: 2011 cr.

SUBCHAPTER III
DESIGN STANDARDS

Public Works 16-146.30 Design according to FDM standards.

(1) Apply the FDM design standards corresponding to both: the existing highway and the proposed access point.

(2) When reviewing applications for access point permits, the department applies the rules listed in this section 16-146.30(2) on a rational basis when related to a legitimate department interest:

(a) Where a parcel of land, regardless of zoning and proposed use, abuts two or more highways or streets then, access the parcel from the highway ranked lowest in terms of jurisdictional hierarchy, functional classification, and traffic.

(b) Locate access points in coordination with the existing and proposed highway system. For example: avoid the functional areas of existing or proposed highway intersections, traffic control devices and utility infrastructure.

(c) Provide for the safe and efficient movement of vehicular and pedestrian traffic. Provisions may include but are not limited to FDM guidance in regard to sight distance, turning-traffic storage, and geometric dimensions.

(d) Limit residential parcels to no more than one access point. Limit each agricultural and business parcel to one access point for every 500 feet of highway abutting the parcel.

(e) Provide at least 10 feet of clean-out clearance between the end-walls of culverts located beneath access points serving neighboring parcels.

(f) If the FDM warrants a drainage culvert then, install pipe or pipe arch no smaller than a 15-inch diameter pipe. Include apron end-walls.

(g) If the FDM warrants a drainage culvert then, install pipe or pipe arch no smaller than a 15-inch diameter pipe. Include apron end-walls.

(h) Align the access point perpendicular to the highway.

(i) Surface driveways using gravel or hot-mix asphalt.

Driveways in urban class highways that extend away from concrete curb and gutter may include concrete surfaces.

The County Engineer restored the requirements for HMA or gravel surfaces for access points beyond curb and gutter areas. (Effective 4/20/2023).

History: 2011 cr.; 2023 am.

SUBCHAPTER IV APPLICATION FOR PERMISSION

Public Works 16-146.40 Applicants must possess standing.

(1) Permit applicants must: own the property to which they seek to access using the proposed access point, or apply as an agent for the owner.

(2) Agents for property owners must affirm their status as a legal representative of the property owner and all other parties with interest in the proposed access point.

(3) Applicants must adhere to these rules and any additional provisions that appear in the permit.

History: 2011 cr.

SUBCHAPTER V PERMIT PROVISIONS

Public Works 16-146.50 Apply these permit provisions.

(1) Before establishing the access point, obtain permission from all parties that maintain jurisdiction.

(2) Access permit shall inure to and bind upon the permittee, heirs, legal representatives and assigns.

(3) The department may modify or revoke permits at any time.

(4) The County of Racine and its committees, departments, officials, and employees: accept no responsibility for liability or damages resulting from the issuance or exercise of access permits.

History: 2011 cr.

SUBCHAPTER VI MAINTENANCE OF PERMISSION

Public Works 16-146.60 Construct and maintain access points according to the FDM and the Specifications.

(1) The landowner served by the access point remains responsible for access point construction and maintenance. Landowner duties include but, are not limited to the following:

(a) Remove snow, ice, and other debris, including those deposited by the department during highway maintenance.

(b) Correct culverts that obscure water flow or vehicle traversability.

(c) Restore damaged, misaligned, or worn gravel and pavement surfaces.

(d) Construct and maintain access points in accord with the FDM and the specifications to accommodate changed conditions on a rational basis and when related to a legitimate department interest. Changed conditions include but are not limited to: drainage of lands, land use, traffic, highways, and zoning.

History: 2011 cr.