

# CHAPTER 30 DANE COUNTY ORDINANCES

## COUNTY TRUNK HIGHWAY ACCESS CONTROL REGULATION

AS APPROVED BY THE DANE COUNTY  
BOARD OF SUPERVISORS -- JULY 15, 1971  
REPRINT --- MAY 1973 WITH REVISIONS

DANE COUNTY, WISCONSIN

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## INTRODUCTION

30.11 Purpose and Intent

In general, this ordinance provides for the review and approval of proposed new points of access onto certain designated County Trunk Highways. The purpose of this ordinance is to promote the safe and efficient ingress and egress to certain county trunk highways in the interest of public safety, convenience and general welfare; to protect the public investment in highways by preventing premature functional obsolescence; to reduce highway accidents caused by frequent and poorly designed points of access; to promote the balanced use of land for the mutual protection of land owners, motorists and Dane County; and to enhance the highway appearance for making highway travel more pleasant.

30.12 Authority

These regulations are adopted under the authority granted by Section 83.027 of the Wisconsin Statutes, and amendments thereto, and pursuant to Sections 83.07 and 83.08 of the Wisconsin Statutes and providing penalties for the violation of provisions contained herein.

30.13 Severability

If any section, provision or portion of this ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

30.14 Title

This ordinance shall be numbered as Chapter 30, Dane County Ordinances, and shall be known as, referred to, or recited as the "COUNTY TRUNK HIGHWAY ACCESS CONTROL REGULATIONS, DANE COUNTY, WISCONSIN."

30.15 Effective Date

This ordinance shall be effective July 15, 1971 after adoption by the Dane County Board of Supervisors.

30.16 Definitions

For the purpose of these regulations, certain words or phrases used herein are defined as follows:

(1) Access

A recognized point of vehicular entry onto a highway where evidence of use has been clearly established.

(2) Adoption Date

The date that a specified county trunk highway became subject to the provisions of this ordinance.

(3) Agency

The Dane County Highway and Transportation Committee.

(4) Controlled Access Highway

A highway on which the traffic is such that the County Board has found, determined, and declared it to be necessary, in the interest of the public safety, convenience and the general welfare to regulate entrance upon and departure from the highway or street except at places specially designated and provided for such purposes, and to exercise special controls over traffic on such highway or street.

(5) Mile

A mile shall be measured to include 1/2 mile in either direction from each particular point of access under consideration.

(6) Parcel

Contiguous lands under the control of a developer(s), not separated by streets, highways, or railroad rights-of-way, established prior to the adoption date of a particular county trunk highway.

## GENERAL PROVISIONS

30.21 Jurisdiction in Unincorporated Areas

The provisions of this ordinance shall apply to the following County Trunk Highways within unincorporated Dane County:

<u>County Trunk Highway</u>	<u>Location</u>	<u>Adoption Date</u>
"AB"	From the eastern boundary of the City of Madison to C.T.H. "MN"	May 17 , 1973
"B"	From C.T.H. "MM" to U.S. 51	May 17 , 1973
"B"	From U.S. 51 to C.T.H. "N"	May 17 , 1973
"B"	From the northern boundary of the Village of Rockdale to the southern boundary of the Village of Cambridge	May 17 , 1973
"BB"	From the eastern boundary of the City of Madison to the western boundary of the Village of Cottage Grove	July 15 , 1971
"BB"	From the eastern boundary of the Village of Cottage Grove to S.T.H. 73	May 17 , 1973
"C"	From U.S. 151 to Happy Valley Road	May 17 , 1973
"CC"	From C.T.H. "D" to the western boundary of the Village of Oregon	May 17 , 1973
"CV"	From the northern boundary of the City of Madison to U.S. 51	July 15 , 1971
"CV"	From the southern boundary of the Village of DeForest to U.S. 51	May 17 , 1973
"D"	From C.T.H. "CC" to C.T.H. "M"	May 17 , 1973

<u>County-Trunk Highway</u>	<u>Location</u>	<u>Adoption Date</u>
"D"	From C.T.H. "M" to the southern boundary of the City of Madison	July 15 , 1971
"D"	From Traceway Drive to Wingra Drive	May 17 , 1973
"G"	From S.T.H. 92 to U.S. 18-151	May 17 , 1973
"K"	From U.S. 12 to C.T.H. "M"	May 17 , 1973
"M"	From the southern boundary of the Village of Verona to C.T.H. "MM"	May 17 , 1973
"M"	From the northern boundary of the Village of Verona to C.T.H. "S"	July 15 , 1971
"M"	From the eastern boundary of the City of Middleton to S.T.H. 113	July 15 , 1971
"MC"	Those segments outside of the City of Madison	May 17 , 1973
"MM"	From the northern boundary of the Village of Brooklyn to the southern boundary of the Village of Oregon	May 17 , 1973
"MM"	From the northern boundary of the Village of Oregon to 100' NW of the intersection with Ski Lane in Section 1, T6N R9E	July 15 , 1971
"MM"	From 200' south of the north intersection with Anderberg Drive to C.T.H. "MC"	May 17 , 1973
"N"	From U.S. 51 to the southern boundary of the Village of Cottage Grove	May 17 , 1973
"N"	From the northern boundary of the Village of Cottage Grove to the southern boundary of the City of Sun Prairie	May 17 , 1973
"N"	From the northern boundary of the City of Sun Prairie to C.T.H. "V"	May 17 , 1973

County Trunk  
HighwayLocationAdoption Date

"P"	From C.T.H. "S" in Section 33, T7N R7E to the southern boundary of the Village of Cross Plains	May 17 , 1973
"PB"	From S.T.H. 69 in Section 33, T5N R8E to the intersection with Sunset Road in Section 2, T5N R8E	May 17 , 1973
"PB"	From the intersection with S.T.H. 69 in Section 11, T5N R8E to U.S. 18-151	July 15 , 1971
"PD"	From U.S. 18-151 in Section 16, T6N R7E to U.S. 18-151 in Sections 6 and 7, T6N R9E	May 17 , 1973
"PD"	From U.S. 18-151 in Sections 6 and 7, T6N R9E to C.T.H. "D"	July 15 , 1971
"Q"	From the northern boundary of the City of Middleton to the southern boundary of the Village of Waunakee	July 15 , 1971
"S"	From S.T.H. 78 to C.T.H. "P" in Section 33, T7N R7E	May 17 , 1973
"S"	From C.T.H. "P" to U.S. 12-14	July 15 , 1971
"S"	From U.S. 12-14 easterly to the boundary of the City of Madison	May 17 , 1973
"T"	From the eastern boundary of the City of Madison to C.T.H. "TT" in Section 31, T8N R11E	July 15 , 1971
"T"	From C.T.H. "TT" in Sections 13 and 24, T8N R11E to the western boundary of the Village of Marshall	May 17 , 1973
"TT"	From C.T.H. "T" in Section 31, T8N R11E to C.T.H. "N"	July 15 , 1971
"TT"	From C.T.H. "N" to C.T.H. "T" in Sections 13 and 24, T8N R11E	May 17 , 1973
"V"	From S.T.H. 113 to U.S. 51	May 17 , 1973



30.22 Jurisdiction in Incorporated Areas

The provisions of this ordinance shall apply within those incorporated areas of Dane County where a decision of the Dane County Board has been referred to and approved by the governing body of such incorporated area.

30.23 Compliance with Ordinances, Regulations and Plans

Any person, firm or corporation seeking access to lands abutting a county trunk highway designated in Sections 30.21 or 30.22 shall comply with the requirements of this ordinance and:

- (1) Applicable Dane County ordinances and regulations.
- (2) Master plans or master plan components adopted by the Dane County Board or by the Dane County Regional Planning Commission.
- (3) The official map of any municipality or governmental unit having jurisdiction.

30.24 Right of Access

After the designation of a controlled access highway, no owners or occupants of abutting lands shall have the right or easement of access, by reason of the fact that their property abuts on the controlled access highway, unless otherwise provided for herein.

30.25 Agency Authorization

- (1) Except at places specifically designated and provided for such purposes, no private entrance upon or departure from a designated controlled access highway shall be permitted by the Agency.

The Agency may designate a private access point as "temporary" and subject to periodic review. In the interest of public health, safety and general welfare, the Agency may revoke a "temporary" access permit or it may require modifications to remedy a problem situation.

- (2) A public street or highway shall not be opened into or connected with a designated controlled access highway without the approval of the Agency.

- (3) Review and approval of the Agency shall be required prior to any private entrance upon or departure from a designated controlled access highway being converted to public street or highway status.

Such approvals shall be given by the Agency only if the public interest shall be served thereby and shall specify the terms and conditions on which such approvals are given.

30.26 Vacation

A controlled access highway shall remain in force until the access control is revoked by an action of the Dane County Board of Supervisors. The County Board may revoke access control on a controlled access highway or any portion thereof, provided that after traffic engineering surveys, investigations and studies; it, after a public hearing, finds that the revocation of access control on such highway or portion thereof is in the public interest. The County Board shall record the formal notice of revocation of access control on the highway with the Dane County Register of Deeds.

30.27 Existing Points of Access

All existing points of access may be continued after the implementation of this ordinance. However, if the use of an established point of access is discontinued for a period of one year, the Agency may revoke the access privilege or require alterations or improvements to achieve compliance with the standards set forth in this ordinance. Modifications to points of access which were established prior to adoption of this ordinance shall be subject to the requirements set forth herein.

30.28 Change of Use

Any point of access permitted under this ordinance shall be subject to review and approval by the Agency where the Agency determines that there has been a change in use which will affect safe and efficient ingress and egress to, and use of, a controlled access highway. This determination shall be based primarily on a significant change in the volume of traffic or the type of vehicle using that point of access.

## STANDARDS AND SPECIFIC PROVISIONS

30.31 Spacing and Frequency ,

- (1) One access may be permitted for each parcel of land as defined under 30.16(6), except where an alternate means of access is available and would better serve the public interest.
- (2) Access permits shall not be issued where the horizontal distances between access points will be less than 600 feet, except as provided under 30.31(1).
- (3) A maximum of six access points per side per mile of highway shall be permitted, except as provided under 30.31(1).

30.32 Design

The design of a driveway or a street intersection for appropriate sight distances, return radii, angles, profiles and widths shall be based upon engineering standards as established by the Agency to be generally in conformance with the minimum standards of the American Association of State Highway Officials and the National Cooperative Highway Research Program Report #93, "Guidelines for Medial and Marginal Access Control on Major Roadways". In locating access points along a controlled access highway, consideration shall be given to the alignment of the potential street intersections in order to facilitate the safe and efficient flow of traffic across the highway.

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## APPLICATION REVIEW PROCEDURE

30.41 Permits

- (1) Applications for permits shall be made to the Dane County Highway Department, 2302 Fish Hatchery Road, Madison, Wisconsin.
- (2) Permits shall be required for all new access points along a county trunk highway designated as a controlled access highway in 30.21 or 30.22.
- (3) The authority to approve, conditionally approve, or reject applications for access is delegated to the Agency by the Dane County Board of Supervisors.
- (4) Prior to Agency action on an access application, the staff of the Dane County Regional Planning Commission shall be consulted regarding the proposed access.
- (5) The Agency shall conduct periodic inspections to determine compliance with the ordinance provisions and shall maintain permanent records of data submitted, staff recommendations and permits issued.
- (6) An access permit shall expire one year from the date of issuance if evidence of use has not been established within that time.
- (7) Upon issuance of a permit, the point of access shall be inspected during and after construction.
- (8) When violations occur, the Agency may revoke the access permit(s).

30.42 Required Data

Applications shall be made on forms available at the main office of the Dane County Highway Department, 2302 Fish Hatchery Road, Madison. Additionally, the Agency may require the submission of a scale drawing showing property lines, topography, streams, lakes, ponds, marshes and locations of existing and proposed structures, and other appropriate supporting data as deemed necessary for the adequate review of the application.

## ADMINISTRATION AND ENFORCEMENT

30.51 Variances

- (1) Where the Agency finds that unnecessary hardship may result from strict compliance with these regulations, it may vary the regulations; provided that the public interest is secured and that such variation will not establish an undesirable precedent and will not have the effect of nullifying the intent and purpose of these regulations.
- (2) Any modification or variance thus granted shall be entered in the minutes of the Agency setting forth the reasons which, in the judgment of the Agency, justified the modification or variance.

30.52 Fees

The applicant shall pay to the Dane County Treasurer a fee of ten (\$10.00) dollars to assist in defraying the costs of reviewing the access application.

30.53 Controlled Access Maps

The locations of all recognized access points are shown on the maps entitled "Controlled Access Maps" on file in the office of the Dane County Highway Commissioner. The Commissioner shall periodically update the "Controlled Access Maps" to show any changes resulting from the actions of the Agency. The "Controlled Access Maps", together with all information shown thereon and all amendments thereto, shall be a part of these regulations.

30.54 Violations and Penalties

Any person, firm, or corporation who fails to comply with the provisions of this ordinance shall be subject to penalties and forfeitures as provided in Section 83.027(12) of the Wisconsin Statutes.

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Adopted by the Dane County Board of Supervisors the 15th  
day of July, 1971.

Richard J. Pife  
Richard J. Pife, Chairman

Francis R. Hebl  
Francis R. Hebl, Clerk

Amended by the Dane County Board of Supervisors the 17th  
day of May, 1973.

Merton J. Walter  
Merton J. Walter, Chairman

Francis R. Hebl  
Francis R. Hebl, Clerk

Office of Register of Deeds }  
Dane County, Wisconsin }<sup>ss</sup>  
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