



**Highway Maintenance Manual**  
**Chapter 07 Roadside Management**  
**Section 01 General**  
**Subject 10 Sovereignty**

**Bureau of Highway Maintenance**  
**July 2015**

### **1.0 Authority**

[s. 1.01, Wis. Stats.](#) establishes the State of Wisconsin as a sovereign entity. It also describes certain relationships with sovereign Indian nations. [s. 86.25\(1\), \(2\) and \(3\), Wis. Stats.](#), authorizes a municipality to enter into agreements with the state.

### **2.0 General**

As a sovereign entity, the Wisconsin Department of Transportation (WisDOT) is not bound by municipal ordinances. The department's guidelines on vegetation and roadside management apply to all highways under the jurisdiction of the department subject to the conditions found in HMM 02-15-10, Maintenance Within Municipalities. County Highway Department personnel perform highway maintenance activities on behalf of the department in accordance with these guidelines. If a municipality would like to manage WisDOT-maintained roadsides in accordance with its own ordinances, the municipality may request a written permit from the department to be allowed to perform the work. **The department will not pay a municipality for work completed either with or without the benefit of a permit.**

Regional Operations staff should consult with their regional tribal liaison to coordinate work involving Indian tribes.

### **3.0 Permits**

The municipality should contact the WisDOT regional office responsible for the county where the proposed work will be located. They will be asked to provide the reason for the request and a complete description of the proposed work. This description should include detail drawings if appropriate, construction methods, types of materials, and the length of time needed to complete the work, after which a permit may be issued. If a permit is warranted, use Form DT1812, [Application/Permit To Work on Highway Right of Way](#).

Include the following additional Special Permit Provisions:

1. All of the work will be subject to applicable Federal and State regulations.
2. The Municipality will pay all costs incurred in connection with the work.

STATE/MUNICIPAL AGREEMENT  
FOR A  
HIGHWAY MAINTENANCE PROJECT

DATE:  
I.D.: \_\_\_\_\_  
Highway: \_\_\_ Length \_\_\_\_\_  
Limits: \_\_\_\_\_  
County: \_\_\_\_\_

The signatory city, village, town or county, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby petitions the State of Wisconsin Department of Transportation, hereinafter called the State, to be allowed to maintain the roadside within the above-described limits in a manner not in conformance with State guidelines.

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2) and (3) of the Statutes.

**PROJECT SUMMARY**

Existing Maintenance Practice – Describe and give reason for petition:

Proposed Maintenance Practice – Nature of work:

The Municipality assumes full responsibility for the work to be accomplished and relieves the State and all of its employees from liability for all suits, actions or claims resulting from the work performed under this agreement.

This petition is subject to the terms and conditions that follow and is made by the undersigned under proper authority to make such petition for the designated Municipality and upon acceptance by the State shall constitute agreement between the Municipality and the State.

Signed for and in behalf of

\_\_\_\_\_

Municipality

\_\_\_\_\_

Name

Title

Date

**TERMS AND CONDITIONS**

1. The initiation and accomplishment of the work will be subject to applicable Federal and State regulations
2. The Municipality will pay all costs incurred in connection with the work
3. No unauthorized alterations of the roadway or roadside are permitted
4. The Municipality will repair all damages to the right of way and to abutting property resulting from the work

Other: \_\_\_\_\_

**Figure 1**