

**WASHINGTON COUNTY CODE**

**CHAPTER 12**

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## CHAPTER 12

### HIGHWAYS

**12.01 COUNTY TRAFFIC SAFETY COMMISSION.** (1) **Creation.** There is hereby created a County Traffic Safety Commission, consisting of the County Highway Commissioner or a designated representative, the Sheriff or a designated representative, the County Highway Safety Coordinator, appointed by the County Administrator per §59.54(17)(c), a representative designated by the County Board Chairperson from each of the disciplines of education, medicine and law and 3 representatives involved in law enforcement, highways and highways safety designated by the Secretary of Transportation. The County Administrator may appoint additional persons to serve on the County Traffic Safety Commission.

(2) **Officers.** The Commission members shall elect a Chairperson and Secretary of the Commission.

(3) **Meetings.** The Commission shall develop a meeting schedule and shall meet at least quarterly to review traffic accident data from the County and other traffic safety related matters described in §83.013(1)(a), Wis. Stats.

(4) **Duties.** The commission is charged with the following responsibilities and duties:

(a) Secure voluntary coordination and reinforcement of highway safety activities conducted by the political subdivisions of the County in the functional areas of:

- Driver Education
- Codes and Laws
- Traffic Courts
- Alcohol/Drugs in Relation to Highway Safety
- Identification and Surveillance of Accident Locations
- Traffic Records
- Emergency Medical Services
- Highway Design, Construction and Maintenance
- Traffic Control Devices
- Pedestrian Safety
- Police Traffic Services
- Debris Hazard Control and Cleanup
- School Bus Safety

(b) Review and develop a written statement of highway safety needs in the aforementioned functional areas and develop immediate priorities and long-range goals for highway safety improvements.

(c) Advise the County Board and its various committees on highway safety matters.

(d) Pursuant to §83.013(1)(c), Wis. Stats., file a report on each meeting with the State Division of Highway Coordination.

(e) Maintain liaison with highway safety programs carried on by the Cities of West Bend and Hartford and related State functions conducted in the County.

(f) Act as an advisory body to the County Highway Safety Coordinator for the purpose of developing local actions necessary to implementing projects under the Federal Highway Safety Act of 1966.

(g) Cooperate with nonofficial organizations and groups in developing and conducting public information programs directed to highway safety improvements.

(h) Develop procedures for periodic review of local highway safety improvement programs.

**12.02 REMOVAL OF U.S. PUBLIC LAND SURVEY CORNERS.** (1) **Purpose.** All road construction or road improvements in Washington County must give due and proper regard for the preservation and protection of the U.S. Public Land Survey section corners, quarter section corners, and interior corners, and all remaining physical evidence of the correct position of the corners so as to not be obliterated or destroyed. The location of all real property boundaries depends ultimately upon the location of these corners, and the accurate retracement of property boundaries will become increasingly difficult and expensive as the corners are lost as will the accurate mapping of property boundaries by public agencies and the conduct of engineering surveys for the planning, design and construction of public works.

(2) **Perpetuation of Land Marks.** No roads, either town, village, city, county, state, or federal shall be constructed, improved or resurfaced, or new roads constructed or surfaced within Washington County without first having the U.S. Public Land Survey section corners, quarter section corners, or interior corners for the sections pertaining to such roads recovered or established by the County Surveyor or any registered surveyor, and these corners are to be referenced by points set outside the limits of construction in such manner that the corners can be accurately reestablished after construction, and a copy of the references shall be presented to the Washington County Surveyor for filing in the Office of the Register of Deeds.

(3) **Penalty.** Any person who violates the provisions of this section shall be subject to a forfeiture not to exceed \$250, plus the cost of reestablishing the marker, and in default of payment thereof, to imprisonment in the County jail for a period of not more than one (1) year.

**12.03 SNOW FENCES.** It shall be unlawful for any person to remove or cause to be removed any snow fence erected under the authority and by the direction of the Washington County Highway Commissioner.

**12.04 PLACEMENT OF RURAL MAILBOXES.** (1) Rural mailboxes are prohibited in the right-of-way of all County trunk highways, except as hereafter provided:

(a) United States Postal Service approved mailboxes.

(b) Newspaper tubes are permitted only if provided by the newspaper or newspaper tubes that present no hazard to the public use of the right-of-way. Where newspaper tubes are used other than those provided by the newspaper, the Highway Commissioner shall have the exclusive authority to approve the newspaper tube. If not approved, the tube must be removed.

(c) A name plate bearing the name and address number of the mailbox holder shall be permitted if of traditional type, subject to the approval of the Highway Commissioner.

(d) No other objects of any kind shall be permitted to be attached to the mailbox, newspaper tube or its support. No other objects are permitted in the right-of-way.

(e) The support for the mailbox and newspaper tube shall be constructed so that it will not constitute an undue hazard to public use of the right-of-way. The use of massive supports such as telephone poles, heavy metal posts, concrete posts and similar items are prohibited. The use of objects such as farm equipment, milk cans filled with concrete and similar items are prohibited. Any support used must be designed so that if it is struck, it will bend or fall away from the striking vehicle to prevent severe damage to the vehicle or injury to the traveling public. Where possible, all newspaper tubes and mailboxes shall be placed on the same post to avoid unnecessary structures in the right-of-way.

(2) Mailboxes which fail to comply with this section are deemed obstructions and are subject to removal under §86.04, Wis. Stats.

(3) **Rural Mailbox Damage.** (a) Mailboxes damaged from snow, ice, or slush resulting from plowing or traffic will not be replaced by Washington County.

(b) Mailboxes damaged by contact with County highway maintenance equipment will be repaired or replaced by the Highway Department under the following circumstances:

1. The equipment operator or Highway Department supervisor confirms damage by contact of Highway Department equipment.

2. The box and support were in good condition prior to the damage.

3. Highway Department personnel will provide and install a standard U.S. Postal Service approved mailbox and a wooden 4x4 support.

(c) Replacement of failed or deteriorated installations will be the owner's responsibility.

(d) Snow removal at the mailbox area is the resident's responsibility.

(4) Any person who violates sub. (1) above shall forfeit not less than \$10 nor more than \$200 plus the costs of prosecution.

(5) This section is not intended to be nor shall it be construed to create a duty on the part of Washington County to locate and remove obstructing mailboxes.

**12.05 CONTROL OF ACCESS TO COUNTY TRUNK HIGHWAYS. (1)(AM 09-13)**

The Washington County Public Works Committee and Highway Commissioner are hereby authorized to promulgate rules to regulate and control access to Washington County Highways in order to promote public safety, convenience, general welfare, and economic viability and to protect the public investment in existing and proposed county highways. These rules shall include the development of County access control and County utility accommodation policies and associated regulations for access to County trunk highways. The design standards underlying the regulations shall promote the orderly and safe movement of vehicles to and from private property in a manner that creates as little interference to through highway traffic as is possible and to control the use of drainage structures and appurtenances as may be necessary to preserve the physical structure of county trunk highways. The design standards may address the development of adjacent bicycle paths, pedestrian paths, and farm friendly design options for rural County highways.

(2)(AM 09-13) **Statutory Authorization.** This section and the regulations established under this section are authorized by the provisions of §§59.02, 59.52(24), 59.54(17), 66.1031, 83.025, 83.027, 83.42, 86.07(2), and Ch. 236, Wis. Stats., and Chs. Trans 231, Trans 233 and Trans-RR1, Wis. Admin. Code.

(3) Before any parcel of land abutting a County highway may be divided, the proposer of the land division must demonstrate to the Highway Commissioner that each proposed parcel has highway access compliant with the County's access policy and §24.02 of this Code.

(4) **Maintenance of Regulations.** The County Highway Commissioner shall maintain the official copy of the regulations and shall permit public access to the regulations. Copies of the regulations shall be available to the public for the costs of duplication or such lesser amount as determined by the Commissioner.

(5) **Violations.** In the case of any violation of this section or the regulations promulgated under this section, the Commissioner may institute appropriate legal action by referral to the County Attorney. Each day in which a violation continues to exist shall constitute a separate offense. No person shall resist, obstruct or interfere in any way with the Highway Commissioner in the enforcement of this section, or fail to obey the Highway Commissioner's order.

(6) **Penalties.** Any person found guilty of violating any part of this section or the regulations promulgated under this section shall be subject to a forfeiture of not less than \$10 nor more than \$200 for each day for each offense, together with the costs of prosecution, consistent with §1.07 of this Code.

**12.06 COUNTY AID BRIDGES AND CULVERTS. (1) Purpose.** This section is intended to codify the previous standards of the County Highway Committee adopted on August 20, 1963, and to establish standards and procedures to clarify and expedite County aid bridge and culvert petitions.

(2) **Eligibility.** All towns within Washington County are eligible to participate in the benefits of this section. Any village having adopted a resolution in accordance with the terms and conditions of §61.48, Wis. Stats., shall become subject to the provisions of this section upon the filing of a certified copy of such resolution with the County Board and subject to approval by a majority vote of the members of the County Board representing towns and participating villages. Any municipality, including cities and villages which has participated in the cost of construction, reconstruction or purchase of any bridge under §§84.11 or 84.12, Wis. Stats., shall become subject to taxation by the County for the construction or repair of bridges within the County under §82.08, Wis. Stats.

(3) **Procedure.** The following procedure is established for participation in the County aid bridge and culvert program.

(a) For purposes of this section the words "town" and "town board" shall also apply to a village and village board participating under §61.48, Wis. Stats.

(b) The town board requesting aid under this section shall file a petition with the County Board setting forth the facts regarding the requested bridge or culvert. The town is encouraged to simultaneously file a petition with the County Public Works Committee in order to expedite consideration.

(c) The County Board of Supervisors shall refer the petition to the Public Works Committee for its recommendation, unless the committee's recommendation has already been received. The Public Works Committee shall either:

1. Include the requested bridge or culvert within its next budget proposal for inclusion in the levy, or
2. If the petition is not in order, the Committee shall report said fact to the County Board and to the petitioner specifying the Committee's findings.

(d) Upon order of the County Board Chairperson and County Clerk, the County's share of payment shall be disbursed to the town when the town board and County Public Works Committee have filed a written notice with the County Clerk that the work has been completed and accepted by the Town Board and County Public Works Committee.

(4) **Emergency Procedure.** Whenever the construction or repair of a bridge or culvert must be made without delay, the town board may file its petition with the County Clerk and County Public Works Committee, setting forth the facts representing the necessity for immediate construction or repairs. The town board and the County Public Works Committee shall make such construction or repairs with the least possible delay. The construction or repair of a bridge or replacement of a culvert performed and accepted pursuant to this subsection shall entitle the town to the same County aid that the town would have been entitled to had it filed its petition with the County Board as provided in this section.

(5) **Standards.** All bridges and culverts receiving aid under this section shall meet the following minimum standards:

(a) The minimum size eligible for a County aid culvert shall be a 4-foot flat bottom culvert or its equal in cross-section area. The minimum project cost for the construction or repair of bridges, including the extension of bridges or the replacement of culverts shall be \$1,500 as provided in §82.08(3), Wis. Stats.

(b) Repairs to existing structures will be eligible for aid only if the repairs would result in an increase of at least 10 years in the predictable life cycle of the structure to be aided, as certified by a professional engineer, and if all other standards are met.

(c) Existing culverts are eligible for total replacement only. No extensions of existing pipes will be aided, nor will existing culverts be resized.

(d) County work crews will perform all work for the installation of bridges and culverts where deemed appropriate in the discretion of the Public Works Committee and Highway Commissioner.

(e) Any bridge or culvert aided under this section shall meet or exceed the standards and specifications for the design and construction of bridges and culverts set by the Wisconsin Department of Transportation pursuant to §84.01(23), Wis. Stats.

(f) Where special or unique circumstances exist, a town may request that the Public Works Committee grant a special exception from these standards, with the exception of the standards set by the Department of Transportation. The Public Works Committee shall hear the request for special exception within 14 days of the request. Any aggrieved party may appeal an adverse decision of the Public Works Committee to the full County Board. Appeals must be filed with the County Clerk within 30 days of announcement of the Committee's decision.

(g) The County Public Works Committee and town board shall have full charge of letting, inspecting and accepting the work, but the town board may delegate the same to the County Public Works Committee.

**12.07(CR 09-13) COUNTY RIGHT-OF-WAY WIDTH MAP.** Under the statutory authorization and consistent with the procedures set forth in §66.1031, Wis. Stats., the County Highway Department may create and maintain a County Street and Highway Right-of-Way Width Map.

**12.08 HIGHWAY ENCROACHMENTS OR OBSTRUCTIONS.** (1) No person shall cause an encroachment upon, under or over County highway right-of-way by any fence, stand, building or any other structure or object, and including encroachments caused by acquisition by the public of new or increased widths of highway right-of-way. Upon determination of the existence of a highway encroachment, the County Highway Commissioner may proceed to have any such encroachment removed in accordance with the procedures specified in §86.04, Wis. Stats.

(2) No person shall place or cause to be placed upon a highway any foreign substance which is or may be injurious to any vehicle or part thereof.