

Permit #: _____ Issue Date: _____ (Office use only)

STATE OF KANSAS DEPARTMENT OF TRANSPORTATION
**APPLICATION/PERMIT FOR VEGETATION MANAGEMENT
 FOR OUTDOOR ADVERTISING SIGNS**

Parts 1-4 to be completed by applicant

PART 1 – APPLICANT INFORMATION

Outdoor Advertising Sign LICENSE #: _____

Sign Company Name/Applicant: _____

Mailing Address: _____ City, State, ZIP Code: _____

Telephone Number: _____ Fax Number: _____ E-mail: _____

Contact Person: _____ Contact Telephone Number: _____

Property owner: _____ Property Owner Telephone Number: _____

PART 2 – SIGN/LOCATION INFORMATION

SIGN LOCATION

Highway No. _____ Side of Highway (circle one) N, S, E, W Nearest Mile Marker _____

County _____, Feet from the nearest edge of right-of-way _____

Sign Face Direction for Vegetation Management _____

Has sign been licensed for more than 3 years YES _____ NO _____

PART 3 – VEGETATION MANAGEMENT PLAN

1. Submit Sign Cut Zone Inventory Sheet (**ATTACHMENT 3A & 3B**).
2. Submit color photographs of the entire Sign Cut Zone (*minimum of six photos with different vantage points*) and sign (*minimum of two sign photos with different vantage points*) showing advertising message taken within four weeks of application submittal
3. If chemical use is proposed, submit name and copy of certification number of person responsible for its use
4. Performance bond in the amount of \$10,000.
5. Proof of required insurance
6. Submit Application Fee of \$250

PART 4 – APPLICANT CERTIFICATION

I have read and understand KDOT's policy on vegetation management for outdoor advertising signs and accept the conditions therein.

Applicant Signature _____

Date _____

Mailing Address:
Kansas Department of Transportation,
Bureau of Right of Way, Outdoor Advertising
700 SW Harrison Street, 14th Floor
Topeka, Kansas 66603-3745

CONDITIONS OF PERMIT FOR VEGETATION MANAGEMENT

The following conditions shall be applicable to all vegetation management permits issued by KDOT.

- All permits must be present on the site in clear view from the roadway when the work is being performed. Work shall be accomplished during normal daylight hours. No work shall be performed at night, on Saturdays, Sundays, or State designated holidays. Work shall be performed in accordance with the PERMIT conditions listed on the permit.
- Applicants must obtain a Standing Permit from the District Engineer or designee before being allowed on highway right-of-way.
- All traffic control activity shall be done in compliance with the FHWA Manual on Uniform Traffic Control Devices (MUTCD) and the specified traffic control application as directed by the District Engineer or designee.
- The Permittee will be required to furnish a performance bond in the amount of \$10,000 with surety to run concurrently with the Permit and released upon satisfactory completion of all work.
- The Permittee shall indemnify, defend, and hold harmless KDOT and all of its officers, agents, and employees or subcontractors for damages to persons or property during the performance of vegetation management or mitigation work as approved by the permit, whether direct or indirect, and whether to any person or property to which the KDOT or said parties may be subject, except that neither the Permittee nor any of its subcontractors will be liable under this section for damages arising out of the injury or damage to persons or property directly caused or resulting from the negligence of the KDOT or any of its offices, agents, or employees.
- The Permittee will be held responsible for any damage on the right-of-way and repair to access areas, such as re-stabilization of slopes and replanting grass.
- Erosion control shall be as directed by KDOT and per National Pollutant Discharge Elimination System (NPDES Phase 2) standards. An erosion and sedimentation plan is not required unless the Sign Viewing Zone is in or adjacent to an environmentally sensitive area such as a stream or wetland or as directed by the District Engineer or designee. Vegetation Management (VM) activity is considered construction activity and not silviculture for the purposes of work on the KDOT right-of-way.
- Any damage to vegetation which is to remain, to highway fences, signs, paved areas, or other facilities shall be repaired or replaced by the Permittee to the satisfaction of KDOT. All trimmings and debris shall be removed from the right-of-way and disposed of in areas provided by the Permittee on a daily basis. No burning or burying shall be permitted on the right-of-way. Nothing in these rules shall be construed to give permission to anyone to construct or maintain sign structures from the right-of-way.
- The Permittee shall comply with KDOT policies on Utility Notification Requirement (Dig Safe).
- The Permittee shall be responsible for determining and notifying all other users of the right-of-way.
- Issuance of a Vegetation Management Permit by KDOT does not relieve the Permittee from any local or other jurisdictional requirements.
- Failure to comply with all the requirements specified in the permit, unless otherwise mutually resolved, will result in immediate revocation of the permit and forfeiture of any or the entire performance bond as determined by the District Engineer or designee.
- The Permittee shall notify the District Engineer or designee indicated on the permit at least two working days in advance of CHANGES to the work schedule.

PART 5 – VERIFICATION & RECOMMENDATION - To be completed by KDOT Environmental Services if the Environmental Impact Checklist indicates potential environmental impact:

Environmental Recommendations and Comments: _____

PART 6 – VERIFICATION (To be completed by KDOT Beautification Administrator or designee) I have reviewed the information submitted by the Applicant along with all KDOT records applicable to the above described sign and find that the sign conforms to all of the provision of Kansas Law and that it is not scheduled to be removed within the next 12 months.

- _____ There are no existing or pending violations at this site.
- _____ All renewal fees are current – Sign License Expiration date: _____
- _____ KDOT Outdoor Advertising License is in good standing
- _____ Review Attachment #3A & 3B: Sign Cut Zone Inventory
- _____ Environmental Impact Checklist
- _____ Review: Photos
- _____ Review: Chemical Applicator Certification (if applicable)

PART 7 – RECOMMENDATION TO DISTRICT ENGINEER (To be completed by KDOT Beautification Administrator)
Comments / Conditions of permit:

Performance Bond/Sureties Requirement: _____ Insurance Requirement: _____

Recommendation: Approval _____ Denial _____

Beautification Administrator or designee

Date

PART 8

To be signed by PERMITTEE only after Parts 5, 6, and 7 have been completed by KDOT and returned to applicant:

In the event the permittee through any cause fails to comply with any of the terms, conditions or provisions of this policy, or if they for any cause fail to maintain the designated working area in a reasonable manner, or if the permittee violates any terms, conditions or provisions of the permit, KDOT shall have the right to terminate the permit and stop work immediately with the possibility that the permittee can re-plan the work to come into compliance and/or mitigate the cause of the work stoppage. Violation of the permit will be grounds for the permanent cancellation of the permit, the cancellation of the sign license, and the forfeiture of all or a portion of the bond submitted with the permit application. In addition, KDOT has the right to deny future permit applications for vegetation management for failure to comply with these guidelines. Any person engaged in unauthorized pruning, trimming, or removal of vegetation in violation of this policy may be fined an additional penalty of \$5,000 to \$10,000 per incident. In addition, the permittee may also be liable for restitution in an amount equal to the appraised value of the trees or vegetation, or both, which were unlawfully trimmed or removed, in violation of this policy.

In the event of a dispute, the sign owner is entitled to an administrative hearing on the matter pursuant to the Kansas Administrative Procedure Act (K.S.A.) 77-501 *et seq.*

LEGAL DISCLAIMER

The sign owner permittee shall at all times be legally and contractually responsible for the actions of their employees, contractors, subcontractors, agents and all others acting on their behalf. The sign owner permittee shall defend, indemnify and hold the Secretary and his or her authorized representatives, employees, agents and assigns harmless against any and all liability or loss resulting from any claims, suits, actions, demands, rights, losses, expenses, costs, damages and any fines or penalties assessed under any state or federal laws, contract claims, personal injury claims, property damage and damage of or loss of natural resources, and any and all legal fees resulting from any act or omission of the sign owner permittee or their employees, contractors, subcontractors, agents and all others acting on their behalf as a result of entering upon KDOT's right-of-way to conduct vegetation management activities. The sign owner permittee shall be responsible for determining the accurate boundary line between KDOT right-of-way and the adjacent landowner's private property. The sign owner permittee shall not rely on KDOT's right-of-way fence as establishing the boundary between KDOT property and private property, and shall be responsible for making the necessary inquiries or surveys to determine said boundaries. The foregoing legal responsibility on the part of the sign owner permittee is not merely a recital but is a contractual obligation agreed to by the sign owner permittee.

I agree with all provision/conditions and legal responsibilities of this application and the subsequent permit for vegetation management if granted.

APPLICANT: _____
Signature

Printed Name

Street Address (City, State, Zip Code)

Contact Email

Pre-Cut Meeting Date: _____

Signature Area Engineer (designee)

PERMIT APPROVAL DATE: _____

SECRETARY OF TRANSPORTATION
OF THE STATE OF KANSAS

BY: _____
District Engineer (designee)