

2008

POLICY ON VEGETATION MANAGEMENT FOR OUTDOOR ADVERTISING SIGNS



**KANSAS**
DEPARTMENT OF TRANSPORTATION

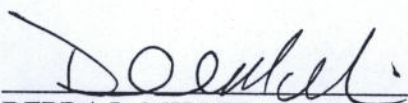
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CERTIFICATION

Pursuant to the power and authority granted to the Kansas Department of Transportation (KDOT) by the laws of the State of Kansas as set forth generally and principally, but not exclusively in K.S.A. 68-404, and K.S.A. 68-2231, et seq, I, Debra L. Miller, Secretary of Transportation, hereby declare that KDOT has officially adopted this "Policy on Vegetation Management for Outdoor Advertising Signs". Adherence to policy requirements and the regulation of the use of highway right-of-way on the Kansas State Highway System is to be authorized through the issuance of Highway Permits, to maintain highway beautification in conjunction with sustainable roadside maintenance programs, which would be of benefit to KDOT and owners of legal conforming/nonconforming outdoor advertising signs.

Dated this 11th day of February, 2008.


DEBRA L. MILLER
Secretary of Transportation

KANSAS DEPARTMENT OF TRANSPORTATION
POLICY ON VEGETATION MANAGEMENT FOR
OUTDOOR ADVERTISING SIGNS

2008

BUREAU OF RIGHT OF WAY

www.ksdot.org/burROW/VegMan/

Revised 5/27/08

VEGETATION MANAGEMENT FOR OUTDOOR ADVERTISING SIGNS

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KANSAS DEPARTMENT OF TRANSPORTATION POLICY ON VEGETATION MANAGEMENT FOR OUTDOOR ADVERTISING SIGNS

1) PURPOSE:

To maintain highway beautification in conjunction with sustainable roadside maintenance programs; protect public investments in roadside vegetation; and to acknowledge the advertising industry's desire to maintain advertising displays located adjacent to the right-of-way on any interstate or state highways for the benefit of the general traveling public.

To devise a means for owners or operators of legal conforming/non-conforming advertising signs to submit a request for vegetation management for maintaining visibility of such signs and establish the criteria and process to be used by the Kansas Department of Transportation (KDOT) in the evaluation of the request.

2) AUTHORITY:

Kansas Statutes Annotated K.S.A., 68-2231 *et seq.*; Kansas Administrative Procedure Act K.S.A., 77-501 *et seq.*; K.S.A., 68-2232(y); K.S.A. 68-404; K.S.A., 2-1314.

3) SCOPE:

All sign owners with KDOT licensed outdoor advertising signs adjacent to the right-of-way on any interstate or state highways who wish to maintain vegetation within KDOT's right-of-way in a manner calculated to provide visibility for their signs, will be required to comply with this policy. To provide for the consistent maintenance of KDOT right-of-way, this process and criteria will be used by all of the permit review personnel in KDOT.

This policy does not permit vegetation control on the sections of the interstate controlled or maintained by the Kansas Turnpike Authority. In addition, this policy strictly prohibits activity on the state highway right-of-way that involves vegetation control of any kind to any area that is on private property. This prohibition includes the trimming, cutting, or pruning of any vegetation that overhangs state highway right-of-way from private property. (*NOTE: This policy does not apply to requests to trim or remove selected vegetation that screens on-premise signs or places of business.*)

4) REFERENCES:

4.01 Kansas D.O.T. Standard Specifications for State Road and Bridge Construction, most recent edition.

4.02 ANSI A300 (Part 1) – 2001, American National Standard for Tree Care Operations – Tree Shrub, and Other Woody Plant Maintenance – Standard Practices (Pruning).

4.03 National Pollutant Discharge Elimination System (NPDES Phase 2) standards.

4.04 Federal Highway Administration (FHWA) Manual on Uniform Traffic Control Devices, current edition.

4.05 KDOT Utility Accommodation Manual, current edition.

5) BACKGROUND:

This policy has been devised to implement a vegetation management program that allows limited vegetation removal on state highway right-of-way in a designated sign cut zone. Vegetation management is allowed for legally erected signs that have been licensed by KDOT for a minimum of three years.

6) DEFINITIONS:

6.01 Acceptable condition – The area is clear of debris, stakes, flagging, temporary fencing, and obstructions to conventional mowing and maintenance practices; stabilized by approved vegetative treatments; in conformance with vegetation management permit conditions; and Kansas D.O.T. Standard Specifications.

6.02 Buffer Zone – Is the viewing area of a sign face where trees may be pruned or removed with the permission of KDOT, as depicted on Attachment 3A.

6.03 Cleaning – Selective pruning to remove only dead or broken branches.

6.04 Construction Limits – Typically measures 15-20 feet from the right-of-way line, as depicted on Attachment 3A.

6.05 Crown – The leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree.

6.06 Crown Elevation or Raising – The removal of lower tree limbs to allow clearance or visibility beneath the tree crown while maintaining the natural symmetry of the tree. A maximum of 25 percent of the leaf-bearing crown may be removed.

6.07 Crown Reduction – Selective pruning to decrease height and/or spread of the crown. Crown reduction shall be utilized in hazardous or safety applications only. A hazardous tree is one that has partially fallen, or that the KDOT District Engineer or designee determines is about to fall, threatening persons, or property. Safety conditions include those conditions, which threaten persons or property as determined by the KDOT District Engineer or designee.

6.08 Cut Zone – The viewing area for a sign face where trees will be removed, as depicted on Attachment 3A.

6.09 Deciduous – Perennial plant that loses all its leaves at one time during the year. Hardwoods are the predominant type of deciduous trees.

6.10 Drip Line – The peripheral limits of the horizontal crown of a tree spread vertically to the ground, provided, however, that the same shall not be less than a circle with a five-foot radius measured from the center of the tree.

- 6.11** Effectively Destroy – To cause, allow, or permit any act, which will cause a tree to die, exhibit an unnatural shape, or go into a period of unnatural decline within a period of two years from the date of the act. Acts which may effectively destroy a tree include, but are not limited to: damage inflicted to the root system by heavy machinery or soil compaction; excessive pruning; severing the leader or leaders; stubbing mature wood; tree abuse; grade changes; damage inflicted on the tree permitting infection or pest infestation; application of herbicides or fire damage to the trees intended to remain; infliction of a trunk wound that is 30 percent or greater of the circumference of the trunk; bark removal; or the removal of sufficient canopy to cause the unnatural decline of the tree.
- 6.12** Exotic Pest Plants – Non-native invasive plants also called noxious weeds, which are a problem in natural communities and ecosystems on public and private land. Examples: Kudzu (*Pueraria Lobata*), Field Bindweed (*Convolvulus Arvensis*), Russian Knapweed (*Centaurea Epens*), Hoary Cress (*Cardaria Draba*), Canada Thistle (*Cirsium Arvese*), Quackgrass (*Agrpyron Repens*), Leafy Spurge (*Euphorbia Ensula*), Bug Ragweed (*Ambrosia Grayii*), Pignut (*Hoffmannseggia Densiflora*), Musk (Nodding) Thistle (*Carduus Nutans L.*), Johnson Grass (*Sorghum Halepense*), and Sericea Lespedeza (*Lespedeza Cuneata*).
- 6.13** Hardwood – Trees usually with deciduous leaves, such as Maple, Oak, Cherry, Hickory, Ash, Beech, Willow, Poplar, Dogwood, Pecan, and Sycamore.
- 6.14** Heading – The cutting of an older branch or stem back to a lateral branch not large enough to assume apical dominance in order to meet a defined structural objective. Heading is not an acceptable pruning practice.
- 6.15** Mitigation – Reduction of the impact of vegetation management activities with additional or supplemental work. Forms of mitigation include: (1) choosing an area of least impact; (2) restoration/re-vegetation by grassing all disturbed areas; (3) erosion and sedimentation control.
- 6.16** Native Plant – A grass, herb, shrub, or tree that grows naturally within particular regions in Kansas, also call indigenous.
- 6.17** Non-hardwood – A tree usually evergreen, including Pine, Spruce, Fir, Cypress, Juniper, Cedar, and other conifers.
- 6.18** Pruning – The selective removal of plant parts without damaging the natural symmetry of the tree or having a negative effect on the tree’s long-term health. Pruning types are restricted to cleaning, crown elevation, thinning, and vista pruning only, as defined by KDOT. Never remove more than 25 percent of the tree’s leaf-bearing crown. Crown reduction shall be utilized in hazardous or safety applications only.
- 6.19** Removal or Removed – The elimination of trees or other vegetation.
- 6.20** Standing Permits – Upon filing an application, the KDOT District Area Office may issue standing permits to sign owners so that sign owners may be allowed onto the state highway right-of-way to obtain the information needed to complete

a vegetation management application. A standing permit may be obtained by completing a Standing Permit Use of Right-of-Way – D.O.T. Form 304S (Attachment 6), which may be obtained from any KDOT District Office. A separate permit will be required for each KDOT District wherein vegetation management work is to be performed. These permits usually take one to two weeks to process. Standing permits are issued for a calendar year and will expire on December 31 of each year. The sign license owner or designee shall notify the appropriate KDOT Area Office prior to actually commencing any activities within the state highway right-of-way covered by the standing permit. The area office shall also be notified upon the completion of work. Vegetation management activity is considered construction activity for the purpose of work on KDOT right-of-way.

- 6.21** Thinning – Shall consist of selective pruning to reduce density of live branches. Thinning shall result in an even distribution of the branches on individual limbs and throughout the crown. The maximum size range of the parts to be removed shall be 1½ inches in diameter. Not more than 25 percent of the leaf-bearing crown may be removed.
- 6.22** Topping – The reduction of a tree’s size using heading cuts that shorten limbs or branches back to a predetermined crown limit. This also includes severing the leader or leaders or to prune a tree by the stubbing of mature wood. Topping is prohibited.
- 6.23** Tree – Any living, self-supporting, dicotyledonous, or monocotyledonous woody perennial plant.
- 6.24** Tree Abuse –
- A. Topping a tree or cutting that destroys a tree’s natural habit of growth; or
 - B. Pruning that leaves stubs or results in a flush cut or splitting of limb ends including chemical or mechanical (shearing) mowing of trees; or
 - C. The use of climbing spikes, nails, or hooks, except for the purpose of total tree removal; or
 - D. Pruning that is not in accordance with the policies and provisions hereof; or
 - E. Damaging a tree(s) while felling another tree.
 - F. KDOT will take into consideration the work zone within which a sign owner is required to work when determining whether tree abuse has occurred.
- 6.25** Trim or Trimming – See Pruning.
- 6.26** Unique Vegetation – All forms of vegetation including, but not limited to: historical specimen trees or plant communities, plants on the limits of their natural range, and canopy trees or shrubs that protect rare or endangered plants growing under them.
- 6.27** Vegetation – All woody and herbaceous plants either naturally occurring or planted.
- 6.28** Vegetation Management – All planned work activities relating to landscape and roadside development on state highway right-of-way. These activities may

include the removal or pruning of trees or other vegetation, grass, litter and debris removal, erosion control, and any maintenance management of their related features.

- 6.29** Vista Pruning – Selective removal of lateral branches (major structural branches of the tree) to the branch bark collar on the trunk or a central leader. Never remove more than 25 percent of the tree’s leaf-bearing crown. Vista pruning shall result in balanced symmetry of the tree.

7) APPLICATION FOR A VEGETATION MANAGEMENT PERMIT:

- 7.01** A permit for vegetation management for outdoor advertising signs may be requested by submitting a completed application for vegetation management for outdoor advertising signs to the KDOT Bureau of Right of Way, Beautification Section. After review, the Beautification Section will forward the application to the KDOT District Engineer or designee who has the responsibility for the segment of state road on which the billboard in question is located.

A. A permit is required for each structure.

The location will be established with the initial permit process at the pre-construction meeting. No revisions or subsequent permit requests for a different sign cut zone will be permitted at this location.

- B. Prior to making an application for vegetation management, the sign license owner/sign owner must obtain a standing permit from the District Engineer or designee, which will grant permission to the sign owner to enter onto the state highway right-of-way in order to gather information needed to complete the application. For additional details on the standing permit, see section 6.20.
- C. Insurance: The applicant shall carry general liability insurance under an occurrence policy that has a minimum combined single limit of \$2,000,000 for personal injury and property damage and that contains the following coverage: Comprehensive Form, Premises-Operation, Contractual insurance, Broad form Property Damage, Independent Contractors, and Personal Injury. Worker’s Compensation: Petitioner shall carry Worker’s Compensation and Employer’s Liability Insurance that complies with Kansas Statutes. Automobile Liability: Petitioner shall carry “Automobile Liability” insurance under an occurrence policy that has a minimum combined single limit of \$1,000,000 for personal injury and property damage and contains the following coverage: Comprehensive Form, Owned, Hired, and Non-Owned.
- D. The application for vegetation management will be available at the KDOT Bureau of Right of Way, Beautification Section, any KDOT District Office, and online at www.ksdot.org/burROW/OutdoorAd/.
- E. No person or entity may trim, prune, cut, or remove trees, shrubs, or herbaceous plants on state highway right-of-way to make visible or to ensure future visibility of off-premise outdoor advertising signs without first obtaining a permit for vegetation management for outdoor advertising signs.

- F. For purposes of this policy, the application of chemical control and tree abuse constitute removal of the affected tree, shrub, or herbaceous plant.
- G. The approved application, including any conditions stated therein will be considered part of the permit.

7.02 Applications must be submitted by the outdoor advertising sign license holder/sign owner.

7.03 The application shall contain:

- A. The name, address, telephone number, facsimile number, and e-mail address, if available, of the applicant; the name of the property owner; the KDOT outdoor advertising sign license number; and the signature of the applicant's authorized representative.
- B. If requested, an affidavit stating the subject sign has had advertising messages thereon for some period during the preceding 12 months shall be provided by the sign owner.
- C. A minimum of two color photographs of the sign with different vantage points that provide evidence that the sign has been maintained and a minimum of six color photographs with different vantage points, taken within four weeks of the application date, shall depict a clear representative overview of all the vegetation within the sign cut zone.
- D. Vegetation management plan submittals:
 - 1. The Sign Cut Zone Inventory Sheet (Attachment 3A & 3B) that shows the applicant's sign cut zone, tree type, size (in diameter), and proposed recommendation for each tree in the buffer and cut zones.
 - 2. Name and copy of the license of personnel responsible for chemical use and on-site observation, if applicable.
- E. A non-refundable permit fee of \$250.00 is to be submitted with the initial application and attachments.
- F. A performance bond in the amount of \$10,000.00 with surety. The bond will run concurrently with the permit. The performance bond shall be subject to forfeiture to KDOT in the event of violation of this policy or upon failure of the permittee to leave the sign cut zone in an acceptable condition as determined by the KDOT District Engineer or designee. Blanket bonds may be considered for owners submitting multiple applications.

7.04 All vegetation management proposed in the plan shall be in accordance with this policy, Kansas D.O.T. Standard Specifications, and the following guidelines:

- A. No trees or vegetation shall be trimmed, cut, or removed other than within an approved sign cut zone.

- B. All vegetation to remain within the sign cut zone shall be maintained in a healthy acceptable condition.
- C. All disturbed areas shall be in conformance with the grassing and establishment maintenance specifications of this policy and Kansas D.O.T. Standard Specifications. Indication of successful grass germination and adequate coverage is required.
- D. Deciduous trees having an outside bark of more than eight inches in diameter, at a height of 4½ feet above the ground level shall not be removed in the buffer zone.
- E. Work shall be accomplished during normal daylight working hours. No work shall be performed on Saturdays, Sundays, or designated State holidays.
- F. The permittee shall give the local KDOT District Engineer or designee, or where appropriate, the KDOT Metro Engineer a minimum of two full working days notification prior to any and all permitted and scheduled vegetation management activity on state highway right-of-way.
- G. The permittee must provide a minimum of two working days notification of any changes to the approved work schedule.
- H. All vegetation management work shall be performed under the direct supervision of a designated foreman. The foreman shall remain on the site during all vegetation management activity that takes place after the pre-construction meeting. The foreman is responsible for immediately notifying the KDOT District Engineer or designee, of any violations, even if unintentional. All work shall be performed in accordance with ANSI A300 Part 1 and this policy. Work shall meet all rules and regulations set forth by local agencies (County/State/Federal).
- I. Chemical control of vegetation is limited to selective control of invasive exotic pest plants and stump treatments. Herbicide storage, application, and disposal shall be in accordance with all of the manufacturer's recommendations and with State and Federal rules and regulations.
 - 1. Chemicals for right-of-way use must be KDOT approved.
 - 2. All herbicide applications shall be performed under the direct supervision of a person licensed by the Kansas Department of Agriculture to apply herbicides/chemicals (Certified Chemical Applicator) in the category of right-of-way use if necessary.
 - 3. Herbicides/chemicals shall have an approved dye for inspection purposes.
 - 4. Spray no herbicides in or directly adjacent to streams, rivers, or bodies of water.

5. Invasive exotic pest plants may be removed and stump treated with KDOT approval.
 6. All applicators shall wear proper safety attire as recommended by the chemical instructions.
 7. All chemical control operations requests shall be reviewed by the KDOT District Engineer or designee, within a maximum of two working days.
- J. Wound dressing or paints will not be used.
- K. Equipment that will damage the bark and cambium layer shall not be used. The use of climbing spurs is not permitted. All cut limbs shall be removed from the tree crown upon completion of the pruning.
- L. Vegetation management shall not proceed during specified times of the year if Kansas State University Extension Service or other appropriate government agency identifies a specific disease or insect pest that poses a significant threat of spreading due to those activities during that time of the year.
- M. Pruning should not leave large open spaces in the general outline of the tree. Only crown raising and vista pruning are allowed on pine tree's lateral limbs. Cutting the leader of mature wood constitutes topping and is prohibited.
- O. Erosion control shall be as directed by KDOT or by the National Pollutant Discharge Elimination System (NPDES Phase 2) standards and Best Management Practices consistent with the Kansas Department of Health and Environment's policy for Erosion and Sediment Control in Kansas. An erosion and sedimentation plan is not required unless the sign cut zone is in or adjacent to an environmentally sensitive area such as a stream or wetland or as directed by the KDOT District Engineer or designee. Vegetation management activity is considered construction activity and not silviculture for the purposes of work on KDOT right-of-way.
- P. All work shall be done without damage to native trees and shrubs that are being pruned, that are to remain in the sign cut and buffer zones. During any pruning or removal work, the permittee/contractor shall adhere to the following:
1. Place and maintain protective barriers around the drip line of all trees to be retained on the site to prevent their destruction or damage. The protective barriers shall be high enough to be seen easily by operators of trucks and other equipment. Protective barriers shall be bright orange and constructed of sturdy material (not flagging or ribbons).
 2. Clearing of vegetation within the drip line of trees designated for preservation shall be done only by hand or light rubber-wheeled equipment that will not damage tree roots or compact soils.

3. Any trees designated to be preserved (within and adjacent to the sign cut zones) which are damaged during pruning and removal activities shall be treated as a failure to comply with guidelines.
 - a. For damage that does not effectively destroy a tree, KDOT may require all work to be stopped until the damaged tree is properly pruned, if applicable, and a mitigation plan is devised to the satisfaction of KDOT.
 - b. For damage that does effectively destroy a tree as determined by KDOT, the permittee may be required to cease all work until the damaged tree is properly pruned or removed, if applicable. If more than 25 percent of the leaf-bearing crown of a tree is damaged, the tree is effectively destroyed and compensation of the value of the tree, as determined under the KSU formula, is to be paid to KDOT.
 - c. If a deciduous tree with a diameter of more than eight inches is damaged, the action will be treated as an unauthorized removal of the tree.
 - d. Repeated and/or excessive damage to a tree(s) may result in immediate revocation of the permit on file, forfeiture of bonds, and/or permanent denial of any future permits.
 - e. Violation of any section of this policy shall result in the loss of a sign license.
- Q. The work shall include proper disposal of all vegetation management related waste and debris on a daily basis. When completed, the sign cut zone must be clear of all litter, debris, including natural debris such as fallen and dead tree limbs, branches and leaves, and be in acceptable condition for mowing by conventional mowing equipment. Applicants are not required to cleanup natural debris in an area outside of the sign cut zone if no work is proposed there.
- R. Remove tree stumps and roots projecting through the surface of the ground by means of stump grinding equipment designed for this purpose, or by hand. Blasting or pushing the stumps out with bulldozers will not be permitted. Holes or voids created by the removal (grinding) of stumps shall be filled, graded, and compacted with acceptable fill material.
 1. Mowable areas: All tree stumps, brush stumps, and roots projecting through or appearing on the surface of the ground, shall be removed by cutting or grinding flush with the surrounding ground surface.
 2. Non-mowable areas (slopes greater than 3:1): All stumps and roots located on non-mowable slopes shall be removed by cutting or grinding flush with the surrounding ground surface.

3. The permittee is to request an interim inspection, with a minimum of two working days notification to KDOT, prior to any stump grinding work.
 4. Stumps may be treated with a selective herbicide, if approved by KDOT. Herbicides used on the stumps shall have an approved dye for inspection purposes and shall be applied immediately (within 15 minutes) after cutting.
- S. All work shall include the proper protection of right-of-way slopes, drainage features, fencing, signage, guard rail and delineator posts. Any damage to right-of-way facilities shall be replaced and restored to the satisfaction of the KDOT District Engineer or designee. The permittee is responsible for all costs associated with any damages that may occur.

7.05 The permittee or their foreman must attend a scheduled **pre-cut** site meeting initiated by the KDOT District Engineer or designee for the determination of all work limits, verification of the buffer and cut zones, points of access, sedimentation and erosion control requirements, traffic control requirements (rush hour traffic limitation, etc.), foreman contact information, concerns regarding existing site conditions, and finalized work schedule. Prior to a field review, the permittee shall provide and maintain until final acceptance:

- A. On-site field stakes depicting the limits of the sign cut and buffer zones.
- B. Different color flagging tape for vegetation removal identification and for vegetation pruning identification.
- C. Protective barriers around the drip line of trees to be retained.

7.06 An approved permit authorizes the permittee to prune (cut or trim), or remove trees, shrubs, or herbaceous plants only within an approved sign cut zone.

- A. The approved buffer zone is the viewing area of a sign face where trees may be pruned or removed with the permission of KDOT. See Attachment 3A.
 1. Deciduous trees measuring less than eight inches in diameter, measured 4½ feet from the ground, may be removed from within a buffer cut zone.
 2. Non-deciduous trees measuring less than 12 inches in diameter, measured 4 ½ feet from the ground, may be removed from within a buffer cut zone.
 3. Exceptions to this policy to remove or prune all other trees will require permission from KDOT.

7.07 No permit shall be issued:

- A. For applications that are incomplete.
- B. For vegetation management to enhance the view of an outdoor advertising sign which does not currently have a valid sign license.

- C. For mowing or non-selective chemical or mechanical control of grass or other vegetation.
- D. For signs that do not have a screened view.
- E. For work proposed within medians, interchange quadrants, or within interchange areas except along the outside shoulders of the outermost ramps and parallel to a state highway right-of-way.
- F. To remove any tree having a outside bark of more than eight inches in diameter (deciduous) and 12 inches in diameter (non-deciduous) at a height of 4½ feet above ground level in the buffer zone.
- G. To prune, trim, or remove vegetation that has historic significance, is listed as an endangered species, is protected by state law, or has been planted as part of any local, state, or federal planting project.
- H. To prune, trim, or remove vegetation at signs that have not been licensed by KDOT for a period of three years from the date of such license.
- I. To prune, trim, or remove vegetation where such vegetation is part of a beautification project implemented prior to the vegetation management permit and/or where the beautification project is specifically identified in KDOT's construction or landscape plans, permitted landscape projects, or agreements.
- J. To prune, trim, or remove vegetation when the KDOT District Engineer or designee have determined that creation of the new sign cut zone will significantly disrupt natural systems, roadside aesthetics, or have other negative impacts on the operation of the highway.
- K. To create a new sign cut zone by pruning, trimming, or removing existing vegetation in the preparation of a new sign site.
- L. An applicant with a record of misconduct in violation of this policy.
- M. An application may be denied where vegetation management conflicts with KDOT's maintenance activities on state highway right-of-way.

7.08 In the event two adjacent signs with overlapping sign cut zones, but different outdoor advertising sign license holders, are involved in the permitting process, KDOT reserves the right to amend the usual process for permitting vegetation management in order to avoid conflicting or potentially conflicting vegetation management activities.

- A. Each sign cut zone is permitted separately. Any new permits for sign cut zones that overlap existing permitted sign cut zones will be held until the performance bond for the earlier permitted vegetation management activities are released.

B. When there are two adjacent signs with the same outdoor advertising sign license holder, KDOT may, at their discretion, allow requests for vegetation management activities to take place simultaneously for both sign cut zones.

7.09 Once a permit has been granted, the permittee is required to complete all vegetation management within 60 days from the date the permit was granted. The KDOT District Engineer or designee may extend the time in which the permittee is required to complete vegetation management upon a written request. A permittee may not be granted a new permit at the same location for a period of three years from the date of the previous permit.

7.10 A minimum of six color photographs with different vantage points that provide evidence that all applicable standards for pruning and requirements of the permit have been satisfied shall be submitted by the permittee at the completion of the work. The photographs should depict different clear representative views of the vegetation pruned and preserved.

7.11 The permit must be on site when any vegetation management is in progress. Failure to have the permit at the work site will be grounds for the stopping of work until the permit is produced.

7.12 Release of bond: The performance bond will be released upon final inspection, review and approval of as-built photos, and final acceptance by the KDOT District Engineer or designee with notification to the KDOT Bureau of Right of Way, Beautification Section.

8) GROUND RESTORATION/MITIGATION:

8.01 Erosion control shall be as directed by KDOT and per National Pollutant Discharge Elimination System (NPDES Phase 2) standards and Best Management Practices consistent with the Kansas Department of Health and Environment's policy and procedure for Erosion and Sediment Control in Kansas. An erosion and sedimentation plan is not required unless the sign cut zone is in or adjacent to an environmentally sensitive area such as a stream or wetland or as directed by the KDOT District Engineer or designee. Vegetation management activity is considered construction activity and not silviculture for the purposes of work on state highway right-of-way.

8.02 Distribution of chipping debris on non-mowable slopes will not be allowed unless permission is granted by the KDOT District Engineer or designee. If allowed, chipping debris is to be evenly distributed and the depth kept no more than 3 inches deep. Where permission is denied, all chipping debris shall be completely removed.

8.03 On mowable slopes, where the majority of trees are clear-cut (with permission), understory vegetation shall be removed and grassing is required. The area must be left in mowable condition. The ground surface must be left without mounds, ruts, and depressions in the final grade, with leaf litter and debris removed so grass seed is able to come into contact with the soil and germinate.

8.04 Restore original grades for any area that is disturbed by vegetation management activity. Disturbed areas shall be returned to normal grade and elevation, with adequate compaction of backfill material, and all excess or undesirable material removed by the permittee. All destroyed vegetation shall be replaced by the permittee by sodding, seeding, fertilizing, and mulching as required by the KDOT District Engineer or designee. Final stabilization should occur prior to completion of a workday or prior to a rain event, whichever comes first.

8.05 Adequate protection against erosion shall be provided by the permittee in disturbed areas that are susceptible to erosion. Such protection may be in the form of rock rip-rap, wash checks, hay cover, or other material that is approved by the KDOT District Engineer or designee, which does not interfere with other maintenance operations.

8.06 Apply the grass seed to the disturbed area as specified by the KDOT District Engineer or designee.

8.07 Disturbed or broken state highway right-of-way fences shall be re-established in accordance with State statutes and as directed by the KDOT District Engineer or designee.

9) FAILURE TO COMPLY WITH POLICY-UNAUTHORIZED CUTTING, TRIMMING OR REMOVAL OF VEGETATION:

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.

9.01 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.*

10) SAFETY:

10.01 At all times, the permittee shall install and maintain traffic control in accordance with the Manual on Uniform Traffic Control Device (Manual) or the State of Kansas Traffic Control Standards (Standards). Whenever the Standards conflict with the Manual, the Standards shall govern. The KDOT District Engineer or

designee will advise the permittee as to the desired traffic control application based on the work to be performed.

10.02 Access to the site shall be only from the highway.

11) HIGHWAY BEAUTIFICATION:

No vegetation that will interfere with the visibility of an outdoor advertising sign face shall be planted within an active permitted sign cut zone.

12) TRAINING:

The KDOT District Engineer or designee in coordination with the KDOT Bureau of Right of Way will provide direction as necessary. The permittee will be responsible for acquiring the necessary information in order to comply with this policy.

13) FORMS:

The forms referenced in this policy are available from the KDOT Bureau of Right of Way, any KDOT District Office, or online at www.ksdot.org/burROW/OutdoorAd.

14) APPLICATION/PERMIT PROCESSING:

14.01 Applications for vegetation management shall be submitted to KDOT Bureau of Right of Way, Beautification Section. All applicable fees shall be submitted with the application.

- A. The Beautification Section will perform an initial review of the application, documentation, and the legality of the sign. KDOT shall have 45 days to approve or deny the permit. If the permit is denied, the applicant shall have a right to an administrative review within 30 days from the date of the denial.
- B. The review by the Bureau of Right of Way, Beautification Section of applications for vegetation management for outdoor advertising signs will include the consideration of all criteria listed in this policy and all other related KDOT policies, rules, procedures, and manuals. Where deemed appropriate by the KDOT Beautification Administrator, the applicant may be required to provide an access plan for the sign cut zone. The Beautification Section's review will also include the following:
 1. The confirmation of the accuracy of all information submitted as part of the application process. The status of the sign and sign license will be determined. The KDOT Beautification Administrator or designee will complete the verification section of the application by corresponding with the appropriate KDOT Right of Way Field Agent, and by reviewing all required application attachments.
 2. The KDOT Beautification Administrator or designee shall contact the KDOT Environmental Services Section to determine if any environmental issues exist.

3. The Beautification Section will attempt to confirm the accuracy of all attachments to the application. Should the KDOT Beautification Administrator or designee determine that a sign site cannot be permitted; the application should be returned to the applicant.
 4. The KDOT Beautification Administrator or designee completes the recommendations section of the application. This includes verifying the bond amount and insurance requirements, stipulating any additional conditions of the permit, recommending approval or denial of the application, and sends the approval to the KDOT District Engineer or designee along with all attachments.
- C. The KDOT District Engineer or designee reviews the application and schedules a pre-cut site meeting with the permittee/contractor and their designated foreman for the determination of all work limits, verification of the buffer and cut zones, points of access, traffic control requirements, erosion control requirements, tree preservation requirements, and work schedule within 30 days of receiving the application from the KDOT Bureau of Right of Way.
1. The KDOT District Maintenance Engineer shall confirm with the KDOT Area Office that the sign cut zone is not in an area having a landscape encroachment and/or mowing and maintenance agreement.
 2. The KDOT Area Engineer or designee will determine whether or not the sign cut zone is located in an area where KDOT has planted vegetation.
- D. Final approval or denial of all permits will be the responsibility of the KDOT District Engineer or designee. The permit shall be valid for 60 days from the date the permit was granted. (This is also the effective date for subsequent renewals). Applications that cannot be approved should be returned to the applicant by certified mail with appropriate comments indicating the revisions or additions necessary to gain approval.
- E. The KDOT District Engineer or designee will forward a copy of the approved permit application to the KDOT Bureau of Right of Way, Beautification Section along with the date when vegetation removal will begin. The permittee must complete all vegetation management within 60 days from the date the permit was granted.
- F. If discrepancies are found between the approved permit, field conditions, or the work being performed, KDOT personnel is authorized to stop all work and notify the KDOT District Engineer or designee. The permit will then be re-evaluated and a decision will be made as to the status of the permit.
- G. The KDOT District Engineer or designee and any other agent of KDOT is authorized to periodically visit permitted sign cut zones to determine compliance with conditions of this policy and vegetation management permits. If a violation is detected, the agent of KDOT shall notify the KDOT District Engineer or designee and the KDOT Bureau of Right of Way,

Beautification Section of the particular violation. No other permit(s) shall be issued to the same applicant until the appropriate fine, site mitigation, or permit requirements are satisfied. In addition, violation of the terms of this policy shall be grounds for the immediate suspension of work.

- H. **For final acceptance:** The permittee shall immediately notify the appropriate KDOT District Engineer or designee upon completion of the vegetation management work. The KDOT District Engineer or designee shall then perform a final site inspection for review and approval of work. The permittee shall submit a minimum of six as-built color photographs with different vantage points to the KDOT District Engineer or designee. Approval of work is not final until the KDOT District Engineer or designee completes written certification of the finished work. The KDOT District Engineer or designee notifies the KDOT Bureau of Right of Way, Beautification Section of final acceptance of work and forwards the appropriate documents and photos.
- I. The KDOT Bureau of Right of Way, Beautification Section will maintain all files relating to applications and permits for vegetation management for outdoor advertising signs.

14.02 KDOT reserves the right to amend this policy as additional information is obtained to assist in the orderly processing of vegetation management applications.

14.03 Any request to perform work on state highway right-of-way, which is an exception to this policy, shall be submitted in writing and will be considered by KDOT.

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)

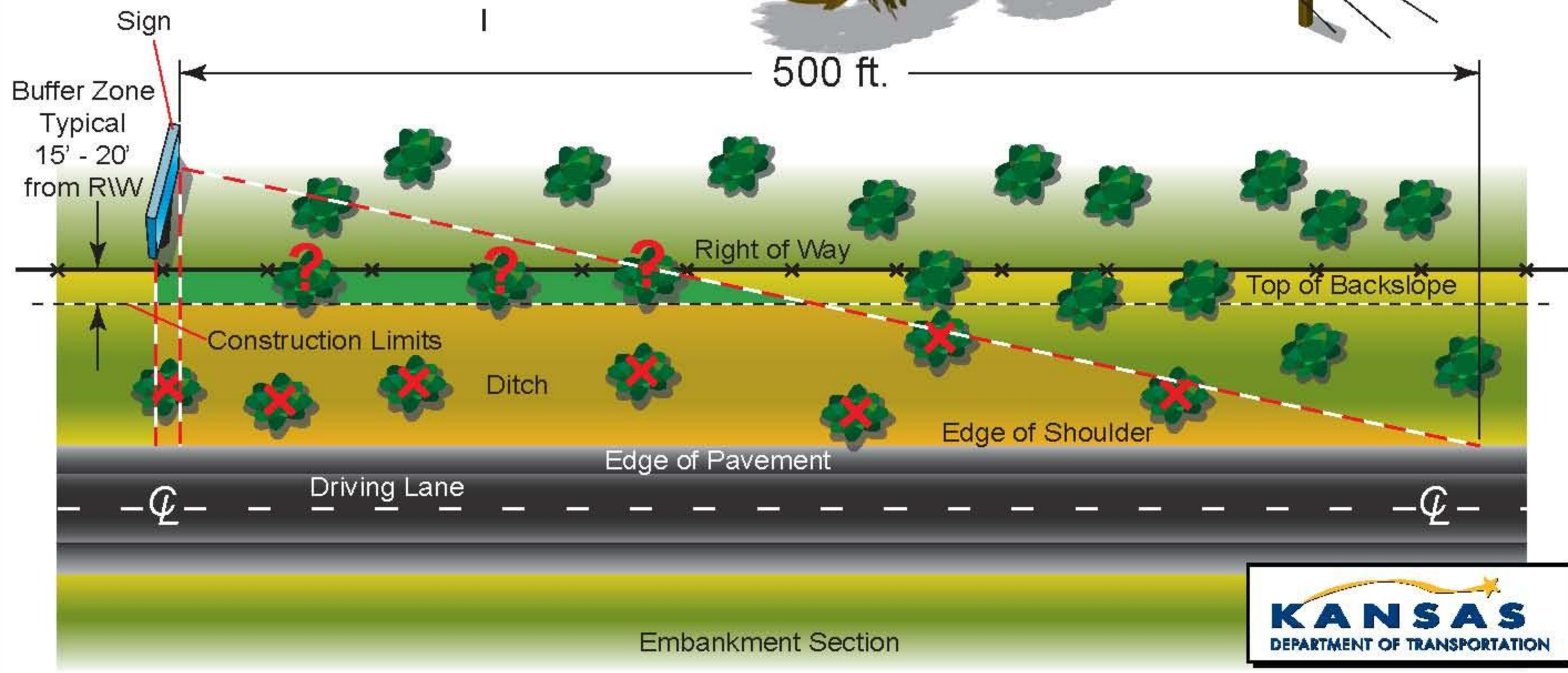
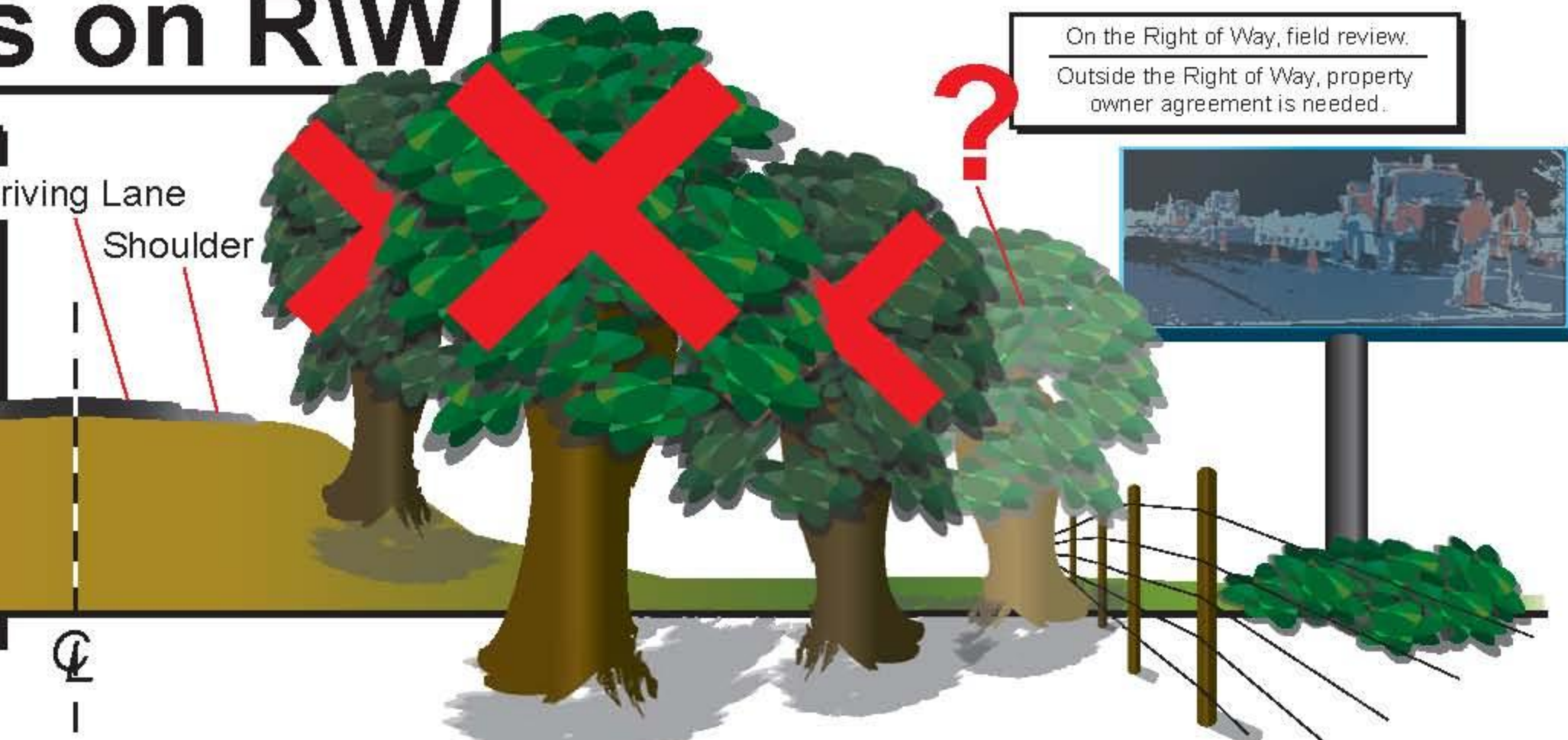
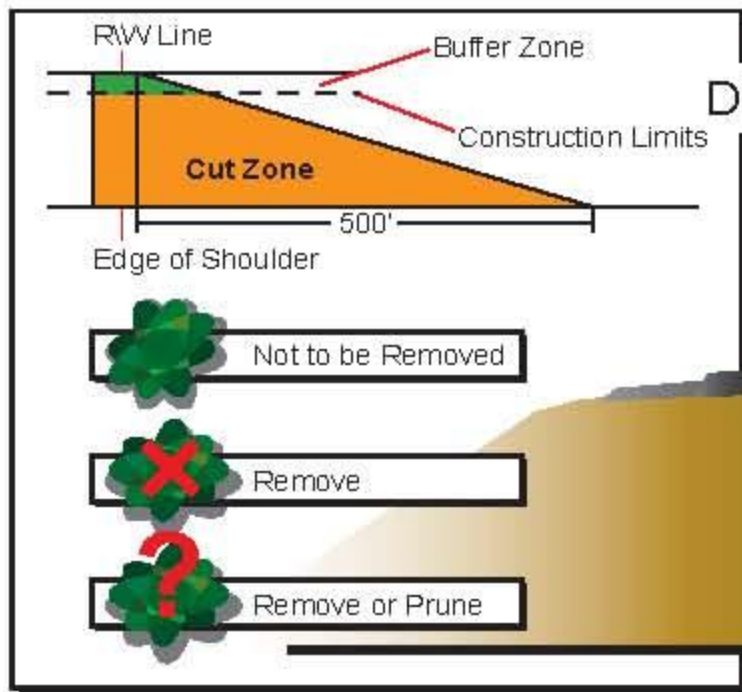
PERMIT APPROVAL DATE: _____

SECRETARY OF TRANSPORTATION
OF THE STATE OF KANSAS

BY: _____
District Engineer (designee)

Cut Zones on RIW

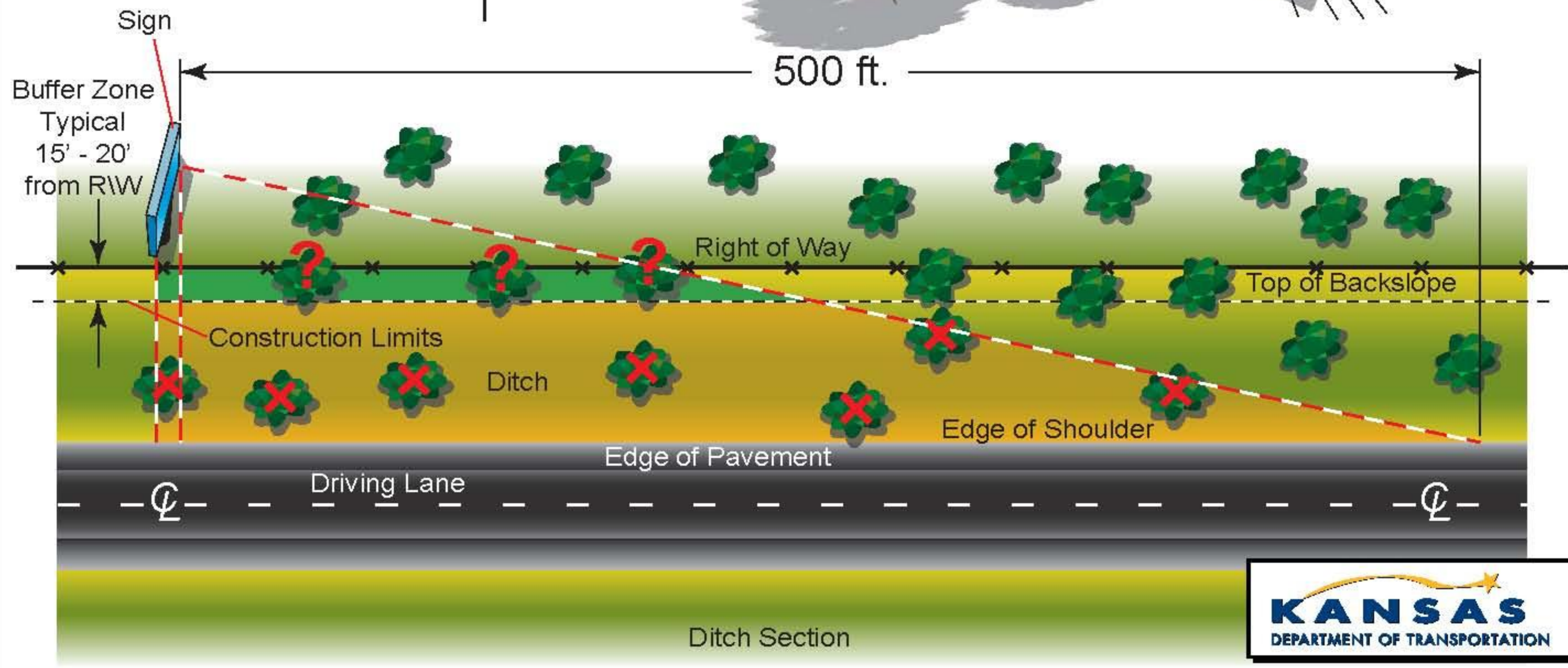
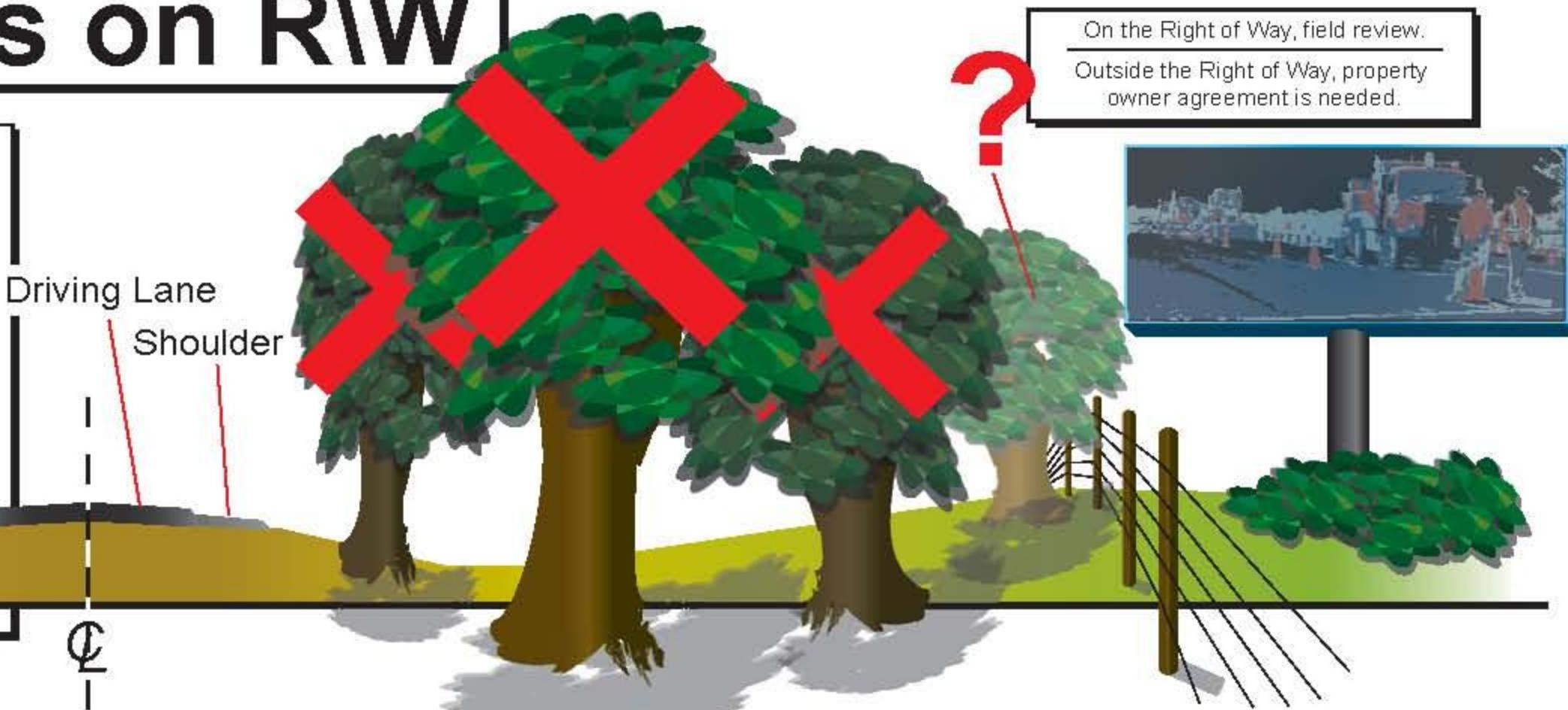
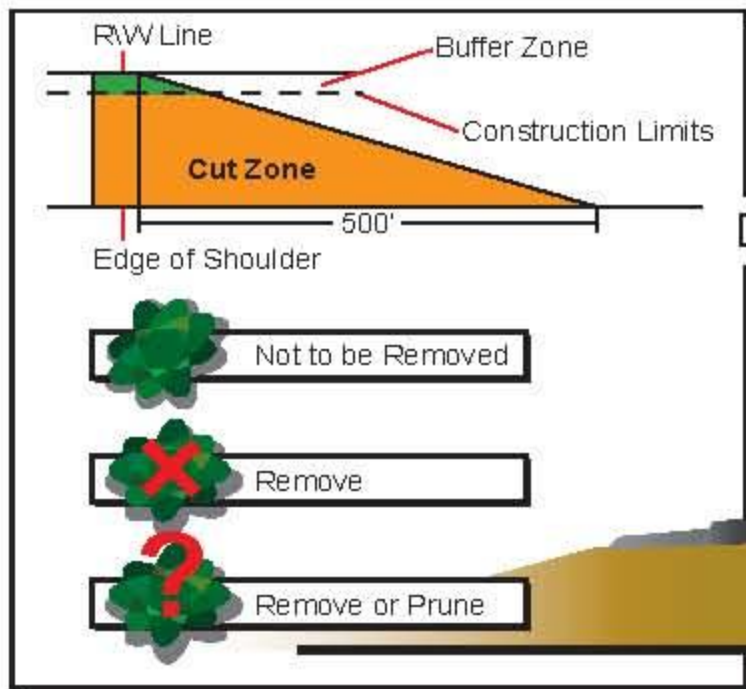
On the Right of Way, field review.
Outside the Right of Way, property owner agreement is needed.



Designed by the Kansas Department of Transportation, Office of Support Services

Cut Zones on RIW

On the Right of Way, field review.
Outside the Right of Way, property owner agreement is needed.



Designed by the Kansas Department of Transportation, Office of Support Services

INSTRUCTIONS FOR ATTACHMENT 3A AND 3B

Prior to completing attachments 3A and 3B:

- Applicants must obtain a Standing Permit D.O.T. Form (Attachment 6) from the District Office before being allowed on highway right-of-way.
- Stake the sign cut and buffer zones. (See attachment 2A, 2B, and 3A for illustrations)
- Once the zones are dimensioned and staked, the applicant may make a paint mark along the edge of pavement delineating the boundaries of the sign cut and buffer zones. The applicant may then remove the stakes.

1) Attachment 3A

- A. Circle the sign face direction that applies N, S, E, or W.
- B. Illustrate and number the trees that would be removed or pruned.
- C. Indicate the distance to an interchange (if within 1,000 ft. of an interchange)
- D. Include any pertinent notes.

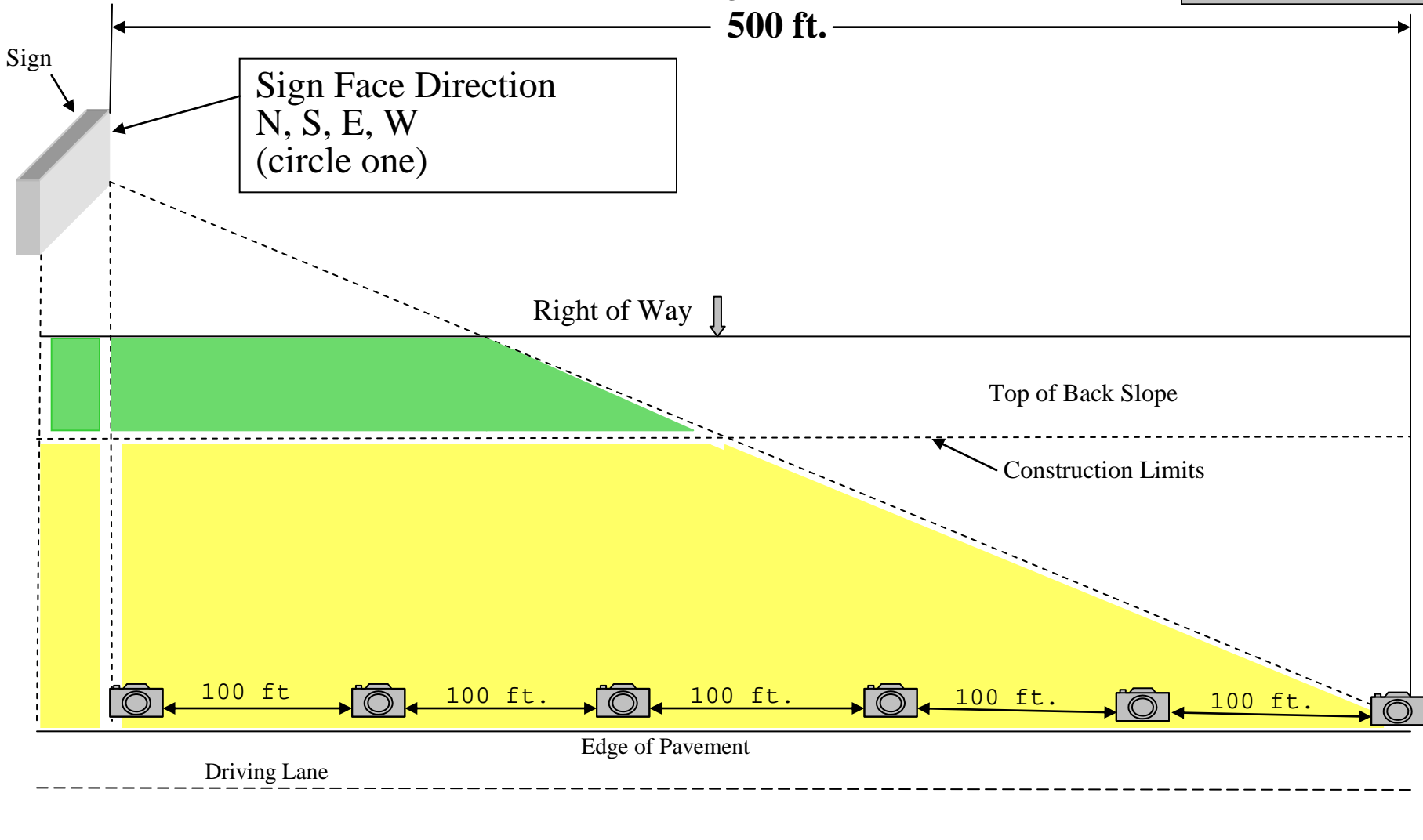
2) Attachment 3B



- A. For each tree illustrated on attachment 3A list the following:
 1. Zone- buffer or cut
 2. Tree Number
 3. Tree type
 4. Tree Size- diameter
 5. Recommendation
 6. Include any pertinent notes

Sign Cut Zone Inventory Sheet

Permit #: _____
(office use only)

(This diagram is not to scale)



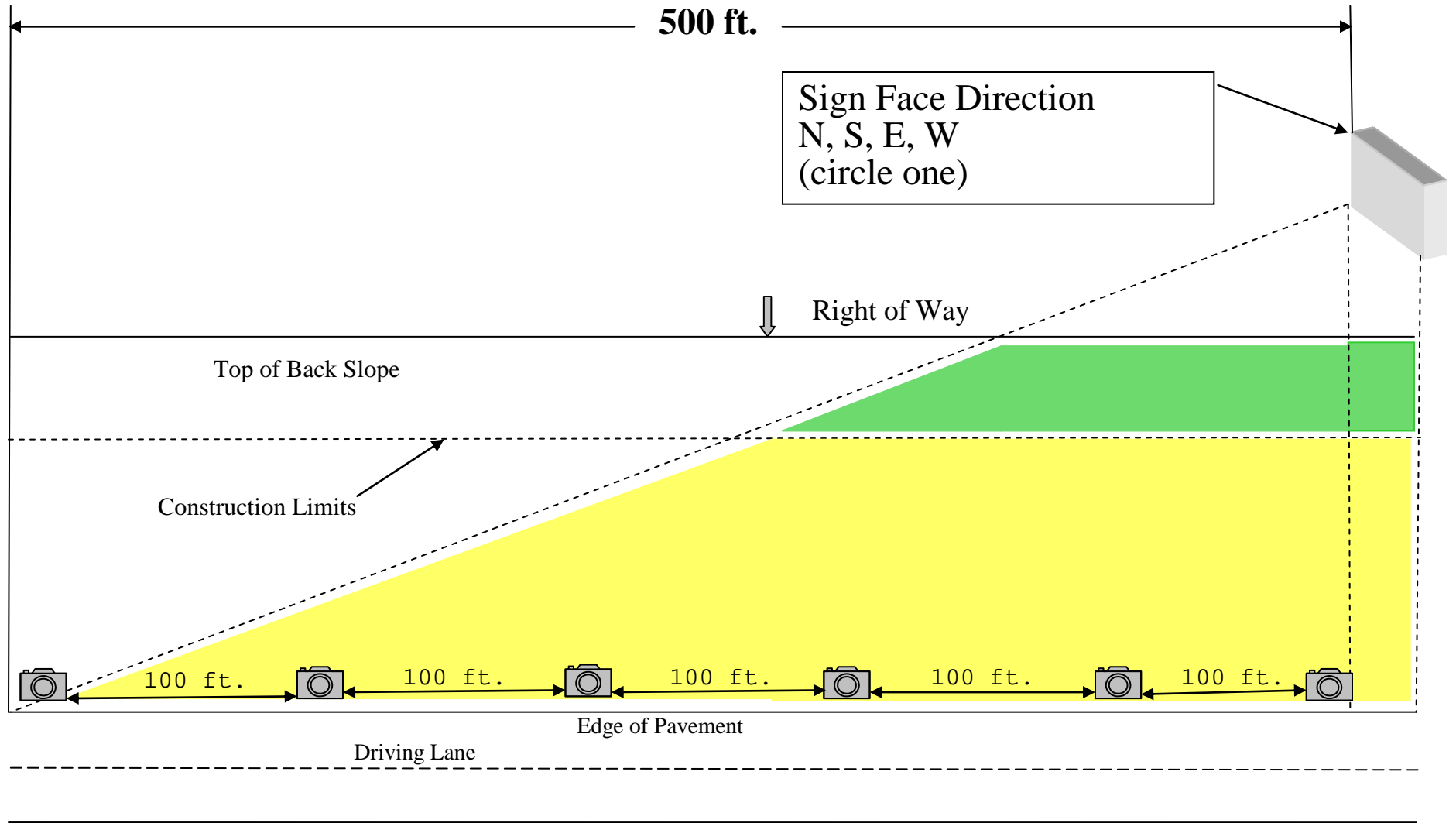
-  Buffer Zone – Typically, measures 15-20 feet from the right-of-way line.
-  Cut Zone – Viewing area for a sign face where trees will be removed.



Illustrate, number, and show the location of all vegetation on the above diagram that is recommended for removal or pruning

Sign Cut Zone Inventory Sheet

(This diagram is not to scale)

Permit #: _____
(office use only)



-  Buffer Zone – Typically, measures 15-20 feet from the right-of-way line.
-  Cut Zone – Viewing area for a sign face where trees will be removed.

Illustrate, number, and show the location of all vegetation on the above diagram that is recommended for removal or pruning

Sign Cut Zone Inventory Sheet

Permit #: _____ (Office Use Only)

Zone	Tree #	Tree Type	Tree Size Diameter	Recommendation for Tree	District Engineer Initials of Approval

HIGHWAY PERMITS

KDOT DISTRICT AND AREA OFFICES

Applications for Highway Permits may be obtained at any KDOT District Office or KDOT Area Office.

A map showing KDOT District and Area boundaries and a list of addresses and telephone numbers for each office is listed on the following pages.

Applications may be submitted to any KDOT Area Offices.

KANSAS DEPARTMENT OF TRANSPORTATION DISTRICT AND AREA OFFICES

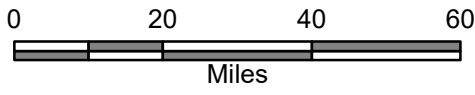
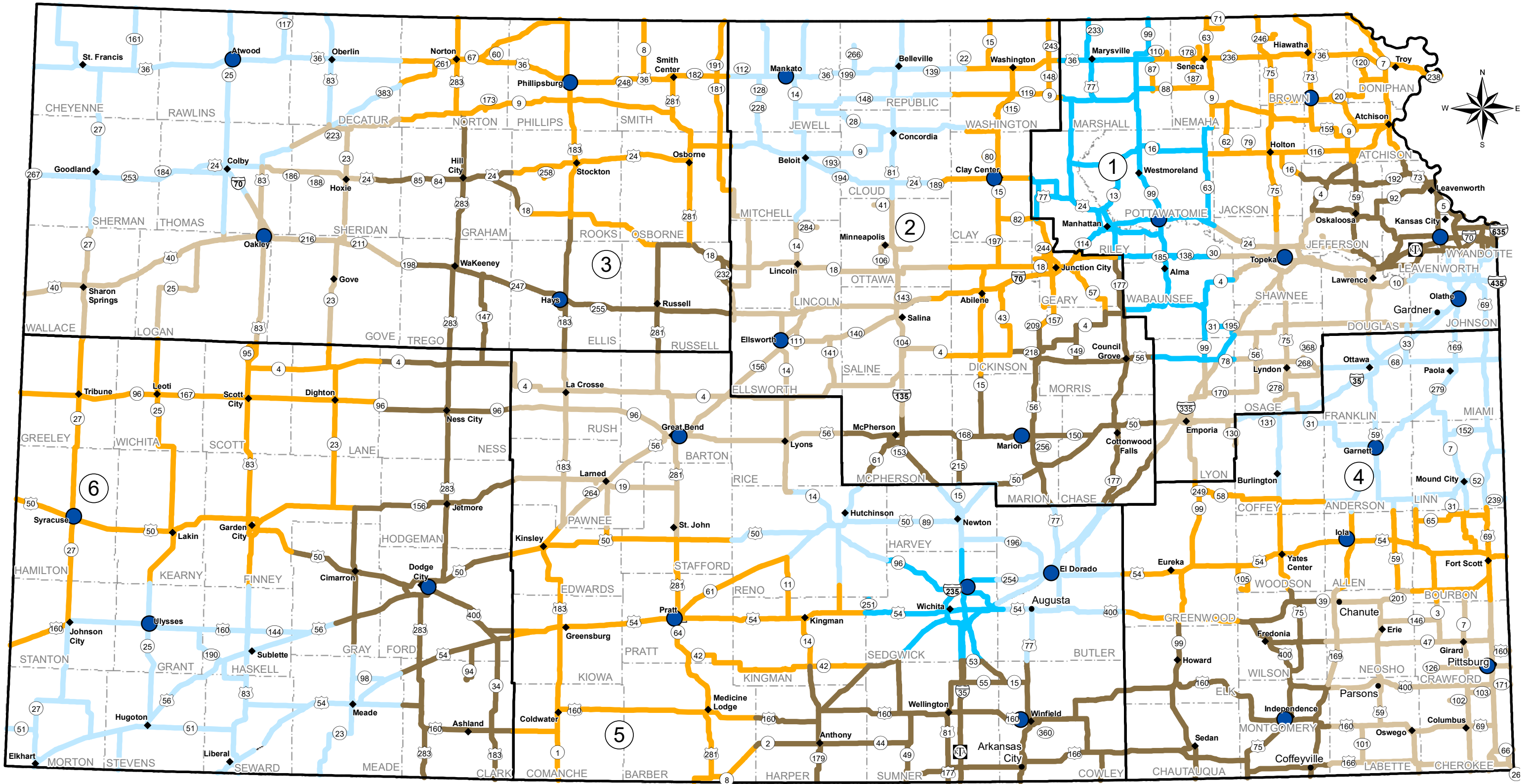
<u>DISTRICT/ AREA</u>	<u>LOCATION</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
District I (North East)	Topeka	121 W. 21st St. 66612-1429	785-296-3881 Fax: 785-296-1162
Area 1	Horton	1686 E. 1st Ave. East 66439	785-486-2142 Fax: 785-486-3788
Area 2	Olathe	1290 S. Enterprise 66061-5355	913-764-0987 Fax: 913-782-5914
Area 3	Bonner Springs	650 N. K-7 Hwy 66012-1736	913-942-3040 Fax: 913-721-5441
Area 4	Topeka	101 SW Gage Boulevard 66606-2021	785-296-2291 Fax: 785-296-1096
Area 5	Wamego	1425 W. US-24 66547-0080	785-456-2353 Fax: 785-456-9851
District II (North Central)	Salina	1006 N. 3rd St. 67401	785-823-3754 Fax: 785-823-1649
Area 1	Clay Center	731 West Crawford 67432-2339	785-632-3108 Fax: 785-632-3337

<u>DISTRICT/ AREA</u>	<u>LOCATION</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
Area 2	Mankato	725 E. South St. 66956	785-378-3166 Fax: 785-378-3800
Area 3	Marion	1021 N. Cedar St. 66861	620-382-3717 Fax: 620-382-2339
Area 4	Ellsworth	202 W 15 th Street 67439	785-472-4447 Fax: 785-472-4676
District III (North West)	Norton	312 S. Second St. Box 350 67654-0350	785-877-3315 Fax: 785-877-2531
Area 1	Phillipsburg	1777 Hwy 183 67661-2549	785-543-2163 Fax: 785-543-5914
Area 2	Atwood	21051 Hwy 36 Box 156 67730-0156	785-626-3258 Fax: 785-626-3185
Area 3	Hays	1811 W. Frontier Rd. Box 760 67601-0760	785-625-9718 Fax: 785-625-3846
Area 4	Oakley	3501 Hwy 40 Box 130 67748-0130	785-672-3113 Fax: 785-672-4985
District IV (South East)	Chanute	411 W. Fourteenth St. 66720-2894	620-902-6400 Fax: 620-431-4406
Area 1	Iola	1720 N. State St. 66749	620-365-2161 Fax: 620-365-2402
Area 2	Garnett	507 N. Maple St. 66032-1084	785-448-5446 Fax: 785-448-2486
Area 3	Independence	3097 W. Main 67301	620-331-3760 Fax: 620-331-7017
Area 4	Pittsburg	1813 W 4 th St. 66762	620-231-7560 Fax: 620-231-1149

<u>DISTRICT/ AREA</u>	<u>LOCATION</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
District V (South Central)	Hutchinson	500 N. Hendricks St. 67501	620-663-3361 Fax: 620-663-1804
Area 1	Pratt	309 Iowa Ave. 67124	620-672-7494 Fax: 620-672-7678
Area 2	El Dorado	205 Oil Hill Rd. 67042-3351	316-321-2880 Fax: 316-321-1702
Area 3	Winfield	7093 US 160 67156-7057	620-221-3370 Fax: 620-221-1633
Area 4	Great Bend	204 E. Hwy 56 67530-8820	620-793-5408 Fax: 620-793-6216
Area 5	Wichita	3200 E. 45th St. N. 67220-1432	316-744-1271 Fax: 316-744-6650
District VI (South West)	Garden City	121 N. Campus Dr. 67846-6603	620-765-7074 Fax: 620-276-2333
Area 1	Syracuse	910 N. Main St. Box 1417 67878-1417	620-384-7821 Fax: 620-384-7687
Area 2	Ulysses	325 W. Oklahoma Terr. 67880-2454	620-356-1531 Fax: 620-356-4361
Area 3	Dodge City	11310 E. Wyatt Earp Blvd. 67801-7081	620-227-6122 Fax: 620-227-2537

KDOT Internet Address
<http://www.ksdot.org/burROW/OutdoorAd/>

KDOT MAINTENANCE AREAS



PREPARED BY THE
KANSAS DEPARTMENT OF TRANSPORTATION
BUREAU OF TRANSPORTATION PLANNING
 MAP CREATED FRIDAY, MAY 25, 2018
 KDOT makes no warranties, guarantees, or representations for accuracy of this information and assumes no liability for errors or omissions.

Maint.
Petitioner
District
Area
City of Sub-Area

KANSAS DEPARTMENT OF TRANSPORTATION
Bureau of Maintenance

Permit No. _____
District No. _____

STANDING PERMIT
USE OF RIGHT OF WAY
For Vegetation Management
Application Purposes

THIS AGREEMENT, made and entered into, between the Secretary of Transportation of the State of Kansas, referred to as "Secretary" and _____ (_____) _____ (Tel. No.)
(Name of Firm or Individual)

_____, _____, _____, _____
(Street) (City) (State) (Zip)

referred to as "Petitioner" and the City of _____, referred to as "City".
(If not Applicable, Enter N/A)

Secretary has jurisdiction over highway right-of-ways within the State Highway System of Kansas, and Secretary (and City) believe it is in the interest of the Citizens of the State of Kansas to permit certain work or projects to be performed upon Highway right-of-ways, and

Petitioner requests permission and authority from Secretary (and City) to perform certain work, described as follows:

To gather information required to complete an application for vegetation management for outdoor advertising signs.

Secretary has delegated full and complete authority to the District Engineers of the Kansas Department of Transportation (KDOT) to execute Highway Permit Agreements, referred to as "Permits", for and on Secretary's behalf.

- 1.0 An approved signed copy of this Standing Permit shall be on the premises at the start and during the period any work is being performed.
- 1.1 All work, including any right-of-way restoration shall be completed within (2) working days of notification that work is to begin.
- 1.2 The sign owner or authorized designee shall notify the appropriate KDOT District Area office (2) working days prior to entering upon the KDOT right-of-way for any and all work. Failure to comply with this requirement may result in the revocation of this permit, and the stoppage of work on the right-of-way.
- 2.0 INSPECTION: Petitioner shall be responsible for supervising all vegetation management work to insure compliance with KDOT (and City) policies and standards.
- 2.1 ACCEPTANCE: KDOT will be responsible for acceptance of restored right-of-way.
- 2.2 **RIGHT-OF-WAY: Except for authorized changes, Petitioner shall restore the right-of-way to a condition equal to or better than existed prior to the initiation of work on the right-of-way.**
- 2.3 The Petitioner shall reimburse the Secretary for any costs incurred by Secretary to restore the right-of-way. The Secretary will not authorize any other highway permits until Petitioner has either reimbursed the Secretary or restored the right-of-way.
- 2.4 The right-of-way shall be kept free from parking, advertising signs or any other activity not authorized by this Permit.
- 2.5 Petitioner shall not perform, or allow to be performed any work authorized under this permit in such a way as to conflict with, impede or disrupt in any way KDOT highway construction or maintenance operations or interfere with or endanger the safety of the traveling public.
- 2.6 KDOT may, for violation of any of the terms herein, revoke, amend or cancel this permit or any provision hereof without incurring liability upon notice to Petitioner. KDOT is authorized to suspend, revoke, amend or cancel this permit without notice and without incurring liability, if highway maintenance and/or construction are required within the limits of the assigned area, or there is a danger to the highway or traveling public.
- 3.0 OBSTRUCTION OF TRAFFIC: Petitioner shall ensure highway (and connecting link) traffic will be free of interference unless specifically provided for as part of this Permit. All temporary traffic control devices and their installation and maintenance shall comply with the latest edition of the Manual On Uniform Traffic Control Devices (MUTCD for streets and highways which has been adopted by the Secretary). Whenever the temporary Traffic Control Standards conflict with the MUTCD, the Standards shall govern. Workers shall wear approved safety vests according to 23 CFR Part 634, Worker Visibility.
- 4.0 LIABILITY: The Petitioner on behalf of itself and its successors and assigns, agrees to protect KDOT, its officers and employees and save them harmless from all claims, actions or damages of every kind and description which may accrue to or be suffered by any person, persons, or property by reason of the acts or omissions of the Petitioner, its successors, assigns, agents, contractors, licensees,

employees, or any person whomsoever, in connection with Petitioner's, its successors, assigns, agents, contractors, licensees, or employees' construction, installation, maintenance, operation, use or occupancy of the right-of-way or in the exercise of this permit. In case any suit or action is brought against KDOT, its officers and employees, arising out of or by reason of any of the above causes, the Petitioner or its successors or assigns will, upon notice of such action, defend the same at its sole cost and expense and satisfy any judgment against KDOT, its officers, or employees; PROVIDED, that if the claims or damages are caused by or result from the concurrent negligence of (a) KDOT, its officers or employees and (b) the Petitioner or Petitioner's successors, assigns, agents, contractors, licensees, or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Petitioner or the Petitioner's successors, assigns, agents, contractors, licensees, or employees. The Petitioner, on behalf of itself and its successors, assigns, agents, contractors, licensees, and employees, agrees to waive any claims for losses, expenses, damages or lost revenues incurred by it and its successors, assigns, agents, contractors, licensees, or employees' construction, installation, maintenance, operation, use or occupancy of the right-of-way or in the exercise of this permit against KDOT, its agents, contractors, or employees, except the reasonable costs of repair to property resulting from the negligent injury or damage to Petitioner's property by KDOT, its agents, contractors or employees.

4.1 INSURANCE: Liability insurance Petitioner shall carry general liability insurance under an occurrence policy that has a minimum combined single limit of \$2,000,000 for personal injury and property damage and that contains the following coverage: Comprehensive Form, Premises-Operation, Contractual insurance, Broad form Property Damage, Independent Contractors, and Personal Injury. Worker's Compensation: Petitioner shall carry Worker's Compensation and Employer's Liability Insurance that complies with Kansas Statutes. Automobile Liability: Petitioner shall carry "Automobile Liability" insurance under an occurrence policy that has a minimum combined single limit of \$1,000,000 for personal injury and property damage and contains the following coverage: Comprehensive Form, Owned, Hired, and Non-Owned.

4.2 "Certificate of Insurance." This permit shall not take effect unless Petitioner provides Secretary a "Certificate of Insurance" confirming Petitioner carries insurance in the amounts and type this section requires. Petitioner shall maintain the insurance required in this section until the District Engineer or designee releases the Petitioner from any Permit obligation.

5.0 This standing permit is issued for a calendar year and will expire on December 31 of each year.

5.1 This permit is not assignable or transferable, either in whole or in part.

This Permit is hereby accepted and its provisions agreed to by the Parties.

APPROVED: _____

PETITIONER: _____
Signature

CITY OF: _____
(when applicable)

Printed Name

Street Address (City, State, Zip Code)

Mayor City Mgr City Engr.

Agent Lessee Contractor

City Clerk

Street Address (City, State, Zip Code)

Contact Email

RECOMMENDED BY: _____

Area/Metro Engr. Area Supt. Utility Coord.

PERMIT APPROVAL DATE: _____

SECRETARY OF TRANSPORTATION
OF THE STATE OF KANSAS

BY: _____
District Engineer