

## **ADDENDUM TO MANAGEMENT OF TREES AND PLANTS BY OTHERS**

### **5-700.5 Vegetation and Landscape Control Plan for Outdoor Advertising**

The purpose of this addendum is to implement uniform standards for allowing vegetation control and right of way maintenance by the owner of an Outdoor Advertising sign. Upon written request, and subject to departmental policies and provisions, the Department shall approve and issue a permit for vegetation and landscape control for activities relating to the management, removal and/or planting of trees and other plants, including wildflowers and grasses on State property under the control of the Department of Transportation (IDOT). It is illegal to cut, trim, kill or remove any type of roadside vegetation on State of Illinois right-of-way without written permission from the appropriate Regional District Office.

A vegetation control permit shall be required to cut or trim any vegetation or mow in front of any lawfully permitted sign. A separate permit shall be required for each sign structure. Vegetation permits will be issued only for lawfully permitted signs that have been constructed for a period of at least two (2) years as of the date of application for the vegetation control permit. Lawfully permitted signs are those signs classified as legal conforming (green tags) or legal non-conforming (red or blue tags).

The cost of any vegetation control measures allowed by an approved permit will be paid for by the owners of the sign or the owner of the real property on which the sign is located.

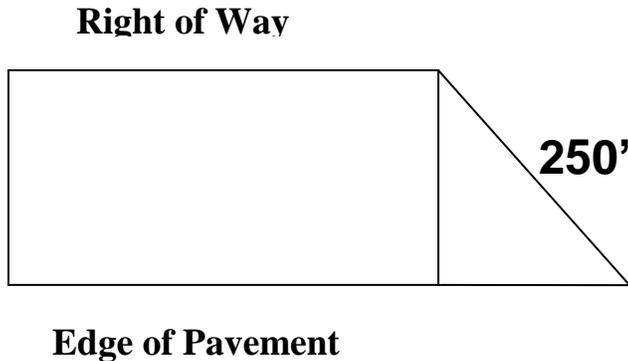
#### **A) Application**

The vegetation control permit application shall be on a form prescribed by the Department. The sign owner shall apply to the Regional District Office in which the sign is permitted. The sign owner shall submit with his application photos of the site showing the sign, existing conditions and a written plan of action. If deemed necessary by the Regional District Office, the District Landscape Architect or other District representative shall conduct a field review of the area.

#### **B) Scope**

Vegetation control permits will only allow the cutting or trimming of vegetation necessary to clear a sign's visibility zone. In order to evaluate a permit request, obstructions to view a lawfully permitted sign shall be considered to be those where the message of the sign is not readable within a specified visibility zone, to a driver moving in the nearest active lane of the highway.

The visibility zone shall be considered to be an area on the State's right of way two hundred fifty feet (250') in front of a single sided sign and two hundred fifty (250') each in front of each side of a double sided lawful sign erected along interstate or primary highways. This distance is measured from the edge of the sign face closest to the pavement in a direction parallel to the pavement. On a case by case basis, the visibility zone may be increased an additional 250 feet. This additional distance will be measured diagonally from the edge of right of way to edge of pavement and the visibility zone will be the triangular section it creates. (See illustration next page)



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permit is is:

lid for 180 days (6 months) from the date the

D) Processing

The Regional District IDOT office agrees to process a completed vegetation control application within forty-five (45) days of receiving such application.

**Removal or Pruning of Trees and Woody Plants**

The following requirements shall apply to trimming, mowing and cutting of vegetation on right of way.

- A) All vegetation control removal operations shall be performed by a Contractor that is insured and bonded for a minimum amount of \$300,000.00.
- B) All vegetation trimmed or cut will be removed from the right of way each day. The removal and disposal of all cut vegetation, including chips and logs, shall be done in conformance with State law regarding the disposal of landscape waste. Stumps are to be cut to ground level and the stumps shall be treated with an approved basal/stump treatment to discourage regrowth. No burning is allowed on the State right of way.
- C) The applicant shall carry liability insurance with a minimum limit of one (1) million dollars per occurrence. The permittee, his successors or assigns, agrees to hold harmless the State of Illinois and its duly appointed agents and employees against any action for personal injury or property damage caused by the Applicant, their contractor or assigns within the exercise of this permit.
- D) All work is to be performed in a professional manner to avoid damage to the State's right of way. The Applicant will be responsible for repairing any turf damage to its previous or better condition. All disturbed areas shall be graded,

seeded, and mulched per Section 250 of the Standard Specifications for Road and Bridge Construction. Any damage to the State or third-party property shall be the responsibility of the permittee.

- E) In District 1, the contractor shall be a Certified Arborist in accordance with the Illinois Arborist's Association. However, in all other districts, it is suggested and desirable, but not a requirement, that the contractor be a Certified Arborist.
- F) Trimming of trees:
  - 1. Trimming is permitted any time of year but should only be done when doing so would not be detrimental to the trees health. (As specified by the permit)
  - 2. A tree may not have more than one-third (1/3) of its canopy removed in a single pruning operation. For pruning operations, the "National Arborist Association Standards" shall be used as a guideline to insure trees are being pruned properly and all pruning must be done in accordance with "National Arborist Association Standards." If pruning, cuts should be made so that the tree may close the resulting wound as easily as possible. Generally, remove parts of a twig or branch at their origin. Remove tips of branches back to a good bud or to the next larger branch. The final pruning cut should be made along the natural branch collar and not flush with the trunk. Any additional pruning of this magnitude cannot be repeated for two (2) full years (24 months) on hardwood species.
  - 3. In situations where pruning is to be done on a stand of trees and it is not practical to distinguish individual trees from the stand, the stand of trees should be judged by the canopy height of the stand. Proper tree pruning practices are to be observed in reducing the height of the stand of trees, just as it would be for an individual tree. Brush over six feet (6') that is approved for removal should be cut first and the stump(s) treated with herbicides.
- G) All areas cleared of vegetation will be remediated by the Applicant via one (1) of the following means and shall require the issuance of a permit:
  - 1. Seeding of area in accordance with Section 250 of the Standard Specifications for Road and Bridge Construction.
  - 2. Planting of prairie grass.
  - 3. Planting of wildflowers (First Lady's 2006 Wildflower Program).
  - 4. Tree removal – removed trees shall be replaced at a 2:1 (inches) ratio.
- H) Areas to be mowed under a vegetation control permit shall be mowed a minimum of two (2) times during the permit and should follow the guidelines of Section 5-400 of the Bureau of Operations Maintenance Policy Manual.
- I) Historically significant, culturally sensitive and scenic significant trees shall not be modified, pruned or removed.





**Vegetation Control Permit**

District Serial No. \_\_\_\_\_

Whereas, I (We) \_\_\_\_\_ , \_\_\_\_\_  
(Name of Applicant) (Mailing Address)

\_\_\_\_\_ hereinafter termed the Applicant,  
(City) (State)

request permission and authority to do certain work herein described on the right-of-way of the State Highway known as \_\_\_\_\_ Route \_\_\_\_\_, Section \_\_\_\_\_, from Station \_\_\_\_\_ to Station \_\_\_\_\_, \_\_\_\_\_ County. Operations Team Sector: Certified Arborist Required?  Yes  No

The work is described in detail below and/or on the attached sketch or plans:

Location:

Description of Work:

General Provisions:

This permit covers the operations and presence of specified equipment, material or facility on the right-of-way that may be related to the authorized work. A copy of this permit must be present when crews or equipment occupy highway right-of-way. Failure to comply may result in the cessation of all vegetation control operations.

The District Office, Attn: \_\_\_\_\_ at \_\_\_\_\_, shall be contacted to coordinate the starting work date and date of completion.

It is understood that the work authorized by this permit shall be completed within \_\_\_\_\_ after the date this permit is approved, otherwise this permit becomes null and void.

**This permit is subject to the conditions and restrictions printed on the following page(s).**

This permit is hereby accepted and its provisions agreed to this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Witness \_\_\_\_\_

Signed \_\_\_\_\_  
Applicant

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City State

\_\_\_\_\_  
City State

SIGN AND RETURN TO: District Operations Engineer

Approved this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Department of Transportation

BY: \_\_\_\_\_  
District Operations Engineer

April 16, 2008

DISTRICT VEGETATION CONTROL PERMIT  
APPLICABLE TO PERMIT NO.

#### VEGETATION REMOVAL:

Approved horticulture practices, in accordance with the IDOT Operations Policy 5-600.3, shall be followed in the trimming of all vegetation. Unless otherwise stated, all vegetation to be totally removed shall be cut to ground level, and the stumps treated with an approved basal herbicide. All cut material shall be promptly removed from the roadside and properly disposed of at the end of each day.

It is illegal for any person to cut trim, kill, or remove any type of highway vegetation without permission from the appropriate highway district office.

*For registered nonconforming signs, the sign owner agrees that the permitted removal of vegetation will not increase the appraised value of the sign.*

#### TRAFFIC PROTECTION:

The grantee of a permit for work on the highway right-of-way is responsible for providing and installing warning signs, protective devices and flagmen when necessary meeting the department's requirements for protection of the traveling public and the workers who are performing work on the right-of-way. This is a very important responsibility and the grantee is subject to the same traffic protection requirements as a contractor or state forces working on the right-of-way. The department's minimum requirements for traffic protection are contained in Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices for Streets and Highways.

The parking of vehicles on the highway shoulder or roadside is prohibited on access-controlled highways.

#### ADDITIONAL REQUIREMENTS:

This permit is subject to the conditions and restrictions established in accordance with the Illinois Highway Code and Part 530 of Title 92 of the Illinois Administrative Code including but not limited to the following:

- (1) The Applicant represents all parties in interest and shall furnish material, do all work, pay all costs and shall in a reasonable length of time restore the damaged portion of the highway right-of-way to a condition acceptable to the Department.
- (2) The proposed work shall be located and constructed to the satisfaction of the Deputy Director of Highways, Regional Engineer, or his/her duly assigned representative. No revisions or additions shall be made to the proposed work on the right-of-way without the written permission of the Deputy Director of Highways, Regional Engineer or his/her duly assigned representative.
- (3) The Applicant shall at all times conduct the work in such a manner as to minimize hazards to vehicular and pedestrian traffic. All signs, barricades, flaggers, and so forth required for traffic control shall be furnished by the Applicant.
- (4) If the Applicant and the District Office can not agree either on whether the permit should be issued or on what conditions would be appropriate, the Applicant may, within 30 days of the issuance of written notice of the District's positions, appeal the District's determination to the Bureau Chief of the Department's Central Bureau of Operations.
- (5) The permittee agrees to fully comply with the following legal obligations in advance of entering and while upon any State right-of-way:
  - a. Only a permit issued by the Department under this Part will satisfy the "written consent" requirement of Section 9-113 of the Illinois Highway Code (the Code).
  - b. A permit from the Department grants a license only to undertake certain activities in accordance with this Part on a State right-of-way and does not create a property right or grant authority to the permittee to impinge on the rights of others who may have an interest in the right-of-way. Such others may include an owner of an underlying fee simple interest if the right-of-way is owned as an easement or dedication of right-of-way, and owner of an easement, or another permittee.
  - c. In no case shall the permit give or be construed to give an entity any easement, leasehold, or other property interest of any kind in, upon, under, above, or along the State highway right-of-way.