

## VEGETATION MANAGEMENT GUIDE (DRAFT)

### [603 KAR 5:155 \(Vegetation Management\)](#)

**Vegetation on KYTC Right-Of-Way that poses an immediate safety risk shall be removed by District Maintenance. This includes vegetation that is an existing sight distance issue or imminent falling trees.**

**Vegetation that needs to be removed as part of necessary site work or to achieve minimum sight distance required for a permitted entrance will not be subject to the vegetation removal permit process.**

**Permits for vegetation removal or pruning shall NOT be issued for the purpose of increasing visibility of any advertising device currently in violation of KRS Chapter 177 or KAR Title 603.**

***Vegetation to be removed on the Interstate right-of-way is subject to review and approval by the FHWA.***

***Submittal Requirements for Vegetation Management Encroachment Permit*** – Applicants shall apply for vegetation management permits with the KYTC District Office responsible for the area where the work is proposed. The following items are required for a complete submittal:

1. A completed TC 99-1A Application for Encroachment Permit
2. A general description of work to be performed
3. A location map
4. A detailed and scaled drawing showing the location of the vegetation proposed to be removed or pruned
5. Contact information (name, address, and phone number) for the contractor that will be performing the work
6. If applicable, a signed release from property owners whose property lines front the right-of-way where the vegetation management is proposed
7. If applicable, a signed release from a private property owner that gives the applicant access from the private property to the proposed work site
8. A seeding and erosion control plan pursuant to Department's Standard Specifications for Road and Bridge Construction
9. Evidence of sufficient bonding in place until the permit is released by the Department. The District shall determine the appropriate bonding amount, and indemnities shall meet the requirements in PE-203 Indemnity Requirements and Procedures
10. Proof of liability insurance equal to or more than \$1 million. Proof of liability insurance shall meet the requirements in PE-203 Indemnity Requirements and Procedures

***Processing Procedure*** – The following steps outline the processing procedure for Vegetation Management requests:

1. District Permits shall enter the application into KEPT, with a permit type of "Vegetation Removal" and a sub-type of "Other." District Permits shall review the request
2. If desired, District Permits may coordinate with the District REDA or other District personnel to assist with the review
3. Once District Permits has reviewed the submittal and agree with the final proposed work, mitigation can be determined. Mitigation is required for requests that include removal of any trees that are 5" or more in diameter measured at breast height (dbh)
4. For requests that require mitigation, District Permits shall coordinate with Central Office Permits by routing the permit to their Liaison in KEPT. Central Office Permits shall calculate the required mitigation payment. This amount is based on the lesser amount of \$150 for each tree of 5" or greater dbh removed or \$2,000 per acre
5. Central Office Permits shall relay the required mitigation payment amount to District Permits. And, District Permits shall relay the required mitigation payment amount to the applicant
6. All mitigation payments shall be accompanied by a TC 99-22 Agreement For Services To Be Performed. Central Office Permits shall assist District Permits with preparing the TC 99-22
7. The applicant shall pay the required mitigation payment through a cashier's check made out to "Kentucky State Treasurer." The cashier's check shall be submitted to District Permits. District Permits shall require mitigation payment prior to issuing the permit

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8. Central Office Permits shall notify the Division of Environmental Analysis when a mitigation payment is submitted
9. For requests within interstate right-of-way, the permit is subject to review and approval by FHWA. These applications should adequately address maintaining control of access through the entirety of work, prohibiting access to the work sites directly from the interstate or ramps, and prohibiting impacts to interstate traffic
10. The applicant shall notify the District office when the work is complete so the District can conduct a final inspection.

NOTE: For especially complex requests:

- District Permits may require the applicant to submit additional information from an arborist prequalified in Landscape Arboriculture with the Division of Professional Services. This option is foreseen to only be utilized on rare occasions where unusual circumstances exist.

**Processing Procedure Modifications For Government Agencies and Public Utility Companies** – Government Agencies requesting to remove vegetation for purposes of installing or maintaining government facilities are exempt from certain submittal requirements and mitigation. Public utilities requesting to remove vegetation for purposes of installing or maintaining utility lines are exempt from certain submittal requirements and mitigation. They are exempt from the following submittal requirements:

1. A signed release from property owners whose property lines front the right-of-way where the vegetation management is proposed
2. A signed release from a private property owner that gives the applicant access from the private property to the proposed work site
3. Specific bonding and liability insurance requirements included in the regulation. District Permits shall follow policy PE-203 for indemnity requirements for public utilities and government agencies
4. Mitigation

**Requirements for Removal and Pruning** – The regulation specifies the following requirements of methodology for removing and pruning vegetation:

1. Tree removal shall not be performed from June 1 through July 31
2. When removing trees on a 3:1 slope or flatter, all stumps and roots shall be removed flush with the ground surface
3. When removing trees on a slope steeper than 3:1, all stumps and roots shall be removed to a height of 3" or less above the ground surface. The height shall be measured on the lowest side of the slope
4. All cut material and debris shall be removed from state right-of-way and disposed of in accordance with the permit
5. All holes and voids created by the work shall be filled, graded, and compacted with top soil
6. The approved seeding and erosion control plan shall be implemented
7. The permittee shall not remove more than 25% of the crown of each tree that is approved for pruning in the permit
8. All work shall be performed during the time frame specified within the permit
9. The permittee is responsible for any costs incurred by the Department in associated with the vegetation removal permit. The permittee shall reimburse the Department for those costs
10. If a tree that was specified to be pruned by the permit dies, the Department shall require the permittee to remove the dead tree from right-of-way, mitigate for the loss, and restore department right-of-way
11. If damage occurs to vegetation not included in the permit, the Department shall require the permittee to mitigate for the loss of vegetation and restore Department right-of-way
12. The permittee shall be solely responsible for damage to private property that occurs during execution of the permit
13. The permittee shall indemnify the Department and KYTC pursuant to the permit if claims are brought against the Department or KYTC by third parties for damages sustained while executing the permit