



South Carolina
Department of Transportation

Vegetation Management Guidelines

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*In cooperation with:
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**SCDOT
VEGETATION MANAGEMENT
GUIDELINES**

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DOCUMENT HISTORY

Following is the history of the evolution of these Vegetation Management Guidelines as well as the accompanying Engineering Directive Memorandum 29:

Effective Date <i>(EDM 29 Date signed by Deputy Secretary for Engineering)</i>	Date Published <i>(Vegetation Management Guidelines Date)</i>
1/1/2000	November 30, 1999
12/3/2006	2006
?	03-AUG-2009
?	September 2009
2/8/10	January 2010
3/7/2011	January 2011
6/1/2011	May 31, 2011
?	November 30, 2011
?	December 15, 2011
August 31, 2012	July 3, 2012
October 25, 2013	September 5, 2013
October 25, 2013	January 14, 2015

SUMMARY OF CHANGES

Following are the changes in this edition of the *Vegetation Management Guidelines* (versus the most recent, previous edition dated January 14, 2015):

Section	Description of Change
Section 2.1 Mowing, Guidelines	<ul style="list-style-type: none"> Added “Mowers shall be operated according to respective manufacturer recommendations”.
Section 2.2 Herbicide Application	<ul style="list-style-type: none"> Changed “Material Safety Data Sheets (MSDS)” to “Safety Data Sheets (SDS)”.
Section 2.5 Tree Removal, Page 17	<ul style="list-style-type: none"> Changed “Material Safety Data Sheets (MSDS)” to “Safety Data Sheets (SDS)”.
Section 3.2.D Vegetation Management by Government Entities	<ul style="list-style-type: none"> Changed “Material Safety Data Sheets (MSDS)” to “Safety Data Sheets (SDS)”.
Section 4.1 Beautification/Enhancement Projects, Page 22	<ul style="list-style-type: none"> Language modified in first paragraph to reflect title changes and for clarification. Language modified in last paragraph to reflect newly established State Permit Engineer position.
Section 6.2.4.C ODA Permit Obligations	<ul style="list-style-type: none"> Changed to read, “Pruning of hardwoods and selective removal of other trees may be performed once in a twelve-month period only in the months of November, December, January, February, <u>and March.</u>”
Section 7 Work Zone Traffic Control	<ul style="list-style-type: none"> Page 33: Updated web links. Page 33-34: Updated Warning Light information to comply with latest SCDOT requirements. Page 35, FOR MOWING AND BRUSH MANAGEMENT OPERATIONS: All brush management activities on all route types will now require use of “BRUSH MANAGEMENT” signs instead of “MOWING” signs.
Section 8 Worker Safety	<ul style="list-style-type: none"> Removed “SCDOT Employee’s Safety Handbook”.

1. OVERVIEW

The SCDOT Roadside Vegetation Management Program is “a decision-making and quality management process for maintaining roadside vegetation that integrates the needs of local communities, knowledge of plant ecology (and natural processes) and design, construction, and maintenance considerations. It also integrates monitoring and evaluation procedures, government statutes and regulations, and technology with cultural, biological, mechanical, and chemical pest control methods to economically manage roadsides for safety plus environmental and visual quality (from *How to Develop and Implement An Integrated Roadside Vegetation Management Program*, National Roadside Vegetation Management Association, IRVM Task Force, p. 1, March 1997).

The purpose of the *SCDOT Vegetation Management Guidelines* is to provide information necessary to maintain the Department’s roadsides in a manner that will:

- provide a safe roadway
- protect the environment
- maintain visibility of traffic control
- reduce the risk of roadside fires
- protect pavement surfaces
- control noxious and invasive weeds
- prevent erosion
- limit storm water pollution
- protect sensitive species
- provide space for emergency use
- maintain adequate site distance
- maintain integrity of roadside structures and appurtenances
- be aesthetically pleasing or improve aesthetics

Each local SCDOT maintenance office is required to maintain an up-to-date Integrated Roadside Vegetation Management Plan. The plan shall contain pertinent information such as when and where each type of roadside vegetation management activity is anticipated to occur during the fiscal year.

All vegetation management activities, associated activities (including Work Zone Traffic Control), and equipment used to perform these operations shall comply with all applicable Occupational Safety and Health Administrations (OSHA) standards as well as state regulations.

Vegetation management activities or associated activities (such as woody vegetative debris management) shall not result in the deposit of vegetative clippings onto the road surface.

2. VEGETATION MANAGEMENT BY SCDOT OR ITS AGENTS

General roadside vegetation management activities performed by SCDOT or its agents (i.e., contractors) include:

- Mowing
 - *Brush Management*
 - *Hand Trimming*
 - *ODA Window Mowing*
 - *Routine Mowing*
 - *Safety Mowing*
- Herbicide Application
- Grassing
- Limb Management
- Tree Removal
- Debris Removal

2.1 MOWING

Purpose

Mechanical mowing is an important tool used to maintain clear zones free of obstructions and to allow vehicles, which may leave the travel way, to recover. Mowing may also be necessary to maintain adequate site distances, to maintain the flow of roadside ditches, and to maintain the integrity of associated structures, such as fences. Mowing is also important in maintaining an aesthetically pleasing appearance of roadsides for the traveling public. The following types of mowing are currently recognized:

- Brush Management
- Hand Trimming
- Outdoor Advertising Window Mowing
- Routine Mowing
- Safety Mowing

Guidelines

All mowing operations shall be carried out in accordance with State law. Where there is a conflict between State law and SCDOT policy, State law shall govern.

The number of mowing cycles (i.e., cuttings per year) will vary according to the growing season and available resources. Mowing heights shall be uniform at no less than four inches and no more than six inches.

All mower blades shall be maintained in a sharp, good cutting condition. All machine mowers shall be operated in such a manner so as to prevent scalping, rutting, or other damage to the turf. Mowers shall be equipped with shields to preclude foreign objects from being ejected from under the cutting unit housing. Mowers shall be operated according to respective manufacturer recommendations.

Note: Corresponding HMMS Activity 401.

2.1.1 Brush Management

Brush Management may be performed January 1 through December 31. Brush is defined as woody plants that may have several stems and have a diameter (i.e., caliper), measured per single stem, of three inches or less at a height of five feet above the ground surface. **Brush Management may only be performed in areas that predominately consist of brush. Brush Management shall not be performed in locations that predominately contain grasses or other herbaceous vegetation.** When the diameter of woody vegetation exceeds three inches and mechanical control is desired, use the activity, **Tree Removal** (*Section 2.5*). When performing **Brush Management** with mowers, the mowers must remain parallel to the soil surface. When performing **Brush Management**, vegetation shall be cut to a uniform height of no less than four inches and no more than six inches.

Regardless of where **Brush Management** occurs, it shall include the management of the resulting woody vegetative debris as follows:

- Woody vegetative debris occurring within SCDOT right-of-way that is adjacent to property where a residence or business exists must be removed from the right-of-way within seventy-two hours of performing **Brush Management**.
- Woody vegetative debris occurring within SCDOT right-of-way that is NOT adjacent to property where a residence or business exists must either be removed from the right-of-way OR chipped/mulched to less than one foot in length and less than three inches in diameter AND scattered within the right-of-way to a maximum depth of six inches within five days of performing **Brush Management**.

All Work Zone Traffic Control devices, including signs, shall be in accordance with *Section 7* of these Guidelines.

Brush Management may be used for the following instances:

1. Brush Management along Primary and Secondary Routes
2. Brush Management along Interstate Routes
3. Brush Management at Interstate Ditches
4. Brush Management at Bridges
5. Brush Management along Fences

1. **Brush Management along Primary and Secondary Routes:** Brush Management may be used to maintain the area between the routine mowing limit and the right-of-way limit or tree line **along primary and secondary routes only**. As shown in **TYPICAL A - BRUSH MANAGEMENT (Primary and Secondary Routes)** the area for Brush Management along primary and secondary routes begins at the outermost limit established for Routine Mowing and extends to the right-of-way line (C) or the tree line (D), whichever is less, regardless of slopes or ditches. The Brush Management area does not include the area defined as Routine Mowing (A) & (B). (*Refer to Section 2.1.4 for the routine mowing limits*).
2. **Brush Management along Interstate Routes:** As shown in **TYPICAL B – Brush Management (Interstate Routes)**, Brush Management may be performed along interstate shoulders and medians to maintain areas beyond the routine mowing limit that are included in the actual calculated clear zone as defined by the AASHTO Roadside Design Guide. This activity must be performed with proper signing as indicated in Section 7 – Work Zone Traffic Control of these Guidelines.
3. **Brush Management at Interstate Ditches (i.e., Interstate Ditch Mowing):** Brush Management may be performed along clearly defined interstate drainage ditches in order to maintain proper drainage. This activity is generally performed annually. As shown in **TYPICAL C – BRUSH MANAGEMENT (Interstate Ditches)** this will consist of cutting vegetation the entire ditch and ten feet on each side of the ditch (A), regardless of slope. This activity must be performed with proper signing as indicated in Section 7 – Work Zone Traffic Control of these Guidelines.
4. **Brush Management at Bridges (i.e., Bridge Mowing):** Brush Management may be performed to control non-ornamental vegetation occurring at bridges. Vegetation occurring at bridges shall be maintained in accordance with **TYPICAL D – BRUSH MANAGEMENT (Bridges)** regardless whether the bridge crosses over another roadway or over a waterway. **Brush Management at Bridges** will be accomplished regardless of slope, guardrails, or SCDOT structure. Vegetation shall be managed from ten feet beyond the end of the bridge deck to the toe of the slope beneath the bridge.
5. **Brush Management along Fences:** Brush Management may be used to manage brush along controlled access route fences to protect the integrity, performance, and life of the fence. Brush occurring at fences shall be maintained in accordance with **TYPICAL A - BRUSH MANAGEMENT (Primary and Secondary Routes)** and **TYPICAL B – BRUSH MANAGEMENT (Interstate Routes)** accordingly. This will consist of removing brush along the entire fence and ten feet toward the adjacent controlled access route. **Every effort should be made to retain as many significant trees as possible (as defined in Section 2.5)**. When performing Brush Management along fences, access to the work area shall be obtained from the frontage road when possible. The primary route or interstate highway will not be affected by this work and no lanes on the primary route or interstate will be closed during the brush management or during woody vegetative debris management operations. Fence damaged during this operation shall be repaired or replaced in accordance with SCDOT standards.

2.1.2 Hand Trimming

Hand Trimming may be performed January 1 through December 31. Hand Trimming is a type of mowing that includes mowing of vegetation by use of hand tools and small machines such as line trimmers and push mowers around hard-to-get places such as guardrail, signs, and concrete structures.

2.1.3 Outdoor Advertising Window Mowing

Outdoor Advertising Window Mowing may be performed April 1 through November 15 unless otherwise directed by the Deputy Secretary for Engineering. Refer to *Section 6.6* regarding specific guidelines for mowing permitted Outdoor Advertising Window locations.

2.1.4 Routine Mowing

Routine Mowing may be performed April 1 through November 15 unless otherwise directed by the Deputy Secretary for Engineering.

Interstate Routes

Interstate routes are designed for higher speeds and should have sufficient clear zones free of obstructions to allow for vehicles that may leave the travel way to recover. At least ten business days prior to routine mowing on interstates, the Resident Maintenance Engineer shall contact the South Carolina Department of Corrections (SCDC) to coordinate litter pickup at locations serviced by SCDC.

Mowing on interstate medians, shoulders (roadsides), and interchanges is governed by South Carolina Code of Law, Act 136, Bill 3254, Section 57-23-800. Refer to each individual section entitled **Interstate Medians, Interstate Shoulders (Roadsides), Interstate Interchanges, Interstate Signs and Structures, and Interstate Guardrail** respectively, for the current mow guidelines for these locations and/or features.

Interstate Medians

As shown in **TYPICAL E – ROUTINE MOWING (Interstate Medians)**, interstate medians of not more than eighty feet in width shall have its mowable area mowed in its entirety. A median wider than eighty feet shall be mowed within forty feet from the edges of the pavement. If fill slopes or back slopes are steep and are within this area, mow to the steep slope and one swath of the mower or not less than five feet shall be mowed on these slopes. *A steep slope is defined as a slope of 1:1 (i.e., 45 degrees) or greater.*

This mowing width may be increased when necessary to provide adequate visibility for signs erected by the department, when the department determines that increasing the widths is in the public interest or upon request of the governing body of a county or municipality.

This activity shall not interfere in any way with the visibility of any outdoor advertising sign.

If the Department of Natural Resources makes an assessment and written determination that vegetation management pursuant [to SC Code of Laws Section 57-23-800] causes an increase in safety risks because of the attraction of wildlife to a specific area along the highway, then the department may increase the distance from the pavement required to be mowed.

Upon written approval of the Department of Transportation, a county or municipality, at its own expense may itself conduct vegetation management activities beyond vegetation management widths provided if the department declines to conduct vegetation management in this area.

Interstate Shoulders (Roadsides)

As shown in **TYPICAL F – ROUTINE MOWING (Interstate Shoulders / Roadsides)**, interstate shoulders / roadsides shall be mowed thirty feet from the edge of pavement. If fill slopes or back slopes are steep and are within this area, mow to the steep slope and one swath of the mower or not less than five feet shall be mowed on these slopes. *A steep slope is defined as a slope of 1:1 (i.e., 45 degrees) or greater.*

This mowing width may be increased when necessary to provide adequate visibility for signs erected by the department, when the department determines that increasing the widths is in the public interest or upon request of the governing body of a county or municipality.

This activity shall not interfere in any way with the visibility of any outdoor advertising sign.

If the Department of Natural Resources makes an assessment and written determination that vegetation management pursuant [to SC Code of Laws Section 57-23-800] causes an increase in safety risks because of the attraction of wildlife to a specific area along the highway, then the department may increase the distance from the pavement required to be mowed.

Upon written approval of the Department of Transportation, a county or municipality, at its own expense may itself conduct vegetation management activities beyond vegetation management widths provided if the department declines to conduct vegetation management in this area.

Interstate Interchanges

As shown in **TYPICAL G – ROUTINE MOWING (Interstate Interchanges)**, interstate interchanges shall be mowed thirty feet from the edge of pavement. If fill slopes or back slopes are steep and are within this area, mow to the steep slope and one swath of the mower or not less than five feet shall be mowed on these slopes. *A steep slope is defined as a slope of 1:1 (i.e., 45 degrees) or greater.* The distance from the pavement required to be mowed may be increased to address any safety concerns involved.

This mowing width may be increased when necessary to provide adequate visibility for signs erected by the department, when the department determines that increasing the widths is in the public interest or upon request of the governing body of a county or municipality.

This activity shall not interfere in any way with the visibility of any outdoor advertising sign.

If the Department of Natural Resources makes an assessment and written determination that vegetation management pursuant [to SC Code of Laws Section 57-23-800] causes an increase in safety risks because of the attraction of wildlife to a specific area along the highway, then the department may increase the distance from the pavement required to be mowed.

Upon written approval of the Department of Transportation, a county or municipality, at its own expense may itself conduct vegetation management activities beyond vegetation management widths provided if the department declines to conduct vegetation management in this area.

Interstate Signs and Structures

Vegetation under and around interstate signs and structures shall be mowed uniform in height to the adjacent mowed vegetation. Mowing at Interstate Information/Guide Signs shall be in accordance with **TYPICAL H - ROUTINE MOWING (Interstate Information / Guide Sign)**. Mowing will be accomplished regardless of slope or guardrail. All interstate mainline sign locations shall be mowed to allow full view by approaching motorists for a minimum distance of 1,200 feet. Regardless of road curvature, this distance (1,200 feet) shall be measured along the pavement mainline from the sign face. Additionally, the area that occurs ten feet behind the sign face and extends ten feet beyond the edge of the sign most distant from the pavement shall be mowed. Ramp panels shall be cleared to provide maximum sight distance. *Interstate Information/Guide Sign mowing does not include logo signs. The sight area for logo signs will be maintained to the routine mowing limits only.*

Interstate Guardrail

Vegetation under and around guardrail (including cable rail) shall be mowed uniform in height to the adjacent mowed vegetation. Trapped areas between guardrail or cable rail gores shall be maintained to the routine mowing limits. If no steep slope exists within the routine mowing limit where the guardrail occurs, mowing shall be performed to the routine mowing limit. If a steep slope exists within the routine mowing limit where the guardrail occurs, mow to the steep slope and a one swath of the mower or not less than minimum of five feet on the steep slope.

Primary and Secondary Routes

Primary and secondary routes should have sufficient clear zones free of obstructions to allow for vehicles that may leave the travel way to recover.

Primary and Secondary Shoulders

Mow shoulders along primary and secondary routes as shown in **TYPICAL I – ROUTINE MOWING (Primary / Secondary Shoulders)**:

(A) Mow shoulders from edge of pavement including the front slope of the ditch to the bottom of the ditch where the cross-section will permit.

(B) If the slope is steep, mow to the steep slope and mow one swath of the mower or a minimum of five feet on the steep slope.

Primary and Secondary Medians

The entire median of primary and secondary routes shall be mowed from the edge of the pavement unless a steep slope occurs. If the slope is steep, begin mowing at the edge of pavement and continue mowing to the steep slope and one swath of the mower or not less than a minimum of five feet on the steep slope.

Primary and Secondary Signs and Structures

Vegetation under and around primary and secondary signs and structures shall be mowed uniform in height to the adjacent mowed vegetation.

Primary and Secondary Guardrail

Vegetation under and around guardrail (including cable rail) shall be mowed uniform in height to the adjacent mowed vegetation. Trapped areas between guardrail or cable rail gores shall be maintained to the routine mowing limits. If no steep slope exists within the routine mowing limit where the guardrail occurs, mowing shall be performed to the routine mowing limit. If a steep slope exists within the routine mowing limit where the guardrail occurs, mow to the steep slope and one swath of the mower or not less than a minimum of five feet on the steep slope.

2.1.5 Safety Mowing

Safety Mowing may be performed January 1 through December 31. Safety Mowing is any mowing that is done by machine or hand to increase the visibility around intersections, signs and ramps so as to provide better view of traffic for the driver.

2.2 HERBICIDE APPLICATION

Purpose

Herbicides may be used to control undesirable roadside vegetation.

Guidelines

The activity Herbicide Application may be performed January 1 through December 31. SCDOT operational guidelines for specific application dates, work descriptions, and approved materials are available in the most current edition of the *SCDOT Herbicide Operations Manual*. Respective herbicide labels and Safety Data Sheets (SDS) are available via a link on the Director of Maintenance's IRVM intranet webpage. **No bare ground treatments are permitted.** Brownout should be minimized.

Note: Corresponding HMMS Activity 402.

2.3 GRASSING

Purpose

Grassing is necessary to prevent roadside erosion and in some cases, to maintain site distances.

Guidelines

Grassing may be performed January 1 through December 31. Specific dates to perform grassing are provided in the *SCDOT Standard Specifications for Highway Construction*. All Grassing activities shall conform to the most current edition of the *SCDOT Standard Specifications for Highway Construction*. Additionally, *The SCDOT Herbicide Operations Manual* provides guidance for turf seedhead suppression and turf conversion.

Note: Corresponding HMMS Activity 403.

2.4 LIMB MANAGEMENT

Purpose

Limb Management will be performed to provide for clear sight distances and overhead clearance along all route types.

Guidelines

Limb Management may be performed January 1 through December 31. A limb is defined as the branch of a tree. **Limb Management may only be performed in areas that consist of undesirable tree limbs. No rotary mowers shall be used to perform Limb Management.** The equipment used shall leave a clean, neat cut. Internodal cuts (i.e., cuts between nodes that result in stubs) should be avoided.

Limb Management shall be performed to maintain the following vertical clearances:

- **Non-Urban Locations:** All trees shall be de-limbed and kept limbless for the first eighteen feet above the paved surface of the roadway or ground elevation of the shoulder or slope continuously to the tree line or right-of-way, whichever comes first as shown in **TYPICAL J - LIMB MANAGEMENT (Non-Urban)**. Trimming may also be performed to lesser heights in other areas to allow for the safe operation of equipment beneath the limbs for mowing, ditch maintenance, etc., a maximum of ten feet.
- **Urban Locations:** All trees shall be de-limbed and kept limbless for the first eighteen (18) feet above the paved surface of the roadway. All trees shall be de-limbed and kept limbless for the first six feet in height and up to seven feet in height where trees are near pedestrian walkways as shown in **TYPICAL K - LIMB MANAGEMENT (Urban)**. (*From: Access and Roadside Management Standards, 2008 Edition*).

*For exceptions to limb management limits at Information and Guide Signs, refer to **TYPICAL I - INFORMATION / GUIDE SIGN** (also see Section 2.1.4).*

Limb Management shall include the management of the resulting woody vegetative debris as follows:

All woody vegetative debris occurring [within SCDOT right-of-way] that is adjacent to property where a residence or business exists must be removed from the right-of-way within seventy-two hours of performing Limb Management.

Woody vegetative debris occurring [within SCDOT right-of-way] that is NOT adjacent to property where a residence or business exists must either be removed from the right-of-way within five business days of performing Limb Management OR chipped/mulched to less than one foot in length and less than three inches in diameter AND scattered to a maximum depth of six inches within the right-of-way within five days of the Limb Management activity.

Note: Corresponding HMMS Activity 405.

2.5 TREE REMOVAL

Purpose

Trees along roadways are to be maintained in a safe manner for the protection of the traveling public.

Guidelines

Tree Removal may be performed January 1 through December 31. Maintenance Offices shall conduct, to the extent reasonable, a visual surveillance to detect trees that may be hazardous to motor vehicles, pedestrians, cyclists, highway appurtenances, or adjacent property. A tree is defined as a woody plant, generally single-stemmed, that has a diameter (i.e., caliper) of larger than three inches measured at a height of five feet above the ground surface. Tree maintenance should be performed so as to preserve roadway features. Dead or diseased trees within or off the right-of-way which may fall onto the travel surface should be promptly removed. **However, special procedures must be followed prior to the commencement of any right-of-way operations that would include the removal of live, significant trees. Significant trees are generally considered to be hardwoods with a caliper of twelve inches or greater (measured at five feet above the soil surface).** But, trees of smaller caliper, including but not limited to flowering trees (e.g., dogwoods) or other ornamental trees around residences may be considered significant and should be treated accordingly. Every reasonable alternative should be considered prior to removing a significant tree. When an alternative is not available, the Resident Maintenance Engineer shall make personal contact with the adjacent property owner whenever possible prior to the removal of any such tree. Personal contact is understood to mean contact in person or by telephone. The property owner should always be informed as to the reasons for removing these trees.

Where possible, bridge sites should be maintained free of non-ornamental trees for the entire length of the bridge opening from right-of-way to right-of-way, or a fifty-foot limit where the right-of-way is greater than fifty feet from the outside edge of the bridge.

Trees (regardless of size) should not be allowed to encroach into clear (i.e., recovery) zones.

Trees should not be allowed to grow in ditches.

Trees that are removed shall be cut to ground level with a clean cut. No stumps shall protrude above ground level. Grind all stumps a minimum of two inches below ground level or treat all stumps with an appropriately labeled herbicide to prevent re-sprouting. **When herbicide use is proposed, also provide:**

1. **A complete list of Herbicides, Adjuvants, and/or Blends proposed and anticipated application dates.** Include a label and Safety Data Sheet for each product.
2. **A copy of a valid South Carolina Pesticide Applicator License for each person who will be applying herbicides or supervising application.**

The applicant shall be responsible for complying with all Federal and State laws, regulations, ordinances, and rules associated with herbicide use including but not limited to packaging, labeling, transporting, application, licensing, and supervision. The applicant shall be responsible for obtaining all necessary permits and licenses associated with herbicide use. The applicant shall assume full liability for all damages to SCDOT property and private property and shall be responsible for the prompt and proper cleanup of spills that occur.

All debris resulting from the tree removal activity shall be appropriately removed/disposed off-site daily or, debris may be chipped not to exceed one foot length and not to exceed three inches diameter; and scattered within the immediate SCDOT right-of-way not to exceed a depth of six inches. Ditches and drainage areas shall be kept clear of all vegetative debris.

Note: Corresponding HMMS Activity 408.

2.6 DEBRIS REMOVAL

Purpose

Debris removal, generally removal of vegetative debris, is a typical consequence of events such as snow and ice storms, hurricanes and tornadoes. Debris removal is necessary in order to restore the state's transportation system to a level that is safe and efficient.

Guidelines

Debris Removal may occur anytime during January 1 through December 31. Each SCDOT Maintenance Office, including local offices, district offices and the Director of Maintenance Office is required to maintain an up-to-date Debris Management Plan. The Plan shall be designed to facilitate and coordinate the removal, collection, and disposal of debris deposited within SCDOT right-of-way by SCDOT forces or its agents following a disastrous event, and to mitigate any potential threat to the health, safety, and welfare of the impacted employees and citizens, and to expedite recovery efforts in the impacted area.

Note: Corresponding HMMS Activity 409.

3. VEGETATION MANAGEMENT BY NON-SCDOT ENTITIES

Purpose

SCDOT may be approached by non-SCDOT entities including, but not limited to utility providers, government entities, adjacent property owners, business owners, private citizens, and groups or organizations to manage roadside vegetation. This section is designed to provide guidance to these entities. Also, this section addresses the occasional unauthorized vegetation management that may occur within SCDOT right-of-way.

Guidelines

3.1 Vegetation Management by Utility Providers

Utility providers desiring to manage vegetation within SCDOT right-of-way are required to obtain a **permit** from the local SCDOT maintenance office in the county where the work is proposed. Work that is considered Routine Maintenance or Emergency Maintenance of utilities should be performed under a Blanket Permit. Other types of work should be performed under a Standard Encroachment Permit. The permit application may be initiated via the following internet link: http://www.scdot.org/doing/permits_Encroachment.aspx
Permit requirements are detailed in the Blanket Permit document.

3.2 Vegetation Management by Government Entities

Government entities desiring to manage vegetation within SCDOT right-of-way are required to provide to the local SCDOT maintenance office in the county where the work is proposed:

- A. **An Encroachment Permit Application** (*SCDOT Form 637*). *The application must clearly state the type and extent of vegetation management proposed. This application form may be obtained from the local SCDOT maintenance office OR it may be obtained via the following internet link: http://www.scdot.org/doing/permits_Encroachment.aspx*
- B. **The location(s) of the proposed work.** **This may be submitted as a list of the impacted SCDOT route(s) in the respective county or a map with the location(s) identified.**
- C. **A Work Zone Traffic Control Plan** (*in accordance with Section 7 of these Guidelines*)
- D. **When herbicide use is proposed, also provide:**
 - **A complete list of Herbicides, Adjuvants, and/or Blends proposed and anticipated application dates.** **Include a label and Safety Data Sheet for each product.**
 - **A copy of a valid South Carolina Pesticide Applicator License for each person who will be applying herbicides or supervising application.**
The applicant shall be responsible for complying with all Federal and State laws, regulations, ordinances, and rules associated with herbicide use including but not limited to packaging, labeling, transporting, application, licensing, and supervision. The applicant shall be responsible for obtaining all necessary

permits and licenses associated with herbicide use. The applicant shall assume full liability for all damages to SCDOT property and private property and shall be responsible for the prompt and proper cleanup of spills that occur.

E. When tree or woody vegetation management is proposed:

- **Tree removal shall be in accordance with Section 2.5 of these Guidelines.**
- **Ditches and drainage areas shall be kept clear of all vegetative debris.**

3.3 Vegetation Management by Adjacent Property Owners

Refer to Section 4 and Section 5 of these Guidelines for information regarding vegetation management by owners of properties that are adjacent to SCDOT right-of-way.

3.4 Vegetation Management by Private Citizens, Groups, and similar

SCDOT will not permit the harvest (i.e., collection and removal) of roadside vegetation, vegetation by-products (such as pine straw), or vegetative debris by non-SCDOT entities such as private citizens, groups or organizations, etc., except in cases where SCDOT will disturb the site during the course of work activity (such as ditching operations, shoulder operations, etc.) and only upon approval of SCDOT.

3.5 Unauthorized (Illegal) Vegetation Management

When the local SCDOT Maintenance Office observes or is notified of a potential occurrence of unauthorized vegetation management on SCDOT right-of-way (i.e., no valid encroachment permit to authorize the activity exists), the local SCDOT Maintenance Office shall notify the respective SCDOT District Office. The SCDOT District Office shall verify and promptly notify the SCDOT Claims Office via a written memorandum. The SCDOT Claims Office will assign an investigator to investigate the incident and will communicate findings and remediation to the offender and the SCDOT District Office. The District Office will ensure that the remediation action is completed in accordance with a remediation agreement between SCDOT and the offender.

In cases of unauthorized tree cutting, the remediation shall, at a minimum, include replacement of all significant hardwood trees (12-inch caliper or more) with an equivalent number of hardwood trees. All replacement trees shall be a minimum two-inch caliper, measured at six inches above the ground surface. Additionally, each replacement tree shall have a single, straight trunk, with root flares visible. Replacement plantings shall conform to *Section 4.1* of these guidelines. These minimum requirements may be modified with approval of the Director of Maintenance.

4. BEAUTIFICATION / ENHANCEMENTS

Purpose

Roadside beautification/enhancements such as landscaping and/or wildflowers may be performed, as resources allow, by SCDOT or its agents in order to improve the appearance of roadside vegetation. SCDOT encourages roadside beautification/enhancements by non-SCDOT entities as well. Such efforts can play a role in roadside maintenance.

Guidelines

4.1 Beautification/Enhancement Projects

All roadside beautification/enhancement (i.e., landscaping) projects shall conform to the requirements stated in this **Section 4.1-Beautification/Enhancement Projects** and **Section 7-Work Zone Traffic Control**. All beautification/enhancement projects maintained by SCDOT or its agents shall be recorded appropriately in the IRVM Module of the Highway Maintenance Management System (HMMS). These locations shall be identified in the field with a properly marked Plot Identification Number sign (MUTCD # I-21-4-24). Locations not actively maintained shall have signs promptly removed and inactivated in HMMS. (Note: Corresponding HMMS Activity 406).

An encroachment permit is required for any vegetation management activity performed by any non-SCDOT entity. Proposed beautification/enhancement projects must be submitted on an *Application for Encroachment Permit- SCDOT Form 637* to the local Resident Maintenance Engineer in the respective county where the project is to occur. A plan must be included with the application (i.e., scaled drawing) detailing all pertinent information including but not limited to:

- **Plant Materials List with common and botanical names**
- **Projected mature caliper of the plants**
- **Projected mature height and spread of the plants**
- **Plant quantities and the approximate planting locations**
- **Approximate location of existing vegetation and other site elements**
- **Location and speed limit of the highway**
- **Outdoor Advertising sign (billboard) locations within the vicinity**
- **Location of Adjacent Businesses**
- **Location and Identification of All Adjacent Property Owners**
- **Average Daily Traffic (ADT)**
- **Location of guardrail or barrier curb**
- **Slope Type**
- **Work Zone Traffic Control Plan** (*in accordance with Section 7 of these Guidelines*)

The plan must be designed by a professional landscape architect licensed in South Carolina or other qualified designer. Plans with extensive landscaping should have an irrigation system if practical and cost effective. Applicants shall furnish, install, and maintain all plantings and irrigation. All plans must comply with the guidelines for landscaping included in the Department's *Access and Roadside Management Standards, Roadside Plants to Avoid/Trees with Limitations on Rights of Way and Planting Suggestions*. (Species that occur in the current edition of *Roadside Plants to Avoid/Trees with Limitations on Rights of Way* will not be permitted for planting in SCDOT right-of-way except for reference #8 plants). These documents may be found at the following internet web address:

http://www.scdot.org/getting/community_LandscapeGuide.aspx

All plants shall have a minimum three-year guarantee. (i.e., any plant that dies within the first three years of planting must be replaced with similar vegetation at the applicant's expense).

Projects shall not impair or block the visibility of existing businesses, outdoor advertising or adjacent property owners. No encroachment permit will be approved unless the applicant has first sent written notification of the beautification/enhancement project to the adjacent property owners (including but not limited to businesses, outdoor advertising sign owners, and residents) and obtains written releases from them specifically waiving all claims against applicant and SCDOT for impacts to visibility caused by the project. If the beautification/enhancement project results in the impairment or blockage of the visibility of an existing property owner at the time of planting or any time thereafter, the applicant, at its expense, shall remove such impairment and replant with lower growing, acceptable vegetation, if possible. Any replanting by applicant is subject to the minimum three-year guarantee above-mentioned. The removal and replanting shall be performed by applicant within thirty days of receipt of notice of the impairment sent by SCDOT via certified or registered mail. After expiration of the thirty day period, SCDOT may remove the impairment. The applicant shall be liable to SCDOT for the expenses incurred in such removal. The applicant shall defend and hold harmless SCDOT from any claims or liability, direct or indirect, resulting from such visibility impairments or blockages caused by the beautification/enhancement project on SCDOT right of way.

The Resident Maintenance Engineer shall forward the application packet to their respective district for review. If necessary, the district will coordinate a review with the landscape architect through the **State Permit Engineer located in the Preconstruction Support Office**. The district will review all comments prior to forwarding to the local (county) SCDOT maintenance office. No work will be allowed until the formal permit is approved by the Department and returned to the applicant. Special provisions may be stated in the encroachment permit application as per the discretion of the reviewers.

The granting of an encroachment permit does not waive the liability and responsibility of the applicant to ensure that the beautification/enhancement project does not impair or block the visibility of existing businesses and outdoor advertising. SCDOT will have the right, but not the obligation, to review and comment upon the plans. SCDOT's review comments shall be addressed in written form prior to approval of the permit. This review and comment is fully discretionary; however, no review or comment nor any failure to review or comment shall operate to absolve the applicant of its responsibility to defend and hold harmless SCDOT from all liability and claims resulting from the project, including but not limited to any impairment or blockage of visibility of an existing property owner, or to shift responsibility or liability to SCDOT.

All encroachment permits issued for beautification/enhancement projects shall include *Section 4.1* of these guidelines in its entirety as a special provision.

4.2 Maintenance Partnership Agreement

A fully executed maintenance partnership agreement is recommended for long-term maintenance of beautification/enhancement projects performed on SCDOT right-of-way by any non-SCDOT entity. A blank copy of the Maintenance Partnership Agreement form is located in *Appendix 1* of this document. In addition, the encroachment permit shall clearly state that long-term maintenance will be permitted at the location. If the Non-SCDOT entity is a local government, it agrees to be responsible for all claims or damages arising from the work performed pursuant to the maintenance partnership agreement within the limits of the SC Tort Claims Act. However, if the local government hires an independent contractor to perform the work, the local government shall insert a hold harmless clause in its contract with the contractor which requires the contractor to indemnify and hold harmless the local government and the State of South Carolina, specifically the SCDOT, from any liability, claims or damages which may arise from the performance of the contractor's work on SCDOT right of way. Further, municipalities desiring to enter into maintenance partnership agreements with SCDOT are subject to S. C. Code Section 57-5-140, which provides that SCDOT shall not be liable for damages to property or injuries to persons, as otherwise provided for in the Torts Claims Act, as a consequence of the negligence by a municipality in performing such work within the State highway right of way pursuant to the maintenance agreement.

5. VISIBILITY ENHANCEMENT

Purpose

SCDOT will allow selective vegetation management on its rights-of-way adjacent to commercial and industrial properties in order to enhance (i.e., to improve) the visibility of these locations.

Guidelines

5.1 Policy

- 5.1.1 Only commercial and industrial properties will be allowed to participate. Outdoor Advertising Sign locations shall be excluded. Properties that participate in this program shall not be allowed to qualify for off-premise advertising.
- 5.1.2 An *Encroachment Permit Application*, herein *Encroachment Permit (SCDOT Form 637)* will be required. The applicant must be the owner or an authorized representative of the property and must provide an affidavit as verification (*See Appendix 2*). The *Encroachment Permit* must clearly state the extent of the work to be performed. No work shall begin until a fully executed *Encroachment Permit* is issued to the applicant by the local (county) SCDOT Maintenance Office. All work must be completed within twelve months from the date the permit is issued.
- 5.1.3 A Performance and Indemnity Bond in the amount of \$5,000.00, or an equivalent guarantee as approved by SCDOT, is required, along with a completed *SCDOT Performance and Indemnity Bond Form 672A (See Appendix 3)*. The bond or approved equivalent is to guarantee the completion of the work in accordance with the approved encroachment permit. The bond will be kept in the respective local (county) SCDOT office. When an approved guarantee other than a performance bond is accepted, such as a money order or cashier's check, it shall be promptly submitted using *SCDOT Form 3025A*. The following entry should be made thereon: "To be deposited in Special Account Number 3900.950." When the work is successfully completed *SCDOT Form 608* shall be submitted by the local SCDOT Maintenance Office to reimburse the permittee using the above account number as the charge code.
- 5.1.4 The applicant must provide a Work Zone Traffic Control Plan and comply with all requirements stated in *Section 7* of these guidelines.
- 5.1.5 The extent of the area to be enhanced shall be limited to the right-of-way that immediately borders the applicant's property that is adjacent to the SCDOT maintained roadway (i.e., property line to property line abutting the right-of-way line).

- 5.1.6 Generally, beyond the clear zone, the vegetation management activities shall be limited to the removal of vegetation such as vines, limbing of trees, removal of brush, removal of dead trees, and removal of insignificant trees. Assessment of significant trees will be conducted by SCDOT according to *Section 2.5* of these guidelines. Within the calculated clear zone of the roadway, all trees shall be removed. The limits of the clear zone will be defined by SCDOT using the latest edition of the AASHTO Roadside Design Guide. Trees may be limbed to a height of ten feet from the existing ground surface, provided this does not remove the majority of the tree canopy. In order to prevent re-growth and subsequent creation of brush, trees approved for removal shall be cut flush with the existing soil surface, and the stumps removed or ground two inches minimum below the existing soil surface, or treated with an approved herbicide as specified in the encroachment permit (See *Section 2.2*). The applicant shall exercise care to not damage trees marked to remain. All vegetative debris shall be removed and disposed of off-site by the applicant daily.
- 5.1.7 **In cases of controlled access routes:** Ingress to and egress from the right-of-way work area shall not be made from the controlled access route and shall be so stated on the *Encroachment Permit*. Should the controlled access fence be in unsatisfactory condition after the work is completed, the applicant is required to repair or replace the fence according to SCDOT standards at the applicant's expense. The fence shall not be down when workers are not on site.
- 5.1.8 The applicant must adhere to State law(s) regarding mowing.
- 5.1.9 If the applicant desires to beautify/enhance (i.e., landscape) the area, guidelines stated in *Section 4.1* shall be followed.

5.2 Procedures

- 5.2.1 The applicant must be the property owner or the authorized property representative. The applicant must contact the local (county) SCDOT Maintenance Office to obtain an *Encroachment Permit Application*.
- 5.2.2 The representative of the local SCDOT Maintenance Office and the applicant shall make an initial on-site inspection to review site conditions and to determine the extent of vegetation removal desired. The local SCDOT representative shall collect and forward the following items to the respective district office:
- **Encroachment Permit Application** (*SCDOT Form 637*). *Clearly state the extent (including the type and caliper) of vegetation removal desired.*
 - **Authorized Property Representative Affidavit** (*Appendix 2*)
 - **Sketch of the Encroachment Area**. *The sketch must indicate the route, the location (including property boundaries), the location of the controlled access fence, the dimensions of the affected right-of-way area, and the location of outdoor advertising signs within the vicinity.)*
 - **List of Existing Vegetation** (*include number and type of significant trees*)
 - **Type and Condition of the Controlled Access Fence** (*if applicable*)
 - **Photographs of the Area** (*from the controlled access route perspective*)
 - **Work Zone Traffic Control Plan** (*in accordance with Section 7 of these Guidelines*)
- 5.2.3 The district shall review the items and determine if the request is within the scope allowed by policy stated in these guidelines and provide review comments to the local (county) SCDOT office.
- 5.2.4 If the applicant desires to proceed, the applicant shall provide the local SCDOT Maintenance Office a valid *Performance and Indemnity Bond* (or equivalent) (*Section 5.1.3*) and a fully executed *Performance and Indemnity Bond Form* (*Appendix 3*) completed in the name of the applicant.
- 5.2.5 Upon receipt of review comments from the respective district, and receipt of the *Performance and Indemnity Bond (or equivalent)* and the *Performance and Indemnity Bond Form* from the applicant, the local SCDOT maintenance office representative and the applicant shall meet on the site. During this meeting, SCDOT shall clearly mark the boundaries and the trees that will remain undisturbed (as stated in the *Encroachment Permit*).
- 5.2.6 The local SCDOT Maintenance Office representative shall routinely monitor the applicant's activity to confirm compliance with the *Encroachment Permit* until all work is complete. Upon completion of the work, a final inspection shall be performed by the local SCDOT Maintenance Office representative to ensure all work was completed as specified in the *Encroachment Permit* and to verify that the site and fence (where applicable) are in satisfactory condition.

6. OUTDOOR ADVERTISING WINDOW VEGETATION

Purpose

In an effort to maintain highway beautification in conjunction with proper land maintenance and to acknowledge the advertising industry's desire to maintain advertising displays, SCDOT will continue its vegetation maintenance program for outdoor advertising signs located adjacent to interstates and freeway primary federal-aid highways constructed to controlled access standards as defined by the Highway Advertising Control Act.

Guidelines

6.1 Scope

In accordance with the authority of Section 57-25-140, all sign owners with outdoor advertising signs adjacent to South Carolina interstates and freeway primary federal-aid highways constructed to controlled access standards, who wish to maintain vegetation within SCDOT'S rights-of-way, will be required to comply with this policy for vegetation maintenance. Cooperation from these owners will be necessary to insure consistent maintenance of SCDOT rights-of-way.

6.2 Procedures

- 6.2.1 Each location will be allowed a 500-foot longitudinal **ODA Window** measured from the outer edge of each sign facing to the outer ends of a 500-foot line along the edge of pavement. For two-sided signs, the two **ODA Windows** may not exceed 500 feet each along the edge of pavement connected at a center line running from the sign's center pole to the roadway. Significant hardwood trees, as defined in *Section 6.2.4A*, may not be removed anywhere within the **ODA Window**, however they may be pruned using the methods outlined in *Section 6.2.4*.
- 6.2.2 Any sign owner who wishes to remove and maintain vegetation on SCDOT rights-of-way within the **ODA Window** will be required to apply for a permit and enter into a contract with SCDOT to participate in the vegetation window program. Additional permits will need to be obtained for subsequent pruning and selective tree removal at each location as provided in *Section 6.2.4.B*. Signs will be allowed to participate in this program once they have been in existence over two years pursuant to S.C. Code Section 57-35-140(I)(1) and Regulation 63-350(D). The law and regulation prohibit vegetation maintenance in front of signs that have been permitted less than two years.

6.2.3 Contract obligations: After the initial permitted removal or pruning of vegetation by the sign owner, SCDOT will be responsible for maintaining vegetation at the locations during the contract period. SCDOT agrees to mow two times annually the permitted **ODA Window** and the sign owner agrees to pay \$400.00 annually to recover the costs associated with the mowing at each location. At SCDOT's discretion, the mowing costs may increase or decrease each year depending upon actual maintenance costs. The sign owners are required to remit payment by September 1 of each year. A notice for remittance will be sent to each participant thirty days prior to the due date. Any mowing costs unpaid on October 1 will cancel the **ODA Window** permit and annual mowing contract. Mowing contracts are renewed annually upon receipt of payment on September 1. The sign owner agrees to pay an additional cost, when applicable, in the amount of \$375.00, to cover extraordinary site review costs for pruning and selective tree removal associated with *Section 6.2.4.B* below. This cost must be paid to the Outdoor Advertising Office before any pruning or selective tree removal is undertaken. The pruning and selective tree removal process may be applied at a sign location participating in the Vegetation Management Program. Owners who elected to withdraw permits from the program will not be able to re-permit their cancelled vegetation permits for a period of five years from the date of cancellation.

6.2.4 Permit obligations: Sign owners will be responsible for the costs and performance of the removal of permitted vegetation of each sign location. Vegetation may not be removed by the sign owner outside the **ODA Window**. Vegetation removal will be permitted under the following conditions:

- A. Vegetation growing within twenty feet of the right-of-way controlled access fence may be removed within 500 feet maximum in one direction away from the sign face upon review and written permission of the SCDOT Outdoor Advertising Office. Vegetation permitted for removal from the fence area will not include significant hardwood trees. *Significant hardwood trees are generally considered to be those with a caliper of twelve inches or more measured at five feet above the soil surface.* SCDOT will not maintain this area and permit holders should note that environmental permits may be needed if disturbing more than one acre (for clearing and grubbing, not clear-cutting). Should the fence be in unsatisfactory condition after removing the permitted vegetation, the applicant will be required to repair or replace the fence to SCDOT standards.
- B. Trees interfering with sight distances may be pruned or selectively removed under the supervision of a certified arborist. An arborist is not required to be present during the removal of pine trees. The sign owner must obtain a new permit for such work from the SCDOT Outdoor Advertising Office before commencement of any pruning or removal. The sign owner must provide the name and address of the certified arborist along with a copy of a valid, current International Society of Arboriculture (ISA) Certified Arborist certificate or provide the ISA Certified Arborist Certificate number for at least one person on staff who will be on the job

site during each pruning process. Significant hardwood trees, as defined in *Section 6.2.4.A*, may not be removed, but may be pruned using a drop-crotch or side-pruning method intended to preserve the aesthetic qualities of the tree. Proper pruning techniques as stated in ANSI A300 (Part 1) PRUNING and ISA Best Management Practices for Pruning shall be followed at all times. All work shall adhere to ANSI Z133.1-2006 Arboricultural Operations Safety Requirements. Non-hardwoods may be selectively removed if necessary to preserve sight distances. No trees may be selectively removed if the trunk is within ten feet of the window. "Selective removal" means thinning of trees at a rate not to exceed one tree per any 225 square foot area within the **ODA Window**. Topping, hat-racking, pollarding or dehorning of trees is prohibited.

- C. Pruning of hardwoods and selective removal of other trees may be performed once in a twelve-month period only in the months of November, December, January, February, and March.
- D. Permit holders may incorporate herbicides to control undesirable vegetation along the twenty foot clearing of the fence line (See Section 2.2) in compliance with the SCDOT Herbicide Operations Manual and the permit.

6.2.5 Permit documents: SCDOT will use **Vegetation Maintenance Application Form 603**, which will be required for each vegetation maintenance program location and subsequent pruning or selective tree removal work. A comprehensive plan detailing the work to be performed must accompany each application. All information provided above the sketch block and description of work block in the **Vegetation Maintenance Application Form 603** must be typed.

- 6.2.6 Bond requirements: It will be necessary for each applicant to submit a Performance and Indemnity Bond equal to or greater than the amount of their proposed contracted work for each location participating in the vegetation program. A secured line of credit set up payable to SCDOT covering all work will also be acceptable. Also, applicants must possess a Certificate of Insurance for general liability with limits not less than \$500,000.00 each occurrence, \$500,000.00 aggregate for bodily injury, and \$500,000.00 each occurrence, \$500,000.00 aggregate for property damage. The applicant shall name SCDOT as an additional named insured. A copy of the additional named insured endorsement must accompany the Performance and Indemnity Bond.
- 6.2.7 A standardized SCDOT Performance and Indemnity Bond form will be used to assist SCDOT in processing applications as quickly as possible. Bonds will be of an amount to cover ALL work to be done in conjunction with the submitted contract.
- 6.2.8 Termination by SCDOT: Any violation of these procedures and processes or the Vegetation Window Agreement will be grounds for the termination of the agreement, cancellation of the vegetation maintenance permit, and cancellation of the outdoor advertising sign permit. Upon cancellation, the sign shall be removed at the sign owner's expense. If after thirty days the sign is not removed, SCDOT will have the sign removed and the sign owner shall reimburse SCDOT for all removal costs incurred. In addition, upon violation under this provision, the sign owner is not eligible for a sign permit within South Carolina in accordance with Section 57-25-140(I)(2) of S.C. Code of Law, 1976, as amended.
- 6.2.9 Only sign locations that are visible at the time of installation will be allowed to participate in the vegetation maintenance program upon their two-year anniversary of installation.
- 6.2.10 Any areas that are deemed "protected corridors" by SCDOT will be reviewed by SCDOT to determine if vegetation maintenance will be feasible and limitations may be established before vegetation permits are issued. Planting of some type of vegetation consistent with the preservation of the corridor may be required at SCDOT's discretion.
- 6.2.11 Sign locations that cannot be accommodated under these specifications will be reviewed by SCDOT for resolution on a case-by-case basis.

6.3 Process

The applicant must submit:

- Vegetation Maintenance Application (SCDOT Form 603) for each location admitted into the program to the Outdoor Advertising Office. An application is also required for subsequent pruning or selective tree removal work at the program locations.
- Vegetation maintenance plan with written justification for the extent of proposed work.
- Performance and Indemnity Bond (format may be obtained from the Outdoor Advertising Office).
- ODA Vegetation Window Agreement for each location along with \$400 for the costs of the mowing. Any check returned for insufficient funds must be resubmitted and any insufficient funds service fees paid within ten days of the letter of notification to sign owner. Failure to include costs payment within this period will result in the contract and vegetation permits being cancelled.
- **Work Zone Traffic Control Plan** (*in accordance with Section 7 of these Guidelines*)

6.3.1 Upon receipt of the application package, the Outdoor Advertising Office will review the application, bond, and insurance for approval. The SCDOT Regional Outdoor Advertising Coordinator will field-review all locations. SCDOT will mark the 500-foot longitudinal **ODA Window**, measuring from the sign's support nearest the main traveled way along a line parallel with the main traveled way. The 500-foot **ODA Window** will then be marked according to the application and any trees that are to remain will be flagged and photographed.

6.3.2 Following completion of the field review, SCDOT will mail successful applicants a letter of approval. Vegetation permits will be valid for six months from the date of issuance. A one-time thirty-day extension may be granted at the discretion of SCDOT if the applicant can show extenuating circumstances beyond the applicant's control, were responsible for the delay.

6.4 Instructions Outlining Procedures and Conditions of the Permit

Procedures to be followed and conditions of the permit include, but are not limited to the following:

- No work under the permit can commence without a minimum advance notice of forty-eight hours to the appropriate SCDOT Regional Outdoor Advertising Coordinator.
- No significant hardwood tree with a caliper of twelve inches or more measured at five feet above the soil surface may be removed anywhere within the **ODA Window**.
- The **ODA Window** shall be accessed by applicant from the sign side (private property).
- The permittee shall grind all stumps a minimum of two inches below existing ground level.
- Areas with high banks, which cannot be easily maintained by mowing, will require the planting of a low growing grass, as recommended by SCDOT in accordance with the current edition of the *SCDOT Standard Specifications for Highway Construction*, at the permittee's expense.
- All debris will be removed by the permittee from the right-of-way and view of the traveling public before leaving the site.
- The permittee must complete permitted vegetation removal at one location in its entirety before beginning on a new location.
- All locations will be reviewed by SCDOT for compliance.

6.5 Special Provisions

Any pre-existing conforming sign structure exceeding fifty feet in height, that is lowered to a height not to exceed fifty feet or fifty percent of its total height, whichever is lowest, will be allowed to participate in the vegetation maintenance program for ten years without charge upon verification and approval of the SCDOT. All heights will be measured from ground level.

6.6 Outdoor Advertising (ODA) Window Mowing

ODA Window mowing for permitted signs will generally be performed by SCDOT April 1 through November 15. Mowing at ODA signs shall only be performed by SCDOT (or its agents) and shall only occur within the **ODA Window** accordingly to either **TYPICAL L-STANDARD VEGETATION WINDOW CUT** or **TYPICAL M-MODIFIED VEGETATION WINDOW CUT**. Prior to mowing any **ODA Window** each year the SCDOT Regional Coordinator will advise the respective SCDOT Maintenance Office which typical is in effect. **SCDOT shall not disturb any significant hardwood trees with a caliper of twelve inches or more measured at five feet above the soil surface. SCDOT shall not disturb any tree limbs overhanging into the ODA Window. (Management of trees and tree limbs within the ODA Window shall strictly conform to Section 6.2.4 above.)** Regardless of slope, all vegetation shall be mowed to a uniform height of no less than four inches and no more than six inches. All equipment shall be maintained in good cutting condition. All equipment shall be operated in such a manner so as to prevent scalping, rutting or other damage to the turf.

7. WORK ZONE TRAFFIC CONTROL

Purpose

Work Zone Traffic Control is necessary to provide for the reasonably safe and efficient movement of road users through or around work zones while reasonably protecting workers and equipment.

Guidelines

All vegetation management activities performed on SCDOT right-of-way, whether by SCDOT, its agents, or non-SCDOT entities, are required to have appropriate/proper work zone traffic control. A Work Zone Traffic Control Plan must be submitted with all *Encroachment Permit Applications* and shall be reviewed by the respective District Traffic Engineer. All Work Zone Traffic Control shall be in place daily before any work commences. All Work Zone Traffic Control devices shall be promptly removed daily when work is complete. Work Zone Traffic Control shall comply with the latest editions of:

- *Manual on Uniform Traffic Control Devices (MUTCD)*:
http://mutcd.fhwa.dot.gov/kno_2009.htm
- *SCDOT Standard Specifications for Highway Construction*:
<http://www.scdot.org/doing/constman.shtml>
- Approved Products List for Traffic Control Devices in Work Zones:
http://info.scdot.org/Construction_D/sitepages/qualifiedProducts3.aspx
- Applicable SCDOT Traffic Control Standard Drawings
http://www.scdot.org/doing/sd_disclaimer.aspx
- Engineering Directive No. 32 – Hourly Restrictions for Lane Closures on Interstates and Primary Routes (For areas where dual lines of cable guardrail are in place on the interstate requiring the work be conducted under lane closures:
http://info.scdot.org/Construction_D/sitepages/Engineering_directives.aspx

Work shall be planned and carried out to minimize inconvenience to the traveling public and adjacent landowners. All work zone traffic control devices, except for Category IV devices, shall comply with the requirements of the National Cooperative Highway Research Program Report 350 (NCHRP Report 350). Only traffic control devices listed on the “*Approved Products List For Traffic Control Devices In Work Zones*” are acceptable. This list also includes the implementation dates and any special conditions or restrictions for each device.

All signs mounted on portable sign supports shall have a minimum mounting height of five feet from the ground (i.e., soil surface) to the bottom of the sign.

A standard Slow Moving Vehicle (SMV) emblem shall be mounted on the rear of all slow-moving equipment/vehicles. Equipment/vehicles shall conform to the prevailing OSHA standards. Equipment/vehicles shall adhere to the following **SCDOT Warning Light Standards**:

Purpose:

1. Allow drivers to perceive the presence of people, vehicles, and/or equipment alongside the roadway without dominating driver attention.
2. Establish uniform lighting configurations that are easily recognized as roadside construction and maintenance activities.
3. Accomplish the above with reliable, maintainable, quality, and cost-effective components and technologies.

Requirements:

1. All warning lights used during construction and/or maintenance activities shall be SAE Class 1 lighting.
2. Lighting shall provide 360 degree visibility and be clearly visible at distances ranging from no less than 1/3 mile to as much as 1 mile.
3. Lighting flash pattern shall be a quad flash alternating left-right pattern (wig-wag). This pattern introduces an animation effect to the warning lights which helps a driver notice the warning lights earlier than a non-animated flash pattern.

Approved Lighting:

1. Full Length Bar - Federal Signal LPX45DS or equal
2. Mini Bar - Federal Signal 454201HL-02 or equal
3. Beacon - STAR 257H8TAL-A LED or equal

Additionally,

For each tractor:

- All manufacturer-installed lights, including headlights, shall be fully operational.
- A standard slow moving vehicle emblem (SMV) shall be mounted on the rear of the tractor (or on the rear-mounted mowing deck) in such a position that it is clearly visible by vehicles approaching from the rear. The emblem shall not interfere with the visibility of the tractor's lights, including the top-mounted light(s).

For each rear-mounted mowing deck that extends beyond the width of the rear tractor tires:

- Two flags, a minimum of 24 inches by 24 inches that are red, orange, or fluorescent orange in color are required. Each flag shall be mounted on a rigid staff a minimum three feet in length, in a flexible mount, within six inches of each outer edge of the mowing deck. **EXCEPTION: only in cases where adjacent vegetation (such as brush or limbs) interferes with the integrity of the flag that is mounted on the side opposite from traffic may this flag be temporarily removed. Once the interference is passed, the flag must be re-installed.**

FOR MOWING & BRUSH MANAGEMENT OPERATIONS:

All mowing & brush management equipment shall be equipped to preclude objects from being ejected.

For the following MOWING activities: HAND TRIMMING, ODA WINDOW MOWING, ROUTINE MOWING, and SAFETY MOWING: “MOWING” signs (Standard Sign No.: W21-9A-48) shall be used. These signs shall conform to the specifications stated in **TYPICAL N – SIGN DETAIL: MOWING**. Signs must be moved as necessary to remain within three miles of the operation as depicted in **TYPICAL O – SIGN PLACEMENT: MOWING**. On primary and secondary roadways less than three miles long, signs will be placed at each end of the road. Flagmen, warning signs, barricades, and/or other suitable protective devices shall be placed not less than five hundred feet in each direction from the work site while loading or unloading materials or equipment. The operation should be performed in the same direction as the flow of traffic. Equipment is restricted to traveling on the right hand shoulder of Interstate routes when not actively operating and in no case shall travel be in traffic lanes except to cross the pavement for purposes of operating adjacent to the left shoulder. Turnarounds shall be confined to the existing crossovers or to interchanges. Operations on the Interstate shall be conducted such that equipment does not encroach into the travel-way. If this is not possible, a lane closure with appropriate traffic control may be required. On two-lane primary highways and secondary roads, encroachment on the travel-way shall be held to the minimum possible to satisfactorily accomplish the operation.

For all BRUSH MANAGEMENT activities: “BRUSH MANAGEMENT” signs (Standard Sign No.: W21-9.1A-48) shall be used. These signs shall conform to the specifications stated in **TYPICAL P – SIGN DETAIL: BRUSH MANAGEMENT**. Signs must be moved as necessary to remain within three miles of the operation as depicted in **TYPICAL Q – SIGN PLACEMENT: BRUSH MANAGEMENT**. Flagmen, warning signs, barricades, and/or other suitable protective devices shall be placed not less than five hundred feet in each direction from the work site while loading or unloading materials or equipment. The operation should be performed in the same direction as the flow of traffic. Equipment is restricted to traveling on the right hand shoulder of Interstate routes when not actively operating and in no case shall travel be in traffic lanes except to cross the pavement for purposes of operating adjacent to the left shoulder. Turnarounds shall be confined to the existing crossovers or to interchanges. Operations on the Interstate shall be conducted such that equipment does not encroach into the travel-way. If this is not possible, a lane closure with appropriate traffic control may be required.

8. WORKER SAFETY

Purpose

To reasonably protect workers while they are performing roadside vegetation management activities.

Guidelines

SCDOT employees shall follow all safety guidelines established in the current edition of the *SCDOT Employee's Safety Manual* as well as the worker safety and work safety apparel section of the *Work Zone Safety Guidelines for the South Carolina Department of Transportation, Municipalities, Counties, Utilities, and Contractors*.

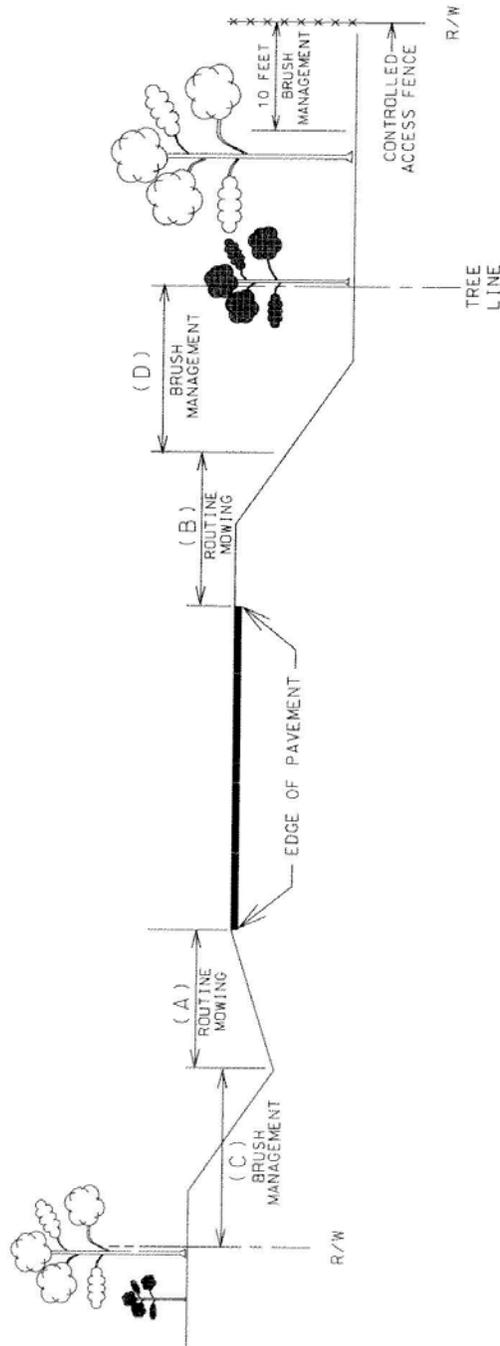
For safety guidelines of non-SCDOT workers, the employer should contact the South Carolina Department of Labor, Licensing and Regulation (<http://www.llr.state.sc.us/>).

9. SUMMARY

SCDOT is working diligently to maintain and improve roadside vegetation in South Carolina. The success of the Roadside Vegetation Program will require a team effort from all members of the SCDOT Division of Maintenance. Each District must work in close cooperation with the Director of Maintenance staff. This includes developing goals, scheduling vegetation management and improvement activities, and timely reporting of the activities involved in this program.

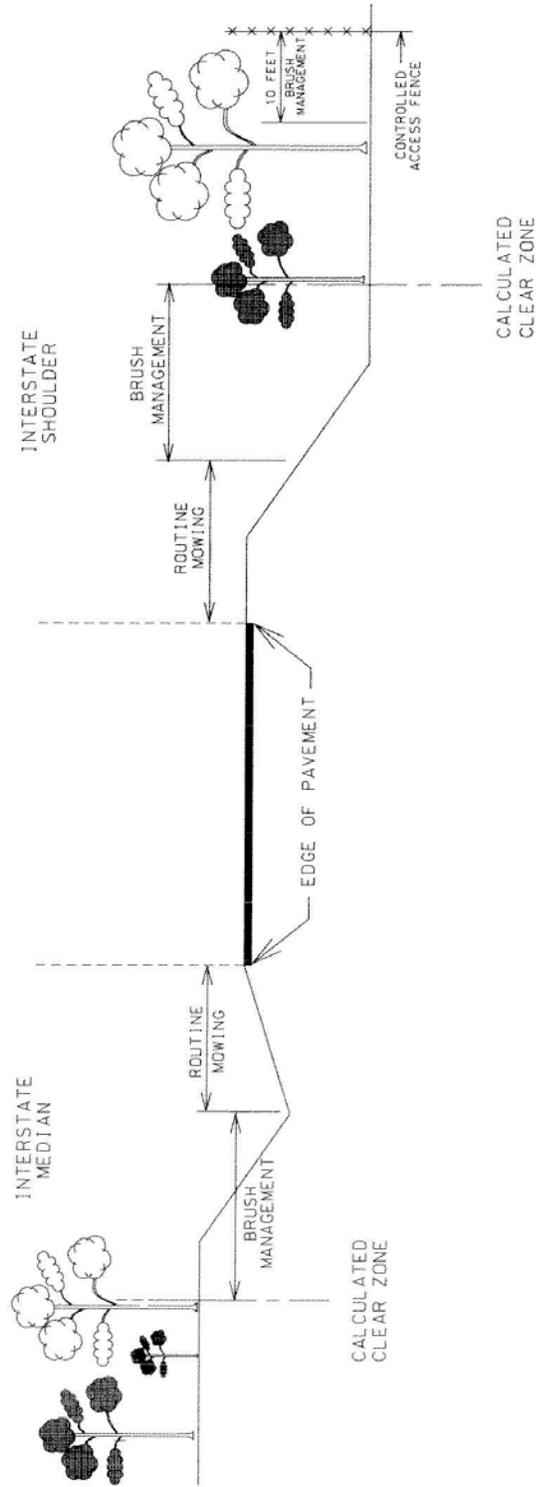
10. TYPICALS

TYPICAL A – BRUSH MANAGEMENT (Primary / Secondary Routes)

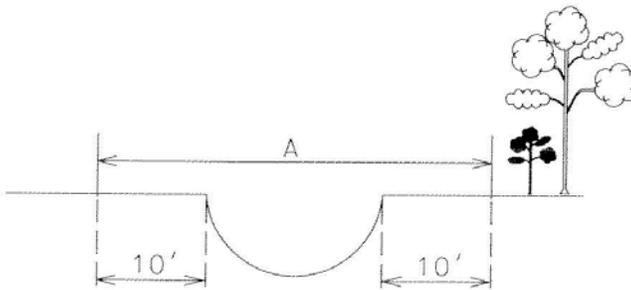
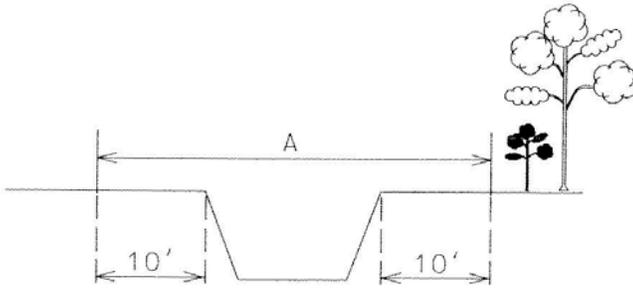
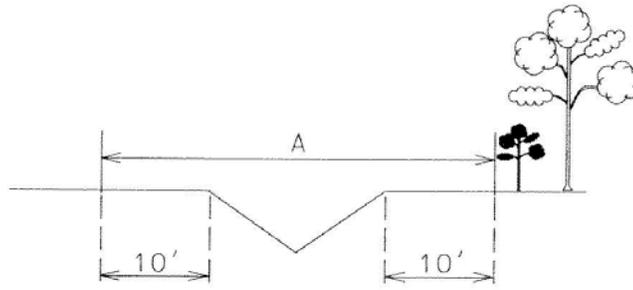


A,B,C,D: SEE RELATED TEXT FOR INFORMATION

TYPICAL B – BRUSH MANAGEMENT (Interstate Routes)

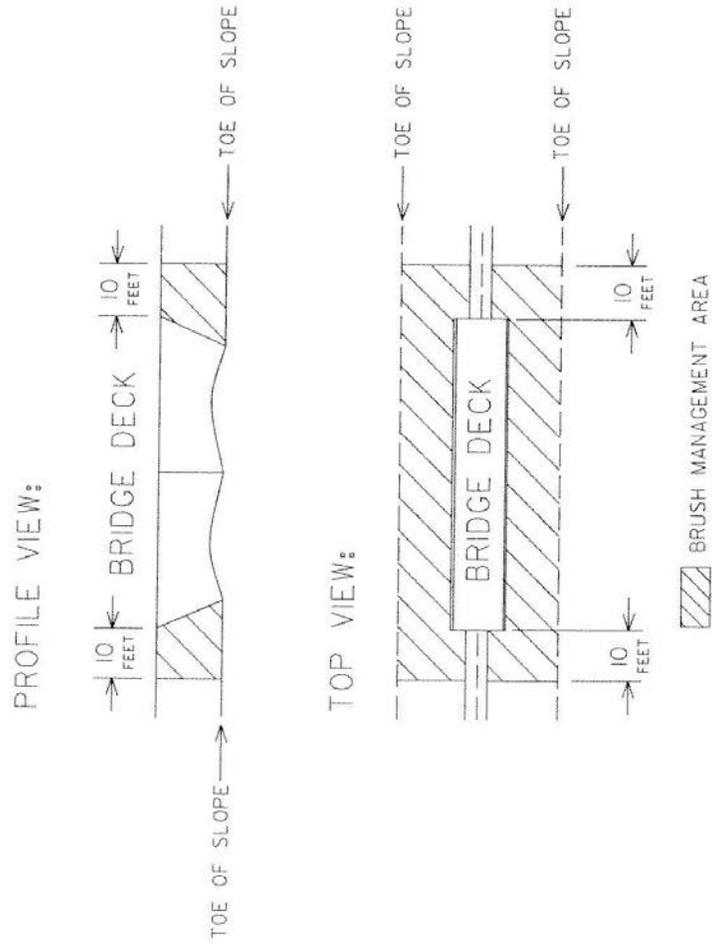


TYPICAL C – BRUSH MANAGEMENT (Interstate Ditches)

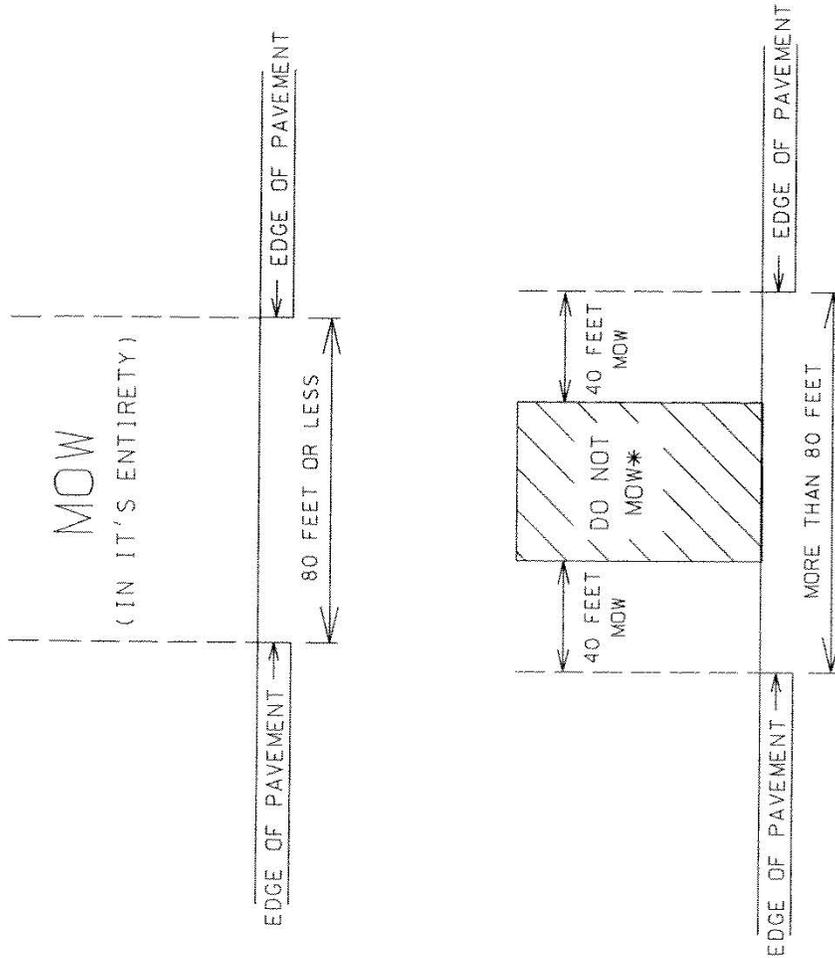


A: SEE RELATED TEXT FOR INFORMATION

TYPICAL D – BRUSH MANAGEMENT (Bridges)

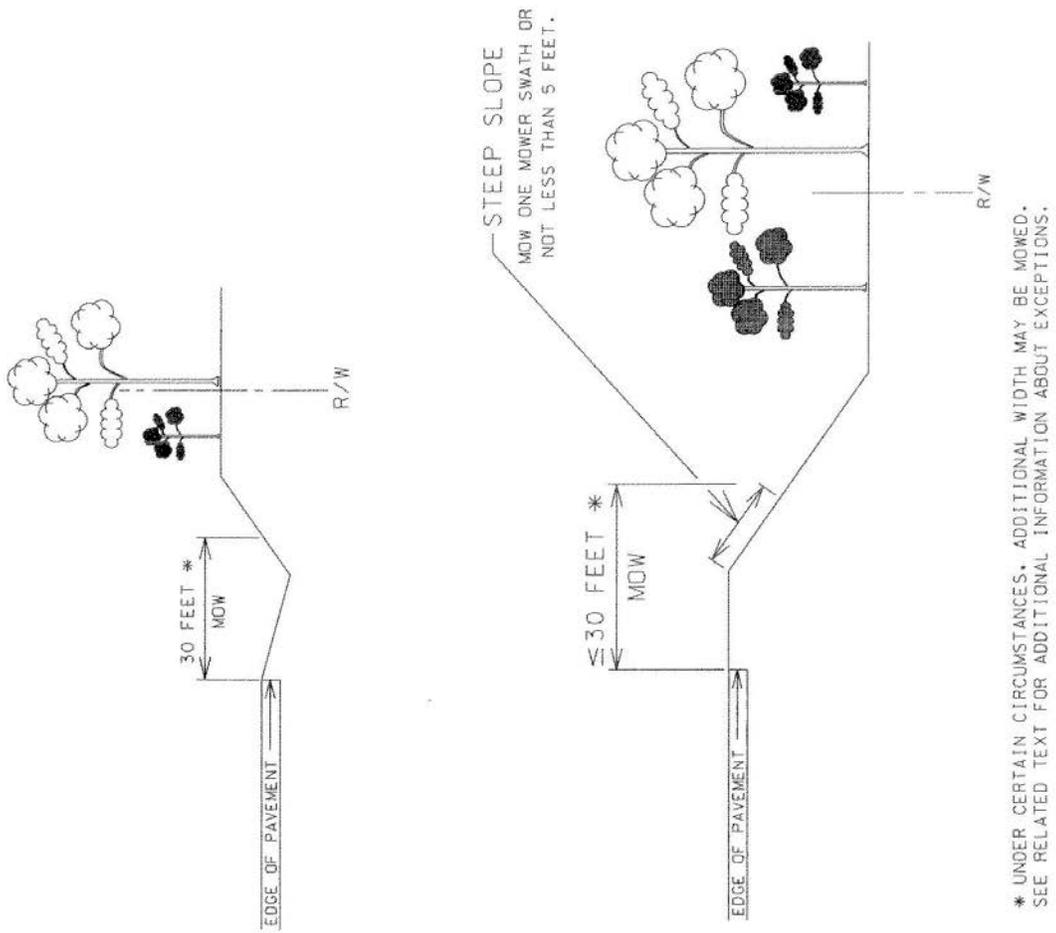


TYPICAL E – ROUTINE MOWING (Interstate Medians)

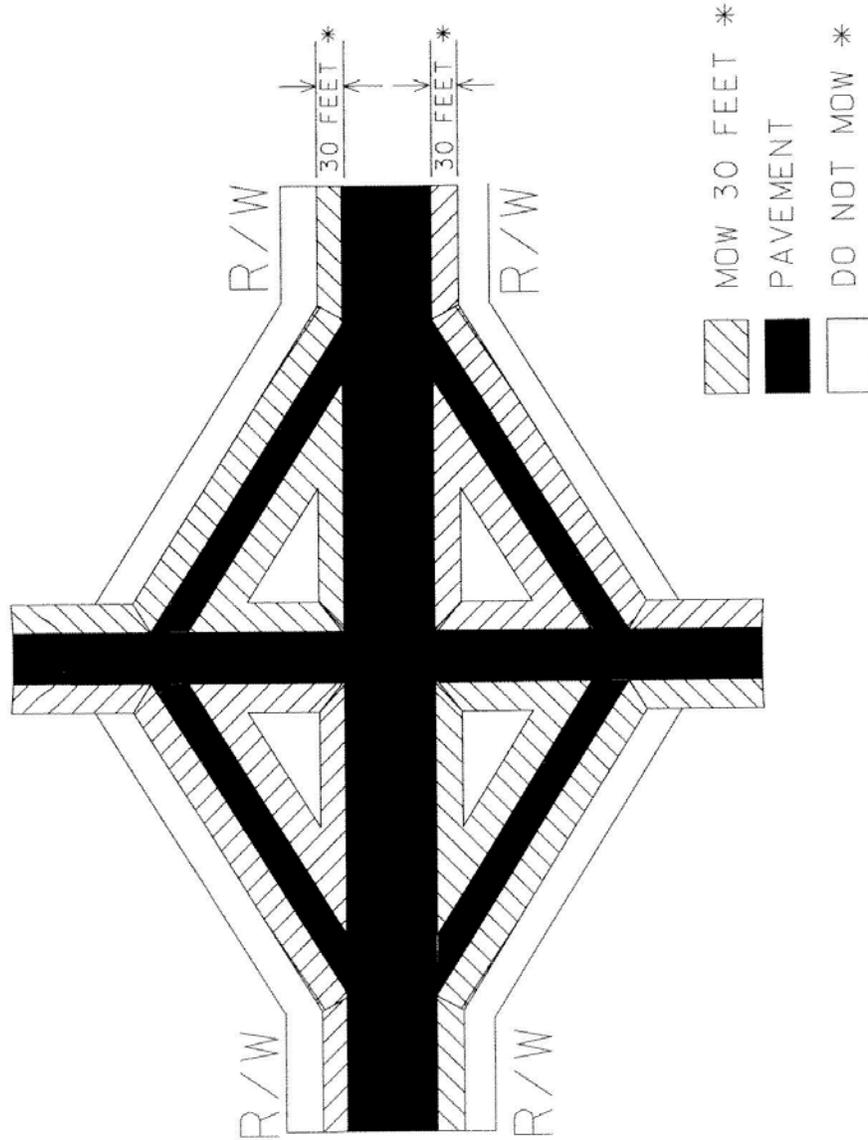


* UNDER CERTAIN CIRCUMSTANCES, ADDITIONAL WIDTH MAY BE MOWED. SEE RELATED TEXT FOR ADDITIONAL INFORMATION ABOUT EXCEPTIONS.

TYPICAL F – ROUTINE MOWING (Interstate Shoulders / Roadsides)

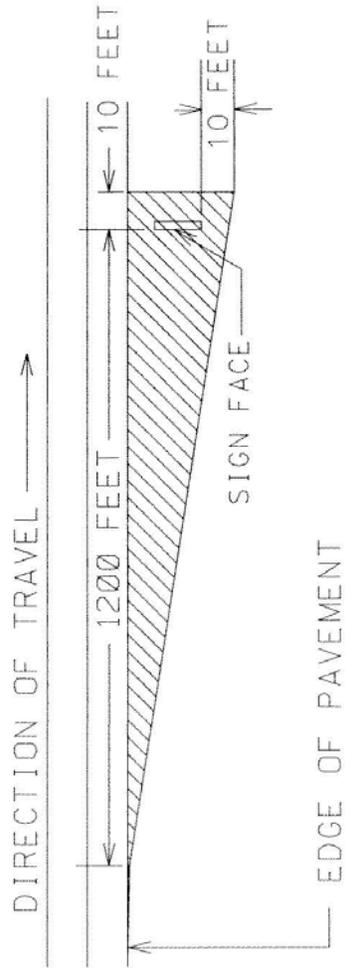


TYPICAL G – ROUTINE MOWING (Interstate Interchanges)



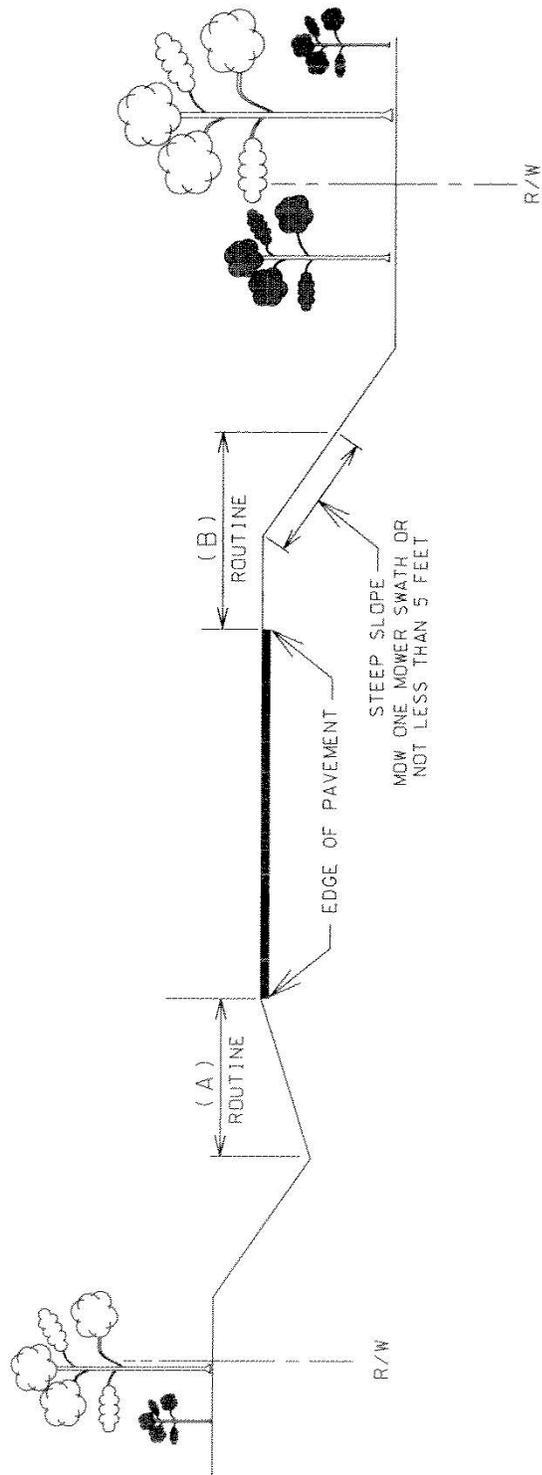
* UNDER CERTAIN CIRCUMSTANCES, ADDITIONAL WIDTH MAY BE MOWED.
SEE RELATED TEXT FOR ADDITIONAL INFORMATION ABOUT EXCEPTIONS.

TYPICAL H – ROUTINE MOWING (Interstate Information / Guide Signs)

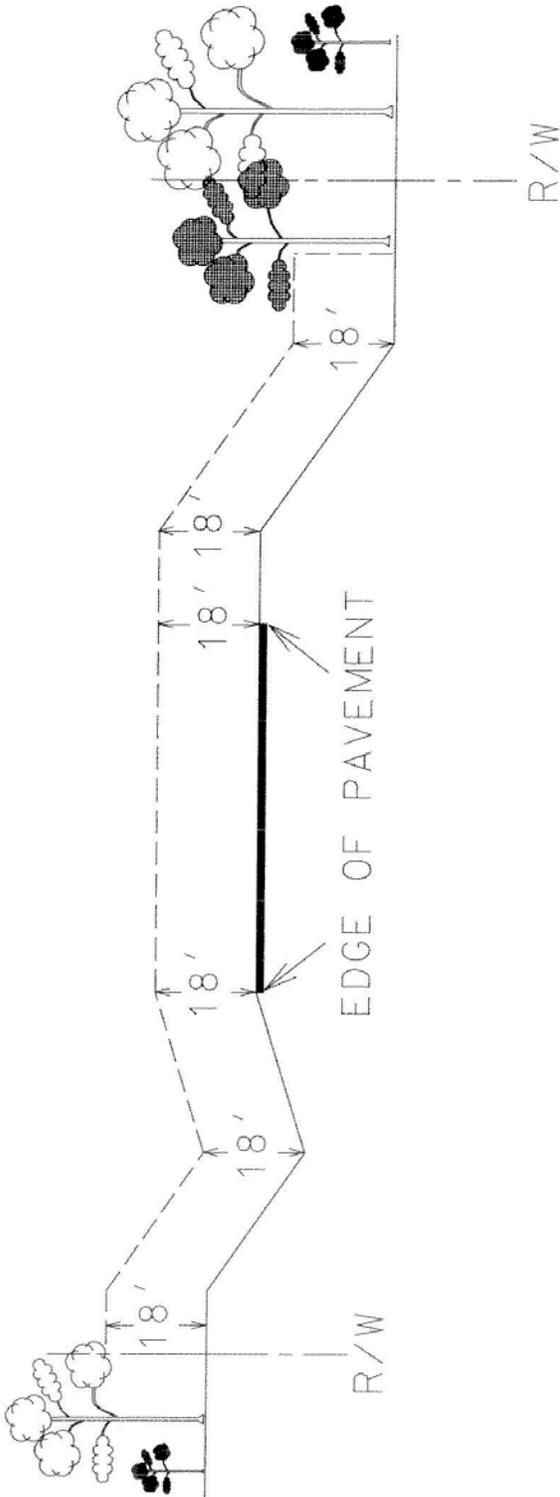


 = ROUTINE MOWING AREA FOR INTERSTATE INFORMATION & GUIDE SIGNS

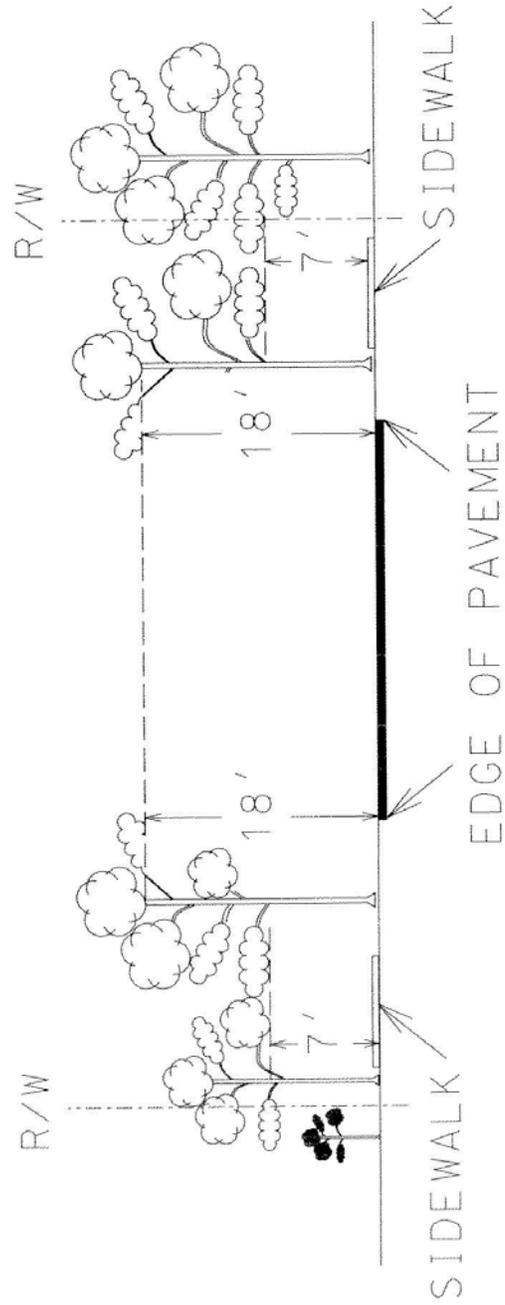
TYPICAL I – ROUTINE MOWING (Primary / Secondary Shoulders)



TYPICAL J – LIMB MANAGEMENT (Non-Urban)

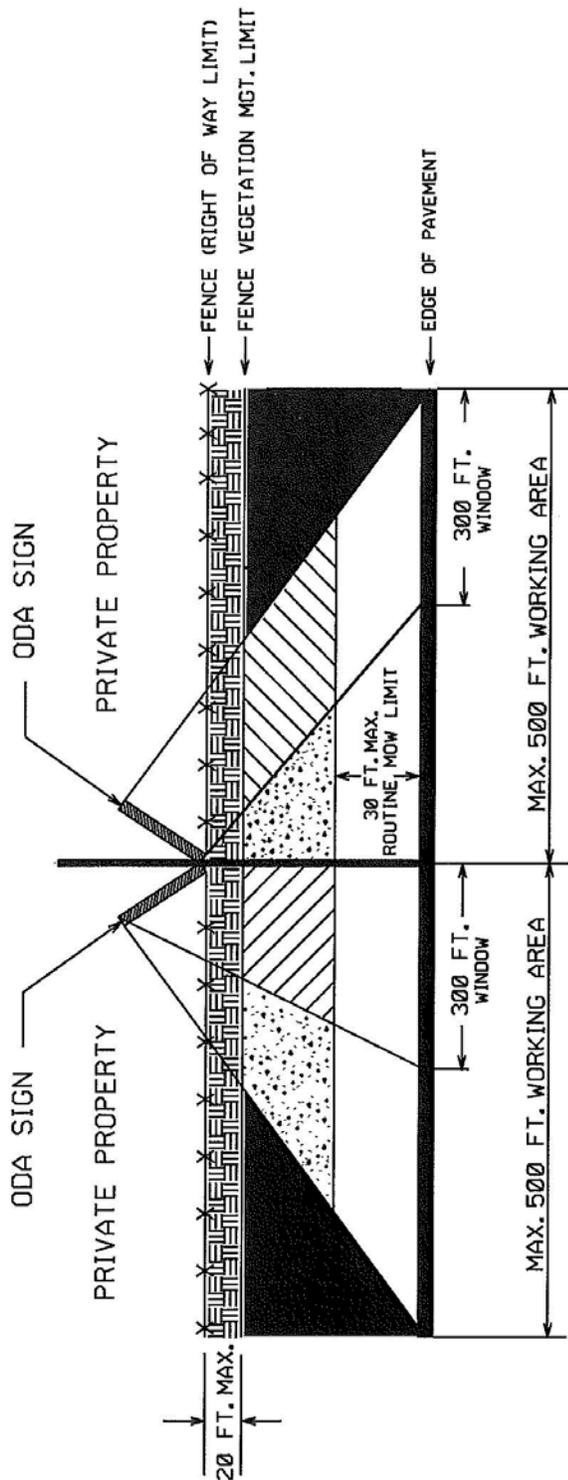


TYPICAL K – LIMB MANAGEMENT (Urban)



TYPICAL L –STANDARD VEGETATION WINDOW CUT

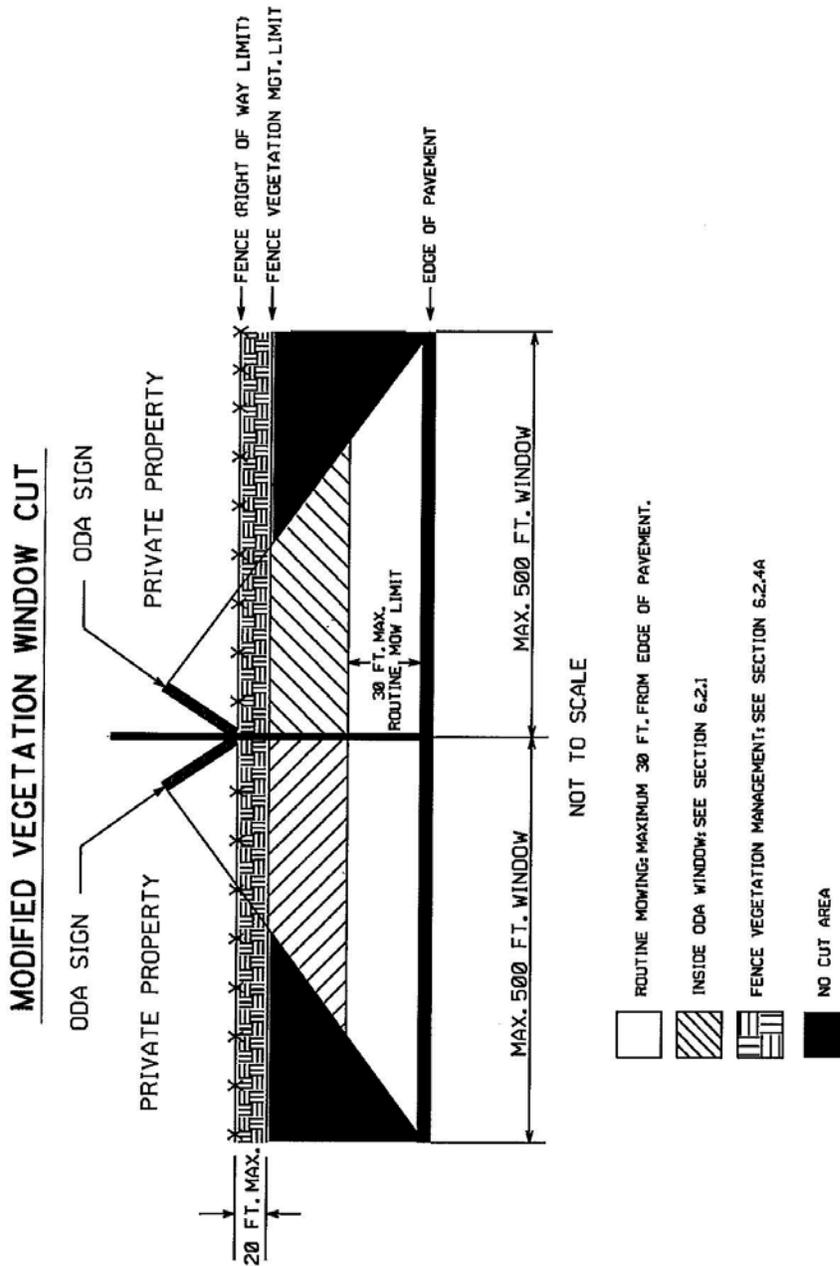
STANDARD VEGETATION WINDOW CUT



NOT TO SCALE

-  ROUTINE MOWING: MAXIMUM 30 FT. FROM EDGE OF PAVEMENT.
-  INSIDE ODA WINDOW: SEE SECTION 6.2.1
-  OUTSIDE ODA WINDOW: SEE SECTION 6.2.4.B
-  FENCE VEGETATION MANAGEMENT: SEE SECTION 6.2.4.A
-  NO CUT AREA

TYPICAL M – MODIFIED VEGETATION WINDOW CUT



TYPICAL N– SIGN DETAIL: MOWING (Use for Hand Trimming, ODA Window Mowing, Routine Mowing, and Safety Mowing)



W21-9A-48;
 48.00" across sides 3.00" Radius, 1.25" Border, 0.75" Indent, Black on Orange;
 [MOWING] C; [NEXT] C; [3] C; [MILES] C;

SIGN NO.: W21-9A-48

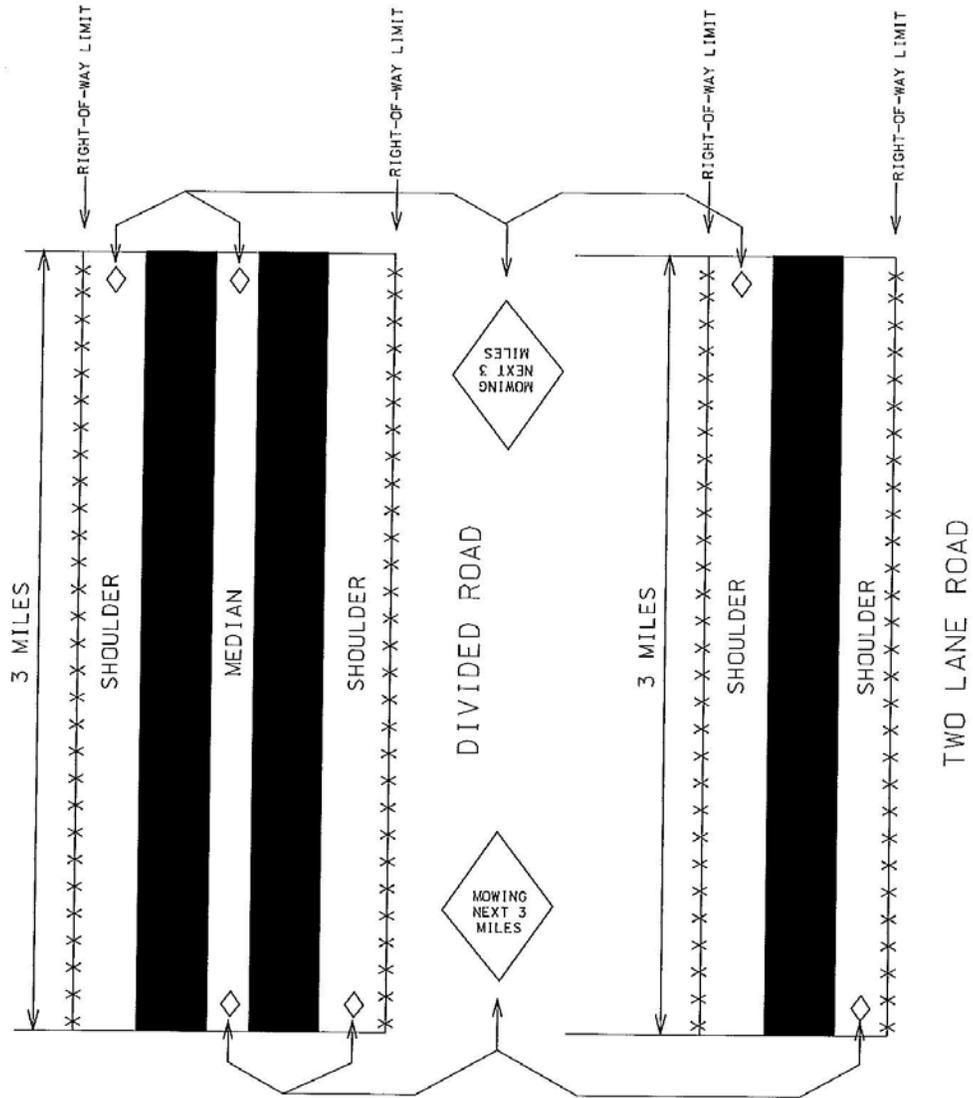
DATE: August 7, 2013

FILE NAME: W21-9A-48.DGN

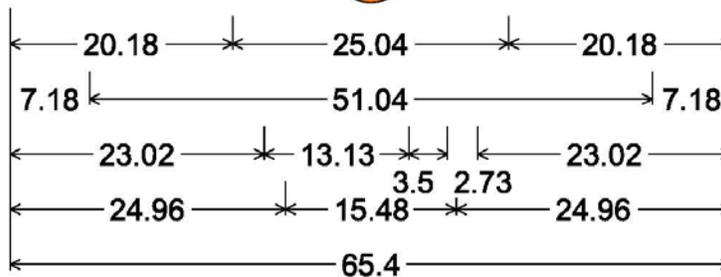
CADD DIRECTORY: T:/SIGNING/STANDARD SIGNS

DESIGNED BY: JTE

TYPICAL O- SIGN PLACEMENT: MOWING (Use for Hand Trimming, ODA Window Mowing, Routine Mowing, and Safety Mowing)



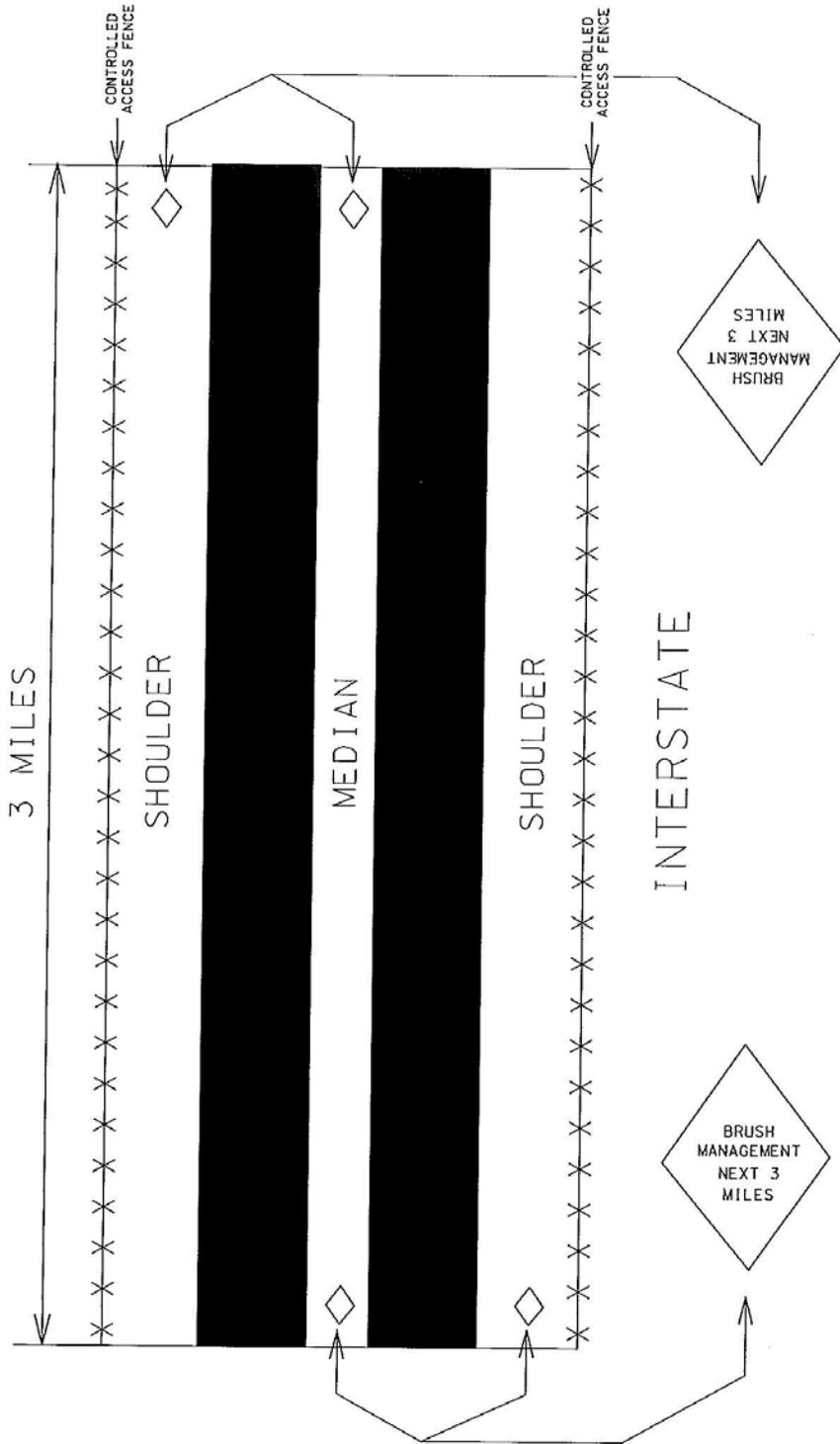
TYPICAL P– SIGN DETAIL: BRUSH MANAGEMENT (Use for all Brush Management activities)



W21-9.1A-48;
 48.00" across sides 3.00" Radius, 1.00" Border, 0.75" Indent,
 Black on Orange;
 [BRUSH] C; [MANAGEMENT] C; [NEXT] C;
 [3] C; [MILES] C;

SIGN NO.: W21-9.1A-48
DATE: August 7, 2013

TYPICAL Q- SIGN PLACEMENT: BRUSH MANAGEMENT (Use for all Brush Management activities)



11. APPENDICES

APPENDIX 1 – MAINTENANCE PARTNERSHIP AGREEMENT

2/17/00

THIS AGREEMENT is entered this _____ day of _____, 20____, by and between _____ (hereinafter "Non-SCDOT Entity") and the South Carolina Department of Transportation (hereinafter "SCDOT").

WHEREAS, in accordance with Sections 57-3-110 (1) and (10), 57-3-650, 57-23-10, 57-23-800(E), 57-25-140, and the SCDOT's Policy of Vegetation Preservation on SC Highways, SCDOT is authorized to allow landscaping and beautification efforts on SCDOT right of ways;

WHEREAS, Non-SCDOT Entity has previously obtained a SCDOT Encroachment Permit for the one-time right to access SCDOT's right of way for landscaping, beautification and/or enhancement. Said encroachment permit is described as follows:

Permit Number: _____ Date Issued: _____

Location _____;

WHEREAS, SCDOT and Non-SCDOT Entity are desirous of entering into this Agreement to grant a continuous license to the Non-SCDOT Entity to enter the SCDOT's right of way to conduct routine maintenance of landscaping, beautification and/or enhancements permitted by the aforesaid encroachment permit;

NOW THEREFORE, in consideration of mutual promises, SCDOT and Non-SCDOT Entity agree to the following:

1) SCDOT grants Non-SCDOT Entity a license to enter onto the SCDOT right of way at the area defined by the encroachment permit. The purpose of the license to enter is limited to routine maintenance of the encroachment permit area. Such entry will be limited to the scope of the work identified in the encroachment permit. No additional encroachment beyond that contemplated by the original encroachment permit is allowed. If additional maintenance, enhancement and/or beautification efforts, different from the original scope of work identified in the encroachment permit, is requested, Non-SCDOT Entity will be required to submit a new encroachment permit identifying the new scope of work. Entry onto SCDOT right of way pursuant to this agreement may be without notice to the SCDOT.

2) Non-SCDOT Entity agrees to post all necessary traffic control devices and take all necessary precautions in conformance with SCDOT traffic control standards and as required by the SCDOT, along the SCDOT right of way prior to and during the performance of any routine maintenance, enhancement and/or beautification efforts.

3) Non-SCDOT Entity agrees that no work shall be accomplished from the mainline side of the highway. Ingress and egress from the work area shall be made from private property as identified on the encroachment permit.

4) Non-SCDOT Entity agrees to indemnify and hold harmless the SCDOT from any and all claims, damages and liability arising or resulting from the Non-SCDOT Entity's presence on and use of the SCDOT right of ways for routine maintenance, enhancement and/or beautification. If Non-SCDOT Entity is a local government, it agrees to be responsible for all claims or damages arising from the work performed within the limits of the SC Tort Claims Act. In addition, Local government shall insert a hold harmless and indemnification clause in its contract with all contractors and subcontractors which requires the contractor and subcontractor to indemnify and hold harmless the local government and the State of South Carolina, specifically the SCDOT, from any liability, claims or damages which may arise from the performance of the work on SCDOT right of way. Further, municipalities agree that they are subject to S. C. Code Section 57-5-140, which provides that SCDOT shall not be liable for damages to property or injuries to persons, as otherwise provided for in the Torts Claims Act, as a consequence of the negligence by a municipality in performing such work within the State highway right of way.

MAINTENANCE PARTNERSHIP AGREEMENT, PAGE 2

5) This Agreement shall not be modified, amended or altered except upon written consent of the parties. Neither party shall assign, sublet, or transfer its interest in this Agreement without the written consent of the other.

6) This Agreement may be terminated upon thirty days' written notice to the other party; however, in cases where the Non-SCDOT Entity is not performing in accordance with this Agreement, SCDOT shall give written notice to Non-SCDOT Entity of the failure in performance and, if the Non-SCDOT Entity does not correct or cure the performance within three days of receipt of the notice, SCDOT shall have the option to terminate this license immediately, and shall, thereafter, give written notice of such termination to the Non-SCDOT Entity.

IN WITNESS WHEREOF, the above parties have hereunto set their hands and seals.

SOUTH CAROLINA DEPARTMENT OF
TRANSPORTATION

Non-SCDOT Entity

By: _____

By: _____

Its: _____

Its: _____

Recommended by: _____

APPENDIX 3 – PERFORMANCE AND INDEMNITY BOND FORM

South Carolina Department of Transportation Form No. 672A PERFORMANCE AND INDEMNITY BOND	Rev. 11-20-2000	Date Bond Executed:
Principal:	Bond Number:	
Surety:		
Penal Sum of Bond (Express in words & figures):	Date of Contract:	
Project S. C. File No(s):	Contract Number:	

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL AND SURETY above named are held and firmly bound unto the South Carolina Department of Transportation, hereinafter called the Department, in the penal sum of the amount stated above which shall be equal to the full amount (100%) of the contract, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the principal entered into a certain contract with the Department, numbered and dated as shown above and hereto attached:

NOW, THEREFORE, if the principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions and agreements of said contract during the original term of said contract and any extensions thereof that may be granted by the Department, with or without notice to the surety, and during the life of any guaranty required under the contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the surety being hereby waived, then, this obligation to be void; otherwise to remain in full force and virtue.

IN WITNESS WHEREOF, the above-bounden parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

In Presence of: Witness (2 required) 1. _____ 2. _____	FOR INDIVIDUAL OR PARTNERSHIP PRINCIPAL _____ (seal) _____ (seal)
Attest _____ Corporate Secretary In Presence of: Witness (2 required) 1. _____ 2. _____	FOR CORPORATE PRINCIPAL _____ Corporation Name _____ Business Address By: _____ Title: _____ <div style="border: 1px solid black; width: 50px; height: 20px; float: right; text-align: center; font-size: 8px;"> Affix Corporate Seal </div>
In Presence of: Witness (2 required) 1. _____ 2. _____	SURETY/INSURER _____ Surety/ Insurers Name _____ Business Address By: _____ Title: _____ <div style="border: 1px solid black; width: 50px; height: 20px; float: right; text-align: center; font-size: 8px;"> Affix Corporate Seal </div>

**APPENDIX 4 – OUTDOOR ADVERTISING VEGETATION WINDOW
AGREEMENT**

This Agreement is between the South Carolina Department of Transportation (hereinafter "SCDOT") and _____ (hereinafter "APPLICANT") for the cutting of vegetation on SCDOT'S right of way in front of each billboard facing owned by APPLICANT.

WHEREAS, this Agreement shall implement the Outdoor Advertising 500 Foot Vegetation Window and Maintenance Program (hereinafter "PROGRAM").

The parties to this Agreement hereby agree as follows:

I. RESPONSIBILITIES, RIGHTS AND DUTIES

A. RESPONSIBILITIES, RIGHTS AND DUTIES OF APPLICANT

1. APPLICANT must submit a vegetation maintenance permit application (SCDOT Form 603) for each sign site, along with a comprehensive vegetation removal plan, this Agreement, a Performance and Indemnity Bond or line of credit, Funding under Article II, and general Liability Insurance Certificate, to the SCDOT Outdoor Advertising office located at PO Box 191, 955 Park Street, Columbia, SC 29202 for approval and consideration in participating in the program.

- a. No application will be reviewed unless all required documents listed above, including fee, are submitted.
- b. This Agreement can reference one or more approved vegetation maintenance permit applications. In that case, the sign permit number of each sign subject to the vegetation maintenance permit must be identified and attached to this Agreement as Exhibit "A".
- c. The Performance and Indemnity Bond and/or line of credit must be approved by the Outdoor Advertising office prior to any clearing of right of way by APPLICANT.

2. Upon approval of the documents in subsection A.1, APPLICANT will be allowed to enter upon SCDOT'S right of way to cut the 500 foot vegetation window, as designated by SCDOT; provided, prior to and within forty eight (48) hours of entering upon SCDOT'S right of way, APPLICANT contacts the appropriate Outdoor Advertising Coordinator and gives notice of the approximate time that APPLICANT will enter upon SCDOT'S right of way.

3. APPLICANT agrees to cut vegetation under the following criteria:

- a. APPLICANT will not cut significant hardwoods that are in excess of twelve inches diameter;
- b. All hardwoods larger than twelve inches in diameter must be examined by the SCDOT Regional Outdoor Advertising Coordinator to determine if they will hinder routine mowing;
- c. All cutting by the APPLICANT will be performed from the sign side of the right-of-way (private property) to avoid distractions to the traveling public;
- d. All cuttings and debris will be immediately removed from SCDOT's right-of-way by APPLICANT at APPLICANT's expense.

4. APPLICANT agrees to comply with all state, federal and local laws and regulations when issued a vegetation maintenance permit and accepted for participation in the PROGRAM.

B. RESPONSIBILITIES, RIGHTS AND DUTIES OF THE SCDOT

1. SCDOT Outdoor Advertising office will be responsible for reviewing the documents submitted under subsection A.1. by APPLICANT and determining whether APPLICANT is accepted for participation in the PROGRAM.

2. Upon approval of the documents in subsection A.1., SCDOT Outdoor Advertising Coordinator will mark the 500 foot vegetation window to be cut in front of each billboard facing.

3. After the initial permitted removal or pruning of vegetation by sign owner, SCDOT will be responsible for maintaining vegetation at the locations during the contract term under Article IV. Maintenance will be limited to annual mowing of the 500 foot window.

II. FUNDING

A. APPLICANT agrees to pay \$400.00 to recover the costs associated with the mowing at each location. At SCDOT's discretion, the mowing costs may increase or decrease each year depending upon actual maintenance costs. The initial payment shall be made in accordance with Article I.A.1. above; thereafter, the APPLICANT is required to remit payment September 1 of each year. One notice for remittance will be sent to APPLICANT thirty days prior to the due date.

B. APPLICANT agrees to pay an additional cost, when applicable, in the amount of \$375.00, to cover site review costs for pruning and selective tree removal associated with Section 6.2.4.B of the Outdoor Advertising Window Vegetation Procedures, set forth in Engineering Directive Memo 29. This cost must be paid to the Outdoor Advertising Permit Office before any pruning or selective tree removal is performed.

C. The annual cost will be paid by check made payable to the SCDOT and sent to the SCDOT Finance Office, ATTN: Cashier, Room 205, Post Office Box 191, Columbia, S.C. 29202. Failure to remit the annual cost by October 1 will terminate this Agreement and cancel the Outdoor Vegetation Maintenance Permit for that sign location.

III. BOND AND INSURANCE

APPLICANT agrees to procure a Performance and Indemnity Bond or line of Credit in the amount of contracted work and general liability insurance with limits of liability of not less than \$500,000.00 each occurrence, \$500,000.00 aggregate for bodily injury, and \$500,000.00 each occurrence, \$500,000.00 aggregate for property damage. The applicant shall name the SCDOT as an additional named insured. A copy of the additional named insured endorsement must accompany the Performance and Indemnity Bond.

IV. INDEMNIFICATION

To the extent allowed by law, APPLICANT agrees to indemnify, hold harmless, and defend SCDOT from any and all suits, demands, claims, loss or liability, direct or indirect, on account of or in connection with any injury, loss or damage to any person or property resulting, or claiming to have resulted from the cutting of the vegetation by APPLICANT or his/her servants, agents, employees, customers or visitors, or from the disposal or removal of the cuttings or debris by APPLICANT or his/her agents, or claimed to have resulted from APPLICANT'S or his agents' omission, fault, negligence, or other misconduct.

V. DURATION

This Agreement between APPLICANT and SCDOT for a 500 foot vegetation window in front of each billboard facing owned by APPLICANT shall be automatically renewed annually upon payment of the costs, unless terminated by the SCDOT under Article VI.

VI. TERMINATION OF AGREEMENT

A. Failure of APPLICANT to meet the federal, state, or county laws and Regulations regarding outdoor advertising vegetation maintenance will terminate this Agreement.

B. Any violation of this Agreement or the Outdoor Advertising Vegetation Maintenance Policy or permit will be grounds for the termination of this Agreement, the cancellation of the vegetation maintenance. In addition, upon violation under this provision, the sign owner is not eligible for a sign permit within South Carolina in accordance with Section 57-25-140(I)(2) of the South Carolina Code of Laws, 1976.

C. In the event the APPLICANT through any cause fails to perform any of the terms, covenants, or provisions of this Agreement on its part to be performed, in a reasonable manner, or if it for any cause fails to cut or clear the 500-foot designated **ODA Window** in a reasonable manner, the SCDOT shall have the right to terminate this Agreement by giving thirty days' notice in writing of the termination and date of such termination to APPLICANT.

OUTDOOR ADVERTISING VEGETATION WINDOW AGREEMENT, PAGE 4

D. SCDOT reserves the right to cancel this Agreement upon thirty days written notice to APPLICANT. Termination of all or portion of the Agreement shall not relieve APPLICANT of any responsibility it would otherwise have for the work completed, or for any claims arising from that work.

VII. DISPUTES

In any dispute concerning a question or fact in connection with the work or terms of this Agreement, or compensation therefore, the APPLICANT shall notify the SCDOT, in writing, of its dispute. A review of the matter will be completed by SCDOT. The decision of the SCDOT'S Director of Support Services in the matter shall be final and conclusive for both parties.

VIII. SUCCESSORS AND ASSIGNS

SCDOT and APPLICANT each binds itself, its successors, executors, administrators, and assigns to the other party with respect to these requirements. Either party may assign its interest under this Agreement without the consent of the other. Such assignment shall not relieve either party from its obligations hereunder.

IN WITNESS WHEREOF, and in consideration of the mutual conveyance and promise between the parties hereto, we have hereunto set our hands and seal this _____ day of _____, 20____.

FOR SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION

By: _____
Director Outdoor Advertising

Recommended by:

Outdoor Advertising Administration

FOR APPLICANT

APPLICANT

BY: _____

ITS: _____