



OUTDOOR ADVERTISING CONTROL ENCROACHMENT REQUIREMENTS FOR SITE CLEARING

PURPOSE: This procedure provides for the cutting and trimming of vegetation under controlled conditions on highway right-of-way when this vegetation obscures a lawful sign under Section 75-15-101, MCA and 18.6.202 ARM.

1. An Site Clearing Application from OAC and a Encroachment Permit from the District is required to cut or trim any vegetation in front of any lawful sign. Separate permits are required for each sign structure. Permits to cut vegetation will be issued only for lawful signs which are at least (5) years old. Permits to trim trees will be issued only after a lawful sign is at least (2) years old. Permits may be denied or limited if the plan is deemed to be detrimental to the stability of the state right-of-way as determined by the MDT.
 - (A) **APPLICATION:** Encroachment permits and Site Clearing Applications to do trimming shall be obtained from the District Office. Applicants shall serve a copy of their permit application upon adjacent property owners and shall provide proof of service at the time the applications filed out in the District office. Proof of service may be a copy of a certified return mail receipt. Objections by adjacent property owners may serve to limit the scope of the permit as prescribed in subsection (1) (C) of this procedure. The Site Clearing Application must be approved by the local government authority.
 - (B) **FEE:** The cost of a permit for trimming is determined by the District Maintenance Chief.
 - (C) **SCOPE:** Permits will only allow the cutting of vegetation necessary to clear the sign's visibility zone as determined by the MDT at the time the permit is issued. This visibility zone is an area on the right-of-way four hundred fifty feet (450') on interstate and freeway and non freeway primary routes. The length is from the edge of the sign face closest to the highway pavement in a direction parallel to the pavement. (See Exhibit A).
 - (D) **DURATION:** All permits shall expire after one hundred twenty (120) days.
2. **ACCESS:** Access to the cutting of vegetation or the trimming of trees area shall be from private property or outer roadways and cannot be made from the through traffic roadway of any highway maintained by the department without written permission from the MDT. Parking of equipment or placement of materials on the traffic lanes or shoulders is strictly prohibited.



**OUTDOOR ADVERTISING CONTROL
ENCROACHMENT REQUIREMENTS FOR SITE CLEARING**

3. **CONDITIONS:** The following conditions shall apply to the trimming and cutting of vegetation on highway right-of-way:
- (A) **REMOVAL:** All vegetation trimmed or cut will be removed from the right-of-way and no burning on the right-of-way is permitted. Trees may not be topped or cut down without prior approval of the District Maintenance Chief. And if approved must be cut to ground level. The work will include proper disposal of all vegetation management related waste and debris on a daily basis. When completed, the sign visibility zone must be clear of all litter, debris, including natural debris such as fallen and dead tree limbs, branches and be in acceptable condition for mowing by conventional mowing equipment.
 - (B) **DAMAGE TO THE RIGHT-OF-WAY:** The applicant will be held responsible for any damage to the right-of-way. Any destruction of turf will require the applicant to restore the right-of-way to a like or better condition, which may require seeding, mulching or sodding of the right-of-way which has been disturbed.
 - (C) **LIABILITY INSURANCE:** The applicant shall carry liability insurance with a limit of at least (1) million dollars per occurrence.
 - (D) **HERBICIDES:** Only herbicides approved by the District Maintenance Chief may be used to trim or remove vegetation. Only general use nonrestricted herbicides may be used. All herbicides must be used in strict accord with manufacturer's instructions on the label. Restricted use herbicides may not be used in the right-of-way. The applicator must be a certified commercial applicator. The District Maintenance Chief or their authorized representative will approve the area to be sprayed before a permit is issued. The applicant must avoid desirable vegetation. The holder of the permit is liable for all damages or damage claims resulting from the herbicide application.
 - (E) **INDEMNITY:** Applicants shall agree to indemnify and hold harmless the commission against any damage or harm to persons, including commission employees, or property which may occur as a result of or in the course of its cutting or trimming of vegetation and use of herbicides.
 - (F) **TRIMMING OF TREES:** Trees of any size may be trimmed in accordance with the following guidelines:
 - 1. Trimming is permitted any time of year. Work shall be accomplished during normal daylight working hours. No work shall be performed on Saturdays, Sundays or designated State Holidays.



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2. A tree may not have more than one-third (1/3) of its canopy removed in a single pruning operation. For pruning operation the "National Arborist Association Standards" shall be used as a guideline to insure trees are being pruned properly and all pruning must be done in accordance with "National Arborist Association Standards." Pruning cuts should be made so that the tree may close the resulting wound as easily as possible. Generally, removed parts of a twig or branch at their origin. Remove tips of branches back to a good bud or to the next larger branch. The final pruning cut should be made along the natural branch collar and not flush with the trunk. Any additional pruning of this magnitude cannot be repeated for (3) full years (thirty-six (36) months) on hardwood species. A "Tree Pruning Formula Sheet" developed by MDT is used to determine the maximum amount of canopy that can be removed in a single pruning operation. A copy of the chart may be obtained by contacting the Outdoor Advertising Control Section in Helena.

3. In situations where pruning is to be done on a stand of trees and it is not practical to distinguish individual trees from the stand, the stand of trees should be judged by the canopy height of the stand. The amount of tree height to be removed should be determined from the "Tree Pruning Formula Sheet" Chart according to the canopy height of the stand of trees. Proper tree pruning practices are to be observed in reducing the height of the stand of trees, just as it would be for an individual tree. Brush over six feet (6') that is approved for removal should be cut first and the stump(s) treated with herbicides. Illustrations are available to assist in proper pruning. A copy may be obtained by contacting the Outdoor Advertising Control Section in Helena.

- (G) TOPPING: Topping of trees is prohibited.
- (H) DESTRUCTION OF VEGETATION: An encroachment permit will be revoked if an applicant destroys desired vegetation due to excessive trimming or inappropriate use of herbicides on vegetation. If the permit is revoked due to excessive trimming or inappropriate use of herbicides, the department will retain and collect against any bonds filed.
- (I) Department personnel shall be present while work is underway.



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