

REQUIREMENTS GOVERNING VEGETATIVE MANAGEMENT BY UTILITY CO'S, OR OTHERS, WITHIN THE HIGHWAY RIGHT-OF-WAY

GENERAL:

Section 410 of the Act of June 1, 1945 (P.L. 1242), as amended, makes it a summary offense punishable by a fine of not less than \$100 or more than \$300, to cut, trim, remove, or otherwise damage any tree, grasses, shrubs, or vines growing within the legal right-of-way of a State highway, with certain exceptions, without obtaining the consent of the Secretary in writing. This permit provides consent only when the activity is conducted in accordance with the following requirements and any violation of these requirements may be grounds for immediate revocation and correction of violation(s) at the permittee's expense.

REQUIREMENTS (Governing all activities):

1. Prior to permit issuance, the proposed work is subject to review by the respective District Roadside Specialist or his designee. An official representative of the permittee and/or his contractor may be required to be present for this review and/or interpretation and instructions. The issuance of this permit in no way relieves the permittee from the responsibilities for damage claims as provided in Section 107.14 of the 408 Specifications. All work is subject to other applicable laws, rules and regulations.
2. An approved, current copy of the permit must be present at the work site whenever work is being performed and must be presented for inspection to any department representative or police officer upon request.
3. Work equipment and personnel shall operate beyond the roadway wherever possible to minimize interference with traffic. Maintenance and protection of traffic shall be carried out in accordance with the requirements of the Department, as set forth in Publication No. 213 "Work Zone Traffic Control Guidelines". Flagmen, sign, and/or flashing lights shall be provided where and as specified by these publications.
4. Except as provided for under the provisions of Act 79 (Highway Vegetation Control Act) the Department strictly prohibits any act of vegetation control which would directly improve visibility of junkyards, billboards, or other roadside enterprises without justifiable benefit to the roadway or the roadside environment.

REQUIREMENTS (Tree Trimming and Removal Activity/Stump Treatment):

1. Tree trimming and removal work shall be performed by skilled workers in accordance with acceptable arboricultural practices.
2. All stubs, abnormal growth, unsightly deformities including sprout clusters, created by previous trimming practices, shall be properly removed under this permit.
3. Vertical and/or horizontal clearance for specific situations may be restricted by the District Roadside Specialist or his designee.
4. Under trimming is permitted if not unreasonably high.
5. Clear cutting, except for ground cover and desirable small growing trees and shrubs may be permitted as sanctioned by the District Roadside Specialist.
6. Large trees shall be removed in sections to prevent damage to the highway or interruption to traffic. Resulting stumps shall not be higher than four inches following the ground contour. Treat all live stumps with a herbicide labeled for this purpose.
7. All logs, cordwood, branchwood, or other forms of wood measuring four inches or more in diameter shall be offered to the abutting property owner for his use or disposal. In all cases, the resulting wood must be removed from the highway right-of-way prior to leaving the site.
8. All resulting brush must be removed from the highway right-of-way either by hauling or chipping. Burning within the right-of-way, or within forty feet of desirable vegetation is prohibited.
9. Tree trimming and removal activities which are not being performed in accordance with the requirements of this permit, or instructions issued by the District Roadside Specialist, shall be suspended until corrective action(s) by the permittee are satisfactory to the Department.

REQUIREMENTS (Pesticide Activity):

1. Pesticide applications, which create brown foliage between June 1st and August 15th are discouraged.
2. Desirable vegetation, as designated by the District Roadside Specialist shall not be treated with herbicides. Desirable vegetation damaged as a result of the permittee's herbicide treatment, as determined by the District Roadside Specialist, shall be replaced or the Department shall be reimbursed by the permittee for the full value of the vegetation.
3. This permit does not supercede any requirements stipulated in Act No. 24 "The Pennsylvania Pesticide Control Act of 1973." and the current rules and regulations adopted thereunder.
4. Each application request for a permit must be accompanied by a description of the material(s) which will be applied under this permit. The permittee shall indicate on this description the proposed application rate, mix ratio and carrier and method of application.
5. Pesticide Business License number (BU No.) of contractor must be shown on the form.

REQUIREMENTS (Mowing Activity):

1. Four inches shall be the minimum criteria for grass after cutting. When directed by the Department, excessive heavy grass or vegetation clippings shall be removed from the right-of-way. Mowing of Crownvetch beyond standard, or designated mowing limits is prohibited.
2. Desirable small trees and shrubs will be designated by the District Roadside Specialist. Any desirable plants damaged or injured by the permittee shall be replaced as directed by the Department. Undesirable plants shall be cut to ground line.
3. No mowing shall commence until litter and debris is removed from the right-of-way areas and disposed of in an acceptable manner.