

Attachment B- Application and Approval Process for Non-Highway Use of Transportation Facility ROW

Process for Reviewing and Approving Gateway Features and Landscaping Proposals

Gateway Feature and Landscaping Proposals (“Proposed Enhancements”) are typically developed by the Local Entity that has governmental jurisdiction abutting or over the area where the Proposed Enhancement will be placed. A Local Entity should contact the local KDOT area office to discuss developing a proposal for submittal to KDOT for approval. The Area Engineer or a designee will assist the Local Entity with identifying a suitable location for a Proposed Enhancement. If the proposal involves a Gateway Feature, the Area Engineer/designee will discuss alternatives to a Gateway Feature, including but not limited to locations outside of ROW which the Local Entity could explore, and/or identifying an engineered highway feature that could be utilized for a Community Identifier.

Following discussions with the appropriate area personnel, the Local Entity shall submit a preliminary proposal for the Proposed Enhancement to the KDOT area office.

Preliminary proposals must consist of plans, specifications and other necessary documents prepared, signed and sealed by a licensed landscape architect and/or professional engineer, and must include:

1. For a Gateway Feature Proposal:

- a. An evaluation of alternate locations outside the ROW. This must include a description and documentation of a Local Entity’s efforts to obtain private property for a Gateway Feature, and justification why use of public ROW is required rather than use of private property. The cost of obtaining private property, alone, shall not be considered adequate justification. The Local Entity shall also include justification of why a Community Identifier could not be utilized in lieu of a Gateway Feature.
- b. A list and descriptions of the Local Entity’s existing Gateway Features and Community Identifiers along the Transportation Facility, whether on private property within 660 feet of the Transportation Facility or on ROW.
- c. A full description of the proposed Gateway Feature, including a model or scaled plans, elevations, sections, views from all sides, construction or installation methods, and details necessary to convey the image and identify the exact proposed location on the ROW. The proposal shall detail the proposed color scheme, paint or stain materials, or protective coatings; material safety data sheet for proposed materials; proposed message to be communicated; and other relevant specifications.
- d. Plans for any proposed lighting. KDOT encourages the installation and use of solar power for any Gateway Feature lighting. If the proposed lighting will not be solar powered, the Proposal must include an explanation of why solar power is not feasible. When solar power will not be used, the Proposal must include a description of any electrical utilities to be installed on ROW for the project, plans showing the exact location on the ROW where required electrical utility lines will be installed, and an acknowledgement by the Local Entity that it will maintain electrical utility lines in accordance with the plans, as proposed, and will be responsible for all utility

costs associated with the Proposed Enhancement.

- e. Proposed maintenance plan and schedule for the Gateway Feature, including maintenance of the area surrounding the Feature, and the proposed access plan onto ROW for any routine maintenance.
- f. Submitted plans for a Gateway Feature must be signed and sealed by a professional engineer.
- g. For any Landscaping incorporated within a proposed Gateway Feature, submitted plans must also meet the requirements for a Landscaping Proposal, as detailed below, and must also be signed and sealed by a licensed landscape architect.

2. For a Landscaping Project Proposal:

- a. A list and description of the Local Entity's existing Landscaping or Landscaping Projects on ROW at other locations within or along any Transportation Facility.
- b. A full description of the proposed Landscaping Project, including plans signed and sealed by a licensed landscape architect depicting placement of plantings, elevations, sections and details necessary to convey the exact proposed location on the ROW, view from all sides, planting and plant materials, images of proposed plants, size and dimension of plants at full maturity, and construction or installation methods. The Proposal shall also include a certification by the landscape architect that the proposed plants are not federally protected, and are not detrimental to safety of travelers, to the highway, or to adjacent property.
- c. The submitted plans shall also identify any drainage structures within or nearby the area proposed for the Landscaping Project, including highway storm drain pipes, drainage grates, or stormwater runoff areas, where growth of mature plantings may impede the functionality of the structure, or maintenance of those structures by KDOT may cause damage to or require the removal of established trees, shrubs and other plant material.
- d. If a Landscaping Project is proposed within a median area of a Transportation Facility, including medians located on city streets within close-proximity to approaches to NHS intersections or interchanges which KDOT and FHWA deem necessary to protect to preserve the functional and safe operation of the interchange:
 - a licensed landscape architect must certify that shrubs, grasses and plants will not exceed 36 inches above crown grade. For any trees proposed for installation in medians on city connecting links or NHS routes within cities, the size of trees is governed by the speed limit established for the route and must not exceed that shown in **Attachment E**. The landscape architect must certify that mature trees will not exceed the allowable size for that facility, that mature trees will not have branches that overhang any travelled lanes or roadway, and that the root systems of mature trees will not undermine or damage curbing, sidewalks, or other highway-related features; and
 - a licensed professional engineer must certify that the proposed plant material, including trees, at maturity, will not inhibit or block sight distance, impair the visibility of drivers, or interfere with the functional use and operation of the Transportation Facility.
- e. For trees included in the proposed Landscape Project, the signing and sealing

landscape architect must certify that no trees will, at maturity, block visibility of any billboards or existing on-premise signs, and will not grow to a height that will interfere with any existing overhead utility lines or impair the visibility or effectiveness of existing highway lighting and traffic control devices.

- f. Details of proposed use of mulching, rock or other ground cover (included planted ground cover).
- g. Details of plans for erosion control during the installation of the Project, as well as an explanation of how mulch or other ground covers will remain in place during heavy rain events, or will be replenished from one growing season to the next.
- h. A proposed short and long-term maintenance schedule. The short-term maintenance schedule must be of a sufficient length to allow newly installed plant material to survive and reach a state of maturity which then requires minimal future maintenance. Maintenance activities during a plant establishment period typically include provision for replacement of dead or damaged plants, watering schedule, pruning activities, periodic replacement of mulch or other ground cover, weed control, rodent and pest control, and other activities required to obtain the long-term survival of planted material. The long-term maintenance schedule must address the period after plant establishment, including periodic pruning activities, spring and end-of-season clean up, ongoing weed removal and control, litter removal, ongoing replacement or refreshment of mulch or other ground covering, and any necessary rodent and pest control.

3. For all Proposed Enhancement proposals:

- a. Proposed Enhancement location, showing established utility corridors, existing topography, and dimensions and offsets to ROW lines, edge of pavement, centerline, the clear recovery zone.
- b. Identification of the location of existing utilities within or near the area proposed for the Proposed Enhancement, and indication of how the installation of the Landscaping Project will avoid impacting any existing utilities or not interfere with the future placement of utilities in any established utility corridor.
- c. Proposed traffic control plans and specifications to be used during construction.
- d. Proposed schedule for commencing and completing project installation.
- e. Projected lifespan.
- f. Access Plan onto ROW for maintenance activities, including maintenance during plant establishment period and routine maintenance.

4. After receiving the preliminary proposal, the Area Engineer/designee will review the Enhancement Project proposal for compliance with this Policy. After the Area Engineer/designee's review, through the inter-agency review process, KDOT staff will review the submittal for compliance with safety requirements, compatibility with the Transportation Facility character and aesthetics, compliance with this Policy and incorporated guidelines, and **consistency with other approved or installed features across the state installed under this Policy.**

5. KDOT personnel will advise the Local Entity of constraints or other concerns, solicit additional documentation or exhibits, or may request changes to the scope of work. The Local Entity must address all comments, make appropriate revisions, and resubmit the

proposal to the Area Engineer/designee, who will re-submit it for inter-agency review as a qualified preliminary proposal. The preliminary proposal can be returned to the Local Entity for revision at any time before final approval.

6. If the proposed Enhancement Project is on Interstate ROW, after final approval by KDOT, KDOT shall submit the project to FHWA for its concurrence. Any concerns identified by FHWA must be addressed to the satisfaction of KDOT and FHWA before final approval.

7. Upon final approval by KDOT (and concurrence by FHWA, if required) the Local Entity and KDOT shall execute a Right-of-Way Use Agreement and, if necessary, a Mowing Permit. Following execution of the Agreement, the Local Entity shall apply for and receive a Permit to allow the Local Entity to enter ROW to complete the construction of the Enhancement Project. **Construction of the project may not commence until final execution of the Agreement and issuance by KDOT of the Permit to the Local Entity.**

8. After construction is complete, the Area Engineer should verify the Enhancement complies with the proposal and plans approved by KDOT. If requested, the Local Entity shall provide as-built plans to KDOT. The District Office will maintain a copy of the Enhancement Project proposal, approval documents, Right-of-Way Use Agreement, and as-built information.

9. In addition to the District Office, the Bureau of Maintenance will receive a copy of the executed Right-of-Way Use Agreement. The Agreement will be maintained and inventoried in accordance with 23 C.F.R. § 710.201(e)(2).