

CHAPTER 14-40
HIGHWAY BEAUTIFICATION AND LANDSCAPE MANAGEMENT

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14-40.003 Highway Landscape Projects.

(1) Department Authorization Required. No landscaping may be altered, removed, or installed on the Department's right of way by any person without written authorization by the Department pursuant to this rule chapter. All requirements for restoring the Department's right of way and highway landscape projects, where such restoration is made necessary by the construction or maintenance of utilities, are specified in the *Utility Accommodation Manual*, incorporated by reference under Rule 14-46.001, F.A.C. Requests to remove, cut, or trim vegetation that screens outdoor advertising signs for which outdoor advertising sign permits have been issued pursuant to Chapter 479, F.S., must be made in accordance with Part III of this rule chapter.

(2) Definitions.

(a) "Abutting Private Property Owner" means any person or entity having lawful control of land which adjoins, or is contiguous to, Department non limited access right of way.

(b) "Department" means the Florida Department of Transportation.

(c) "Highway Landscape Project" means any planned or actual landscape or landscaping on Department right of way, including construction or installation, planning, beautification, and maintenance thereof, by a local government entity, non governmental entity, or abutting private property owner.

(d) "Landscape" or "Landscaping" means any vegetation, mulches, irrigation systems, and any site amenities, such as, street furniture, decorative paving, fences, and lighting (excluding public utility street and area lighting).

(e) "Local Governmental Entity" means as defined in Section 11.45(1)(e), F.S.

(f) "Non Governmental Entity" means any person or organization, other than a governmental entity, who seeks approval of a highway landscape project.

(g) "Screen" or "Screening" means the planting or installation of any vegetation or other landscape material which will reach a height greater than the height of the bottom of the lowest sign face, as viewed from a height of 3.5 feet above the roadway surface at the edge of the travel lane closest to the outdoor advertising sign.

(h) "View Zone" means as defined in Section 479.106(6), F.S.

(3) Approval Criteria.

(a) Approval is based on review of a complete set of landscape plans. The District Landscape Architect can be consulted during preparation of landscape plans. The following plan preparation guidelines must be used:

1. Project data must be included on sheet 1 of the plans, and must include a location map with beginning and end of project mile posts, index of plans included in the set, state road number, local government and contact information, and name and address of the person and firm who prepared the plans.

2. Plans must be drawn to scale, exhibiting an accurate and legibility representation of existing conditions (above and below ground), and all proposed work. Plans must show all dimensions necessary to demonstrate compliance with this rule. If there is a baseline survey or centerline of construction, station points must be used. If there is no baseline survey or centerline, dimensioning must be from a fixed point. All dimensions must be noted in English system measurements (inches, feet, yards, miles, etc.). Plans must be plotted to scale on 11" X 17" multipurpose paper. Scale shall be such that clarity and legibility are preserved. Plans must contain a graphic scale and north arrow with standard orientation on each plan sheet, and reference the state road number, section number, milepost, and local street names. Plans must also include curbs, edge of pavement, edge of travel lanes, guardrails, right of way fence and/or right of way lines, sidewalks, intersections, median breaks, driveways, bike lanes, transit facilities, surveying monuments, signs, view zones of permitted outdoor advertising signs, lighting, traffic signals, other traffic control devices, drainage features, limits of clear sight, set backs and clear zone limits, existing off site features and conditions which affect or are affected by the project, easements, above and below ground utilities, and all existing vegetation. Details and text must be large enough to be legible on all plan sheets.

3. Electronic files will be accepted when requested by the Department.

4. All proposed landscaping must be identified on the plans. For all plants, give the following information in tabular form:

Common Name
Botanical Name, including variety or cultivar
Quantity
Size when installed (height, caliper, spread, container size, clear trunk, multi-trunk, or any other descriptive aspect of the desired plants)
Maximum maintained or typical mature height, spread, and trunk diameter of normal mature plant specimens measured 6 inches above the ground.

5. Landscape plans must include written specifications for materials and installation that equal or exceed the requirements of Section 580 of the FDOT *Standard Specifications for Road and Bridge Construction*, January 1, 2007, incorporated herein by reference.

6. Landscape plans must include graphic installation details that meet or exceed the requirements of Design Standard 544, Landscape Installation, of the FDOT *Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System*, 2008, incorporated herein by reference.

7. The approval of landscape plans requires a work zone traffic control plan in accordance with FDOT Design Standard 600 series incorporated in the *Utility Accommodation Manual* by reference in Rule 14-46.001, F.A.C., and the *Manual on Uniform Traffic Control Devices* as incorporated by reference under Rule 14-15.010, F.A.C.

8. A comprehensive maintenance plan must accompany the plans. The intent of design elements, such as to screen a view, maintain a clear sight distance, or assist with water retention, must be included in a description of the project, accompanied by a written or graphic guide describing the performance requirements of the entity responsible for maintaining the project. The maintenance plan must include requirements necessary to maintain and manage sight distance, horizontal and vertical clearance, accessibility, plant health, form, height and spread, mulch thickness and cover, edges, weeds and litter, irrigation system(s), hardscape, lighting, benches, and site amenities, and any other requirements necessary for the design intent to be fulfilled. The maintenance plan must include a work zone traffic control plan, and define the limits of the mowing and litter control that will be performed as part of the landscape project. When the landscape project is to be maintained by the Department, a maintenance cost estimate based on anticipated maintenance activities must be an attachment to the plans.

9. Plans must document conformity with sight distance requirements prescribed in FDOT Design Standard 546, Sight Distance at Intersections, of the FDOT *Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System*, 2008, incorporated herein by reference. Plans must also document conformity with clear zone and horizontal clearance requirements prescribed in FDOT Design Standard 700, Roadside Offsets, of the FDOT *Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System*, 2008, incorporated herein by reference.

10. Plans prepared by or for Department highway landscape projects must meet the requirements of Chapter 481, Part II, F.S.

(b) No planting or installation of vegetation or other landscape material for landscape projects, or issuance of permits for such planting or installation, including construction and beautification projects, is allowed on Department right of way which screens or which, when mature, will screen an outdoor advertising sign permitted under Chapter 479, F.S. This prohibition applies to outdoor advertising signs exempt from Department permitting requirements that are on the state highway system and located within incorporated municipalities. This prohibition applies to all landscape, construction, and beautification projects on Department right of way regardless of the source of funds for the project, except for landscape projects approved by the Department prior to the date of the original state sign permit for the sign. For purposes of this rule, a landscape, construction, or beautification project is approved when it is specifically identified in the Department's five year work program, is a permitted landscape project, is part of an executed agreement between the Department and a local government, or has been approved in writing by the Department for installation at a later date by a local government.

1. Screening is prohibited within a view.

2. When a landscape project is proposed within 1,000 feet approaching a permitted outdoor advertising sign which does not have an approved application for vegetation management, the landscape architect of record will notify the sign permittee at the address provided in accordance with subsection 14-10.011(2), F.A.C., that the permittee has 30 days to submit an Application to Permit Vegetation Management at Outdoor Advertising Sign, Form 650-050-06, Rev. 09/07, incorporated herein, in accordance with

Part III of this rule chapter, that proposes the specific location of a view zone. If an application is not submitted by the sign permittee within 30 days of notification, screening will be prohibited as described in Section 479.106(6)(b), F.S.

3. The limits of the screening prohibition may be adjusted pursuant to a written agreement between the sign permittee and a local governmental entity.

(c) A local governmental entity may request approval to alter, remove, or install landscaping on the Department's right of way through submission of a landscape plan. When public health, safety, and welfare, operation of the transportation system, or the quality of the environment may be jeopardized, the Department will require that plans be signed and sealed by a registered landscape architect. After review by the Department, and the making of any necessary revisions by the local governmental entity, the Department will prepare a written agreement requiring the local governmental entity to properly construct and maintain the landscape project. The landscape plan will become Exhibit A to the agreement. If separate, the maintenance plan as described in subparagraph (3)(a)6. will become Exhibit B of the agreement. When the agreement is executed, and a Notice to Proceed is issued by the Department, the local governmental entity may proceed with the project.

(d) Non-governmental entities may seek approval to alter, remove, or install landscaping on the Department's right of way through submission of a landscape plan, and a resolution from the appropriate local government that commits the local government to execution of an agreement to properly construct and maintain the landscape project as described in paragraph (c) above.

(e) An abutting private property owner is not required to comply with paragraph (3)(d) of this rule and may apply for a permit to alter or install landscape materials on the Department's non limited access right of way directly abutting the owner's property between the right of way line and the nearest edge of pavement through submission of a Permit for Landscaping on State Road Right of Way, Form 650-050-09, Rev. 09/08, which is incorporated herein by reference and is available at any Department Office or on the Department website at: www.dot.state.fl.us/emo. When public safety, operation of the transportation system, or the quality of the environment is jeopardized, the District Landscape Architect will require abutting private property owners to submit for approval a landscape plan, maintenance plan, and work zone traffic control plan.

(f) Non-governmental entities or abutting private property owners seeking approval to install landscaping on the Turnpike right of way shall submit a completed Form 650-050-09 to the District Landscape Architect, Florida's Turnpike Operations Center, P. O. Box 9828, Fort Lauderdale, Florida 33310. The application must be accompanied by a landscape plan, maintenance plan, and work zone traffic control plan.

(g) Approval will only be granted when it is determined that all plans meet the requirements of this rule. No permit will be issued to an abutting private property owner to provide visibility of such property through the cutting, trimming, or removal of trees, shrubs, or herbaceous plants.

(4) Government Approvals. If the proposed highway landscape project is to be located on an Interstate Highway facility, Federal Highway Administration (FHWA) review is required. Approval pursuant to this Part does not relieve the local governmental entity, non governmental entity, or abutting property owner of local or other jurisdictional requirements.

(5) Installation and Maintenance.

(a) All landscape installation or maintenance activities performed by a local governmental entity, non governmental entity, or abutting property owner on the Department's right of way must be performed in conformity with approved landscape plans.

(b) If an agreement exists between the Department and a local governmental entity for the maintenance of an existing median and grassed areas for the section of roadway for which a landscape project is proposed, and if the Department determines that such agreement obligates the local governmental entity to maintain the proposed project in accordance with the approved maintenance plan, the agreement will be applied to the maintenance of the landscape project. If the Department has previously agreed to provide funds for such maintenance, no increased compensation will be provided by the Department for maintenance of the landscape project.

(6) As-built plans, or a summary of changes are required for all landscape projects, and must be submitted to the District Office within 30 days of the project completion.

(7) Donation of Landscape Projects. The Department will accept donations of plants, materials, installation, and maintenance for landscape projects on the State Highway System that meet the requirements of this rule. The donated landscape projects must substantially improve the appearance or manageability of the median or roadside. The agreement must stipulate that the sign and the landscape project may be removed by the Department for failure to meet the requirements of this rule chapter or the agreement. An agreement must be on file with the Department for the area in question before placement of the sign. Signs acknowledging donated landscape projects by an individual or entity may be erected on the right of way, when the donation includes installation and

maintenance pursuant to an executed agreement. Such signs will remain in place for a term of five years, unless otherwise specified in the agreement. The sign must not contain commercial logos or trademarks. Signs will be placed at each end of the landscape project.

(a) Interstate Highways: The sign acknowledging donation of landscape projects on the Interstate Highway System will be provided by the Department. This sign will be similar to the Adopt-a-Highway Program sign used by the Department, except that the word “landscaping” will be substituted for the words “litter control” and the colors will be green lettering on white background. The signs shall be installed and maintained by the Department.

(b) Arterial Highways: The approved sign design for arterial highways is depicted in Figure 1. The sign panel will be 18 inches tall and 24 inches wide with white background and green lettering, using lettering shown in Figure 1 and fabricated with non-reflective materials. The sign must be mounted on 4 inch by 4 inch pressure treated posts, or break away posts. The top of signs will be a maximum of no more than two feet above grade. Installation of signs is contingent upon an agreement with the appropriate local governmental entity. The approved sign panel(s) must be provided and replaced by the local governmental entity. Signs will be placed according to the approved landscape plan.

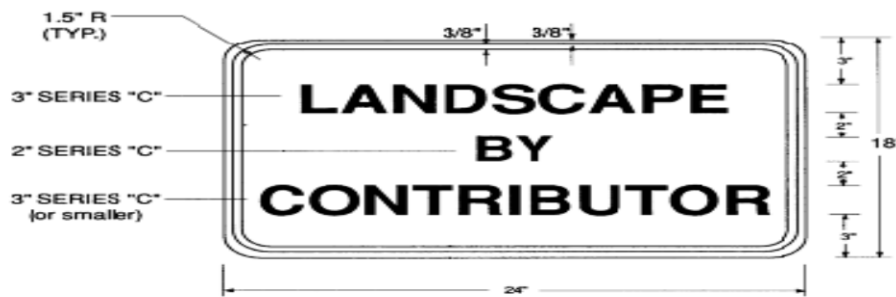


Figure 1 Arterial and Limited Access Landscape Roadway Sign

Rulemaking Authority 334.044(2), 337.2505 FS. Law Implemented 334.044(26), 335.167, 337.2505, 337.405, 339.24, 339.2405, 479.106 FS. History–New 9-22-92, Amended 1-19-99, 4-2-02, 5-22-05, 2-8-06, 12-24-08.

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14-40.020 Grant Application Process.

(1) Purpose. The Department may provide grant assistance for highway beautification projects in accordance with Section 339.2405, F.S., to a local governmental entity or a local highway beautification council.

(2) Definitions.

(a) “Agreement” means the contract between the Applicant and the Department setting forth the terms of the grant.

(b) “Applicant” means a local governmental entity, as defined in Section 11.45(1)(d), F.S., or a local highway beautification council as established in accordance with Section 339.2405(9), F.S.

(c) “Council” means the Florida Highway Beautification Council.

(d) “Department” means the Florida Department of Transportation.

(e) “Grant” means funds provided by the Department to Applicants, pursuant to this rule chapter.

(f) “Grant Application” means the Florida Highway Beautification Council Grant Application, Form 650-050-10, Rev. 01/04, incorporated herein by reference. Copies of the grant application form and instructions for completing the grant application may be obtained from any Department Office or on the Department website at www.dot.state.fl.us/emo.

(g) “Grant Coordinator” means the Department District employee responsible for the FHBC grant program.

(3) Grant Application.

(a) Applicants must submit a grant application to the Grant Coordinator having jurisdiction over the state highway on which the beautification project is proposed. Grant applications must be accompanied by the following supporting documents: location map, photographs of existing conditions, one page written project narrative, written or graphic conceptual plan (in accordance with Part I of this rule chapter), one paragraph descriptions of each evaluation attribute, photographs or sketches of examples of proposed improvements, list of proposed plant species (scientific and botanical names) and anticipated quantities, anticipated maintenance schedule, proposed means of providing supplemental water, project schedule, and resolutions required in paragraph (e) below.

(b) The grant application deadline is October 1 for the next fiscal year which begins on July 1. When preparing a grant application, applicants should meet and work with the Grant coordinator on beginning three months or more in advance of the deadline, to give adequate time for review and revisions. Any incomplete or late filed applications will not be accepted. Grant applications for highway beautification grants from the Council must be filed and processed in accordance with this rule chapter.

(c) In order for the Council to consider a grant application for any the following fiscal year, ten paper copies or electronic file copies of the completed grant application and supporting documents must be received by the Grant Coordinator by October 1. When requested by the Grant Coordinator, additional copies will be provided. Incomplete grant applications, or grant applications that do not comply with state or federal regulations, will be returned to the applicant. An applicant may amend and resubmit any returned grant application by the October 1 deadline.

(d) Applicants may submit an unlimited number of grant applications, for any number of project sites. The Grant Coordinator will note on the application if the applicant previously received Council grants and if previous projects were maintained in accordance with the terms of prior agreements.

(e) The applicant’s governing body must have passed a resolution approving the grant application and authorizing the individual who signs the grant application for the applicant to execute agreements and documents associated with the grant. A copy of such resolution must be included with the application.

(f) Applicants are encouraged to submit grant applications for projects supported with equal (50 percent) matching funds or in kind contributions from other sources. Design fees up to 10 percent of the grant amount may be considered towards the applicant’s match.

Rulemaking Authority 339.2405 FS. Law Implemented 339.2405 FS. History—New 1-19-99, Amended 11-22-01, 3-20-03, 8-10-03, 12-23-03, 2-8-06, 12-24-08.

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14-40.022 Florida Highway Beautification Council Grant Award Process.

(1) The Council shall meet semiannually, or more often if needed to consider all grant applications submitted by each Grant Coordinator.

(2) The Council will consider all grant applications submitted by each Grant Coordinator.

(a) The Council will evaluate the applications based on the following attributes:

1. Aesthetic value and imaginative conceptual design.
2. Level of local support and community involvement.
3. Cost effectiveness.
4. Feasibility of installation and maintenance.
5. Contribution to improvement of environmental conditions, including litter prevention, erosion control, visual screening, and noise abatement.
6. Use of Florida native wildflowers, and diversity of other desirable native, hybrid native, or noninvasive plant species.
7. Emphasis on low maintenance and water conservation.

8. Use of recycled materials such as mulch, reuse water, or solid yard waste compost.
9. Contribution to an area wide or regional beautification plan.
10. Value to the community.

(b) The Council will assign a numerical score to each application by:

1. Reviewing each grant application and assigning a numerical score using the established range of 0 to 10 points for each attribute for a total possible score of 100 points.

2. Totaling all the attribute scores for a total application numerical score.

(c) Grant applications will be ranked in priority by numerical score, the highest numerical score being ranked the highest priority.

(3) The Council will provide the Department Secretary with a list of prioritized grant applications, with recommended funding levels, and conditions for grant awards.

Rulemaking Authority 339.2405 FS. Law Implemented 339.2405 FS. History–New 3-9-99, Amended 11-22-01, 3-20-03, 8-10-03, 12-23-03, 12-24-08.

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14-40.023 Funding, Construction, and Maintenance of Beautification Projects.

(1) Award of Grants.

(a) The Secretary will award grants in the order they appear on the Council’s prioritized list and in accordance with available funding. Each grant will be limited to a maximum of 10% of the total Department’s beautification grants budget.

(b) Official notice of each grant award will be made by the Department by certified mail to the applicant named in the grant application.

(c) To accept a grant, an applicant must send a letter of acceptance by certified mail to the Grant Coordinator within 15 days from the date of receipt of the offer of the award.

(d) Funds will be released by the Department when agreements are executed, the project is constructed as per plans approved by the Department (see Part I of this Rule Chapter), there is written final acceptance by the Department, and receipts for grant expenses are reviewed and approved by the Department.

(e) All funding of grants is contingent upon legislative appropriations.

(2) Execution of Agreements.

(a) Agreements associated with the grant must be executed within one year from date of the letter of acceptance, and meet the requirements of paragraph 14-40.003(3)(c), F.A.C. Failure to execute the required agreements will result in the grant award being withdrawn. Future grant applications from an applicant who fails to comply with this subsection will not be accepted for a period of two fiscal years.

(b) The agreement(s) between the applicant and the Department must state:

1. The intended use of the grant, as described in the grant application.
2. The payment terms for the grant (e.g., lump sum reimbursement or progress payments for long term work).
3. Any actions which the Department will take in the event of noncompliance by the applicant.
4. The methods to be used by the Department to determine compliance with the terms of the agreement.

(c) The individual(s) who sign the agreements on behalf of the grant applicant, or the grant applicant’s designee, shall certify that the project is implemented as specified in the agreements, and shall provide a certification of completion before the final invoices are submitted for the project.

Rulemaking Authority 339.2405 FS. Law Implemented 339.2405 FS. History–New 3-20-03, Amended 8-10-03, 12-24-08.

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14-40.030 Application and Permit Issuance.

Rulemaking Authority 334.044(2), 337.2505(1), 479.02(7), 479.106(8) FS. Law Implemented 334.044(26), 335.167, 337.405, 479.106 FS. History–New 1-19-99, Amended 2-7-02, 2-8-06, 12-24-08, Transferred to 14-10.057.