



1.0 Authority

[Sec. 80.01\(3\), Wis. Stats.](#) Beautification and protection of the creation, alteration and validation of highways.

[Sec. 84.01\(29\), Wis. Stats.](#) Planting of Trees.

[Sec. 84.07, Wis. Stats.](#) Maintenance of state trunk highways.

[Sec. 84.30\(1\), Wis. Stats.](#) Legislative findings and purpose of the regulation of outdoor advertising.

[Sec. 86.03, Wis. Stats.](#) Trees on and adjacent to highway.

2.0 Definitions

Altered or alteration refers to trimming, pruning, relocating, removing, cutting, chemically treating, destroying, or damaging any vegetation.

Approach viewing distance is measured along the driving lane beginning 1000 feet before the site element and ending where traffic passes the site.

Nonconforming signs are those signs identified in the most recent department inventory as nonconforming signs.

Screening occurs when vegetation obstructs the view of a site from the driving lane of the highway. A sign will not be considered screened unless the message of the display is not discernible.

Sign refers to an outdoor advertising sign controlled under the federal Highway Beautification Act, sec. 84.30, Wis. Stats., and sec. Trans 201, Wis. Adm. Code.

Site element is the feature on the site for which visibility is being requested. For outdoor advertising signs, this feature is the message or face of a sign and is regulated by state statute [84.305](#), vegetation obstructing view of outdoor advertising signs. For businesses, the feature is typically the primary building in which business is conducted or the on-premises sign, whichever feature requires the least disturbance to vegetation.

Vegetation on the right of way refers to both naturally occurring vegetation and planted vegetation.

3.0 General Policy

Vegetation on the highway right of way may not be altered to provide site exposure except as specifically provided for in this policy and with a permit issued by the department to alter vegetation. Requests to alter vegetation shall not be approved when the alteration is intended to create an exposed area that would be suitable for the purposes of outdoor advertising. However, alterations for existing outdoor advertising signs, including nonconforming signs not defined by state statute 84.30, may be approved subject to the criteria in this policy. There shall be no verbal agreements to alter vegetation on the right of way. All such agreements shall be by permit only.

1. When a site element is screened by vegetation that was planted or that existed **before** the site element was installed or erected, the vegetation shall not be altered to reduce the vegetation's screening impact on the site element.
2. When a site element is screened by vegetation that was planted or that emerged **after** the site element was built, consideration may be given to altering the vegetation to reduce the vegetation's screening impact on the site element. The alteration should be a balance between minimizing the disturbance to the vegetation

and achieving a long-term solution to restoring the view of the site element. Removal of the vegetation is to be a last resort.

3.1 Alternatives to Vegetation Alterations

When considering requests to enhance site element exposure, alternatives that could achieve the desired outcome without altering vegetation should be fully considered. For example, when the desired outcome is to correct screening of a sign, there may be reasonable alternatives (such as relocation of the sign or adjusting the height of the display) that could accomplish the objective without altering the vegetation. The alternatives may be limited due to legal requirements (including local ordinances), site restrictions, or other considerations. For example, when considering requests for vegetation alternations to correct screening of a nonconforming sign, there are no options to change the height of the display or relocate the sign, since such changes are not allowed for nonconforming signs. Sign relocations must be limited to permissible sites under ss. 84.30, Stats. When adjusting the display height is an option, the consideration of alternatives should be consistent with the objective of preserving the natural beauty of the state.

3.2 Pre-Permit Application Screening Criteria (by Applicant)

Prior to applying for a permit application to alter vegetation, applicants should understand the criteria to be applied in determining whether a permit is warranted. This self-screening is intended to assist applicants in providing complete applications for prompt consideration and avoid unproductive time either by the applicant or the department in dealing with requests that are not eligible. When requesting a permit the applicant should address the following considerations:

1. When a site element that is screened by vegetation on the highway right of way is also screened by vegetation off the right of way, the applicant must provide documentation that the vegetation off the right of way can and will be lawfully altered prior to any alteration of vegetation on the right of way.
2. The site element must be screened from the view of motorists.
 - a. A site element is considered to be screened when it is not viewable within the approach viewing distance.
 - b. A site element is not screened when:
 - (1) The site element is visible for 250 feet (the view period) within the approach viewing distance and the speed limit is 35 mph or less, or
 - (2) The site element is visible for 350 feet (the view period) within the approach viewing distance and the speed limit is greater than 35 mph.
 - (3) The site element view period may fall anywhere in the approach viewing distance. The view period may be in one continuous period but will be established at the discretion of the department to result in the least disruption to the landscape design. When large specimen type vegetation is located in the approach viewing distance, reasonable effort will be made to preserve the vegetation.

3.3 Pre-Permit Issuance Considerations (by Region)

Permit requests for vegetation alteration should be considered promptly using the process described in section 4.0, Permits.

Before deciding whether alteration is warranted, consider the facts presented in the permit application, determine whether the eligibility criteria are met, evaluate the alternatives and screening criteria in Section 3.0, General policy, and visit the site. When vegetation alteration is warranted, evaluate solutions starting with the remedy that least impacts vegetation, as follows:

1. Pruning or trimming vegetation to enhance visibility.
2. Removing and replacing vegetation with a variety that grows in such a way as to not obstruct the site element in question.
3. Relocating vegetation.
4. Removing vegetation, and planting replacements in an alternate location.

If no suitable alternate location can be found within a reasonable distance, consideration may be given to requiring the applicant to reimburse WisDOT for the replacement value of vegetation removed. [See Section 5.3, *Costs to Alter or Remove Vegetation.*]

4.0 General Permits

A [DT1812 Application/Permit to Work on Highway Right of Way](#) is required for any alteration of vegetation on the highway right of way. Permits are specific to the permitted location.

The alteration requested in the permit application shall result in the least disruption to the vegetation consistent with both the objective of the applicant in terms of viewing the site element and the objectives of the department in maintaining vegetation that is consistent with highway system needs.

4.1 Region Involvement

Requests for permits to alter vegetation on highway right of way shall be submitted to the region section responsible for issuing permits to work on highway rights of way, except when the site element to be exposed is an outdoor advertising sign. Permit requests to alter vegetation to enhance the visibility of an outdoor advertising sign shall be submitted to the region sign coordinator and follow state statute [83.305](#), Vegetation obstructing view of outdoor advertising signs. For more information see [WisDOT outdoor advertising signs](#) webpage.

The region permit or sign coordinator shall promptly investigate the permit request and involve other region and central office staff as needed to: assess view time and determine whether the site element is screened; develop an estimate of the costs related to the proposed vegetation alteration; and, coordinate with all interested parties in WisDOT.

4.2 Permit Application

The permit applicant shall be the owner of the site element. The application must be in writing using the current application form for working on highway right of way. The application must be complete. It must include the precise location of the site, a statement of need that accurately describes the problem, and photographs and/or sketches of the site, the site element, and the adjacent areas. The permit sketch shall indicate the limits within which vegetation alteration is being requested, the specific vegetation to be altered, and the exact nature of the requested alteration.

When the department has reason to believe the alteration of vegetation may be controversial, the applicant may be required to resolve any problems or concerns before a permit may be issued. If the highway is held by easement, permission may be required from the underlying property owner. The actions to resolve the problems may include, but are not limited to, informing nearby landowners, providing public notification in the official newspaper of the plans to alter vegetation, or providing some form of mitigation for the alteration.

4.3 Permit Approvals

Permit applications may be approved and permits issued when the following conditions and all other requirements are met:

1. The department has received a complete application as described above, including details and supporting documentation.
2. After a field review of the location, the department determines that a permit is warranted.
3. The department receives a written agreement from the applicant that documents the commitment of the applicant to pay the actual costs of the alterations, as mentioned in Section 4.1, Region Involvement. [See Section 5.3, *Costs to Alter or Remove Vegetation.*]
4. The region has obtained concurrence from the Bureau of Highway Maintenance on the alteration.

When the application is incomplete, additional information will be requested of the applicant. When a determination is made that the application for a permit does not meet eligibility requirements, a letter explaining

the reasons for denying the application will be sent by the region to the applicant. Applications may also be denied based on failure of the applicant to comply with requirements of previously issued vegetation alteration permits or other permit requirements for the site.

5.0 General Work

All work on state highway right of way shall be performed with specific terms of a permit issued for vegetation alterations that may allow for contract administration by the permittee.

5.1 Work Performed by the Permittee

1. Work performed or administered by the permittee shall conform to all special provisions of the permit, including the scope of work and the traffic control activities required by the permit.
2. Any damages resulting from work administered or performed by the permittee are the responsibility of the permittee. The department may require the permittee to remedy the damages or the department may accomplish the necessary remedy and recover the costs from the permittee.
3. The department is held harmless from liability arising from the acts of the permittee or its agents.

5.2 Planting and Plant Establishment Period

When plants are relocated or replaced, the planting shall be accomplished using normally accepted horticultural methods. Plants shall be maintained in a healthy condition for two full growing seasons following completion of the planting. This shall include, but not be limited to, such watering, weeding, and mulching as necessary.

5.3 Costs to Alter or Remove Vegetation

All costs associated with altering vegetation for the purpose of site element visibility shall be the responsibility of the applicant. The costs shall be based on:

1. The appraised value of any plants removed. Appraised values will be determined by the department using actual replacement cost unless comparable plants are not commercially available, in which case other industry-recognized appraisal methods will be used, such as that recognized by the International Society of Arboriculture and the American Society of Consulting Arborists.
2. The actual costs of work done by the county or any other service provider working for the department while performing agreed-upon alterations.
3. The actual costs of replacing plants including a two-growing-season plant establishment period. When the department determines that there are not suitable locations for replacement in the vicinity, the department may require the applicant to pay a sum, equivalent in value to replacing the vegetation, to be placed in a department account to fund future plantings in other areas.

The department may arrange to have the work done by the County, a reputable contractor, or the applicant in accordance with specifications and conditions developed by the department.