

## 7A PURPOSE

This chapter describes the Department's process and standard of review to allow other entities to grade, landscape or otherwise conduct roadside encroachment activity within, under, or over State Highway and other limited access R/W. These actions will be allowed by permit from the Department as described in this document.

## 7B SCOPE

The following activities are exempt from permits:

- Contractors under a State Highway construction contract with GDOT and operating within their contract limits,
- Consultants under GDOT contract,
- Adopt-a-Highway maintenance and landscaping of wildflower work by volunteers operating within the limits and scope of their contract agreement. **Please refer to the [Adopt a Highway Guidelines](#) maintained by the Office of Maintenance for specific information and limitations.** Local agency forces with a maintenance agreement operating within their jurisdictional boundaries and within the scope of their maintenance responsibilities.
- **Billboard companies operating within the limits of a Vegetation Management at Outdoor Advertising signs permit.**

No encroachment activity is allowed prior to obtaining a Special Encroachment Permit.

Permits that may be issued by the Department affecting the operation of Interstate R/W are subject to review and approval by the Federal Highway Administration (FHWA) before they are issued by GDOT. The FHWA has final approval authority.

There is no real or implied commitment intended in this policy to require the Department to issue a permit for any work on limited access R/W. Special Encroachments will generally not be allowed on active construction projects.

An encroachment permit is not a property right. It authorizes only the applicant or the applicant's agent to perform work. The applicant may not transfer or assign a permit to another party.

The responsibility for maintenance of permitted roadside landscape activities that are constructed on the R/W by entities other than the Department shall be borne by the permit entity.

## 7C ALLOWABLE ENCROACHMENT ACTIVITIES

It is the desire of the Department to balance the requests of local government agencies, organizations, and owners of property adjacent to the interstate highways and other freeways and State Routes while providing a facility that possesses the optimum of utility, safety, beauty resource protection, and economy. The following sections describe the general requirements and the types of activities that may be allowed.

### 7C-1 REPLACEMENT OF LIMITS OF ACCESS (L/A) FENCE

All L/A fencing removed during construction must be replaced. If not removed during construction, replacement of L/A fencing may be considered for the following reasons:

1. To provide greater protection from R/W encroachments from adjacent property as well as improve security for adjacent development; and
2. To remove all vines, shrubs and invasive seedling trees from the L/A line within 2 (two) feet of the L/A fence.

The replacement shall be in conformance with the following:

1. The L/A fence must be replaced with Georgia DOT standard fencing, in like kind or 6' chain link, or as directed by the Engineer, along the original location. The applicant must either replace the L/A fence at the end of each day of work or install a temporary construction fence.
2. No gates will be allowed along the L/A fence unless the applicant has entered into a R/W Mowing and Maintenance Agreement with the Department.
3. If fencing other than the standard woven wire or chain link in conformance to GDOT standards is proposed, it must be installed a minimum of one foot inside the applicant's property and the applicant must agree to maintain the fence. (L/A fence must be in place.) Submit fence detail. The fence must be approved by Department prior to installation.
4. Mitigation is not required for vegetation removed within 2 feet of L/A fence, unless "daylighting" is considered the objective. Daylighting is considered to be any vegetation removal whose primary purpose is to enhance visibility of adjacent property.
5. The fence must be replaced, if removed by the applicant.

## 7C-2 GRADING / EXCAVATING

The elevation of the roadway may affect the ability of the adjacent property owner to fully utilize their property. In those cases, changes to the grade of the roadway R/W may be a less expensive option than the construction of a retaining structure outside the R/W. Where there is a documented benefit to the Department, applicants may be permitted to grade the right of way to reduce the cost of development. **Grading that requires tree removal within 500 feet of an outdoor advertisement sign is prohibited. For information about vegetation removal at signs, refer to the Policy and Procedures document 6170 [Vegetation Management at Outdoor Advertising Signs](#).**

The following general requirements for grading or excavating must be adhered to:

1. Typically, if an earth embankment is in place, it may be lowered but not totally removed. In "cut" sections a berm of 4' to 6' in height may be required between the roadway ditch or curb and the right of way line to prevent headlight glare from adjacent properties onto the roadway.
2. All slopes associated with allowable grading on GDOT R/W shall be 4:1 or flatter.
3. Reimbursement for soil removal from GDOT R/W shall be at a minimum rate of \$ 1.00/CY or the appropriate rate as determined by the Department.
4. Mitigation or re-vegetation for tree removal or disturbance is required. Refer to the Policies and Procedures document 6755-9 [Landscaping on GDOT Right of Way](#).

## 7C-3 AESTHETICS, LANDSCAPING, ROADSIDE DEVELOPMENT AND MAINTENANCE

Treatment of the highway or transportation facility and the roadside may be considered to conserve, enhance, and effectively display the indigenous character and quality of the environment it passes through by means of proper design, construction, and maintenance of their related features.

All landscaping, roadside development and maintenance shall conform to Georgia Standard Specifications, these procedures, and any procedures and manuals maintained by the Office of Maintenance. Copies of the Guide may be obtained by contacting the Office of Maintenance. The Policies and Procedures document 6755-9 [Landscaping on GDOT Right of Way](#) .

### **7C-4 GROUNDWATER MONITORING WELLS**

Requests for installation of groundwater monitoring wells on Interstate R/W are transmitted from the District Traffic Operations Offices to the Materials & Research Laboratory for review and approval. Federal Highway Administration approval is not required for ground water monitoring wells within the Interstate R/W.

### **7C-5 OTHER MISCELLANEOUS ACTIVITIES**

Requests for activities not addressed specifically by these procedures may be permitted at the discretion of the Department, upon Federal Highway approval as necessary or required.

## **7D GRADING AND LANDSCAPE PERMIT CONSIDERATIONS**

The Department will give consideration for approval of grading and/or landscaping activities based on compatibility with primary use and protection of the State's investment in the highway facility.

Beneficial reasons for encroachment activity may include, but are not limited to the following:

- Improved shoulder or clear zone distances
- Improved drainage
- Elimination of hazards and/or guardrail
- Reduced maintenance costs

Applications are reviewed to determine the impact of the encroachment on the following:

- Safety of motorists, pedestrians, and workers,
- Design, construction, operation, maintenance, or integrity of the highway system,
- Future and on-going highway contracts,
- Aesthetic corridor: regional context,
- Environment, and
- Existing drainage.

**SPECIAL ENCROACHMENTS**

An encroachment activity may be considered when there is no cost to the Department and all negative real value changes to the R/W are reimbursed to the Department. Items of real value include the costs for recurring maintenance, material removed, and the value of trees and other vegetation. Encroachments that devalue state right of way are not allowed.

The applicant shall be responsible for all liability for personal injury and property damages for permitted activities. GDOT has no statutory authority to allow private use of highway R/W without compensation.

**Permit applications may be acceptable if all the following items are satisfied:**

1. GDOT is compensated for removal of soil from the R/W.
2. No safety hazard is created.
3. Requirements for mitigation or re-vegetation for tree removal or disturbance are met.
4. No additional maintenance is created.
5. No additional liability is assumed by the State.
6. No transportation use restriction is created.
7. No unwanted easement or other permanent R/W encumbrance is created.
8. Activity will not be detrimental to the future use or expansion of the roadway.

**Permits will not be issued for encroachments if any of the following conditions exists:**

1. The activity adversely affects the safety, capacity or integrity of the State Highway System.
2. The activity compromises or jeopardizes the drainage system on the R/W.
3. The activity is intended to daylight the property or enhances the visibility (within 500') of outdoor advertising signs. In addition, a commitment that outdoor advertising signs will not be placed on the property adjacent to the R/W is required for all permits. Refer to the Policies and Procedures document 6170 [Vegetation Management at Outdoor Advertising Signs](#) for more information about vegetation removal at signs.

**SPECIAL ENCROACHMENTS**

4. The activity is to grade, remove or prune trees, shrubs and groundcovers when the Director of Operations has determined that the activities will significantly disrupt natural systems, roadside aesthetics, or have other negative impacts on the operation of the highway. Structural integrity and tree health as well as vegetative ground cover for erosion control are of primary importance to the maintenance of the R/W and shall not be compromised for purposes of grading to reduce development costs, day lighting, or landscaping development activities.
5. Tree removal and/or grading for “daylighting” purposes when there is no benefit to the R/W or traveling public.
6. Encroachment that devalues the state right of way.
7. The applicant has not complied with the provisions of prior permits.

**7D-1 MITIGATION/DAYLIGHTING**

For mitigation information refer to the Policies and Procedures document 6755-9 [Landscaping on GDOT Right of Way](#).

**7E SPECIAL ENCROACHMENT PERMIT PROCEDURES****7E-1 PRELIMINARY PLAN SUBMITTAL**

All plans developed for a Special Encroachment Permit shall be submitted to the District Traffic Operations Office for review. In most cases, the applicant will be best served by providing six sets of preliminary site plans for an initial review. The District Access Management Supervisor will be responsible for administration of a thorough plan review among the following District offices or units: Traffic Operations, Roadway Design / Hydraulics, Environment and Location, Right-of-Way/Outdoor Advertising, Utilities and Maintenance.

Upon receipt of an application with plans, the District Access Management Supervisor shall check to ensure that plans and related documents are complete and meet the requirements of this procedure. The District Access Management Supervisor will distribute plans and related documents to the appropriate units. Each individual unit will be responsible for reviewing plans, checking for compliance with the GDOT standards as they relate to their unit and as discussed in the next section. All comments shall be in written form or clearly marked, directly on the plans, making it simple for the District Access Management Supervisor to understand. The person making comments from each unit shall sign and print their name and title near the title block of sheet one of the plans.

The applicants will have 90 calendar days to revise the plans. New application submittal packages will be required after 90 days. The applicant shall submit one (1) copy of the revised plans for final review to the District Access Management Supervisor.

The District Access Management Supervisor will only check resubmitted plans. The District Access Management Supervisor should sign the final plans near title block of sheet one. District units will not be required to recheck revised plans, unless the District Access Management Supervisor requires a unit to recheck a plan prior to final approval. If modifications to the plan are beyond the comments made or a major modification is made for other reasons, the plan should be treated as a preliminary submittal and rechecked by other units.

## **7E-2 GDOT DISTRICT REVIEW RESPONSIBILITIES**

Various personnel within the District Office will review the encroachment permit and plans for the following items:

### **1. District Environment and Location**

This office will check for compliance with environmental laws and regulations. The District Environmentalist shall meet with the District Access Management Supervisor to inspect the proposed site. The District Environmentalist shall compile and develop determinations for the federal Categorical Exclusion (C.E.) based on information provided by the applicant. The applicability of the C.E. will be based on the protection and preservation of cultural resources (historic and archaeological), natural resources (wetlands, stream impacts and survey results for Threatened and Endangered Species), physical environment (air and noise impacts) and evidence of the appropriate environmental permits from other agencies.

The C.E. determination is submitted by the Office of Environment/Location to the District Access Management Supervisor for inclusion in the permit file prior to review by FHWA. Applications that do not meet C.E. status shall not be processed and the application materials will be returned to the applicant.

The permit application shall also be reviewed for compliance with applicable state laws (for example, Official Code of Georgia-36-72 (14) - Abandoned Cemetery and Burial Ground Act, and others). Please note that the issuance of permits or licenses does not require review under the Georgia Environmental Policy Act.

### **2. District Design**

This office checks for compliance with the GDOT Drainage Manual and erosion control procedures.

### **3. District Traffic Operations**

This office checks for conformance with requirements for the following: clear zone, sight distance, pedestrian access, lighting, work zone traffic control plan; checks for conflicts with proposed and active DOT construction projects and submits a copy of the plans to the appropriate design office for review and comment prior to approval of the permit.

**SPECIAL ENCROACHMENTS****4. District Outdoor Advertising**

This office checks for the effect of proposed improvements on existing outdoor advertising signs. No improvement shall be permitted within 500' of an existing sign location that affords a sign increased visibility.

**5. District Right-of-Way**

This office checks for right-of-way and compliance with regulations for limited access.

**6. District Utilities Office**

The applicant shall provide the District Access Management Supervisor with copies of all Utility information including Utility Encroachment Permits (DOT 8413A), no conflict letters, no facilities letters, or existing and proposed easements and one review copy of the plans. The District Utilities Engineer shall check for compliance with the Utility Accommodation Policy and Standards Manual, current edition. Once the plans and letters are received, the District Utility Engineer will coordinate with the District Access Management Engineer for approval.

**7. District Maintenance**

The maintenance section checks for compliance with the Policy and Procedures document 6755-9 [Landscaping on GDOT Right of Way](#).

**7E-3 GENERAL OFFICE REVIEW & APPROVAL—  
LIMITED ACCESS & INTERSTATE R/W**

When the plans or resubmitted plans have been reviewed by the District Access Management Supervisor and are determined to be recommendable from the District Office, the applicant shall be required to furnish seven copies of the plans and sign and execute a Mowing and Maintenance Agreement for final approval.

The District Access Management Supervisor will transmit a copy of the application and a letter requesting action to the Office of Traffic Operations. This transmittal may include the signed and executed Mowing and Maintenance agreement, appropriate bond or escrow amounts and levels of insurance, District contact name and telephone number, etc. Mowing & Maintenance Agreements can be done after permits' execution.

The Office of Traffic Operations will submit the application to the appropriate offices and the FHWA, if applicable, for review and comment. Comments and proposed changes or conditions will be returned to the Office of Traffic Operations. If plan revisions are necessary, the Office of Traffic Operations will request these revisions from the appropriate District Traffic Operations Office.



**SPECIAL ENCROACHMENTS**

The Office of Maintenance-Landscape Architecture Unit may be asked to check for sight distance requirements, Vegetation/utility conflicts, clear zone requirements, horizontal clearance requirements, plant maintenance and watering needs, and for exclusion of invasive plant material. Refer to Chapters 3 & 4 of this document for information about sight distance and clear zone requirements. For horizontal clearance requirements refer to the Policy and Procedures document 6755-9 [Landscaping on GDOT Right of-Way](#)

**The following are exempted from FHWA review:**

1. Landscaping projects that meet current policy, Policy and Procedures document 6755-9 (Landscaping on GDOT Right of Way).
2. Installation of groundwater monitoring wells,
3. Engineering services, such as surveying, subsurface investigations, etc., that is being performed for governmental agencies.
4. Utility encroachments, unless they contain an exception to the GDOT Utility Accommodation Policy and Standards (UAPS).

Approval of the permit will include a sign-off by the Division Director of Operations and the Chief Engineer with final approval by the Commissioner. For permits requiring FHWA approval, a copy of the GDOT-approved plans will be sent to FHWA for review and approval.

The approved plans and permit will be sent to the District Office for distribution to the applicant and to the assigned permit inspector. Applicant submittal of all requirements including bonds, insurance, etc. must be made prior to permit issuance/pick-up. Local and city governments may be exempt from bond requirements.

The approval letter from the District Office to the applicant will include a distribution to the Office of Traffic Operations and the Federal Highway Administration.

**7E-4 APPEALS**

When the District Engineer or delegated representative denies a Special Encroachment Permit in writing for activities not reviewed by the Federal Highway Administration, the applicant may appeal to the Director of Operations in writing, within 60 days after permit denial. There is no appeal process within GDOT for activities denied by the Federal Highway Administration.

The following items should be included with requests for appeals:

1. The applicant's name and company or organization, address, telephone number, name of applicant's agent (if applicable), address, and telephone number.
2. The project's location including county, route, and milepost.

**SPECIAL ENCROACHMENTS**

3. Project description along with any pertinent plans or drawings (minimum 3 copies each).
4. The reason why the proposed project or activity should be permitted. This information should include a full explanation of the perceived hardship. Hardships cannot be self-imposed. Include available alternatives to the proposed encroachment, together with costs and potential consequences if the requested encroachment is not approved. Also, provide the expected benefits to the State that would accrue by proceeding as proposed.

**7E-5 CONDITIONS OF PERMIT**

The permit will be valid for a specific period of time as established by the Department after consultation with the applicant.

The permit will become part of a perpetual R/W Mowing and Maintenance Agreement. A letter may be required to express concurrence/endorsement between local government and other property owners/agencies or organizations that are adjacent to the areas proposed for change.

The work must be performed according to permit and approved plans. Access to the work area should be from the abutting property, not from the traveled way, when feasible. When working within 32' of a roadway and within Department R/W, conformance to standard safety and traffic control policies (MUTCD) is required. Submittal of a work zone traffic control plan will be required.

**7F PLAN REQUIREMENTS FOR SPECIAL ENCROACHMENTS**

Plans shall include and/or be in accordance with the following:

1. An overall site plan and location sketch map.
2. Plans shall be an accurate and legible representation of the existing conditions or features (above and below ground), existing contour lines (show as dashed lines) and elevations sufficient to show the natural drainage features within the property to be developed. The maximum acceptable contour interval shall be 2'. All of this information should include any elevations needed to show how the water flows once it leaves the property.
3. All proposed work including changes to trees, vegetation and contours. Two plans may be necessary for complete explanation, one for existing and one for proposed. If only one plan is provided showing both, the existing features will be shown using dashed lines. For clarity, it is important that landscape improvements be dimensioned from a fixed point of beginning.
4. North arrows on all drawings and maps.
5. The scale of the drawings should be 1" = 50' or larger. If a smaller scale is used for "overall plans", then enlarged details of the work on the right of way must be furnished on a 1" = 50' or larger scale.

## SPECIAL ENCROACHMENTS

6. Locations of all property lines and/or right-of-way fence, easements, above and below ground utilities, curbs, curb types, ADA wheelchair ramps –location & type, edge of pavement (edge of travel lane), guardrails, sidewalks, intersections, median breaks, driveways, bike lanes, surveying monuments, signs, permitted billboards, lighting, traffic signals, other traffic control devices, drainage features, roadway geometries, limit of clear sight line, wheel chair ramps, clear zone set backs.
7. Existing off site features such as the names and types of businesses (if applicable) and/or the property owner on either side of the R/W proposed for change.
8. The distances from the centerline of the highway or road to the R/W line and the distance from one corner of the property, along the R/W line of the abutting road, to the centerline of the nearest named street, road or highway. A general statement such as "Right-of-Way Varies" is not acceptable. Roadway design plans can be viewed at the District and General Offices' plans file rooms.
9. State Route Numbers and U.S. Route Numbers (if applicable) and names of all highways, ramps and roads shall appear on the plans. Designations such as "County Road", "Cross Road" or "City Street" are not specific enough and should not be used.
10. The DOT milepost estimated to the nearest tenth of a mile to some point on the area of the permit (shown on the plans).
11. Posted speed limit of adjacent travel way.
12. All existing DOT signs within the R/W being changed.
13. The total length of frontage of the property owned, and if different, the length of R/W being changed under the permit.
14. All existing vegetation, refer to Policy and Procedures document 6755-9 [Landscaping on GDOT Right of Way](#) for information about landscape plan requirements.
15. The location of any existing outdoor advertising signs within 500 feet of the limits of the project (those that could be affected by the work in terms of location or sight lines).
16. A title block showing the name of the property owner (and the permit applicant, if different from the property owner) and the county in which the project is located. The name of the engineer, landscape architect, or individual that prepared that plans should also be included.
17. Scaled Drawings (36"X24") maximum size sheets will be accepted for the review process.
18. Photography, or video, of the site showing existing features.
19. A landscape plan in conformance with Policy and Procedures document 6755-9.

20. A maintenance plan in conformance with the Policy and Procedures document 6755-9.
21. When necessary to perform work within 32 feet of the edge of pavement and/or access to site is from the roadway, a traffic control plan, in conformance to MUTCD standards, is required.
22. Sprinkler Systems and clear zone setbacks must comply with Policy and Procedures document 6655-9.
23. When necessary to prevent erosion during construction, an erosion control plan shall be prepared in accordance with GDOT standards. If the disturbed is over 1 acre, a NOI will be required.
24. Disturbed areas should be stabilized daily.

## **7G INSPECTION AND ACCEPTANCE OF WORK**

Each District is responsible for competent and adequate inspection of permit work and inspectors are assigned as required. The District Access Management Supervisor shall maintain a permit file for each permit. This file shall contain a completed application package, copies of the executed Maintenance Agreements, copy of appropriate correspondence, and copy of bond and Notice of Completion/Acceptance of Work. When the work is completed, the District Engineer will approve the acceptance of the work. Throughout the construction, the assigned permit inspector shall inspect the progress of the permitted activities to ensure completion of the work on a timely schedule. The District shall ensure by inspection that all aspects listed in the application and plans are adhered to.

All correspondence with the permittee shall be copied to the District Access Management Supervisor. No alterations of the plans shall be allowed.

Throughout any plant establishment maintenance period, the assigned Permit Inspector shall inspect the maintenance of the permitted activities to ensure conformance to maintenance standards.

On all landscape or permitted activities, prior to acceptance or release of bonds, the applicant initiating the work is responsible for preparing accurate as-built drawings. After the final inspection and acceptance of the work, the Permit Inspector shall notify the District Access Management Supervisor to release bonds. The District Access Management Supervisor is responsible for acquiring and checking as-built drawings against approved plan drawings and completed work.

Any changes, caused by unforeseen on-site conditions, during the construction or maintenance of the work must be officially revised and added to the permit file plans for permanent record. A copy of the letter of acceptance to the applicant will be sent to the District Office of Maintenance and the appropriate Area Engineer's Office for use in scheduling yearly inspections and maintenance related correspondence.