FORM SVR-3 REVISED 1/1/2015

(This form only for Business Facilities such as Office, Institutional, Commercial, and Industrial; and Agritourism Activities)

APPLICATION FOR SELECTIVE VEGETATION REMOVAL (SVR) PERMIT NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT)

More information can be found at this website:

http://www.ncdot.gov/doh/operations/dp_chief_eng/roadside/vegetation/maintenance/VegRemoval.html

(Application consists of 6 pages, including 'Supplemental Information', 'Additional Information', & SVR Zone Diagram)

Application is made in accordance with provisions of North Carolina General Statutes (including G.S. 136-93 (b) and G.S. 136-93.3) and applicable North Carolina Administrative Code (including Title 19A NCAC 02E .0601, .0602, .0603, .0604, and .0611). A non-refundable permit fee of \$200.00 must be attached to this application, along with other required documentation. Facilities, including agritourism activities, eligible for SVR permits are those described in Title 19A NCAC 02E .0601. Details for eligibility are given later in this application form.

	DEPARTMENT OF TRANSPORTATION USE ONLY			
Name of Business Facility or Agritourism Activity	Division District County			
Contact Person:	Name			
Mailing Address of Contact Person:				
	Sel. Veg. Permit (SVRP) No			
City / Town / State / Zip	(YY) (CC) (No.) (A or B)			
	Permit Fee Attached:			
Email address:	Date application initially received (electronically and printed, whichever date is later) including the fee <u>with all required</u> <u>documentation</u> :			
	NOTE: In SVRP # above, A = Agritourism Activities and B = All other Business Facility Types.			
Telephone # :	Fax #:			
CHECK ONLY ONE OF THE FOL	LOWING:			
THIS SITE IS A: BUSINESS FACILITY OR	AN AGRITOURISM ACTIVITY (see references below).			
LOCATION: County (Name):	Route:			
Check Direction: Northbound South	boundEastboundWestbound			
Mile Marker location or other specific description (i.e., # of miles from nearest interchange or intersection, or town/city):				
Selective Vegetation Removal (SVR) Zone for BUSINESS	FACILITIES: SVR within highway rights of way may be permitted only			
for opening views to a business facility building which is locate	d adjacent to State highway rights of way. Facilities shall include at			
least one permanent structural building. The building must have all required local and State permits, be related to the facility's				
function, and be open and operational on a year-round basis. See further information in the supplemental and additional information portions of this application form, including a section on and other references to AGRITOURISM ACTIVITIES,				
which has some differing eligibility requirements from that	t of business facilities.			
Municipal Review. Applicant: Complete applicable part below	w for all SVR requests. THE FIRST CHOICE below is for a site within			
the corporate limits of a municipality, if the municipality has advised NCDOT of their desire to review SVR applications. -Applicant delivered a copy of SVR application with required attachments to (Name of Official) of				
(Name of Municipality) on the following date: (Applicant must deliver the application to				
the municipality at least 30 days prior to submitting the application to the Department),				
OR "CHECK" THE FOLLOWING CHOICE: Municipal review not applicable due to the site location NOT being within municipal corporate limits or municipality has not advised the Department that it desires to review selective vegetation removal				
applications.				

APPLICANT: COMPLETE THIS PART IF REQUESTING USE OF POWER-DRIVEN VEGETATION REMOVAL EQUIPMENT & ACCESS THROUGH HIGHWAY FENCE. List specific type(s) of power-driven vegetation removal equipment requested. (Such as: excavator-based attachments, skid-steer cutters, bucket trucks).

NOTE: Sites with vegetation not presenting a hazard from falling tree parts and follow-up work shall be restricted to individual and manual-operated power equipment and hand-held tools. Tree removal, which presents a hazard from falling tree parts, shall be performed in accordance with International Society of Arboriculture standards. If power-driven equipment is approved, NCDOT reserves the right to suspend use of equipment that is observed to be unsafe or causing erosion or other unreasonable damage to the right-of-way until the observed conditions have been resolved.

APPLICANT: CHECK BELOW ONE TYPE OF PERFORMANCE AND INDEMNITY BOND TO BE PROVIDED. (Use NCDOT bond forms).

Note: Continuing

Indemnity Bond contact is the NCDOT

Utilities Section at (919) 707-7193.

Performance and Indemnity Bond (sum of \$2000 per each SVR application)

Certified or Cashier's Check (sum of \$2000 per each SVR application, payable to NCDOT)

Continuing Indemnity Bond (sum of \$100,000 to be kept on file at Central NCDOT Utilities Unit)

APPLICANT: <u>ATTACH CONTRACTOR QUALIFICATIONS</u> FOR DEPARTMENTAL APPROVAL, if applicant will be using private contractor for the SVR work. <u>Note</u>: Attachment of qualifications will not be necessary if contractor is prequalified to perform this type of work with the Department and listed on the NCDOT Directory of Transportation Firms. <u>If listed on stated</u> <u>Directory</u>, please provide the contractor's company name, address, and phone number in the space below.

(INFORMATION ON ACCESSING THE DEPARTMENT'S DIRECTORY OF TRANSPORTATION FIRMS (PREQUALIFIED CONTRACTORS) IS AVAILABLE ON THE NCDOT SVR WEBSITE, WHICH IS SHOWN ON PAGE 1 OF THIS FORM).

Permit conditions include but may not be limited to the following:

- 1. This application form consists of 6 pages, including 'Supplemental Information', 'Additional Information', and Cutting Zone Diagram. The requirements of the application shall apply only to an eligible office, institutional, commercial, or industrial facility, and agritourism activities. Information furnished by the applicant on the application is subject to verification by the NCDOT. The maximum 30 day application review period by the NCDOT will not begin until such time discrepancies, if any are discovered on the application or on related documentation, are resolved. The selective vegetation removal request may be reviewed on site by Department personnel and a representative of the applicant.
- 2. <u>Municipal Review Period</u>: If the application for selective vegetation removal is for a site located within the corporate limits of a municipality, the applicant, in the applicable spaces on the application, shall state in writing the date of delivery of a copy of the application with required attachments to a municipality which has previously advised the Department in writing that it seeks to review such applications. The applicant shall deliver the application to the municipality at least 30 days prior to submitting the applications. The Department. It will be the responsibility of the applicant to identify the municipalities that have requested to review permit applications. The Department will maintain on the SVR website (see URL at the top of page 1 of this form) a listing of municipalities that have requested to review permit applications.
- 3. Selective vegetation removal requests will only be considered upon completion and submittal of the current version of Form SVR-3, including all required documentation, to the appropriate Department official, in both printed and electronic form. After the municipal review period (if applicable) has been satisfied, the Department will approve or deny the application within 30 days of receipt of all required documentation. If the 30-day period is not met by NCDOT, the submitted application, including all required documentation, shall be deemed approved, but all applicable General Statutes and NCAC rules shall remain effective. If the permit is denied, the applicant will be advised in writing of the reasons for denial and applicable appeal rights as stated in G.S. 136-133.3.
- 4. In Title 19A NCAC Section 02E .0602 and the section entitled "Supplemental Information", there is a list of all required documentation to be provided with this application.
- 5. The Permittee ("Permittee" throughout refers to the permit applicant, its agents, employees, independent contractors, or other entity) must have a copy of the approved permit on the work site at all times during any vegetation cutting, thinning, trimming, pruning, removal, or planting operations.
- 6. Except as provided in paragraph # 3 above, this permit is not approved and no work may take place until official approval by the Division Engineer and subsequent notification from the Department. The approved permit will be valid for one (1) year from the date of issuance. The permittee may cut, thin, prune, or remove vegetation more than once per year under the permit conditions. A minimum 48-hour notification shall be provided to the appropriate NCDOT official by the permittee before entering the right-of-way for any work covered by the permit. The permittee shall schedule all work with the appropriate NCDOT official. The Department reserves the right to modify the permittee's work schedule for nights, weekends, and holidays. When the NCDOT restricts work zone construction for safety of the traveling public, denial of access to the right-of-way for SVR purposes shall be implemented.
- Selective vegetation removal permits shall be denied for sites according to one or more reasons as stated in Title 19A NCAC Section 02E .0603 (b). The applicant should be fully aware of restrictions on SVR per conditions affecting the highway right of way per Title 19A NCAC 02E .0604 (12). In addition, SVR provisions cannot be used to provide visibility to undeveloped property or on-premise signs.
- 8. The permittee shall not impede the flow of traffic on any highway while performing selective vegetation removal authorized by a permit. While performing selective vegetation removal authorized by a permit, <u>access to the work site on controlled access highways must be gained without using the main travel way of the highway (exception only for applicants when performing preliminary surveying or delineation work). Sites with vegetation not presenting a hazard from falling tree parts and follow-up work shall be restricted to individual and manual-operated power equipment and hand-held tools. Tree removal, which presents a hazard from falling tree parts, shall be performed in accordance with International Society of Arboriculture standards. The Department may allow use of power-driven vegetation removal equipment (such as excavator-based land clearing attachments, skid-steer cutters, and bucket trucks). Access for use of any equipment must be gained from the private property side to the right of way for each individual selective removal permit site. Written authorization must be obtained from the Department for use of power-driven vegetation</u>

removal equipment as well as for access to move resources from the private property to the right of way. The applicant must provide information on the permit application for which type(s) of equipment and access is requested. If power-driven equipment is approved, NCDOT reserves the right to suspend use of equipment that is observed to be unsafe or causing erosion or other unreasonable damage to the right-of-way until the observed conditions have been resolved. CONTRACTOR QUALIFICATIONS: The applicant shall also provide contractor qualifications to the Department. See the designated spaces on the application form for requesting approval of power-driven equipment and access, as well as to provide contractor qualifications. The NCDOT shall determine the traffic control signage that may be required. The permittee shall furnish, erect, and maintain required signs, per NCDOT directive. The permittee, or agent, shall wear safety vests conforming to OSHA standards, at the work site.

- Any damage to vegetation designated to remain at the site, to highway fences, signs, paved areas, or other facilities shall be repaired or replaced by the permittee to the condition prior to the occurrence of the damage caused by the permittee. All trimmings, laps, and debris shall be removed from the right-of-way and disposed of in areas provided by the permittee. Permittee shall adhere to erosion control requirements and locate and protect utilities within the right-of-way in the SVR zone. No burning or burying of materials permitted on the highway right-of-way. The height of stumps remaining after tree removal shall not exceed 4 inches above the surrounding ground level (except when replanting is to take place, then stumps are to be grinded below the soil surface). When chipping is used to dispose of trimmings, chips may be neatly spread on the right-of-way at locations which the Department determines will not be harmful to the environment or affect traffic safety. The work site shall be left with all vegetation cut, thinned, or pruned at the site either removed or chipped and spread, and the highway fence temporarily mended. Tree branches within the highway right-of-way that encroach into the permitted cutting zone may be cut or pruned. Selected vegetation within the approved limits shall be cut, thinned, pruned, or removed by the permittee in accordance with accepted ISA standards.
- 10. Performance and Indemnity Bond: The permittee shall indemnify and hold harmless the North Carolina Department of Transportation, its employees, attorneys, agents, and contractors against any and all claims or causes of action, and all losses there from, arising out of or in any way related to permittee's operation. The permittee shall furnish a Performance and Indemnity Bond or certified check or cashier's check made payable to North Carolina Department of Transportation for the sum of two thousand dollars (\$2,000). The bond, certified check or cashier's check shall cover all restoration of the right of way to the condition prior to the occurrence of the damage caused by the permittee or the permittee's agent, if damage occurs during the permitted selective vegetation removal. The bond or certified check or cashier's check is required before each permit to cut vegetation is issued. The bond shall run concurrently with the permit. The bond shall be released after a final inspection of the work by NCDOT reveals that all work provided for and specified by the permit is found to be completed and all damages to the right of way, including damage to fencing and other structures within the right-of-way, have been repaired or restored to the condition prior to the occurrence of the damage caused by the permittee or the permittee's agent. Companies that plan to apply for two or more permits may provide continuing bonds for the sum of one hundred thousand dollars (\$100,000) and this type of bond shall be kept on file by the Department. If the work is to be performed by any entity other than the sign owner or permittee, either the permittee or the other entity must furnish the required bonding as described in this Section, for all work provided for and specified by the permit. <u>Required bond forms are available from NCDOT</u>. The bond is to be furnished with the application form to the official assigned to receive <u>SVR</u> applications at the local NCDOT Office. The applicant shall also complete the space provided on this form for the type of bond provided.

Liability Insurance: With the completed application form, the permittee shall also provide proof of liability insurance coverage of five million dollars (\$5,000,000). Whoever performs the work, the permittee, his contractor or agent, shall maintain worker's compensation and vehicle liability insurance coverage. The permittee, his contractor and agent, may be liable for any losses due to the negligence or willful misconduct of his agents, assigns, and employees. The permittee may, in lieu of providing proof of liability insurance as described in this Paragraph, be shown as an additional insured on the general liability policy of the approved contractor or agent to perform the permitted work on condition that the contractor or agent's policy is coverage of five million dollars (\$5,000,000) and the permittee provides proof to the Department of the coverage. The permittee or contractor or agent providing the coverage shall also name the Department as an additional insured on its general liability policy and provide the Department with a copy of the certificate showing the Department named as an additional insured. Regardless of which entity provides the proof of general liability insurance, the required limit of insurance may be obtained by a single general liability policy or the combination of a general liability and excess liability or umbrella policy.

- 11. When the Division Engineer or his representative observes unsafe operations, activities, or conditions, he shall suspend work. Work shall not resume until the unsafe conditions or activities have been eliminated or corrected. Failure to comply with any of the requirements for safety and traffic control shall result in suspension of work. If work is planned in an active work zone, the permittee shall receive written permission from the contractor or the NCDOT (if the NCDOT's employees are performing the work). The permittee shall provide the Engineer with a copy of the written permission.
- 12. A Department inspector may be present while work is underway. The presence or absence of an inspector at the work site does not lessen the permittee's responsibility for conformity with permit requirements and all applicable General Statutes and Rules. When a present inspector fails to point out work that does not conform with the requirements, it does not prevent later notification to the permittee that the work is not in compliance with the permit. Upon expiration of the SVR permit, the Department shall notify the Permittee in writing of any unacceptable items, terminate the permit, and return the performance bond to the permittee. The permittee may, at any time, request termination of the permit in writing to the Department and ask for return of the bond. For replanting work, a different bond release schedule shall be applicable according to Title 19A NCAC 02E. 0611 (g) (8).
- 13. For replanting when mitigation is involved, the approved replanting plan will become part of the SVR permit. For any and all replanting, the permittee shall adhere to the requirements for beautification and replanting conditions in Title 19A NCAC 02E .0611.
- 14. Pursuant to G.S. 136-133.4 (e), willful failure to substantially comply with all the requirements specified in the SVR permit, unless otherwise mutually resolved by the NCDOT and the permittee, shall result in a five (5)-year SVR moratorium at the site, payment of Department investigative costs, and forfeiture of any applicable performance bond determined by the Secretary. The moratorium shall begin upon execution of a settlement agreement or entry of a final disposition in the case.
- 15. By signing this application, the applicant certifies that he or she has permission from the adjoining landowner(s) to access their private property, if applicable, for the purpose of conducting activities related to the selective vegetation removal permit application. If this application is for an agritourism activity, the applicant also certifies that the activity meets the stated definition in G.S. 99E-30.

I hereby certify that the information contained in this document is complete and accurate to the best of my knowledge, and that I agree to all requirements and conditions set forth in this document.

Signature (Owner/Agent) _____ Date: _____

Printed Name: _____ Title: _____

SVR-3, Page 3 of 6

'SUPPLEMENTAL INFORMATION' for Form SVR-3 for Facilities / Agritourism Activities

<u>Required documentation</u>: To be provided in both electronic and printed form by the applicant to the appropriate person in the NCDOT Division of Highways Office for selective vegetation removal requests, includes the following, items A – K:

- A. <u>FORM SVR-3</u> Application for Selective Vegetation Removal Permit (current version) for Business Facilities such as Office, Institutional, Commercial, and Industrial; and Agritourism Activities, completed in its entirety and notarized.
- B. <u>Copy of FORM SVR-3 with documentation to municipality</u> (if applicable): Applicant must comply with the "Municipal Review Period" part in the conditions section of the application and complete the applicable "Municipal Review" section on the application.
- C. <u>Designation of power-driven equipment and applicable access</u>, if requested by the applicant, for removal of trees presenting a hazard from falling tree parts. A space for this information is provided on the application.
- D. <u>Qualifications of any contractor</u> to be used for the selective vegetation removal work. Attach contractor qualifications to the application or indicate (in the space provided on the application) that the contractor is on the Department's "Directory of Transportation Firms" database.
- E. <u>\$200 fee</u> (non-refundable), payable to the NC Department of Transportation.
- F. <u>Performance / indemnity bond or certified / cashier's check</u>, according to the permit conditions shown on the application form. (Applicant may also provide a continuous indemnity bond to cover multiple SVR permits). See further details on bonding choices.
- G. Certificate of liability and other insurance coverage, according to the permit conditions shown on this form.
- H. <u>Document verifying site location</u>. The applicant shall provide a document verifying the requested selective vegetation removal site in relation to corporate limits of a municipality. The document shall be a current geographic information system map of the nearest municipality, with color-coded boundary lines and a corresponding key or legend indicating corporate limit and territorial jurisdiction boundaries and indicating the precise location of the facility or activity. On the same document, the permittee shall also provide the property tax identification number for the parcel on which the facility is located. The Department may require additional information if the boundary remains in question.
- I. <u>On-site marking of vegetation cutting zone</u>. The applicant shall perform site marking of the maximum vegetation cut or removal zone. The applicant shall mark the permitted cutting distances according to Title 19A NCAC 02E .0602 (c) and .0604 (9). For commercial, industrial, institutional, and office facilities and agritourism activities, the limits of selective cutting, thinning, pruning, or removal <u>shall be restricted to one area of right-of-way</u> adjacent to frontage property of the facility or agritourism activity but not to exceed 1,000 contiguous linear feet. The two maximum points along the right-of-way boundary (or fence if there is a control of access fence) shall be marked with visible flagging tape. The two maximum points, corresponding to the beginning point and the ending point, along the edge of the pavement of the travel way, perpendicular to the maximum points marked along the right-of-way boundary, shall be marked with spray paint. *Facilities and agritourism activities with frontage property on opposite sides of the State highway right-of-way split the maximum vegetation removal distance between the two sides of the highway, resulting in a total of two contiguous cutting or removal distances along frontage property, with the total of the two sides not exceeding 1000 linear feet. If the facility or activity is located next to an acceleration or deceleration ramp, the corresponding maximum points shall be marked along the edge of the pavement of the travel way of the ramp instead of the mainline of the roadway. <u>REMINDER: Proper</u> marking of the Form SVR-3 application. <u>See related requirements in the "sketch" section below</u>.*
- J. <u>Tagging of trees</u>. The permittee shall tag, with visible material or flagging, those trees with a diameter of 4 caliper inches and larger, as measured 6 inches above ground level, at the time of the application that are screening the facility from view (subject to NCDOT review per Title 19A 02E .0604 (11)) and requested to be cut, thinned, pruned, or removed within the maximum vegetation cut or removal zone. Trees tagged for cutting, thinning, pruning, or removal shall match with the trees shown on the required sketch of the requested vegetation cut or removal zone; <u>REMINDER:</u> Tagging of trees is a required item of documentation. The applicant confirms tree-tagging has been completed by submittal of the required sketch of the requested SVR site and submittal of the Form SVR-3 application.
- K. <u>Sketch</u>. Applications must be accompanied by a sketch showing the requested limits of the selective cutting, thinning, pruning, or removal of vegetation. <u>See Item I above</u>. The permitted limits of the selective vegetation removal permit shall not be altered for subsequent applications. The applicant shall also include on the sketch the location, species, and caliper inches of all trees with a diameter of 4 caliper inches and greater, as measured 6 inches above ground level, at the time of the application and desired to be cut, thinned, pruned, or removed.

ADDITIONAL INFORMATION:

NO DUPLICATE PERMITS FOR SAME SITE. If the applicant already has an approved SVR permit for a facility or activity and applies for and is approved for another SVR permit (for the same site) during an existing permit year, the previous permit shall become null and void at the same time the new permit is issued.

AGRITOURISM ACTIVITIES (DEFINITION and ELIGIBILITY): The agritourism activity must meet the definition as stated in G.S. 99E-30, as well as be compliant with G.S. 99E-31 and 99E-32 (all G.S. are searchable at <u>www.ncleg.net/</u>). In addition, according to 19A NCAC 02E .0601 (b), the activity site must be in compliance with the following: open for business at least four (4) days per week, for a minimum of thirty two (32) hours per week, and at least ten (10) months per year; and the applicant shall certify that the activities qualify as agritourism. The Department may require additional documentation from the applicant if the requested site's eligibility as a compliant agritourism activity remains in question.

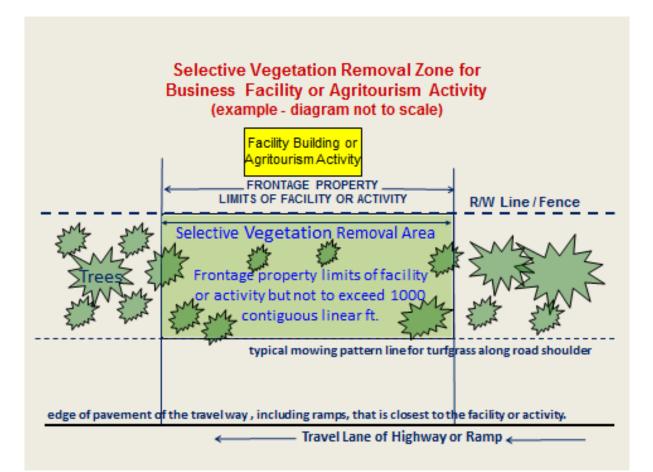
Selective Vegetation Removal, per Title 19A NCAC 02E .0602: Selective vegetation cutting, thinning, pruning, or removal for opening views to facilities or agritourism activities shall be permitted only for the permittee's facilities or activities adjacent to highway right of way at locations where such facilities have been constructed or where agritourism activities are carried out. Complete removal of all trees and other vegetation shall not be permitted. Dogwood trees and redbud trees shall be preserved. Other trees, which are not screening the facility or activity from view and are 4 caliper inches and greater in diameter, measured 6 inches from the ground, shall be preserved. Trees, shrubs, and other vegetation less than 4 caliper inches

in diameter may be removed. Trees, shrubs, and other vegetation, which are 4 caliper inches or greater in diameter as measured 6 inches from the ground and not to be preserved, may be cut, thinned, pruned, or removed according to approval of Department personnel designated by the Division Engineer. All vegetation cutting, thinning, pruning, or removal shall be in accordance with accepted International Society of Arboriculture (ISA) standards.

Department consideration of vegetation requested to be cut, thinned, pruned, or removed in SVR request, per Title 19A 02E .0604 (11): The Department may disapprove the requested cutting, thinning, pruning, or removal of selected trees of 4 caliper inches or greater in diameter, as measured 6 inches above ground level, that are not screening the facility or activity from view from the roadway. The Department shall make this determination by allowing selective thinning of tree density that opens the view to the facility or agritourism activity across the entire length of the maximum cut or removal zone, without complete removal of all trees and other vegetation. The Department shall disapprove cutting, thinning, pruning, or removal of dogwood and redbud trees that may have been tagged in error. If trees are disapproved for cutting, thinning, pruning or removal, the Department shall specify those trees to the applicant during the site review. The applicant shall remove the tree flagging for the disapproved trees and submit to the Department by electronic means an amended version of the original sketch of the site by indicating the changes on the sketch and initialing and dating the changes thereon.

NOTARIZATION SECTION

North Carolina or other State:				
	County			
I,	,	a Notary Public for	or said County and State, do hereby certify	
that		personally appeared before me this day and acknowledged		
the due execution of the forgoing ins	strument.			
Witness my hand and official seal, th	nis the da	y of	, 20	
(Official Seal)	Seal) Signature of Notary Public:			
	My commiss	ion expires	, 20	
PERMIT APPROVED BY: Distribution: 1. Applicant 2. Divis				



For commercial, industrial, institutional, office facilities, and agritourism activities, the limits of selective cutting, thinning, pruning, or removal <u>shall be restricted to one area of right-of-way</u> adjacent to developed frontage property of the facility or agritourism activity but not to exceed 1,000 contiguous linear feet. <u>Facilities and agritourism activities with</u> <u>developed frontage property on opposite sides of the State highway right-of-way may</u> <u>split the maximum vegetation removal distance between the two sides of the highway,</u> <u>resulting in a total of two contiguous cutting or removal distances along frontage</u> <u>property, with the total of the two sides not exceeding 1000 linear feet</u>. **The permitted limits of the selective vegetation removal permit shall not be altered for subsequent applications**. The applicant shall also include on the sketch the location, species, and caliper inches of all trees with a diameter of 4 caliper inches and greater, as measured 6 inches above ground level, at the time of the application and desired to be cut, thinned, pruned, or removed.

THE ABOVE DIAGRAM AND NARRATIVE IS A REVISION, effective 1/1/15.