



STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

KIRK T. STEUDLE
DIRECTOR

June 24, 2008

Dear Members of the Michigan Legislature:

As required by the Highway Advertising Act, PA 106 of 1972, as amended, the Michigan Department of Transportation (MDOT) is reporting on vegetation management, pursuant to Section 11a (13). This report covers the period from January 1, 2007, through September 30, 2007.

Public Act 568 of 2006 amended the Highway Advertising Act to allow for the management of vegetation in front of billboards within highway right-of-way. The Act defined the responsibilities of MDOT and the owners of billboards, with regard to when and how vegetation would be managed. The legislation was signed into law in December of 2006.

Upon enactment, MDOT staff immediately began development of the policies and procedures required to implement the new statute. The outdoor advertising industry was consulted and they provided comment and critique, where appropriate.

The draft of comprehensive procedures and policies was completed in April of 2007 and a trial application period (with the department accepting a limited number of applications) was opened from May 4, 2007, to June 4, 2007. A significant learning curve was experienced by both MDOT staff and industry applicants. Suggestions for changes to simplify procedures and improve communication were incorporated into the first formal application period, which took place from July 16, 2007, through September 14, 2007.

Progress has been made. While both MDOT and the industry were challenged by the implementation of the new statute, the limited number of appeals is indicative of the improvements that have taken place. Every effort will be made to continue that progress.

MDOT's report to the legislature, which is required on a fiscal year basis, is enclosed. Also enclosed is a table with specific information from each of MDOT's seven regions.

If you have any questions regarding this report, please do not hesitate to contact either me or Mr. Matthew DeLong, MDOT's Real Estate Division Administrator, at 517-373-2200.

Sincerely,

Kirk T. Steudle
Director

Enclosures

The Michigan Department of Transportation
Highway Advertising Act - Report to the Legislature

June 24, 2008

The following is specific information (also summarized in the accompanying table) as required by section 11(a)(13) of the Highway Advertising Act:

- a. Number of application periods.
 - There were two application periods during Fiscal Year 2007, a Trial Period from May 4, 2007 to June 4, 2007, and Window 1 Period from July 16, 2007 to September 14, 2007.
- b. Number of applications submitted under this section.
 - During the Trial Period there were 31 applications submitted and during Window 1 there were 192 applications submitted, for a total of 223 applications.
- c. Number of permits approved without modifications.
 - During the Trial Period there were 21 permits approved without modifications and during Window 1 there were 96 permits approved without modifications, for a total of 117 permits approved without modifications.
- d. Number of permits approved with modifications.
 - During the Trial Period there were six permits approved with modifications and during Window 1 there were 86 permits approved with modifications, for a total of 92 approved with modifications.
- e. Number of permits denied.
 - During the Trial Period there were four permits denied and during Window 1 there were 10 permits denied for a total of 14 denied permits.
- f. The number of modified or denied permits which were appealed.
 - During the Trial Period none of the denials were appealed and during Window 1 there were two permits appealed.
- g. The number of appeals that reversed the department's decision.
 - There were no appeals during the Trial Period. There were two appeals during Window 1 but neither overturned the department's decision.
- h. Number of appeals that upheld the department's decision.
 - There were no appeals during the Trial Period and two appeals were upheld during Window 1.

- i. Number of permits approved which requested a visibility time period exceeding five seconds.
 - There were no requests for a visibility time period exceeding five seconds during the Trial Period and one request for a visibility time period exceeding five seconds during Window 1. That request was granted.
- j. Amount of compensation paid to the state for removed vegetation.
 - During the Trial Period \$85,091 was paid to the department. During Window 1, \$249,755 was paid to the department for a total of \$334,846 paid as compensation for removed vegetation.
- k. The average number of days after the application period before the applicant was sent notification the application was approved.
 - During the Trial Period it was 81 days and during Window 1 it was 53 days.
- l. Summary of reasons for which the department denied or modified permits.

Denials:

 - Trees proposed for removal are on edge of billboard and do not effect viewing.
 - Vegetation existed before billboard was erected.
 - There was an adverse impact on the environment, natural features or adjacent property owners.
 - No work allowed in median.

Modifications:

 - Requested vegetation did not impact viewing.
 - Applicant requested more cutting than necessary. More requested than necessary for 5-second viewing cone.
 - MDOT requested mitigation.
 - Leave vegetation to provide slope stability and to eliminate erosion.
 - Trim instead of removal.
 - Remove instead of trim.
 - Do not remove vegetation that existed before the billboard was erected.
 - Denied cutting of buffer trees between right-of-way and adjacent property.
 - Pending MDOT project would remove trees.
 - No lane/shoulder closures.
- m. Summary of amount of all revenues and expenses associated with the management of the vegetation program.
 - During Fiscal Year 2007, the department collected \$33,450 in application fees and \$62,700 in permit fees. MDOT estimates for the cost of expenses is incomplete as accounting processes lagged behind implementation schedules for the vegetation management program. More complete information is expected for future fiscal year reports.

Region Name	Trial Period (May 4, 2007 - June 4, 2007)										
	Total Applications	Issued or Approved w/o Modified	Issued w/ Modified	Denied	Appeals	Appeals Reversed	Appeals Upheld	Requested Exceeding 5 Seconds	Approved Exceeding 5 Seconds	Average Review Days After App. Period	Cost of Vegetation
<i>Superior</i>	0	0	0	0	0	0	0	0	0	0	\$0.00
<i>North</i>	0	0	0	0	0	0	0	0	0	0	\$0.00
<i>Grand</i>	9	5	1	3	0	0	0	0	0	39	\$15,095.00
<i>Bay</i>	1	0	1	0	0	0	0	0	0	268	\$428.00
<i>University</i>	9	7	2	0	0	0	0	0	0	121	\$20,955.00
<i>Metro</i>	10	7	2	1	0	0	0	0	0	62	\$43,050.00
<i>Southwest</i>	2	2	0	0	0	0	0	0	0	95	\$5,563.00
Statewide Total	31	21	6	4	0	0	0	0	0	81	\$85,091.00

Region Name	Window 1 (July 16, 2007 - September 14, 2007)										
	Total Applications	Issued or Approved w/o Modified	Issued w/ Modified	Denied	Appeals	Appeals Reversed	Appeals Upheld	Requested Exceeding 5 Seconds	Approved Exceeding 5 Seconds	Average Review Days After App. Period	Cost of Vegetation
<i>Superior</i>	9	0	9	0	0	0	0	0	0	75	\$4,189.00
<i>North</i>	10	1	9	0	0	0	0	0	0	9	\$0.00
<i>Grand</i>	21	12	6	3	2	0	2	0	0	29	\$19,790.00
<i>Bay</i>	25	1	19	5	0	0	0	0	0	27	\$13,842.34
<i>University</i>	58	27	31	0	0	0	0	1	1	82	\$79,651.00
<i>Metro</i>	39	31	6	2	0	0	0	0	0	43	\$81,300.00
<i>Southwest</i>	30	24	6	0	0	0	0	0	0	55	\$50,982.82
Statewide Total	192	96	86	10	2	0	2	1	1	53	\$249,755.16

Region Name	FY 2007 Totals										
	Total Applications	Issued or Approved w/o Modified	Issued w/ Modified	Denied	Appeals	Appeals Reversed	Appeals Upheld	Requested Exceeding 5 Seconds	Approved Exceeding 5 Seconds	Cost of Vegetation	
<i>Superior</i>	9	0	9	0	0	0	0	0	0	\$4,189.00	
<i>North</i>	10	1	9	0	0	0	0	0	0	\$0.00	
<i>Grand</i>	30	17	7	6	2	0	2	0	0	\$34,885.00	
<i>Bay</i>	26	1	20	5	0	0	0	0	0	\$14,270.34	
<i>University</i>	67	34	33	0	0	0	0	1	1	\$100,606.00	
<i>Metro</i>	49	38	8	3	0	0	0	0	0	\$124,350.00	
<i>Southwest</i>	32	26	6	0	0	0	0	0	0	\$56,545.82	
Statewide Total	223	117	92	14	2	0	2	1	1	\$334,846.16	