



*Hopkins file*

TO:  <b>MODIFIED BY EI 73-026 EFFECTIVE 4/19/1973</b>	 <b>ENGINEERING INSTRUCTION</b> NEW YORK STATE DEPARTMENT OF TRANSPORTATION
Distribution: <input checked="" type="checkbox"/> Main Office <input checked="" type="checkbox"/> Regions <input type="checkbox"/> Special	SUBJECT: <b>FORM HC 91a (10/72) PERMISSION TO PLANT TREES AND SHRUBS</b>  Subject Code: <b>7.28</b>
APPROVED:  <u>Deputy Chief Engineer, Facilities Design</u>	Code: <u>EI 72-101</u> Date: <u>11/13/72</u> Supersedes: D.C.E. G.L. 66-7

Attached find a copy of Form HC 91a (10/72) Permission to Plant Trees and Shrubs which replaces Form HC 91 (2/68) and is to be used on all future projects where it is desirable to plant trees or shrubs outside of the highway right-of-way.

We have been advised by the Division Office of the Federal Highway Administration that this form, which allows our Department to perform normal maintenance on the trees and shrubs and which requires written permission from our Department to the property owner before they may remove any of the trees or shrubs covered by this form, will make planting on private property adjacent to the highway right-of-way eligible for Federal-aid funds.

Planting on private property should be specified only where the right-of-way is not sufficient to permit planting within the right-of-way limits and where planting will replace trees or shrubs removed by highway construction, reduce the visual impact of the highway on adjacent properties and improve the appearance of the completed highway facility to the benefit of both the motorist and the abutting property owners.

Form HC 91a (10/72) should be prepared in triplicate with distribution as follows:

- 1 - Property Owner
- 1 - Engineer in Charge
- 1 - Regional Project File

JJR:B  
Attachment

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

PERMISSION TO PLANT TREES AND SHRUBS

Contract # \_\_\_\_\_ State Highway # \_\_\_\_\_ County \_\_\_\_\_

TO - Commissioner of Transportation  
1220 Washington Avenue  
State Campus  
Albany, New York 12226  
Capital Proj. Ident. # \_\_\_\_\_  
Federal Aid Project # \_\_\_\_\_

The undersigned owner of private lands located on the \_\_\_\_\_ side of the highway at station \_\_\_\_\_ and the \_\_\_\_\_ side of the highway at station \_\_\_\_\_ and being further identified as \_\_\_\_\_ hereby grants permission and gives consent to the Commissioner of Transportation the State of New York, His agents or contractors, to plant trees and shrubs on (my) (our) premises in connection with the construction, reconstruction or improvement of \_\_\_\_\_ State Highway No. \_\_\_\_\_.

This permission is granted with the understanding that such work shall be limited to an area within \_\_\_\_\_ feet of the highway right-of-way line. (I) (We) agree that the State shall not be liable for the maintenance of such trees and shrubs beyond the period of one year after planting nor liable for damages in connection therewith after the completion of the planting work and maintenance period; and that thereafter (I) (we) shall provide normal maintenance. (I) (We) further agree that the Department of Transportation of the State of New York may enter (my) (our) premises, through said Department's agents or contractors to perform normal maintenance as required following the one year period after planting and that (I) (we) will obtain written permission from said Department before causing said trees or shrubs to be removed.

Dated \_\_\_\_\_  
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L.S.  
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L.S.  
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L.S.  
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L.S.

In Presence of:  
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