


TO:		ENGINEERING INSTRUCTION NEW YORK STATE DEPARTMENT OF TRANSPORTATION	
SUPERSEDED BY EB 97-006 EFFECTIVE 2/14/97			
		SUBJECT: INTERIM POLICY PLANTING OF WILDFLOWERS	
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 DIRECTOR, LANDSCAPE ARCHITECTURE BUREAU			

The Surface Transportation and Uniform Relocation Assistance Act of 1987 includes the following:

- "(b) PLANTING OF WILDFLOWERS.
- "(1) GENERAL RULE - The Secretary [of Transportation] shall require the planting of native wildflower seeds or seedlings, or both, as part of any landscaping project under this section. At least 1/4 of 1 percent of the funds expended for such landscaping project shall be for such plantings.
- "(2) WAIVER - The requirements of this subsection may be waived by the Secretary [of Transportation] if a State certifies that native wildflowers or seedlings cannot be grown satisfactorily or planting areas are limited or otherwise used for agricultural purposes.
- "(3) GIFTS - Nothing in this subsection shall be construed to prohibit the acceptance of native wildflower seeds or seedlings donated by civic organizations or other organizations and individuals to be used in landscaping projects".

The FHWA defines a landscaping project as any action taken as part of a highway construction project or as a separate action to enhance the esthetics of a highway through the placement of plant materials consistent with a landscape design plan. Seeding for erosion control and planting vegetation for screening purposes do not constitute a landscaping project.

Subject: INTERIM POLICY PLANTING OF WILDFLOWERS

The FHWA is preparing regulations for Planting of Wildflowers. It will be some time, however, before the final regulations are issued. Meanwhile, the requirement to plant wildflowers is in effect. Therefore, the following interim procedures have been established, and are effective immediately.

1. Wildflowers will not be planted on 100% N.Y. State funded projects.
2. Only wildflowers native to New York State will be planted.
3. Wildflowers will not be planted at the following areas:
 - a. Slopes 1:3 and steeper
 - b. Areas where erosion is an important consideration
 - c. Drainageways
 - d. Within fifteen feet of curb or shoulder
 - e. Areas that are inaccessible for maintenance
 - f. Areas that would be inconvenient or difficult to mow based on the Department's current mowing practices.
4. Wildflowers will not be planted in conjunction with turf establishment. Where wildflowers are planted, however, it may be advisable to include a non-competitive amount of grass seed in the mix as an aid to wildflower establishment. Bunch type grasses that do not form sod are preferred.
5. In any area being considered for wildflower seeding, soil characteristics and other environmental factors shall be investigated to assure that the area is plantable, suitable for and will sustain wildflower growth.
6. Maintenance practices and criteria that will encourage and prolong the growth of wildflowers will be developed by the designer and agreed to by the locally responsible maintaining authority on a project by project basis.
7. Specifications for the planting of wildflowers will include provisions to nurture them until they are well established.
8. Areas for planting of wildflowers must be identified during the preparation of planting plans in accordance with the established principles, standards and criteria of planting design. Wildflower planting locations that appear arbitrary within the context of the overall landscaping plan for a project will not be accepted.

Subject: **INTERIM POLICY PLANTING OF WILDFLOWERS**

9. On projects where wildflowers can not be satisfactorily grown or where there is a scarcity of available planting areas, this shall be identified in the Design Report. Also, at the Design Report phase for these projects, the Regional Landscape Architect shall submit a request for waiver of the wildflower requirements to the Director of the Landscape Architecture Bureau. The request for waiver must be well documented and must include adequate justification in support of the findings and conclusions.
 - a. On non-Certification Acceptance projects, the Landscape Architecture Bureau will submit waiver requests to the FHWA.
 - b. On Certification Acceptance projects, the Director of the Landscape Architecture Bureau will grant waivers under the established Certification Acceptance procedures.
10. On projects that include planting of wildflowers, a separate summary identifying the cost of wildflowers and the cost of all the landscaping (planting) in the project exclusive of erosion control and screening must be included with the PS&E submittal. In these cases, at least 1/4 of 1 percent of the cost of landscaping (planting) in the project shall be used for wildflowers. The value of donated plant materials may not be counted toward the required minimum expenditure.

The Department's final policy on Planting of Wildflowers will be issued after:

- ° FHWA regulations have been issued, AND
- ° a list of wildflowers native to New York State and suitable for roadside planting has been established, AND
- ° design standards for establishing wildflowers have been developed, AND
- ° a roadside maintenance policy that will foster the effective growth of wildflowers has been developed.