



INDIANA DEPARTMENT OF TRANSPORTATION

Driving Indiana's Economic Growth

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Mitchell E. Daniels, Jr., Governor
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DATE: October 12, 2010
Revised January 18, 2011

TO: District Deputy Commissioners
District Highway Maintenance Directors
District Technical Services Directors

OPERATIONS
MEMORANDUM 10-06
MISCELLANEOUS

FROM: Jason L. Jones
Director, Highway Maintenance Division

SUBJECT: Public Art & Landscaping on INDOT controlled Right of Way

BACKGROUND:

There has been a growing interest on the part of communities to use art and to landscape interchanges and medians within the transportation rights of way of the Indiana Department of Transportation (INDOT). Public art and landscaping projects can be used to provide visual interest along roadsides, make unique statements about community character, and create positive public response that will last over time.

Proponents for public art and landscaped interchanges may include local public agencies and engaged citizens' groups with interest in the outcome of an INDOT project. The environmental and public involvement processes offer opportunities for community partnership on the visual and aesthetic qualities of a corridor or highway project.

POLICY:

This public art & landscaping policy is intended to provide guidance for:

- managing public art and landscaping projects, as well as existing art and landscaping projects on all highways;
- designating appropriate locations for the incorporation of public art or landscaping features; and
- providing for the consistent use of statewide development, review, and approval processes on new and existing public art or landscaping features.

Entities that advocate violence, violation of the law, or discrimination based upon race, religion, color, national origin, ancestry, disability, age, or sex may not participate in the program.

1. Balancing Community Requests with Roadway Safety.

The appropriateness of public art or landscaping is dependent upon its proposed location and composition. An art piece or feature or landscape design chosen for the back side of a noise wall, at a rest area, or along a bike path may not be suitable at the end of a freeway ramp or along the main line of a highway. In addition to appropriate placement, INDOT must balance the requests for proposed public art projects with the need to provide corridor continuity, improve the unity of highway elements, and maintain overall highway safety. This includes a need to consider and minimize the likelihood of driver distraction in evaluating public art and landscaping proposals.

2. **Process for Evaluation of Requests.**

Requests for public art or landscaping must be directed to the District Technical Services Section. Placement and composition of public art or landscaping shall be evaluated on a case-by-case basis. Prior to approval of public art or landscaping, a public art or landscaping plan (the "Plan") is to be developed in coordination with the Public Art Services Team (the "Team"), as detailed in Section 5. The Team will review the concept, guide the local public agency or citizens' group and their design team through the Plan evaluation process, and, if and when appropriate, approve the Plan. The Team will also determine whether the Plan will be implemented through a permit or a contract.

The following criteria must be addressed and documented in the public art or landscaping Plan:

- The public art proponent, the funding source, and those responsible for the installation and maintenance of the proposed art or landscaping must be identified.
- The plan should provide for safe maintenance access, and should establish agreements with local public agencies for maintenance where appropriate. If there is a potential for vandalism, this issue should be addressed in any associated maintenance agreements.
- A statement from the local public agency endorsing the public art or landscaping project should be included in the Plan.
- The subject of the proposed art should be clearly identified, and a description of the art or landscaping, including a written description and preliminary designs or sketches, should be included.
- Visibility: Art or landscaping visible from the road must contribute to corridor continuity and the view from the road. Art or landscaping visible to the community or adjacent to the neighborhood side of a structure may be given more flexibility in design than that visible from the road.
- Safety and security: Public art or landscaping must not negatively impact safety and must not create an attractive nuisance.
- Potential for traffic distraction: Proposed art or landscaping must not distract motorists. It must be appropriate for the speed and angle at which it will be viewed. Landscaping and art must not obscure sight distance or encroach into the clear zone (including full mature growth of plantings).
- Impact of the proposed art on social, cultural, and environmental resources. In general, INDOT will not approve the addition of art or landscaping on a historic structure or within an ecologically sensitive area.
- The Plan must demonstrate compliance with INDOT policies and procedures, including MUTCD and the Indiana Design Manual.
- The Plan must demonstrate compliance with all applicable laws, regulations and ordinances.

3. **Unacceptable Public Art or Landscaping Features.**

The following are examples of **unacceptable** public art or landscaping features:

- Kinetic sculptures (i.e., those with movement).
- Brightly lit or flashing art.
- Art that poses an unreasonable safety risk.
- Large sculptures (the size of a sculpture should be relative to its context and location in the landscape).
- Art with highly reflective qualities (due to potential glare).
- Art or landscaping that is a distraction to drivers or out of context with the surroundings.
- Art with a topic, theme, or elements that could cause negative public reaction.
- Art that resembles a traffic control device or sign.

- Landscaping that depicts or represents any company or corporate logo or name, or constitutes an advertisement in any form.
- Any improvements intended to provide greater visibility to any existing or future business, advertisement or advertising structure.
- Any improvements that obscure or interfere with the view of existing lawfully erected advertising structures from the traveled way.
- Any feature that in any way interferes with INDOT's ability to perform routine maintenance.

The INDOT District Deputy Commissioner shall be the sole and final authority in determining whether or not a Plan and all of its elements are acceptable.

4. Public Art or Landscaping Plan.

The Plan shall provide enough detail and description to convey what the proposed art or landscape project will look like when complete and mature. The Plan documents must demonstrate that the proposed art and/or landscape satisfies the criteria described herein. The final Plan must include the following elements:

- Cover sheet with appropriate approval signatures.
- Project overview, including justification and recommendations for public art.
- Detailed location of the proposed art or landscaping project.
- Scale drawings of the proposed art or landscaping project, including proposed materials and finishes.
- Installation criteria, including traffic control and cost estimate.
- Scheduled maintenance requirements, in detail, for the life of the project, including traffic control and cost estimate. This requirement shall include all items and their frequency that will be necessary to maintain the art and landscaping, including vegetation control, mulching, watering, fertilizing, etc. This will also include maintenance work limits, and must identify who will complete all maintenance.

5. Public Art Services Team.

The Public Art Services Team will be included in the development of the public art and the public art plan. This team will be responsible for reviewing and ultimately approving the public art plan. The Public Art Services Team may include the following suggested positions (or their delegates) in these functional areas:

- District Highway Maintenance Director
- District Technical Services Director
- District Permits Supervisor
- District Traffic Engineer (Maintenance and Operations Engineer)
- District Position Responsible for Long Range Planning (to ensure no imminent projects in the area)
- District Environmental/Scoping Manager (to ensure no environmental issues)
- District Local Programs Coordinator
- District Design Manager (for design/clear zones issues)
- District Landscape Architect
- Central Office Roadside Coordinator
- FHWA representative (for projects located on NHS routes)

6. Approval.

Approval of public art or landscaping projects will consist of the concurrence of the Public Art Services Team before appropriate permits or agreements are generated and executed. Appropriate documentation shall be kept on file in accordance with applicable public records retention schedules, and should include summaries of Team members' comments.

7. Documentation.

The public art and landscape Plan, complete with approval signatures, shall be retained in the District that approved the plan for the life of the project plus any additional period required by the applicable public records retention schedule.

8. Landscaping Design.

Areas to be landscaped shall conform to the following requirements:

- Landscaped areas shall be composed of a minimum of eighty percent (80%) Indiana native vegetation as defined by the Federal Highway Administration's Office of Natural and Human Environment, or its successor. A list of plants native to Indiana may be found at: <http://www.fhwa.dot.gov/environment/rdsduse/in.htm>.
- Landscaped areas shall not contain any invasive species as new plantings, as defined by the Federal Highway Administration's Office of Natural and Human Environment, or as listed in the Purdue University publication "Indiana's 'Most Unwanted' Invasive Plant Pests". Any existing invasive species shall be removed. A list of plants native to Indiana may be found at: http://www.fhwa.dot.gov/environment/rdsduse/rds3_13.htm

A listing of common invasive species in Indiana can be found at:

<http://www.extension.entm.purdue.edu/CAPS/plants.html>

- When design plans note an area to be "No Mow", either the existing vegetation must be a "No Mow" type of vegetation or it replaced with approved "No Mow" vegetation.

9. Landscape Installation.

The installation of all landscaping and public art shall be done by either a contractor prequalified with INDOT for landscaping work, or by an entity approved by INDOT.

Safety of the traveling public and of workers in the right of way is of utmost importance and shall not be compromised. All installation, maintenance, and complete or partial removal of landscaping shall be completed in accordance with all current procedures for temporary traffic control and work zone safety, including but not limited to the procedures defined in the *Indiana Department of Transportation Policies, Processes, & Procedures on Work Zone Safety & Mobility* and part 6 of the *Indiana Manual on Uniform Traffic Control Devices*. Compliance with all applicable safety procedures, laws and regulations shall be the responsibility of the Project sponsor.

10. Acceptance of the Public Art or Landscaping Project.

To secure the party's obligation to remove the landscaping/public art under this policy, the Public Arts Services Team may require a performance bond. The term of the bond will be from the start of the installation until the earliest:

1. INDOT notifies the party in writing that the area will be maintained by INDOT.
2. The party removes artwork and all materials requested by INDOT, and restore the right-of-way to its original condition.
3. The proceeds of the bond are paid to INDOT because the party failed to honor its obligation to remove materials within (60) sixty days after INDOT gives notice to the party that material must be removed.

If the Party removes materials and art pursuant to INDOT's written instruction, then ownership of all materials and art shall revert back to the party. If materials and art must be removed by INDOT, then the materials and art shall remain the property of INDOT.

11. Right of Entry.

- Upon submission and approval of a public art or landscaping Plan, INDOT will either (1) issue a permit for installation of the public art or landscaping Project or (2) enter into an agreement with any necessary parties for construction and installation of the public art or landscaping Project on INDOT ROW in accordance with the Plan. As part of any permit or agreement, INDOT will grant the party, its contractors and subcontractors permission to enter upon the State right of way for the sole purpose of constructing, installing and maintaining the Project in the areas listed. The party shall notify INDOT of its intent a minimum of one (1) business day before commencing work.
- For Projects located on interstate and limited access facilities, INDOT must grant written permission for right of entry, which is based on specific traffic control and/or worker safety plans. No work shall commence until such notice is given.

12. Public Art or Landscaping Maintenance.

- All landscaped areas shall have maintenance performed a minimum of four (4) times per year. This maintenance shall include mowing and the removal of noxious weeds or undesirable plants. Any shrub trimming or tree pruning shall be completed at the proper time recommended for the species. All debris, litter, and other refuse shall be removed from the landscaped area and disposed of appropriately.
- Any grassy area of the landscaped area shall be mowed approximately one (1) week prior to Memorial Day, Fourth of July, and Labor Day. All litter pick-ups shall be done prior to such mowing.

- The landscaped area (excluding “no mow” areas) that are between an entrance or exit ramp and the mainline portion of a highway shall have the entire grass area mowed approximately one (1) week prior to Memorial Day, Fourth of July, and Labor Day. All litter pick-ups shall be done prior to such mowing. If the landscaping is placed in an area such that mowing is not required, litter pick-up must still be performed. Minimum areas to mow and pick up litter are (depending on landscape location) are as follows and detailed in Attachment 1 to this Memorandum:
 1. Infield area bounded by an entrance or exit ramp, the cross road and the mainline portion of a highway (see Attachment 1a);
 2. Outfield area bounded by an entrance or exit ramp, the cross road, the mainline portion and the right of way of a highway (see Attachment 1a);
 3. Entire island area (see Attachment 1b); and
 4. A minimum of 1,000 ft, inclusive of the landscaped area, between the right of way and the mainline highway (see Attachment 1c).
- The public art or landscaping may be removed by INDOT if INDOT determines that the party has failed to adequately maintain the public art or landscaping in accordance with these requirements. INDOT will provide sixty (60) days advance notice that the landscaping will be removed.

13. Acknowledgment Signs.

- Acknowledgment signs are a way of recognizing an entity or volunteer group that provides a highway related service, maintenance of an interchange and other highway maintenance or beautification programs. Acknowledgement signs are not intended and shall not be used for advertising.
- INDOT will allow acknowledgement signs for groups subject to the following criteria. INDOT will fabricate and install these signs. A maximum of one (1) sign per mainline direction will be installed, per interchange. Two (2) types of acknowledgment signs shall be used for this program.
 1. For sites built by INDOT that a party wishes to maintain (including litter pickup, mowing and maintaining existing landscaped areas), the “Adopt-a-spot” sign shown in Attachment 2 shall be installed.) Recognition text (subject to INDOT approval) for the sign and other information shall be submitted in the application form in Attachment 4.
 2. For public art or landscaped areas that have been funded privately or through a combination of private or local and government funds (such as Transportation Enhancement grants) the “Adopt-a-spot” sign shown in Attachment 3 shall be installed in the landscaped area or near the public art. The logo panel shall be designed and fabricated by the requesting party and provided to INDOT, and is subject to INDOT approval. Signs must be placed within the landscaped area outside of the clear zone.
- Once acknowledgement signs are approved, they may remain in place for the term of the permit or agreement and any subsequent renewals.

14. Renewal of Permits or Agreements.

- The term of all permits or agreements shall be for a period of 2 years. At any time prior to expiration, a permit or agreement may be renewed at INDOT's discretion. An updated maintenance plan shall be submitted by the party and agreed to by the District Highway Maintenance Director prior to renewal of any permit or agreement.

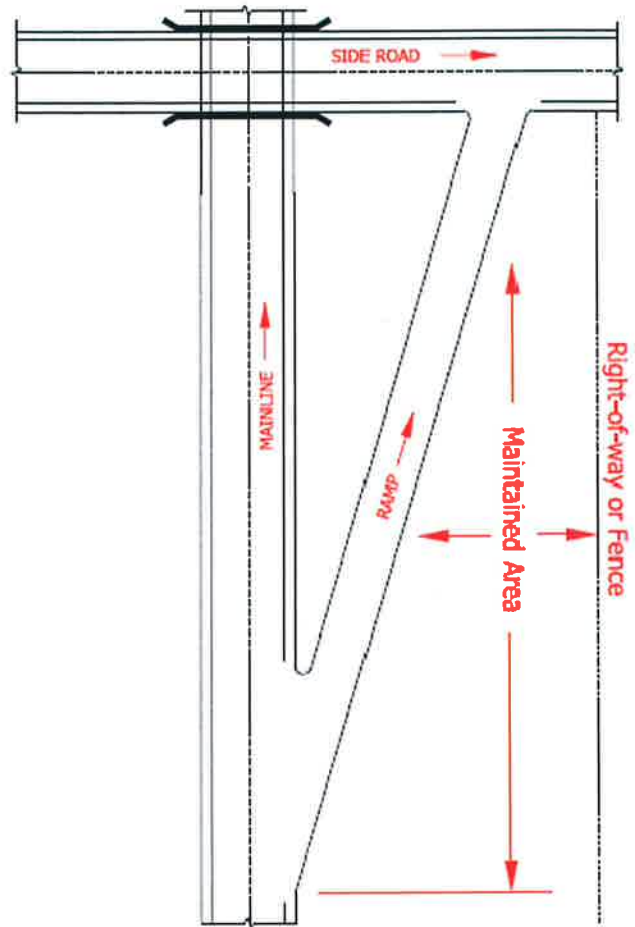
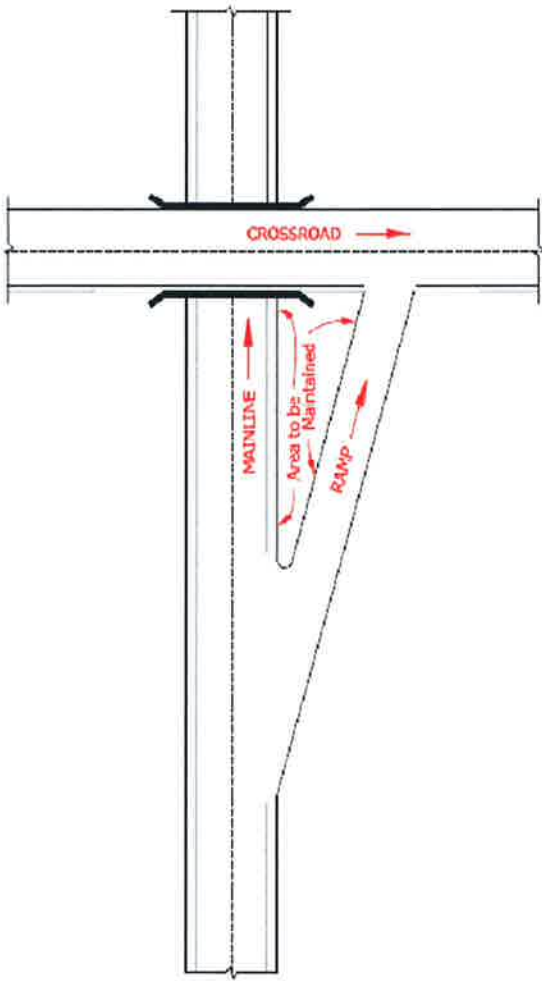
Comments or technical questions about this policy will be directed to the Division of Maintenance Management and District Support.

JLJ/wef

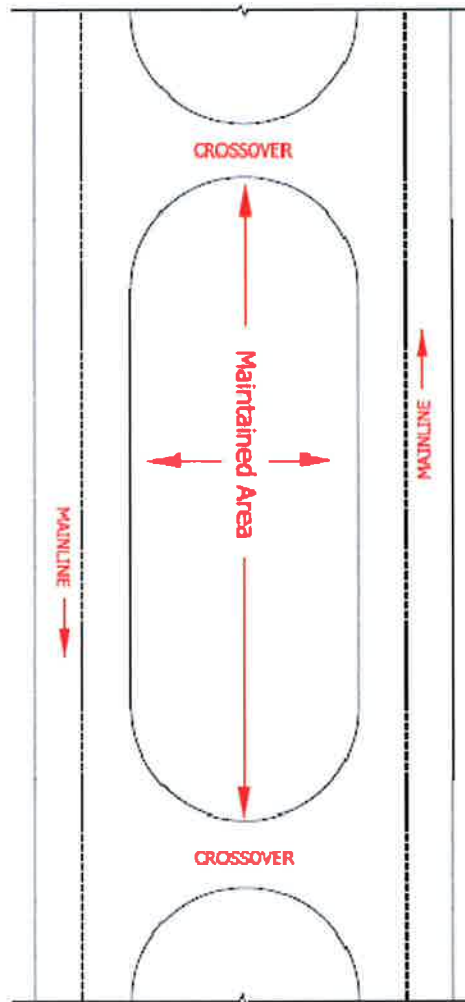
attachments

cc: Jeff Parker, Dennis Belter, Todd Shields, Ryan Gallagher, Mike Bowman

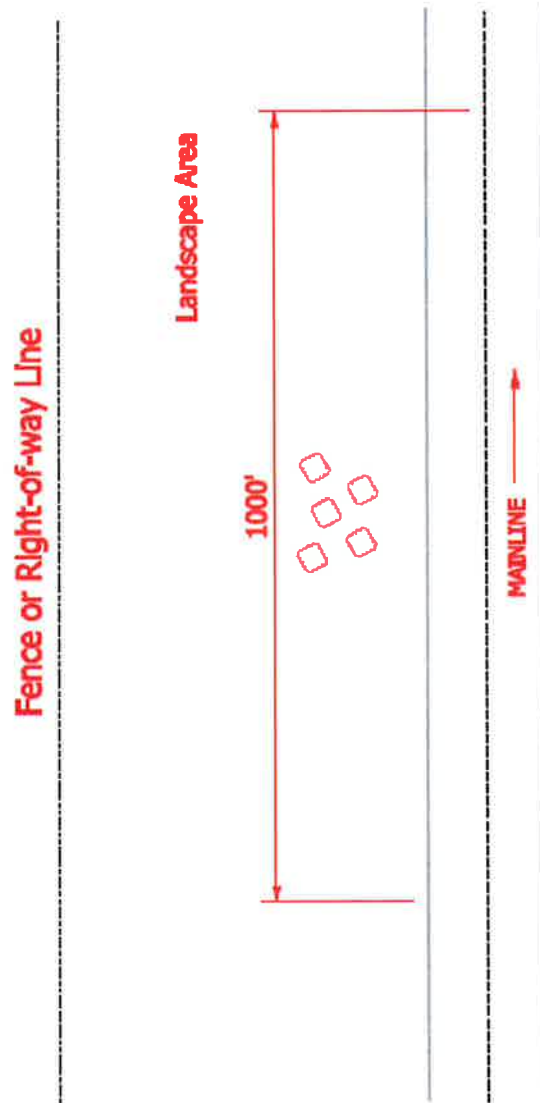
Attachment 1a – Diagrams of mowing/litter pickup limits – Interchanges



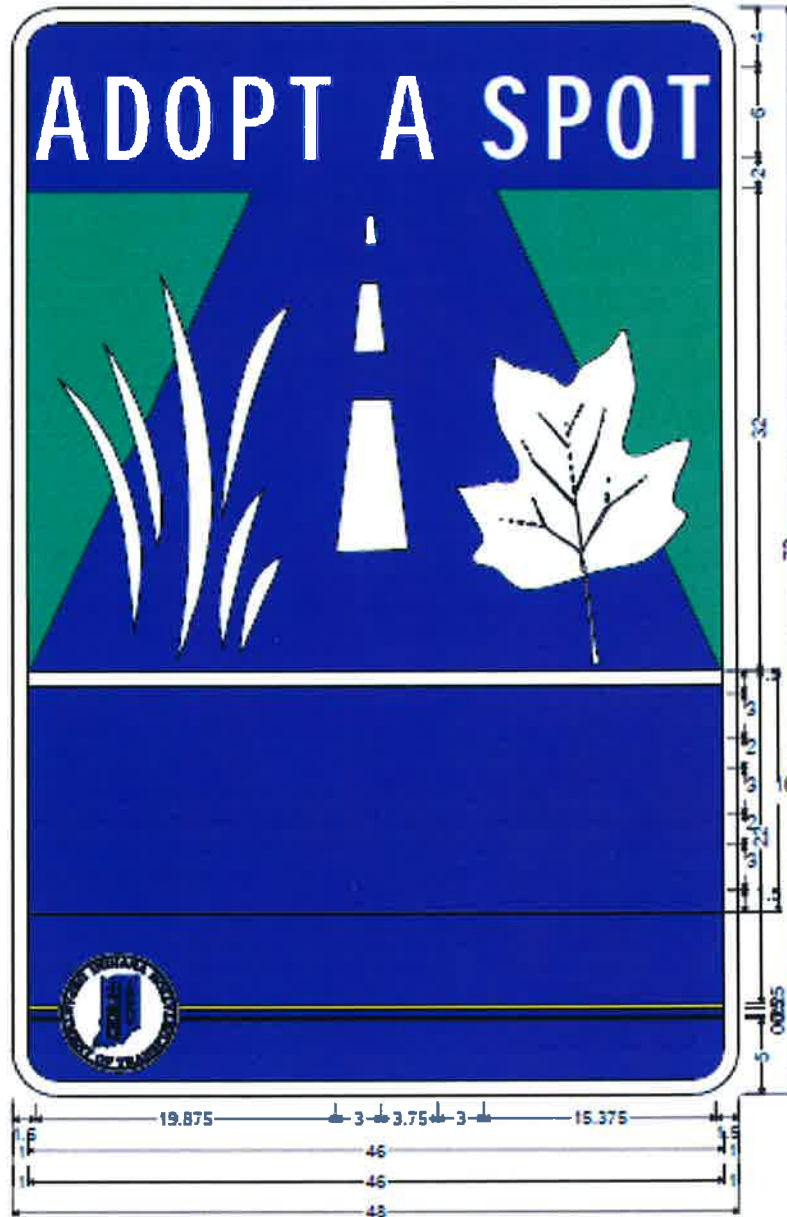
Attachment 1b – Diagrams of mowing/litter pickup limits – Islands



Attachment 1c – Diagrams of mowing/litter pickup limits – Roadside

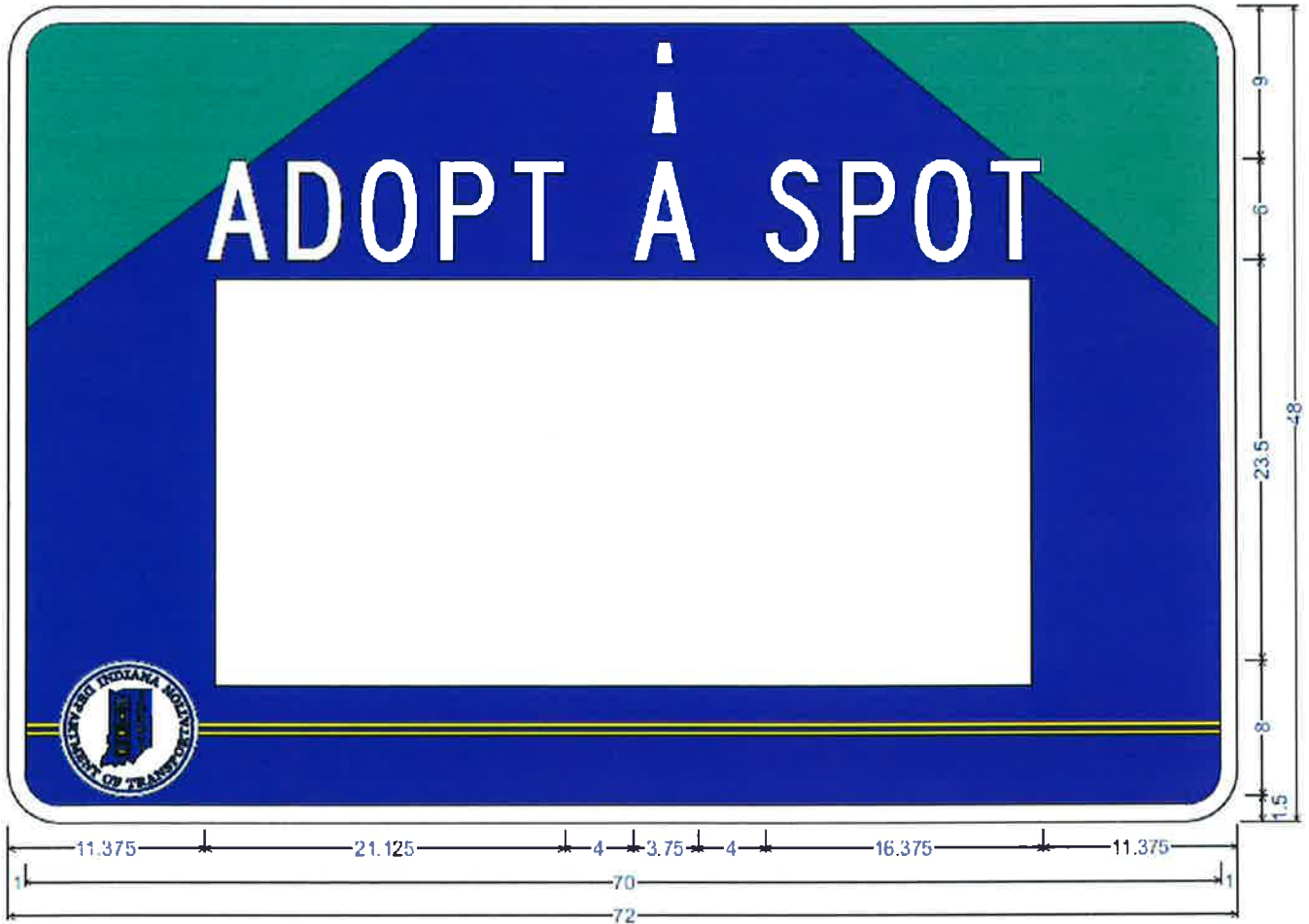


Attachment 2 – Standard Adopt A Spot Sign for Existing Landscaping



"ADOPT A SPOT" HWY C 6 INCH; 3.000" Radius; 1.000" Border; White on Blue;
"ADOPT A SPOT" C specified length; Horizontal Line Yellow; Horizontal Line Yellow;

Attachment 3 - Standard Adopt A Spot Sign for New Landscaping



" ADOPT A SPOT " HWY C 6 INCH: 3.000" Radius, 1.000" Border, White on Green:
"ADOPT A SPOT" C:

**Attachment 4 – Adopt A Spot Application
For Recognition Sign Text**

Adopt-A-Spot Application

Enter Group’s Name—One Letter For Each Block

Group’s Mailing Address

Street _____
City _____ State _____ Zip _____
Phone (____) _____ Number of Members _____
Alternate Phone (____) _____

Please list the county (counties) in which your local group is active. _____

Are any group members between the ages of 12 and 16? _____ Yes _____ No

Please list the portion(s) of highway your group would like to adopt. 1. _____
2. _____ 3. _____
Please note the road location and limits (Between CR 200N & CR 400N; mile markers if applicable)

Please Provide INDOT with the names of the group members who will act as the Primary & Secondary contacts for your group.

Primary

Name _____ Phone (____) _____
Address _____ City _____ State _____ Zip _____
Cell (____) _____

Secondary

Name _____ Phone (____) _____
Address _____ City _____ State _____ Zip _____
Cell (____) _____