

**CHAPTER 41F**

**VEGETATION CANOPY MANAGEMENT**

**Authority**

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Chapter 41F, Vegetation Canopy Management, expires on August 3, 2022.

**Chapter Historical Note**

Chapter 41F, Vegetation Canopy Management, was adopted as new rules by R.2015 d.124, effective August 3, 2015. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

**16:41F-1.1 Purpose**

The purpose of this chapter is to enhance visibility of outdoor advertising signs while protecting vegetation on State highway right-of-way under the jurisdiction or control of the New Jersey Department of Transportation, by establishing standards for Vegetation Canopy Management.

**16:41F-1.2 Scope**

(a) VCM will be allowed on highways under the jurisdiction and control of the Department.

(b) The provisions of VCM will apply only to signs for which a valid outdoor advertising permit has been issued pursuant to N.J.A.C. 16:41C.

(c) A VCM Plan shall be classified as either minor or major.

(d) A VCM Plan meeting the following requirements shall be classified as minor:

1. The VCM Plan is not proposed in a regulated area as provided at N.J.A.C. 16:41F-4.2(c);
2. The VCM Plan is proposed for an area less than half an acre in size within which trees may be removed, pruned, or both; and
3. Where the VCM Plan is proposed for an area for which a highway occupancy permit has previously been issued for a VCM Plan or for a general permit for landscaping, tree trimming, vegetation control, or unclassified landscaping; and the VCM Plan continues to meet the requirements provided in this subsection.

(e) All VCM Plans not meeting the requirements of (d) above shall be classified as major.

(f) The maximum area for inclusion in a VCM Plan shall be comprised of:

1. A horizontal zone of visual influence of 200 to 400 feet approaching the face of an outdoor advertising sign as shown in N.J.A.C. 16:41F Appendix 3, Figures 1 and 2 and Table 2. The zone of visual influence begins at a point that is 0.25 times the VCM Distance (Point B) that corresponds to the roadways posted speed, shown in N.J.A.C. 16:41F

Appendix 3, Table 2, measured from a point perpendicular to the nearest point of the sign to the roadway edge (Point A). The zone of visual influence ends at the VCM Distance (Point C) that corresponds to the roadways posted speed, shown in N.J.A.C. 16:41F Appendix 3, Table 2. The zone of visual influence is intended to provide approximately 3.9 to 5.4 seconds of view time of the outdoor advertising sign to an approaching motorist; and

2. A vertical zone of visual influence, which is measured on a sight line from a point 3.5 feet above the roadway in the center of the travel lane nearest to the outdoor advertising sign to a point five feet below the bottom edge of the sign as shown in N.J.A.C. 16:41F Appendix 3, Figure 3.

(g) Applications for VCM shall be limited to a single sign location, unless the applicant owns two or more signs whose zones of visual influence overlap or are adjacent.

(h) Applicants for VCM shall be limited to the holder of the outdoor advertising permit.

(i) All approved VCM work will be governed by a highway occupancy permit issued pursuant to N.J.A.C. 16:41.

(j) Any removal, thinning, or partial removal of vegetation within State highway ROW, which is intended to enhance the visibility of an outdoor advertising sign shall be allowed only as approved by the Department pursuant to this chapter and the provisions of N.J.A.C. 16:41.

(k) Applications for VCM shall not be approved when:

1. Applicants have unresolved violations related to the outdoor advertising permit issued pursuant to N.J.A.C. 16:41C for the sign that is the subject of the VCM Plan;

2. Applicants have unresolved violations related to highway occupancy permits issued pursuant to N.J.A.C. 16:41, related to performing landscaping, tree trimming, vegetation control, or unclassified landscaping;

3. Vegetation management would result in the sign being visible from an additional highway, other than the highway for which visibility has been previously approved and an outdoor advertising permit issued, where the regulatory requirements for the issuance of an outdoor advertising permit on the additional highway would not be met;

4. It would be in violation of any locations or conditions as described in this chapter; or

5. A sign, not yet constructed, does not have all relevant municipal approvals.

## SUBCHAPTER 2. DEFINITIONS

### 16:41F-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

“ANSI A300 Standards” means the accepted industry standards for tree care practices developed by the American National Standards Institute. The ANSI A300 Standards, which are incorporated herein by reference, as amended and supplemented, can be found at <http://tcia.org/business/ansi-a300-standards>.

“Applicant” means the holder of a valid outdoor advertising permit issued pursuant to N.J.A.C. 16:41C who seeks approval to implement a VCM Plan to allow or improve the visibility of an off-premise outdoor advertising sign.

“Cleaning” means selective pruning to remove only dead or broken branches.

“Crown” means the leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree.

“Crown raising” means the removal of lower tree limbs to allow clearance or visibility beneath the tree crown while maintaining the natural symmetry of the tree.

“Crown reduction” or “reduction” means selective pruning to decrease height or spread of the crown.

“Crown thinning” or “thinning” means selective pruning to reduce the density of live branches.

“Department” means the New Jersey Department of Transportation.

“Flood hazard area” means as defined by N.J.A.C. 7:13-1.

“Hardwood” means trees, usually with deciduous leaves, including examples such as Ash, Beech, Cherry, Hickory, Maple, Oak, Plum, Poplar, Sweetgum, and Willow, with notable broadleaf evergreen exceptions, such as Magnolia.

“Historic site” means as defined by the New Jersey Register of Historic Places Act, N.J.S.A. 13:1B-15.128 et seq.

“Historic trees” means trees identified by the Community Forestry Program of New Jersey Department of Environmental Protection (NJDEP), Division of Parks and Forestry.

“No Net Loss Reforestation Act” means a law that requires State entities to replant trees when they are removed during development projects at least one-half acre in size pursuant to N.J.S.A. 13:1L-14.1 et seq.