

# WEST VIRGINIA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS

## Application to install ART within DOH right-of-way

### **GUIDELINES/APPLICATION PROCESS**

With respect to the Division of Highways (DOH), “ART” includes, but is not necessarily limited to any painting, mural, illustration, imprint, sketch, rendering, etching, depiction, representation, sculpture, obelisk, or any similar feature that has an intrinsic aesthetic quality. The DOH recognizes the value ART can provide to communities, and feels it is in the public interest to allow, when appropriate, the placement and installation of ART within DOH rights-of-way or upon real property owned by the DOH (collectively referred to in this application as “right-of-way”), or on an existing/previously constructed DOH facility or structure (whether funded with State or federal funds), including but not necessarily limited to bridge piers; bridge abutments; bridge parapets; retaining walls; sound/noise barriers; tunnels; salt sheds; fences; or similar structures.

Only political subdivisions of the State of West Virginia will be permitted, as appropriate, to install ART within DOH right-of-way. Such political subdivisions, which may include County Commissions, municipalities or other similar entities, may submit to the DOH applications to install ART within DOH right-of-way.

- With respect to DOH right-of-way, ART:
  - cannot represent a roadside area of concern (per AASHTO Roadside Design Guide);
  - cannot adversely impact the ability of the DOH to adequately maintain the State Highway System;
  - shall not be installed within the traveled way of a roadway nor along the travel surface of any DOH facility;
  - shall not contain offensive, pornographic or objectionable material;
  - shall not contain any items of a political nature;
  - shall comply with DOH outdoor advertising rules and regulations;
  - shall not include motion or changeable message signs;
  - shall conform to DOH Traffic Engineering Directives regarding “Public Service Signs”;
  - shall include no depiction, illustration or other representation of any traffic control device, particularly stop signs;
  - shall not be installed on any highway sign or support; and
  - shall not include wayfinding or similar civic signs.
- The DOH will review each ART proposal and shall notify the applicant, in writing, as soon as practicable of the results of DOH review.
  - Proposed locations of ART and proximity to DOH roadways may be reviewed with respect to vehicular and/or pedestrian access, crash data, and other factors DOH determines to be appropriate and germane to the proposal.
  - As necessary and appropriate, the DOH will coordinate with the Federal Highway Administration (FHWA) and will obtain, if necessary, FHWA concurrence or approval of ART proposals.
  - The DOH may discuss ART proposals with personnel of the Division of Culture and History or other art councils, as appropriate.
  - The DOH reserves the right to require applicant to conduct a public meeting to obtain input regarding proposed ART.
- Applicants will be provided an opportunity to address any comments or concerns provided by the DOH regarding ART proposals.
- If the applicant cannot adequately address DOH comments or concerns, the proposed ART project will not be approved by the DOH.

- If DOH approves an ART project proposal, DOH then will execute with applicant an agreement regarding the ART.
- Unless otherwise noted, applicant will be responsible for administering and funding all design; acquisition of any easement; obtaining any other approvals or permits of any nature; addressing any utility issues; installation/construction of the proposed ART; providing traffic control in accordance with the approved traffic control plan; maintenance (including any replacement or repair); and any other pertinent issue regarding the ART.
- If DOH later determines that the removal of ART is necessary (including removal by DOH of the facility on which the ART is installed):
  - DOH may remove ART and shall have no financial obligation to compensate applicant;
  - DOH shall not be required to replace ART or provide other right-of-way in which applicant may install ART;
- If DOH determines that the disposal of the right-of-way on which the ART is installed is appropriate, the DOH will make every appropriate effort to provide sufficient notification to all affected parties of such pending disposal, however:
  - the DOH agreement with the applicant concerning ART terminates upon disposal by DOH of the affected right-of-way
  - the DOH shall have no financial obligation to compensate applicant;
  - the DOH shall not be required to replace ART or provide other right-of-way in which applicant may install ART.

**APPLICATION FOR INSTALLATION OF ART WITHIN DOH RIGHT-OF-WAY**

**(NOTE THAT DOH MAY REJECT OR RETURN APPLICATION THAT DOES NOT INCLUDE ALL ITEMS OR INFORMATION REQUESTED/INDICATED)**

Date of Application:

[Click here to enter a date.](#)

I. APPLICANT INFORMATION:

A. Applicant is of which type of political subdivision:

Municipality  County agency  State agency  Other political subdivision

1. If submitted by a municipality, application is to include a City resolution expressing support of the proposal—City Resolution included?  Yes  No  N/A

2. If submitted by a County agency, application is to include a County Commission resolution expressing support of the proposal—County Resolution included?  Yes  No  N/A

B. Applicant Mailing Address: \_\_\_\_\_

C. Applicant Telephone: \_\_\_\_\_

D. Applicant Website (if none, indicate “none”): \_\_\_\_\_

E. Applicant Contact Information:

F. Name of individual with whom WVDOH should coordinate: [Choose an item.](#) \_\_\_\_\_

G. Contact Person Title: \_\_\_\_\_

H. Contact Person Email Address: \_\_\_\_\_

I. Contact Person Mailing Address, if different than applicant mailing address: \_\_\_\_\_

II. ART PROJECT INFORMATION:

A. Location of proposed ART project

1. County (if multiple Counties, list all) \_\_\_\_\_

2. City \_\_\_\_\_ in \_\_\_\_\_

3. DOH roadway(s) affected

a. to be installed within right-of-way of which route(s) \_\_\_\_\_

b. to be installed on bridge/structure carrying which route(s) \_\_\_\_\_

c. to be installed on DOH structure along which route(s) \_\_\_\_\_

4. Location map clearly identifying the proposed location(s) of the ART with respect to the State Highway System and means of access to the ART included (utilize DOH County maps, accessible at <http://www.transportation.wv.gov/highways/programplanning/gti/GIS/MAPS/Pages/WVCountyMaps.aspx>)?  Yes  No

B. Provide description/details/plans regarding the ART proposal \_\_\_\_\_

C. Provide narrative and conceptual illustration describing the proposed ART and its cultural, historical or other significance to the community

D. Conceptual illustration regarding the proposed ART included?  Yes  No

E. Identify any other entities (public or private) with whom applicant has coordinated the development of this ART proposal (e.g., local art council, community organizations, etc.)

F. Indicate who will be installing the ART (applicant employees, volunteers, local artists, etc.)

G. Describe the physical method(s) by which ART is to be installed (e.g., painted from scaffolding, etc.)

H. Identify/describe any proposed utility work or involvement associated with ART proposal (if none anticipate, indicate “none”)

I. Analyses regarding sight distance and clear zone included with this application?  Yes  No

J. Applicant’s plan for maintenance of traffic (including pedestrian facilities) during installation, and during maintenance activities included?  Yes  No

K. Describe the method and frequency by which applicant will maintain ART after installation

L. Provide copies of agreements, permits or other documents between applicant and any other party that will be installing ART, regarding any aspect of the installation of ART by other parties, with indemnification of DOH—agreements included?  Yes  No  N/A

M. Provide copy of certificate of liability insurance covering applicant and any other entity implementing ART project—certificate(s) included?  Yes  No  N/A

1. General commercial liability insurance policy with minimum limit of One Million Dollars (\$1,000,000.00)?  Yes  No  N/A

2. Department added as an additional insured under policy?  Yes  No  N/A

3. Policy with an insurer or agent authorized to do business in West Virginia, as required by applicable law?  Yes  No  N/A

N. Applicant contacted Miss Utility [Click here to enter a date.](#)

1. Utility located (or to be located) within area of ART project  Yes  No  
If yes, identify utility(ies)

2. Utility relocation, adjustment, and/or installation appears to be necessary to implement ART project  Yes  No

3. Applicant acknowledges that applicant accepts responsibility for monthly utility cost associated with ART project  Yes  No  N/A

O. Applicant’s proposed implementation schedule for ART project:

1. Begin work within DOH right-of-way [Click here to enter a date.](#)

2. Complete work within DOH right-of-way [Click here to enter a date.](#)

III. Printed applications (one original and a CD or USB containing PDF of application) are to be submitted to:  
Commissioner’s Office of Economic Development  
1900 Kanawha Boulevard, East  
Building 5, Room 148  
Charleston, West Virginia 25305