



October 19, 2023

Via USPS Certified Mail and email

Outfront Media LLC  
Attn: Jeffrey O. Jones  
4667 Somerton Road, Suite F  
Trevose, PA 19053

Mr. Jones,

The Department has reviewed the Permit Request for Vegetation Control to Restore the Viewing Zone for an Outdoor Advertising Device (M-700) (Application), received on September 14, 2023.

In accordance with the Highway Vegetation Control Act, 36 P.S. §2720.1 *et seq* (Act), "The owner of any device along an interstate or federal aid primary highway which is screened by vegetation may make application to the department for a permit to take remedial action as provided in this act." 36 P.S. § 2720.3. **Screened** is defined as, "the obstruction of view of a device as viewed from the center of the lane of traffic of the highway and from a height of no more than 60 inches above the highway surface." 36 P.S. §2720.2. **Obstruction of view** is defined as, "When the intent of the advertising is not discernible for a total of five seconds in the viewing zone." Finally, **Viewing Zone** is defined as "That distance measured along the center of the lane of traffic of a highway which a vehicle will travel at the posted speed limit."

Following field view of the site, the District has determined that your Application is hereby **DENIED** for the following reasons:

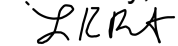
The outdoor advertising device at issue here, assigned PennDOT permit number 06-4133 (OAD), is not currently displaying advertising and has not displayed advertising since it was erected more than 12 months ago. Consequently, there is no "obstruction of view" by vegetation and thus no "screening," and a permit therefore cannot be issued. In addition, the OAD may be considered abandoned pursuant to 67 Pa.Code §445.8(b)(1), as it has remained without bona fide advertising for more than twelve (12) months. Furthermore, the display portion of the OAD structure is sufficiently visible so as to not be "screened" by vegetation. See 36 P.S. § 2720.2. An M700 permit application must contain, *inter alia*, the advertising being displayed on the device. 36 P.S. §2720.3. No such information was contained in the Application.

Finally, the OAD permit number 06-4133 was approved by the Department on

February 16, 2022 and the erection of the sign was completed on September 12, 2022. As part of the original application, E. Whiteland Outdoor, LLC represented that it would not destroy, remove, damage or disturb vegetation in the erection, maintenance or repair of the device, and that no such interference with vegetation was necessary for the visibility of the advertising on the OAD. Following the sign owner's unlawful removal of vegetation from the right of way when erecting the sign, the permit was revoked. After payment of a fine and bond pursuant to 67 Pa.Code §445.9(d)(2)(i)(b), the OAD permit was reinstated on October 17, 2022. There is no evidence that the vegetation you now seek to remove was not present at the time of the original application and erection of the OAD. Therefore, pursuant to 67 Pa.Code § 445.9(c), the vegetation may not now be removed or disturbed.

This denial will be final unless a written request for a hearing, accompanied by a copy of this denial notice, is received within 30 days of the above-indicated "mail date" by: Administrative Docket Clerk, Office of Chief Counsel, PENNDOT, 400 North Street, 9<sup>th</sup> Floor, Harrisburg, PA 17120-0096. A copy of the request should also be sent to the Engineering District which issued this Denial Notice. A request for a hearing, duly made, shall operate to stay the M700 permit application process, pending disposition of the hearing. The Administrative Docket will now accept electronic transmission of filings, including but not limited to, a request for a hearing, subsequent correspondence, briefs, pleadings, or other documents relating to a case. All administrative appeals and filings can be sent electronically to [ra-pddotadmindocket@pa.gov](mailto:ra-pddotadmindocket@pa.gov).

Sincerely,



Louis R. Belmonte, P.E.

District Executive  
Engineering District 6-0

CC: Owen Wilcox, Senior Highway Maintenance Manager  
Joanne Slifer, Outdoor Advertising Manager  
Din Abazi, Senior Assistant District Executive – Maintenance  
Francis Hanney, Senior Assistant District Executive – Operations  
Karen Cummings, Assistant Counsel