

Rule No.: 941 - 7501 - 03002

Agency: Mississippi Department of Transportation

Agency Effective Date: May 15, 2005

Agency Issued Date: March 8, 2005

Secretary of State Authority Date: May 15, 2005 Supercedes Rule:

Division: MAINTENANCE

Rule Title: Construction and Maintenance of Driveway, County Road and Municipal Street Connections to State Highways

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**The person to be contacted regarding the proposed rule is:** Facility and Records Management Director

**Name of person originating the proposed rule:** John Vance

**Name of supervisor or person who approved the proposed rule:** Melinda McGrath

**Purpose:**

To establish a policy on permits for driveway, county road and municipal street connections to state highways and responsibility for construction and maintenance of all such connections.

**Summary:**

This rule details the construction and maintenance of driveways, county road connections, and municipal street connections to State Maintained Highways and explains how they shall be accomplished and maintained.

**The full text of the proposed rule is:**

**All cites herein refer to the most current version of the cited document.**

1. Construction of driveways, county road connections, and municipal street connections to State Maintained Highways shall be accomplished as follows:
  - (a) Any individual, partnership, corporation, Board of Supervisors, or any municipal authority having jurisdiction over property abutting state highway right-of-way or jurisdiction over a county road or municipal street and desiring to obtain a driveway, county road or municipal street connection to a state maintained highway shall make application for a permit for such connection in accordance with the requirements of Rule 941-7501-03001. Application will be made on Form MND-001.
  - (b) Before any construction is begun on rights-of-way under the jurisdiction of the Transportation Commission, a permit for such construction shall have been approved by the Deputy Executive Director-Chief Engineer or his authorized representative.
  - (c) Unless otherwise hereinafter provided, the applicant shall furnish the drainage structures and all other materials and perform or have performed, without expense to the Transportation Commission, all construction shown in the approved permit.
  - (d) The Transportation Commission may install pipe sidedrains furnished by the applicants for driveway connections in order to insure proper installation and drainage, provided the sidedrain is located within the state highway right-of-way and is required by the approved permit. The Transportation Commission will backfill the pipe with a sufficient amount of material to hold the pipe in place. It will be the responsibility of the applicant to complete

construction of the driveway, place the desired surface material on the driveway, and plant the required vegetative cover on the driveway.

- (e) The Transportation Commission will replace driveway, county road and street connections destroyed by construction of state highway projects and construct such connections where same are a part of an agreement or right-of-way consideration relative to the construction of the project. Such replacement and construction shall conform to approved plans.
  - (f) All material used in any construction on state highway rights-of-way shall be of an approved type and placed in accordance with the approved design.
  - (g) Construction on state highway rights-of-way under approved permits shall be so scheduled as to permit inspection by Department personnel as the work progresses. It shall be the duty of the applicant to give the Department at least 24 hours notice in order to arrange for such inspection.
2. Maintenance of driveways, county road connections and municipal street connections to State maintained highways shall be as follows:
- (a) The Transportation Commission will maintain all existing county road and municipal street connections within the highway right-of-way limits under the jurisdiction of the Transportation Commission subject to the provisions of Paragraph 2 (b), (c), (d), (e) & (f).
  - (b) The Transportation Commission will maintain within the highway right-of-way limits any county road or municipal street connection it may construct, or have constructed, and any county road or municipal street connection constructed under permits and completed after this date, provided such construction under permits is in accordance with the requirements of the approved permit.
  - (c) County road and municipal street connections previously constructed under approved permits, but not in accordance with the requirements of the permits, will not be maintained by the Transportation Commission beyond the shoulder line of the highway.
  - (d) The Transportation Commission will maintain all structures which are a part of the county road or municipal street connections within the limits of the highway right-of-way provided such structures are in compliance with the approved permit and the permit requirements have been fulfilled in regards to construction of the connection.
  - (e) Nothing herein is to prohibit work being done within the highway rights-of-way by the Commission on structures for county road or street connections not in compliance with permit requirements where same is necessary to prevent damage to the highway or highway appurtenances.
  - (f) The District Engineer will determine whether or not road, street or driveway connections for which there is a permit of record comply with the requirements of said permit. The applicant will be responsible for the correction of any future damage resulting from improper installation of the connection.
  - (g) Maintenance of all driveway connections will be as follows:
    - (1) Private Driveways: The Department will maintain unpaved driveways to the right-of-way line at the same time as shoulder maintenance is performed on the facility. Maintenance will include blading, shaping and the addition of surface material, if necessary. The Department will not be on-call for such work. Any maintenance

desired by the property owner between the Department's regular shoulder maintenance operations will be performed by the owner.

The Department will maintain the pavements of paved driveways to the shoulder line. Shoulders and ditches may be dressed as needed when working the highway shoulders on the route.

(2) Commercial Driveways: The Department will maintain commercial driveways to the shoulder line. In instances of driveways in both commercial and private use, the commercial designation will generally govern. It is expected that some judgment will be required for such determinations. For instance, a rural grocery store with combined or adjacent living quarters should be commercial. A residence with a room appendage devoted to hair styling may be considered private.

(3) Drainage: The Department will maintain drainage features in the right of way, including driveway culverts, placed according to the Department's requirements.

(h) Where damage to the highway is probable the Department will take the necessary action regardless of maintenance responsibility.

3. See Special Note details listed in Rule 941-7501-04002, Right of Way Encroachment Permits for the following subjects:

- (a) Wetlands
- (b) Traffic Control Plans

4. See Special note details listed in Rule 941-7501-04013, Driveway and Street Connections, Median Opening, Frontage Roads for the following subjects:

- (a) Mailboxes

5. Other notes and details are to be shown on the permit so that the applicant's responsibilities are well defined at the time of approval,

**REFERENCES:** (All references herein to other materials are as to the most current version of that particular document.)

1. 941-7501-03001, Processing of Permit Applications
2. 941-7501-03003, Application for Permit to Construct Driveway, Form MND-001.
3. 941-7501-04002, Right of Way Encroachment Permits
4. 941-7501-04013, Driveway and Street Connection, Median Openings, Frontage Roads.
5. Section 65-1-10, Mississippi Code Annotated (1972)

- For Mississippi Code see [www.state.ms.us](http://www.state.ms.us)
- MDOT specific rules, forms, publications, SOPs, and other support documentation are available for review at MDOT