

Rule No.: 941 - 7501 - 03007 **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: Permits for Boat Launching Ramps

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 criteria and regulations for issuance of permits to public agencies (state or federal) for construction and maintenance of boat launching ramps on state highway rights of way. Reference is made to Attorney General's opinion of November 14, 1968.

Summary:

This rule provides criteria and regulations for issuance of permits for construction and maintenance of boat launching ramps on highway rights of way.

The full text of the proposed rule is:

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

1. Applications for construction and maintenance of boat launching ramps on highway rights of way will be made on Form MND-004.
2. The applicant shall attach a "MEMORANDUM OF UNDERSTANDING" to the permit for the boat ramp and forward both documents to the Department's District Office for further processing. A sample "MEMORANDUM OF UNDERSTANDING" is on the last page of this Rule.
3. The applicant must provide parking for the anticipated usage of the boat ramp. If adequate parking is not available at the boat ramp site to prevent users from parking along the shoulders of the highway, on the bridge or in other unacceptable locations, then the applicant must secure the necessary lands adjacent to the boat ramp and highway right of way.
4. Ingress and egress from the highway will be made at a distance from bridges that will not create a hazard to highway traffic.
5. There shall be ample sight distance along the highway in both directions in order that vehicles entering and leaving the highway will not create a hazard to through traffic.
6. Approach lanes in one or both directions from the point of ingress and egress may be required according to the traffic using the highway and the connecting ramp.

7. The applicant will make such changes to the connecting ramp or ramps and approach lane or lanes as are required from time to time by changing traffic conditions when requested by the Mississippi Transportation Commission, hereinafter "Commission", in order to reduce or eliminate hazards to the traveling public.
8. The applicant will take reasonable measures to protect the bridge substructure and particularly creosote piles, caps and bracing from vandalism or other hazards caused by users of the boat launching ramps or related facilities.
9. The applicant will take reasonable measures to prevent pedestrians from climbing fill slopes and entering the highway and from congregating on the highway or bridges thereby creating a hazard to themselves and to the traveling public.
10. The boat launching ramps and other facilities shall not interfere with the maintenance of the highway or bridges and if necessary will be moved to accommodate reconstruction of the highway or bridges.
11. The applicant will save harmless the Commission from any and all claims for damages by persons using the facility or claims for additional compensation by the abutting land owners arising out of the using of highway rights of way for a non-highway facility.
12. No work involving construction or maintenance of the boat launching ramps or connecting roadways, ramps or other appurtenances thereto will be performed by the Mississippi Department of Transportation, hereinafter "Department", personnel or equipment.
13. This Rule is applicable only for adding a boat ramp on highway right of way where a highway project is not underway for design or construction, therefore, a highway permit is required.
14. The construction of boat ramps to public boat launching areas adjacent to bridges under construction, reconstruction, replacement, repair, etc., does not require a highway permit, therefore, this Rule is not applicable. Reference is made to the "Memorandum of Understanding" between the Federal Highway Administration and the Department of Interior on providing for boat ramps in accordance with Section 147 of the Federal Aid Act of 1976 where construction and maintenance of boat ramps are added to or included on the above listed highway projects.
15. Any proposed boat launching ramp located near a bridge shall be situated outside the limits of any future guard rail installation according to current guard rail installation standards.
16. Any Corps of Engineers permit for filling waters of the United States or filling wetlands would be obtained by the Department since the ramp is located on highway right of way.

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

1. Attorney General's Opinion-November 14, 1968 (Copy on file in the Maintenance Division Office).

2. 941-7501-04007, Application for Permit to Locate Certain Facilities on or to Perform Certain Work on State Highway Right of way, Form MND-004.
3. Memorandum of Understanding between the Federal Highway Administration and the Department of the Interior on Providing for Access Ramps in Accord with Section 147 of the Federal Aid Highway Act of 1976 (Copy on file in the Maintenance Division Office).

MEMORANDUM OF UNDERSTANDING

WHEREAS: the Mississippi Department of Wildlife, Fisheries and Parks proposes to construct a public boat launching ramp adjacent to Interstate, US or MS Highway Route Number _____ in _____ County, Mississippi between _____ and _____, and

WHEREAS: a portion of the site of the proposed boat launching ramp and access area is public land belonging to the Mississippi Transportation Commission; and

WHEREAS: the proposed boat launching ramp will serve the public purpose of promoting access to and use of public waters for fishing, recreation or navigation; and

IT IS HEREBY agreed and understood by the undersigned parties that the public boat launching ramp will be constructed with the permission of the Mississippi Transportation Commission, and that the boat launching ramp and access area will remain in use for a minimum of fifteen (15) years from the time of completion, unless reconstruction of the adjacent highway or bridges, or other compelling reasons of health, safety, or public welfare require conversion of the land to another use.

IN WITNESS WHEREOF this Memorandum of Understanding is executed in duplicate originals this the _____ day of _____, 20____.

MISSISSIPPI DEPARTMENT FOR WILDLIFE, FISHERIES AND PARKS

BY: _____

TITLE: _____

MISSISSIPPI TRANSPORTATION COMMISSION

BY: _____

TITLE: _____