

Rule No.: 941 - 7501 - 03008

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: Encroachment Permits for County and Municipally Owned Collection Stations for Solid Waste

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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 Location of Solid Waste Collection Stations on State Highway Rights of Way.

**Summary:**

This rule details requirements for the location of solid waste collection stations upon state 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.**

Solid waste collection stations may be located upon state highway rights of way in accordance with the following requirements:

1. Location of solid waste collection stations on state highway rights of way may be permitted only in instances where no practicable and feasible location off state highway rights of way can be found. The applicant shall provide adequate parking for the station site(s). The driveway for the station site(s) shall have adequate stopping sight distances as indicated in Rule 941-7501-04013, Driveway and Street Connections, Median Openings, Frontage Roads.
2. Solid waste collection stations are not to be located on the rights of way of freeways, rights of way of partially controlled access highways, and at locations on the rights of way of any highway where access to and from the abutting property is prohibited.
3. Permit applications will be submitted on Form MND-001, Application for Permit to Construct Driveway, and such application shall conform to the requirements of Rule 941-7501-04002, Right of Way Encroachment Permits, Rule 941-7501-03001, Processing of Permit Applications and with Sections A, B, and C of Rule 941-7501-04013, Driveway and Street Connections, Median Openings, Frontage Roads.
4. Where the abutting property is owned by the county or municipality, a permit for locating a collection station on highway right of way will not be approved; however, the applicant may request approval for a driveway permit for access for the collection station.

5. The application for location of the station on state highway right of way will not be considered unless the application includes thereon on a properly executed statement reading as follows:

I, (we) the owners of the property abutting the highway right of way on which this collection station is located agree to the location as shown and understand that this agreement becomes a part of the approved permit.

Owner: \_\_\_\_\_ Signed: \_\_\_\_\_  
Witness: \_\_\_\_\_ Signed: \_\_\_\_\_

The statement is to be signed by the fee simple owner or owners of record and leaseholders, if any, and if the abutting property is a homestead, the spouse and/or heirs will sign. The statement shall be notarized and witnessed.

6. The application may provide for driveways with an aggregate surface as a temporary measure, however, outlines of required paving for the permanent facility will be shown on the permit application.
7. In addition to any other pertinent statements, prior to execution by the applicant or applicants, the application will contain the following:

As a condition for the approval of this permit the applicant shall comply with the following:

- (A) Construct the facility shown on this application at its own expense and at such time as it is no longer feasible to operate the station further agrees to remove same and restore the highway rights of way to a condition acceptable to the Chief Engineer-Deputy Executive Director of the Mississippi Department of Transportation, hereinafter "Department".
- (B) After the container has been placed at the specified location for a period of six months and its use indicates that it should be a permanent location, the applicant shall pave the area designated on the permit at the sole expense of the applicant.
- (C) All waste receptacles will be constructed of solid metal, equipped with self-closing lids, meeting all requirements of the State Board of Health and designed so as to enable waste to be deposited and emptied in a manner that will not create an unsightly or unsanitary condition at the station.
- (D) The applicant will keep the station area clean at all times.
- (E) Upon failure of the applicant to comply with the terms of this permit, said permit may be canceled by the Department upon thirty days written notice.
- (F) The applicant shall obtain any permit(s) required from the Mississippi Department of Environmental Quality (DEQ) for locating and

operating any transfer, storage and/or collection station and transportation thereof on public or private property in addition to the highway permit from the Department.

(G) The waste container and all parking must be located outside the clear zone.

(H) This Rule, 941-7501-03008, Encroachment Permits for County and Municipally Owned Collection Stations for Solid Waste, shall be hereto attached and considered part thereof of the applicants permit and he/she shall comply with all terms herein.

**REFERENCES:**

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

1. 941-7501-04013, Driveway and Street Connections, Median Openings, Frontage Roads.
  2. 941-7501-03003, Application for Permit to Construct Driveway, Form MND-001.
  3. 941-7501-04002, Right of Way Encroachment Permits.
  4. 941-7501-03001, Processing of Permit Applications
  5. Mississippi Department of Environmental Quality Rules and Regulations for Solid Waste Collection Stations.
- 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