

Rule No.: 941 - 7501 - 04007

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: Application for Permit to Locate Certain Facilities on or to Perform Certain Work on State Highway Right of Way

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 provide a permit form to locate certain facilities on or to perform work on state highway right of way.

**Summary:**

This rule establishes a permit form to locate certain facilities on or to perform work on state highway right of way.

The full text of the proposed rule is:

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

MND-004  
Rev. xx.xx

**MISSISSIPPI DEPARTMENT OF TRANSPORTATION  
APPLICATION FOR PERMIT TO LOCATE CERTAIN FACILITIES  
ON OR TO PERFORM CERTAIN WORK ON STATE  
HIGHWAY RIGHT OF WAY**

(Please Print) Name: \_\_\_\_\_ Address: \_\_\_\_\_  
Street/Route

City \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

herein called the applicant, who does hereby make application to the Mississippi Department of Transportation, the duly authorized agent for the Mississippi Transportation Commission, for permission to \_\_\_\_\_

\_\_\_\_\_ on or across Highway No. \_\_\_\_\_ between \_\_\_\_\_ and \_\_\_\_\_

in \_\_\_\_\_ County, Mississippi and in consideration of this permit being granted, said applicant does hereby agree to perform the above work in accordance with the plan shown herein below and does further agree, with full understanding of the terms thereof, to the following provisions:

- (a) That the Mississippi Department of Transportation does not purport to grant to said applicant any right, title, claim or easement in or upon said highway or right-of-way appurtenant thereto.
- (b) The plan of the proposed work or facility set out below or attached hereto is incorporated herein by reference and made a part of this application as if fully described herein by words and figures.
- (c) It is agreed that this permit is void if all work shown on this plan is not completed in accordance with this plan within one year after date of approval.

- (d) It is agreed that no trees or shrubs on the highway right-of-way will be cut, trimmed, or damaged during the process of the proposed work or maintenance of this work or facility except as shown on the plan.
- (e) All sod disturbed by the proposed work shall be neatly dressed and grassed in accordance with the vegetation schedule outlined elsewhere in this permit. The applicant shall maintain the dressed and grassed area for a sufficient length of time to insure a growing sod.
- (f) The applicant is responsible for any conflicts with other utilities on the highway right-of-way and is to secure permission from said utilities for any necessary alterations.
- (g) The Mississippi Department of Transportation may at any time require and compel the removal or relocation of any facility herein described, shown or referred to, when said Mississippi Department of Transportation deems it necessary. All expense of said removal or relocation is to be borne exclusively by the applicant, and the Mississippi Department of Transportation is to be in no way liable.
- (h) The applicant accepts the responsibility of the safety of the traveling public and his/her workers and agrees to furnish, place and maintain traffic control devices, if required, in accordance with Part 6 of the Manual On Uniform Traffic Control Devices For Streets and Highways (MUTCD), Current Edition as a minimum. The applicant shall attach a special traffic control plan to the application if special traffic control details are required.
- (i) The Mississippi Department of Transportation in granting this permit does not in any way assume the maintenance or upkeep of the facility or proposed improvement herein described. Nor, will the Mississippi Department of Transportation be held responsible for any damage, which may be inadvertently done to this facility or proposed improvement regardless of the source or cause of such damage.
- (j) A copy of the approved plan is to be kept at the site of the work at all times while work is in progress.
- (k) Said applicant hereby expressly agrees for himself, his heirs, assigns and legal representatives, that upon request of said Mississippi Department of Transportation, he will without delay either reconstruct, remove or move the facility herein described to another location, all in accordance with the terms of the request so made by the said Mississippi Department of Transportation. It is distinctly understood that said new location will be made or designated by said Mississippi Department of Transportation after agreement with said applicant or its successors, if possible. It is further understood and agreed that, if this permit is granted and acted upon by the said applicant, the said Mississippi Department of Transportation will use all reasonable effort to avoid the necessity of requesting that the herein mentioned facility be removed, moved, altered, or reconstructed.
- (l) The applicant does hereby covenant and agree to indemnify and hold harmless the Mississippi Transportation Commission and the Mississippi Department of Transportation from and against any claims, actions, suits, causes or demands, including court costs and reasonable attorney's fees, proximately resulting from acts or omissions of the applicant, or applicant's servants, agents or employees in the construction and maintenance of all facilities outlined under this permit. The applicant further agrees to pay for any damage to the facilities of the Mississippi Transportation Commission that results from the acts or omissions of the applicant, or applicant's servants, agents or employees in the construction and maintenance of all facilities outlined under this permit.

Witness my signature this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_, which is applicable to sheets 1 through \_\_\_\_\_ of Permit Number \_\_\_\_\_.

\_\_\_\_\_ Applicant \_\_\_\_\_ Name and Title

STATE OF MISSISSIPPI  
 COUNTY OF \_\_\_\_\_

Personally appeared before me, the undersigned authority, \_\_\_\_\_ whose names(s) \_\_\_\_\_ subscribed to this instrument as the \_\_\_\_\_ of \_\_\_\_\_  
Is/Are Title of Officer

\_\_\_\_\_ who having been first fully sworn acknowledged that \_\_\_\_\_  
Name of Applicant

he/they executed the above agreement as the act and deed of the said applicant for the purpose and consideration and in the capacity therein expressed and on the date above written.

Given under my hand and seal of office this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Title of Officer

My Commission Expires:

Sheet No. 1 of \_\_\_\_\_

Permit No: \_\_\_\_\_

Field Inspection By: \_\_\_\_\_ 20\_\_\_\_\_

Approved: MISSISSIPPI DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
Deputy Executive Director/Chief Engineer

By: \_\_\_\_\_ 20\_\_\_\_\_

Installation Inspection By: \_\_\_\_\_ 20\_\_\_\_\_

REVISIONS			
APPLICANT		MDOT	
DATE	BY	DATE	BY