

Rule No.: 941 - 7501 - 09008

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: Vegetation Removal Permit, Form MND-830

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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 provide a permit for the removal of vegetation from the State Highway System.

**Summary:**

This rule establishes a Form (MND-830) that must be used to apply for a permit to remove vegetation from the State Highway System.

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

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

**MND-830**  
(Rev.XX.XX)

**MISSISSIPPI DEPARTMENT OF TRANSPORTATION  
VEGETATION REMOVAL PERMIT**

This permit is issued to and authorizes the employees and/or agents of \_\_\_\_\_  
\_\_\_\_\_ to enter upon state highway right of way for the purpose of selective control of vegetation obscuring the visibility of legally erected outdoor advertising devices, subject to the rules and regulations as follows:

1. The necessary trimming, removal, or relocation, including site cleanup, will be performed by the advertiser or his agent at no cost to the Mississippi Department of Transportation (MDOT).
2. The advertiser does hereby covenant and agree to indemnify and hold harmless the Mississippi Transportation Commission (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 advertiser, or advertiser's servants, agents or employees in the advertiser's operation outlined under this permit.
3. Without limiting the advertiser's indemnity obligations as set forth above, the advertiser shall maintain and provide, during the life of the permit at the advertiser's own expense, policies of liability insurance coverage against bodily injury, death, and property damage for him/herself or his agent(s) in the minimum amount of One Hundred Thousand Dollars (\$100,000.00) against bodily injury or death of one person in any one accident, a

minimum of Three Hundred Thousand Dollars (\$300,000.00) against bodily injury or death of two or more persons in any accident, and not less than Fifty Thousand Dollars (\$50,000.00) for any property damage or destruction to portions of the presently maintained highway right of ways or drainage facilities; and further, the advertiser will file with MDOT a Certificate of Insurance indicating such liability coverage and containing a provision that such coverage shall not be cancelable without ten days notice having first been given to MDOT.

4. The advertiser will furnish a Vegetation Removal Performance Bond (Form MND-835) for the full sum of Five Thousand Dollars (\$5,000.00) to run concurrently with the permit; and said bond, in the full amount shall be forfeited to the Commission in the event either:
  - (a) A violation of the conditions and regulations as enumerated herein; or
  - (b) Upon failure of the advertiser to leave the work site in an acceptable condition; such condition resulting from the advertiser's vegetation control operations and including but not limited to the failure to clear and remove any debris resulting from the advertiser's operations, sod or grass damage, or the rutting of the highway right of way.
5. Vegetation control will be permitted only for legally erected advertising devices and at locations where the advertising device installation preceded the obscuring growth. The provisions will not be used to provide visibility where none existed or exists at a proposed device location.
6. The advertiser will cut down no more vegetation than can be cleaned up and removed by the end of work the following day. No debris will be left over a weekend or holiday. No burning will be permitted on the highway right of way. Stumps shall be cut flush with the ground.
7. At any location, MDOT has the right to reject a request for a vegetation removal permit if it will create severe erosion problems or open up unsightly views from the highway right of way.
8. Prior to initiating any vegetation control the advertiser shall notify, in writing, the appropriate District Engineer or his/her designee, furnishing the location, the advertising device permit number, or other proof of legality, and a description of the work to be performed. The work shall not commence until approved by the District Engineer or his/her designee.
9. The vegetation control areas shall not extend more than five hundred feet (500') along the highway from the viewable face(s) of the advertising device.
10. The advertiser 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, as indicated below. When vegetation removal equipment and personnel are permitted to operate by access from the through lanes or frontage roads, advance warning signing and ample flagmen shall be provided to handle traffic at times of ingress and egress. When equipment and personnel are permitted to work within or near the roadway or in close proximity to the outer edge of the shoulder, the advertiser shall furnish the necessary traffic control devices in accordance with Part 6 of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), Current Edition, as a minimum. The advertiser shall attach a special traffic control plan to the vegetation removal permit if special traffic control details are required.

11. Both the Certificate of Insurance required in paragraph 3 and the Vegetation Removal Performance Bond required in paragraph 4 must be either issued or counter-signed by a Resident Mississippi Agent.
12. This permit may be withheld, canceled, suspended or revoked by MDOT at its discretion when an advertiser is determined to be in willful violation of the outdoor advertising control policies of MDOT.
13. This permit will expire one (1) year from the date of issuance unless cancelled, suspended, or revoked prior to the expiration date.

Issued at Jackson, Mississippi, this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

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

BY: \_\_\_\_\_

\_\_\_\_\_  
Title