Sub-part 7501 – Maintenance

Chapter 03005 Clearing and Pruning of Trees and Other Vegetation for Utility Lines

Purpose

100 To establish a policy on limits of clearing and pruning of trees and other vegetation for accommodation of utility lines on highway right of way.

101 This rule establishes policy for the clearing and pruning of trees and other vegetation for accommodation of utility lines on highway right of way.

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1.	SECTION 200	GENERAL
2.	SECTION 300	SUPPLEMENTAL FORMS FOR CLEARING AND PRUNING.
3.	SECTION 400	REFERENCES

General

200 A permit is required for clearing and pruning of trees and other vegetation for construction of new utility lines and conform to the requirements hereinafter provided in this Rule. Maintenance clearing and pruning for existing above and below ground utility lines will conform to the requirements hereinafter provided in this Rule and such maintenance clearing and pruning may be performed without further permit, however, a routine permit is required if the applicant is performing maintenance operations within the limits of the roadway or shoulder of the highway or in close proximity to the outer edge of the shoulder. A Special Use Herbicide Permit, Form MND-759, and Herbicide Management Plan, Form MND-760 is required for any chemical spraying and treatment used on the highway right of way, the details of which are outlined elsewhere in this Rule.

201 Where extensive clearing or pruning appears to be necessary for a proposed new line the feasibility of relocating the line should be investigated by the District Engineer. Reasonable hand trenching may be required for underground lines in order to minimize clearing and pruning or for construction of the line at locations not accessible to machinery in order to avoid excessive clearing and pruning. In some cases, directional boring may be required to minimize clearing in dense wooded areas and heavily erodable soils in lieu of open trench methods.

202 All clearing and pruning shall be done in a neat, workman-like manner and in accordance with recognized forestry practice and as indicated on the approved permit. All stumps will be cut flush with the ground, cut a certain height above the ground line, grinded, or grubbed as specified on the permit. All trees, brush, limbs and other debris must be removed from the right of way as clearing and

pruning progresses. No clearing materials will be burned on the right of way. Any damage to slopes, shoulders or existing sod on the roadsides will be reshaped and/or repaired. The District Engineer or his/her designee will determine the requirements for establishing satisfactory ground cover when disturbed areas are involved.

203 The permit does not convey authority to perform cutting or pruning beyond the highway right of way line. The utility will secure permission from the abutting property owner for any cutting beyond the right of way or pruning of portions of trees overhanging the right of way line.

204 Utility installations are not to be permitted within scenic strips, overlooks, landscaped or enhanced areas, rest areas, welcome centers, recreation areas and other areas of significant natural beauty except when it is found by the Chief Engineer or his/her designee that the installations will not at the time of application, or later, adversely affect or otherwise mar the appearance of the area traversed. It is the responsibility of the utility to ascertain the location of such areas and plan to avoid them or ascertain well in advance whether a parallel line or a highway crossing may be located within the area and the conditions for such location if it can be permitted.

205 Chemical spraying or treatments to kill trees or vegetation for construction of a utility line will not be permitted on the right of way. Chemical spraying or treatment to control undergrowth and other vegetation for the maintenance of utility lines may be permitted under the following provisions:

1. The applicant shall complete and forward a Special Use Herbicide Permit, Form MND-759; Herbicide Management Plan, Form MND-760; and Performance Bond ($5000 min.), Form MND-603 to the District Engineer for further processing. A Certificate of Insurance showing the Mississippi Transportation Commission as the certificate holder and a copy of the appropriate certified applicator cards must also be submitted to the District Engineer.
2. One statewide herbicide permit will be initiated by the State Maintenance Engineer for those utility companies requesting to work in multiple districts, after a Performance Bond has been received by the State Maintenance Engineer. If a current statewide permit is on file, a continuation certificate may be used in lieu of the Performance Bond.

206 Potentially hazardous trees outside the clearing and pruning limits may be removed as shown on the permit. These type trees are those that are leaning, hollow, rotten, diseased or otherwise defective, which may fall of their own accord or be blown over by a storm, causing damage to the utility line, or trees which are due to their growth structure may sway into or fall on the lines during a storm. Cutting of such trees will be handled on the basis of permits for individual trees.

207 This Rule is applicable to the clearing and pruning of trees and other vegetation for utility lines only. Rule's for clearing, selective clearing, pruning and thinning of trees and other vegetation for visibility and aesthetic improvements for certain facilities, visibility improvements for legally erected outdoor advertising signs/devices, sight flare and sight distance safety improvements, timber removed from the right of way by the applicant and/or the Department and timber management will be included elsewhere in the Department's Rule's for the Maintenance Division as those Rule's are developed. The trimming or cutting of trees, shrubs and/or vegetation on highway right of way under this permit for the purpose to improve or enhance the visibility or view of any Outdoor Advertising Sign or Device, or a potential sight for Outdoor Advertising Sign or Device, is strictly prohibited as set forth in Rule 37.I.7501.09002, Control of Outdoor Advertising Adjacent to the Federal Aid Interstate and Federal Aid Primary Highway System.

208 The applicant accepts the responsibility for 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. A special traffic control plan is included in this application if special traffic control details are required.

209 Prior to approval of permits for selective clearing of timber and/or clear cutting of timber, the removal and disposal of any timber, and reimbursement thereof, shall be in accordance with Section 65-1-123, Mississippi Code 1972, Annotated, as amended.

SUPPLEMENTAL FORMS FOR CLEARING AND PRUNING

300 **FORM MND-755,** Clearing and Pruning Limits for Parallel above Ground Utility Lines and Electric Power Lines

301 **FORM MND-756,** Clearing and Pruning Limits for Above Ground Utility Highway Crossings for Electric Power Lines

302 **FORM MND-757,** Clearing and Pruning Limits for Underground Crossings and Parallel Utility Lines for Gas, Water, Sewer, and Other Pipelines

303 **FORM MND-758,** Clearing and Pruning Limits for Underground Crossing and Parallel Utility Lines for Telephone and Other Communication Lines

304 **FORM MND-759,** Special Use Herbicide Permit

305 **FORM MND-760,** Herbicide Management Plan

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

400 Section 65-1-123, Mississippi Code 1972, Annotated.

401 Manual on Uniform Traffic Control Devices (MUTCD), Current Edition.

402 37.I.7501.03001, Processing of Permit Applications.

403 37.I.7501.04002, Right of Way Encroachment Permits.

404 37.I.7501.04009, Instructions for Processing Form MND-603, Performance Bond.

405 37.I.7501.09002, Control of Outdoor Advertising Adjacent to the Federal Aid Interstate and Federal Aid Primary Highway System

406 For Mississippi Code see www.state.ms.us

407 For MUTCD and FHWA links see http://mutcd.fhwa.dot.gov and www.fhwa.dot.gov

408 MDOT specific rules, forms, publications, SOPs, and other support documentation are available for review at MDOT

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