Sub-part 7501 - Maintenance

Chapter 04002 Right of Way Encroachment Permits

Purpose

100 To establish a policy on issuing right of way encroachment permits.

101 This rule sets forth the requirements necessary to regulate the use of state highway rights of way, the highway and its appurtenances so that their primary functions of providing a means for the safe and convenient movement of goods, vehicles and pedestrians will be enhanced and preserved.

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GENERAL

200 To regulate the use of state highway rights of way, the highway and its appurtenances so that their primary functions of providing a means for the safe and convenient movement of goods, vehicles and pedestrians will be enhanced and preserved. Utility companies have legal rights to place their lines upon the rights of way and abutting property owners have certain legal rights of ingress and egress to their own property. The Transportation Commission has the legal right to regulate such placement of utility lines and rights of ingress and egress. In order to accommodate present and future utility requests, it is necessary to

efficiently manage and apportion the available right of way to the various utilities in widths no more than necessary for each installation and to locate each installation to conserve the remaining available width for future utility requests. Strict adherence to the approved permit should remove conflicts with other utility construction and prevent cutting of underground facilities by the Department's construction and maintenance equipment. In general, no utility or other encroachment has the right to interfere with the construction or the maintenance of the highway or with the safety of the traveling public. Reference is made to Rule 37.I.7501.03001, Processing of Permit Applications.

TYPES OF HIGHWAYS

300 TYPE 1-FREEWAY - A freeway is defined as a highway or section thereof with full control of access which has been designated as such by order of the Commission. On freeways, no vehicular access from the abutting property to the through traffic lanes is permitted except at interchanges constructed at intersecting streets and highways. Frontage roads may be constructed on fully controlled access highways and, where constructed, vehicular access from the abutting property to the frontage road will be permitted. The frontage road will then carry such traffic to a cross road or street with an interchange for entry into the through traffic lanes. Pedestrians crossing controlled access highways at grade is not permitted. Utility lines may be located on the right of way of fully controlled access highways when such location conforms with the requirements of the Department's Rules. Freeways may be developed by stage construction.

301 TYPE-2 PARTIALLY CONTROLLED ACCESS HIGHWAY - A partially controlled access highway or sections thereof vary in degree of control according to the traffic problems present or anticipated. They are defined as follows:

1. Highways or sections thereof designated by the Commission as TYPE 2A may have frontage roads constructed on one or both sides of the highway. Right of way may be provided for future construction of frontage roads on one or both sides of the highway. Until such frontage road or roads are constructed, vehicular access from abutting property directly to and from the through traffic lanes may be permitted in the same manner as for conventional highways unless the right of access was purchased with the right of way. Upon construction of the frontage roads, vehicular access from abutting property shall be permitted into the frontage road only and then is brought into the traffic lanes over intersecting streets and highways or over approved connections of the frontage road with the through traffic lanes. The right of way of TYPE 2A highways may be used for the construction and maintenance of utility lines and other approved installations in accordance with the Department's Rules.
2. On highways or sections thereof designated by the Commission as TYPE 2B, vehicular travel from and to the through traffic lanes is permitted only at established entrances and exits. The abutter's access rights between such entrances and exits have been or are to be purchased with the right of way.

Right of way purchased to deny access from abutting property may be used for the construction and maintenance of utility lines; however, such construction and maintenance must be accomplished without vehicular travel from and to the through traffic lanes or ramps and must comply with the Department's Rules.

302 TYPE 3 - CONVENTIONAL HIGHWAY - A conventional highway is a highway consisting of two (2) traffic lanes or divided highways with two (2) or more lanes in each direction without frontage roads on either side, and which has not been designated by the Commission as either Freeways or Partially Controlled Access Highways. On conventional highways, vehicular ingress and egress from abutting property directly to and from the through traffic lanes is permitted, except that direct access may be restricted as indicated in SECTION 401 below. The right of way of conventional highways may be used for the construction and maintenance of utility lines and other approved installations in accordance with the Department's Rules.

TYPES OF PERMITS AND ADDITIONAL PERMIT REQUIREMENTS

400 Driveways

1. Any individual, partnership, corporation, Board of Supervisors, or any municipal authority having jurisdiction over property abutting state highway right of way or jurisdiction over a county road or municipal street and desiring to obtain a driveway, county road, or municipal street to a state maintained highway or frontage roads or median opening thereon shall make application for a permit on the following permit forms, as applicable:
   A. Form MND-001 "Application For Permit to Construct Driveway With Connection To State Highway And Agreement Of Applicant Given In Consideration Of Such Permit" (Must be letter size paper-8.5 x 11)
   B. Form MND-005 "Supplement to Forms MND-001, MND-002 and MND-004" (Must be legal size paper- 8.5 x 14)
   C. Form MND-603 "Performance Bond" (**If required by the District Engineer**, must be letter size paper-8.5 x 11)

401 Driveways for Large Traffic Generator Developments

1. Applications for permits to construct driveways to a shopping center, mall and/or center, subdivision, factory, industrial or commercial facility and/or any other large traffic generator shall require a study prior to the issuance of the initial permit for access in order to determine the location, number, design, etc. of the driveway connections to be allowed presently and in the future for the entire development area.
2. The Department will make every effort to control the number of driveways to any large development, including outparcels, in order to eliminate unwarranted conflict points between vehicles, reduce congestion and delays, and to maintain an acceptable level of service on the highway. When discussions are held between district personnel and a developer, the developer

will be advised of the Department's policy to provide adequate ingress/egress between the overall development and highway and that ingress/egress from outparcels to the highway shall be accomplished by utilizing the internal circulation of the development and development's driveways. The selling or leasing of outparcels within the limits of the development to third parties shall in no way expand the number of driveways as provided in the initial application for permits. Temporary permitted driveways may be allowed for outparcels that are developed prior to the construction of the permanent permitted driveways to the overall development, but such temporary permitted driveways shall be removed by the applicant or present owner at their own expense, and not at the Department's expense, when the permanent permitted driveways are opened to traffic.

3. The District will inform the developer that the following note will be made a part of the driveway permit:

   "Ingress and/or egress to the adjacent right of way along the _____ side of _____ between station number _____ and _____ of Project Number _____shall be provided at station number(s) _____. No additional ingress and/or egress shall be allowed between station numbers _____ and _____."

4. All applicants shall make application for a permit on the following permit forms, as applicable:
   A. Form MND-001 "Application For Permit to Construct Driveway With Connection To State Highway And Agreement Of Applicant Given In Consideration Of Such Permit" (Must be letter size paper-8.5 x 11)
   B. Form MND-005 "Supplement to Forms MND-001, MND-002 and MND-004" (Must be legal size paper- 8.5 x 14)
   C. Form MND-603 "Performance Bond" (**If required by the District Engineer**, must be letter size paper-8.5 x 11)

5. If such access to the above-described developments are of such magnitude that the potential exists for future traffic handling facilities such as additional traffic control devices and/or geometric improvements, a study shall be made prior to approval of the initial permit and reviewed by the State Traffic Engineer in order to determine if such should be added to the permit or a stipulation added to the permit assigning to the developer, or in his absence the local jurisdiction, the responsibility of providing these traffic handling facilities in accordance with the Mississippi Standards and Specifications for Road and Bridge Construction (Current Edition), Manual on Uniform Traffic Control Devices (MUTCD), Current Edition, and MDOT Roadway Design Manual, Current Edition. This latter case would require a separate permit at that time.
6. If revisions to the existing traffic control and geometrics are requested by a permit application based upon traffic conditions not anticipated at the time of the initial permit is approved, the applicant shall submit the permit application

and supportive data for review by the State Traffic Engineer. Any revisions shall be at the discretion of the Department to preserve the capacity and safety of the relevant section of highway.

402 Pipelines

1. Applications for permits to construct pipelines, including service connections, on state highway rights of way by companies or associations will be made on the following forms, as applicable:
   A. Form MND-002 "Application For Permit To Construct Pipeline Along Or Across State Highway And Agreement Of Applicant Given In Consideration Of Said Permit" (Must be letter size paper-8.5 x 11)
   B. Form MND-005 "Supplement to Forms MND-002, and MND-004" (Must be legal size paper-8.5 x 14)
   C. Form MND-002-Attachment A "Jacking, Dry Boring, Boring with Drilling Fluid, Tunneling and Directional Boring" (**If necessary**, must be letter size paper 8.5 x 11)
   D. Form MND-603 "Performance Bond" (**If required by the District Engineer**, must be letter size paper-8.5 x 11)

403 Electric Power and Communication Utility Permits for Holders of Master Agreements

1. Applications for permits to construct above ground and underground utilities, including service connections, on state highway right of way by utility companies or associations which have executed Form MND-482, Master Agreement, will be made on the following forms, as applicable:
   A. Form MND-482 "Master Agreement For Location Of Electric Power And Communication Utility Lines On State Highway Right-Of-Way" (Must be letter size paper-8.5 x 11)
   B. Form MND-003 "Application For Permit To Construct Utility Lines Along Or Across State Highways For Holders Of Master Agreements" (Must be legal size paper-8.5 x 14)
   C. Form MND-003-Attachment A "Supplement to Form MND-003" (Must be legal size paper-8.5 x 14)

404 Selective Clearing of Timber Permits

1. Selectively clearing of timber on highway right of way is allowed due to changing land use and urban expansion often making uncontrolled growth incompatible with adjacent property development. The selective thinning of timber within the right of way will improve the visibility to various facilities such as schools, businesses, shopping centers, etc., thereby achieving a more pleasing landscape appearance.
2. Selectively clearing for the purpose of erecting outdoor advertising structures/signs is strictly prohibited.
3. Applications for permits to selectively clear timber on highway right of way will be made on the following forms, as applicable:

A. Form MND-004 "Application For Permit To Locate Certain Facilities On Or To Perform Certain Work On State Highway Right-of-Way" (Must be letter size paper-8.5 x 11)
B. Form MND-005 "Supplemental to Forms MND-001, MND-002 and MND-004" (Must be legal size paper-8.5 x 14)
C. Form MND-603 "Performance Bond" (**If required by the District Engineer**, must be letter size paper-8.5 x 11)
D. Form MND-002-Attachment A "Jacking, Dry Boring, Boring with Drilling Fluid, Tunneling and Directional Boring" (**If necessary**, must be letter size paper-8.5 x 11)

405 All Other Right Of Way Encroachment Permits

1. Applications for permits to grade or otherwise change the right of way or locate any facility on State Highway right of way, or perform subterranean exploration, seismic surveys, or other work on state highway right of way not covered in SECTIONS 400 through 404 above will be made on the following forms, as applicable:
   A. Form MND-004 "Application For Permit To Locate Certain Facilities On Or To Perform Certain Work On State Highway Right-of-Way" (Must be letter size paper-8.5 x 11)
   B. Form MND-005 "Supplemental to Forms MND-001, MND-002 and MND-004" (Must be legal size paper-8.5 x 14)
   C. Form MND-603 "Performance Bond" (**If required by the District Engineer**, must be letter size paper-8.5 x 11)
   D. Form MND-002-Attachment A "Jacking, Dry Boring, Boring with Drilling Fluid, Tunneling and Directional Boring" (**If necessary**, must be letter size paper-8.5 x 11)

406 Additional Permit Requirements

1. If the permit involves traffic control, roadway and/or bridge special details, the Department's applicable Division Engineer shall review and approve the special details and such shall be noted on the permit application.
   A. Roadway Design Division will require detailed drainage information for reviewing and approving special drainage systems submitted by the applicant. In order to expedite the approval process, the District should coordinate the drainage system information needed by the Roadway Design Division with the State Maintenance Engineer. The Maintenance Division will keep examples of drainage system information requirements for permits on the MDOT Intranet system.
2. If the permit involves clearing and pruning of trees and other vegetation for utility lines, the applicant shall follow the rules, regulations and limits for removing and/or maintaining trees and other vegetation as outlined in Rule 37.I.7501.03005, Clearing and Pruning of Trees and Other Vegetation for Utility Lines, Forms MND-755, MND-756, MND-757, MND-758, MND-759, and MND-760.

3. Prior to approval of permits for selective clearing of timber and/or clear cutting of timber, as described in SECTIONS 404.C and 405.c above, the removal and disposal of any timber, and reimbursement thereof, shall be in accordance with Section 65-1-123, Mississippi Code of 1972 Annotated, as amended.
4. Applications for clear cutting of timber on the right of way of the state maintained system is prohibited. Clear cutting of timber will be allowed in conjunction with permits approved for grading, new utility construction, etc., as necessary to perform the approved operations(s).
5. Final approval authority for various permit applications and agreements is outlined in Rule 37.I.7501.03001, Processing of Permit Applications.

PREPARATION OF APPLICATIONS

500 All applications described in SECTIONS 400 through 406 above shall be submitted in a neat, legible manner, with all information including drawings, special notes, signatures, dates and notarizations typewritten and/or in non-smearing blue or black ink of a quality suitable for microfilming or scanning. Department forms specified in SECTIONS 400-405 above must be used, with no exception. Project plan sheets, cross section sheets or data submitted on other than the specified forms will not be accepted. The Department's electronic permit form system may be used if available.

EXECUTION

600 Applications shall be executed by owners, corporate officers, or authorized government officials as applicable. All applications shall be notarized. Persons with powers of attorney may execute applications, provided that a copy of the power of attorney is filed with the application.

EXTENSION OF PERMIT

700 All encroachment permits are issued for a period of one (1) year after date of approval by the Deputy Executive Director-Chief Engineer. Upon expiration of the permit, no further work will be allowed by the applicant except as authorized, in writing, by an extension not exceeding one year or by a new permit. An extension of the performance bond will be required when the permit is extended or renewed. Before granting an extension or issuing a new permit, the application will be reviewed by the District Engineer for conflicts with any planned construction by the Department.

PERFORMANCE BOND REQUIREMENTS

800 Any encroachment permit involving work on the roadway or on the roadside may be required to be secured by a properly executed Performance Bond, Form MND-603, certified check or cashier's check. The amount of bond for each permit will

be based upon the estimated cost to repair such damage as may occur from the proposed work and/or the failure of the applicant to complete the work shown on the permit in accordance with the terms and conditions of the permit. The amount of bond required will be determined by the District Engineer.

801 Each bond will cover only one (1) permit application. The permit application will not be approved until the Performance Bond has been approved as set out in SECTION 803 below.

802 Permits submitted to the Department by non-government entities for grading on the Interstate Highways must be secured by a Performance Bond in the minimum amount of $5,000.00.

803 All Performance Bonds, Form MND-603, and the permit application must be submitted to the District Engineer for review. Upon finding all documents in order, the District Engineer will follow the processing procedure for the Performance Bond as outlined in Rule 37.I.7501.04009, Instructions for Processing Form MND-603, Performance Bond.

804 The processing of a permit requiring a Performance Bond is outlined in Rule 37.I.7501.03001, Processing of Permit Applications.

FEDERAL LANDS

900 All permit applications for the erection or construction of any utility (above or below ground) or private service along or across the right of way of a state highway, if right of way was obtained from the National Forest Service, the National Park Service, the Bureau of Indian Affairs, the Corps of Engineers, or any other Federal agency, must be approved by the appropriate Federal agency before being presented to the Department. A Federal agency will only give the Department a "Special Use Permit" or a "Highway Easement Deed" to the highway right of way and retain fee simple title in such rights of way.

MUNICIPALITIES

1000 All permit applications for any utility or private service or other encroachment on a highway, the right of way of which has been taken over from a municipality for maintenance, should be approved by the municipality before being presented to the Department for approval. If the right of way for a highway inside a municipality was purchased by the Department, it is not necessary to secure approval of the municipality.

WHEN WORK MAY BEGIN

1100 No work shall be undertaken on the state highway right of way until the applicant has received a copy of the approved permit. A copy of the approved permit shall

be kept on the job site at all times when work is in progress. Notice shall be given to the Department before any work on the right of way is begun.

ALTERATION OF PERMIT

1200 No work to be performed on a state highway, or the right of way thereof, as an exercise of an approved permit, may be relocated or altered without such change being shown on an approved revision of the permit or approved addenda thereto.

CONTROL OF WORK

1300 When work proposed to be done on state highway right of way is of considerable scope or requires exact location as to line or grade, such as utility lines, extensive grading, or drainage, the proposed work will be staked by the applicant in order to facilitate field inspection by the Department, which is required prior to approval of the application. The approved work shall be staked ahead of construction so as to provide direction for construction personnel.

RIGHT OF WAY MARKER REPLACEMENT

1400 If the proposed work requires that the right of way marker(s) have to be lowered or temporarily removed, a Mississippi registered land surveyor shall place reference points by which the right of way markers are replaced. The applicant has the responsibility, and cost thereof, for furnishing the surveyor to perform the work necessary to replace the markers.

1401 The applicant shall furnish MDOT with the necessary documentation from the Mississippi licensed surveyor stating that the subject right of way marker(s) have been replaced in accordance with the Mississippi surveying rules and regulations

SEEDING AND SODDING

1500 The District will determine the requirements for establishing satisfactory ground cover when graded and/or disturbed areas are involved.

1501 When small areas are disturbed, stockpiling and/or spreading of topsoil over the finished work and sowing of various seeds may be acceptable. Watering may be required.

1502 Where large areas are involved, a more detailed vegetation schedule will be required.

1503 The applicable sections of the Mississippi Standard Specifications for Road and Bridge Construction, Current Edition, will be used as a reference.

1504 All areas of the Department's right of way that are graded and/or disturbed must be neatly dressed and grassed to prevent erosion and blend with adjacent right of way areas.

1505 In order to make vegetation schedules as uniform as possible, a recommended example is a follows:

VEGETATION SCHEDULE

1600 All soil preparation, fertilizing, sprigging, seeding and work applied to same shall be in accordance with the following procedure and schedule:

1. SHAPE AREA. Shape all areas to typical cross section and dress same as required by the permit.
2. SPREAD FERTILIZER AND PREPARE SEED BED. The required fertilizer and agricultural limestone shall be spread uniformly over the area to be top seeded. After the fertilizer and limestone has been spread, the area shall be thoroughly pulverized and the fertilizer incorporated in the top four (4) inches of the graded areas.
3. KIND AND QUANTITY OF FERTILIZER. Fertilizer and agricultural limestone shall be applied at the following rates:

Combination Fertilizer	-	13-13-13	-	800 lbs. per acre
Agricultural Limestone	-			2 tons per acre

4. SEEDING AND/OR SODDING. Seeding and/or sodding is required on disturbed areas specified in the permit or by a representative of the Department. All areas should receive seeding as follows:

Common Bermuda	-	15 lbs. per acre	-	year round
Bahia - 30 lbs. per acre - year round				
Fescue (Ky.31)	-	20 lbs. per acre	-	August 1-April 1
Crimson Clover	-	15 lbs. per acre	-	August 1-April 1

   No crimson clover or bahia grass is to be planted in the Delta and no Bahia grass is to be planted in city sections.
5. MULCH. All areas shall be covered with a baled straw (oat, wheat, rice barley, etc.) at the rate of 1.5 to 2.0 tons per acre. The mulch shall be dry and free of weeds. The mulch shall be spread and anchored in such a manner as to give a uniform cover over the entire area.
6. REFERTILIZATION. Sixty (60) days after the grass has been planted, vegetated areas shall receive additional fertilizer. Refertilization shall be applied at the rate of 500 lbs. of 13-13-13 per acre or 250 lbs. of ammonium nitrate per acre when deemed necessary by the Department.
7. MAINTENANCE. The permitee shall maintain the grassed areas in a satisfactory manner until a good growth is assured and final acceptance is made by the Department. Maintenance work shall include watering (when necessary), restoring the replacing grass, filling washes and mowing, if necessary.

8. SATISFACTORY GROWTH. When grass or grasses have overlapping growth, the area shall be considered to have satisfactory growth.

1601 The Maintenance Division will keep the above vegetation schedule on the MDOT Intranet system. The District may download the vegetation schedule file and select and print the portion that is applicable to the specific permit on Form MND-005, Supplemental Form for Additional Sheets for MND-001, MND-002, and MND-004 or on Form MND-003, Attachment A, Application for Permit to Construct Utility Lines Along or Across State Highways for Holders of Master Agreements. The vegetative schedule will be updated by the Maintenance Division, as necessary, when the District advises the Maintenance Division of a specific need for a modification. The District may modify the vegetation schedule as listed on the MDOT Intranet system to fit the needs for the type of work involved and location thereof. However, it is recommended that the format be followed to maintain uniformity throughout the State.

GENERAL INFORMATION REQUIREMENTS

1700 A plan and cross section or elevation of the proposed construction is to be shown on the application form. The site of the proposed construction is to be referenced by distance to the nearest culvert, bridge, or prominent cross road and also the nearest municipal limit, to the tenth of a mile, if such limit is within reasonable distance. All information necessary to convey knowledge of what is to be done, how it is to be done, and where it is to be done is to be shown on the application form. Each application must be in sufficient detail to inform the applicant as well as the Department of all phases of the proposed work.

1701 Upon request, the applicant shall use a vicinity map showing the location and adjacent land uses. Pertinent information could include:

1. Numbers and/or names of all highways and roads which appear on the plan. The designation "county road" on a cross road is insufficient since such designation does not identify the particular road.
2. Width of existing roadway pavements.
3. Distance from edge of pavement to side ditch and direction of flow in the ditch.
4. Distance from centerline of highway or road to right of way line.
5. For proposed above ground installations within 30 feet from the edge of the traveled way: miles per hour of any speed zone; design speed of the highway; whether or not the installation will be accessible to out of control vehicles.
6. Location of property lines.
7. Length of frontage.
8. Location of existing and proposed fuel pumps, buildings, grease and wash racks, etc.
9. Proposed width of entrance driveways measured parallel to the highway.
10. Angles of proposed driveways with highway.

11. Distance from driveway to property line or corner, measured along right of way line.
12. Distance between driveways measured along right of way line.
13. Proposed radii of all curves.
14. Location and size of any existing cross drain or side drain pipes or culverts and direction of flow within such structures.
15. Location, size, length and direction of flow of any proposed pipes or culverts.
16. Distance between fuel pump foundations and right of way line.
17. Location of rural entrance site with respect to nearest town or intersecting named or numbered road or highway; location of urban entrance site by naming cross streets bracketing the proposed work.
18. North arrow.
19. Scale in feet per inch if the plan is to scale.
20. Title showing name of owner and county in which the proposed work is located.
21. Any additional information necessary to present a picture of the site, such as sight distance if this is a feature, or difference in elevation between highway and right of way line if the difference will result in a six (6) percent or greater grade on the entrance drives, etc.
22. Highway project number and station number.

INFORMATION REQUIRED FOR PERMITS THAT INFLUENCE HIGHWAY DRAINAGE

1800 When drainage designs are required to be reviewed by the Roadway Design Division, the process will be expedited by having certain information regarding the drainage design in the initial permit package as indicated below:

1801 The layout sheet of the proposed work shall indicate the following as necessary:

1. A MDOT Project Number with respect to the site location;
2. The actual limits of the proposed development (as applicable) with respect to the identified project using a second or larger layout sheet if necessary, and show the full limits of the property and the relative drainage basin (another layout sheet at smaller, but legible, scale if needed);
3. Reference proposed site stationing with respect to stationing of the project (if applicable-for far-removed work, only the connection may apply);
4. Reference the proposed site elevations with respect to the true elevations of the project (any deviation must be tied to established true elevation);
5. Show details of the work*, especially relative to drainage systems-junctions, structures (flow line and inlet elevations, etc.);
6. A legible print of the consulting Engineer's Registration Seal.

1802 Other essential information is as follows (as is applicable*):

1. Adequate cross sections* through the length of the proposed work from shoulder edge or centerline of adjacent lane (showing the right of way line),

both existing and proposed ground lines, at 100' intervals, but include any vital/key intermediate cross sections (inlets, driveways, etc.);

2. Show all existing culverts* (cross drains, side drains, etc.) including upstream and downstream flowlines, inlet elevations, etc.;
3. Show all proposed drainage culverts, connections, etc.* and specifications data i.e., sizes, type of structure, type of material, flow lines,, inlet elevations, etc.;
4. Include profile drawings of all proposed drainage culverts/systems*, indicating especially the sizes, slopes, type of pipe/culvert material, and connections/junction structures with flow line and inlet elevations;
5. Include hydraulic design data from which proposed drainage structures were determined-those structures/culverts receiving discharge of crossdrain culverts or emptying into or otherwise controlling the discharge of crossdrain culverts must be sized to appropriately receive, convey, and/or discharge the design storm frequency relative to the classification of the highway, i. e. 50-year storm design minimum for Interstate and Primary Systems (highways in urbanized zones can require 100-year design).

*On far-removed sites, some details may be "Not Applicable" (N/A), but major drains/drainageways/drainage channels must be addressed

SPECIAL NOTES

1900 Each application includes certain provisions preprinted on the permit form. When preparing applications, it is often necessary to add special notes or paragraphs to the permit before it is signed by the applicant. In order to make these notes uniform, listed below are suggested notes more frequently used. If possible, these notes should be used. All necessary notes should be on the application when executed by the applicant. If a note is added after execution by the applicant, it must be prefaced with: "As a condition for the approval of this application...".

1901 The Applicant must be informed in writing that special notes have been added to the permit after execution by the applicant. Further, the applicant must contact the District in writing if there are questions about any such special note so that there will be a full and complete understanding of the permit requirements by all parties.

1902 The Maintenance Division will keep a list of these special notes on the MDOT Intranet system. The District may download the special note file and select and print those notes that are applicable to the specific permit on Form MND-005, Supplemental For Additional Sheets for MND-001, MND-002 and MND-004 or on Form MND-003, Attachment A, Application for Permit to Construct Utility Lines Along or Across State Highways for Holders of Master Agreements. The special note listing will be updated by the Maintenance Division, as necessary, when the District informs the Maintenance Division of a specific note that should be added, deleted, and/or modified.

1903 The special notes or paragraphs are as follows:

1. If a mailbox is to be placed on highway right of way, it shall meet the requirements listed in Rule 37.I.7501.04013, Driveway and Street Connections, Median Openings, Frontage Roads.
2. 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 VI of the Manual of Uniform Traffic Control Devices (MUCTD), Current Edition, as a minimum. A special traffic control plan is included in this application if special traffic control details are required.
3. The applicant shall comply with the Transportation Commission Order, dated May 22, 2001, Minute Book 8, Page 645 and 646, or revised order, relative to restricted speed zones for traffic lane closures on four (4) lane divided highways. The District Engineer will furnish the applicant with a copy of this order, upon request.
4. The applicant agrees to fully comply with the United States Corp of Engineers' regulations for wetlands and to obtain any and all necessary permits prior to beginning any work on state maintained highway right of way.
5. We/I ____(Applicant)_____ do hereby certify that the gas line crossing(s) shown on this application is/are to operate under a pressure in excess of forty-five (45) pounds per square inch and will have regularly inspected and adequately-maintained cathodic protection in accordance with the company's safety program and extra strength pipe will be used under the roadway as shown herein.

   I also hereby certify that I have the authority to make the certification herein and to bind _____(Applicant)____concerning such certification.

   Certified _____
   Name of Company Official

   _____

   _____Title

6. We/I,_____, P.E. hereby certify that the proposed High Density Polyethylene Pipe to be used as an encasement contained in this permit meets all industry standards for certified HDPE pipe and that the design meets the requirements for its use for underground highway crossings or parallel installations.

7. As a condition for approval of this permit for all road closures, the applicant shall coordinate the road closure approval process with the District Permit Officer.

Any road closure shall be approved, in writing, by the Department's Executive Director.

8. This permit gives applicant permission for only that work shown on the Department's right of way.
9. Any deviation from this permit shall require approval from the Department.
10. No parking of vehicles or equipment within the No Access Right Of Way.
11. Since this project is scheduled for re-construction, the existing roadway and right of way are subject to change.
12. Proposed right of way and access road alignment shown on the permit is subject to change. The conceptual plans are now in development by the Department. The actual location of the proposed right of way and access road will be determined at a later date.
13. The applicant is responsible for any conflicts with existing utilities on the highway right of way and is to secure permission from said utilities for any necessary alterations, at the applicant's sole cost.
14. Usage meters and other appurtenances not shown on this approved plan will not be permitted on the highway right of way.
15. All debris is to be removed from the right of way, stumps cut flush with ground, and any damage to the right of way repaired immediately.
16. All signatures and notarizations must be signed in black ink.
17. Any damage to ponds, lakes, or land caused by this pipeline installation shall be the responsibility of the applicant.
18. Applicant shall furnish all materials and perform all work.
19. It is understood and agreed that any encroachments on adjoining property owner(s)' property shall be secured with easements from said property owner(s).
20. As a condition for the approval of this permit application, the applicant may be required to perform additional items of work not shown but necessary (due to unforeseen circumstances) to complete the permitted work. Also, the applicant agrees to perform work as shown on this application, make any necessary repairs of damages to the right of way, roadway slopes, shoulders, or pavement, all to the satisfaction of the Commission and to save the Commission harmless as to all claims arising from work performed under this permit.
21. The applicant shall keep the roadway free of dirt and debris at all times.
22. The applicant is to give the Department's District Permit Department forty-eight (48) hours (2 working days) notice. Telephone numbers _____, _____, _____.
23. It is expressly understood and agreed that no trees or shrubs on the highway right of way will be cut or trimmed except as shown on this application.
24. All drainage pipe or culvert is to be laid to line and grades indicated by stakes set by the Department's District office.
25. This permit is also subject to approval by the relevant municipality.
26. This permit is also subject to approval by the county or counties, if more than one (1) is involved.
27. At such time as service drives or frontage roads are built at this location, the driveway or driveways will be relocated to connect with the service drive or frontage road and will not connect directly to the highway.

28. Any work done by the applicant on the highway right of way shall be at his/her sole expense and may be utilized by the Department of Transportation without payment.
29. All grading, landscaping, filling or otherwise altering the ground conformation shall be done according to the terms of the permit and all disturbed areas shall be re-sodded or seeded, fertilized, and watered as directed by the District Engineer.
30. All trenches shall be backfilled and thoroughly tamped in lifts not exceeding six (6) inches, each lift being compacted to a density equal to or exceeding that of the adjacent material.
31. The applicant agrees to maintain the areas graded, trenched, ditched, or otherwise scarred for a period of one (1) year after completion of all construction or until a sod growth acceptable to the Department is established and bond in the amount of $_____ has been executed as a guarantee.
32. A condition for the approval of this permit is that the applicant or applicants accepts all responsibility for damages to other property and agrees to save the Department harmless for all claims for all damages arising out of work performed under this permit.
33. For Drainage Districts or other Agencies for channel alterations at stream crossings where the Commission has prior jurisdiction: "As a part of the consideration for the granting of this permit, the applicant agrees to the following:
    A. To promptly repair or to reimburse the Department for the cost of repair of damage to bridges or other drainage structures caused by the equipment operated by the applicant or its agents and for damage to bridges or drainage structures caused by lowering of the flow line of the drainage channel.
    B. To maintain the channel cross section on the highway right of way as shown and, in the event of failure to do so, to reimburse the Department for the cost of repair of damages, if any, to the highway bridges, drainage structures, and other appurtenances.
    C. That this permit is for the purpose of the applicant performing his/her statutory duty and is not to be construed as making the Department liable for changes in drainage above, below or upon the highway right of way or in any manner or degree liable for any damages."
34. A condition for approval of this permit is that the applicant maintains the frontage road as a public way.
35. Applicant shall maintain access to existing driveways during all phases of construction.
36. The applicant agrees to assume the responsibility for obtaining any and all necessary storm water permits from the Mississippi Department of Environmental Quality (MDEQ) prior to beginning any work on state maintained highway right of way.

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

2000 Section 65-1-8, Mississippi Code Annotated (1972)

2001 37.I.7501.03001, Processing of Permit Applications

2002 United States Code of Federal Regulations (CFR), Title 23, Part 645B, Accommodation of Utilities

2003 37.I.7501.03003, Form MND-001, Application for Permit to Construct a Driveway

2004 37.I.7501.04005, Form MND-002, Application for Permit to Construct Pipeline

2005 Form MND-005, Supplement Form for Additional Sheets to Form MND-001, MND-002, and MND-004

2006 37.I.7501.04011, Form MND-482, Master Agreement for Location of Electric Power and Communication Utility Lines on State Highway Right-of-Way

2007 37.I.7501.04013, Driveway and Street Connections, Media Openings, Frontage Roads

2008 37.I.7501.04006, Form MND-003, Application for Permit to Construct Utility Lines Along or Across State Highways for Holders of Master Agreements

2009 Mississippi Standard Specifications for Road and Bridge Construction, Current Edition

2010 Manual on Uniform Traffic Control Devices (MUTCD), Current Edition

2011 MDOT Roadway Design Manual, Current Edition

2012 AASHTO Roadside Design Guide, Current Edition

2013 MDOT Roadway and Bridge Design Standard Drawings, Current Edition

2014 For Mississippi Code see www.state.ms.us

2015 For Federal Government U.S. Code see www.gpoaccess.gov or www.dot.gov

2016 For MUTCD and FHWA links see http://mutcd.fhwa.dot.gov and www.fhwa.dot.gov

2017 MDOT specific rules, forms, publications, SOPs, and other support documentation are available for review at MDOT

Sub-part 7501 - Maintenance

Chapter 04002 Right of Way Encroachment Permits

Purpose

100 To establish a policy on issuing right of way encroachment permits.

101 This rule sets forth the requirements necessary to regulate the use of state highway rights of way, the highway and its appurtenances so that their primary functions of providing a means for the safe and convenient movement of goods, vehicles and pedestrians will be enhanced and preserved.

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GENERAL

200 To regulate the use of state highway rights of way, the highway and its appurtenances so that their primary functions of providing a means for the safe and convenient movement of goods, vehicles and pedestrians will be enhanced and preserved. Utility companies have legal rights to place their lines upon the rights of way and abutting property owners have certain legal rights of ingress and egress to their own property. The Transportation Commission has the legal right to regulate such placement of utility lines and rights of ingress and egress. In order to accommodate present and future utility requests, it is necessary to

efficiently manage and apportion the available right of way to the various utilities in widths no more than necessary for each installation and to locate each installation to conserve the remaining available width for future utility requests. Strict adherence to the approved permit should remove conflicts with other utility construction and prevent cutting of underground facilities by the Department's construction and maintenance equipment. In general, no utility or other encroachment has the right to interfere with the construction or the maintenance of the highway or with the safety of the traveling public. Reference is made to Rule 37.I.7501.03001, Processing of Permit Applications.

TYPES OF HIGHWAYS

300 TYPE 1-FREEWAY - A freeway is defined as a highway or section thereof with full control of access which has been designated as such by order of the Commission. On freeways, no vehicular access from the abutting property to the through traffic lanes is permitted except at interchanges constructed at intersecting streets and highways. Frontage roads may be constructed on fully controlled access highways and, where constructed, vehicular access from the abutting property to the frontage road will be permitted. The frontage road will then carry such traffic to a cross road or street with an interchange for entry into the through traffic lanes. Pedestrians crossing controlled access highways at grade is not permitted. Utility lines may be located on the right of way of fully controlled access highways when such location conforms with the requirements of the Department's Rules. Freeways may be developed by stage construction.

301 TYPE-2 PARTIALLY CONTROLLED ACCESS HIGHWAY - A partially controlled access highway or sections thereof vary in degree of control according to the traffic problems present or anticipated. They are defined as follows:

1. Highways or sections thereof designated by the Commission as TYPE 2A may have frontage roads constructed on one or both sides of the highway. Right of way may be provided for future construction of frontage roads on one or both sides of the highway. Until such frontage road or roads are constructed, vehicular access from abutting property directly to and from the through traffic lanes may be permitted in the same manner as for conventional highways unless the right of access was purchased with the right of way. Upon construction of the frontage roads, vehicular access from abutting property shall be permitted into the frontage road only and then is brought into the traffic lanes over intersecting streets and highways or over approved connections of the frontage road with the through traffic lanes. The right of way of TYPE 2A highways may be used for the construction and maintenance of utility lines and other approved installations in accordance with the Department's Rules.
2. On highways or sections thereof designated by the Commission as TYPE 2B, vehicular travel from and to the through traffic lanes is permitted only at established entrances and exits. The abutter's access rights between such entrances and exits have been or are to be purchased with the right of way.

Right of way purchased to deny access from abutting property may be used for the construction and maintenance of utility lines; however, such construction and maintenance must be accomplished without vehicular travel from and to the through traffic lanes or ramps and must comply with the Department's Rules.

302 TYPE 3 - CONVENTIONAL HIGHWAY - A conventional highway is a highway consisting of two (2) traffic lanes or divided highways with two (2) or more lanes in each direction without frontage roads on either side, and which has not been designated by the Commission as either Freeways or Partially Controlled Access Highways. On conventional highways, vehicular ingress and egress from abutting property directly to and from the through traffic lanes is permitted, except that direct access may be restricted as indicated in SECTION 401 below. The right of way of conventional highways may be used for the construction and maintenance of utility lines and other approved installations in accordance with the Department's Rules.

TYPES OF PERMITS AND ADDITIONAL PERMIT REQUIREMENTS

400 Driveways

1. Any individual, partnership, corporation, Board of Supervisors, or any municipal authority having jurisdiction over property abutting state highway right of way or jurisdiction over a county road or municipal street and desiring to obtain a driveway, county road, or municipal street to a state maintained highway or frontage roads or median opening thereon shall make application for a permit on the following permit forms, as applicable:
   A. Form MND-001 "Application For Permit to Construct Driveway With Connection To State Highway And Agreement Of Applicant Given In Consideration Of Such Permit" (Must be letter size paper-8.5 x 11)
   B. Form MND-005 "Supplement to Forms MND-001, MND-002 and MND-004" (Must be legal size paper- 8.5 x 14)
   C. Form MND-603 "Performance Bond" (**If required by the District Engineer**, must be letter size paper-8.5 x 11)

401 Driveways for Large Traffic Generator Developments

1. Applications for permits to construct driveways to a shopping center, mall and/or center, subdivision, factory, industrial or commercial facility and/or any other large traffic generator shall require a study prior to the issuance of the initial permit for access in order to determine the location, number, design, etc. of the driveway connections to be allowed presently and in the future for the entire development area.
2. The Department will make every effort to control the number of driveways to any large development, including outparcels, in order to eliminate unwarranted conflict points between vehicles, reduce congestion and delays, and to maintain an acceptable level of service on the highway. When discussions are held between district personnel and a developer, the developer

will be advised of the Department's policy to provide adequate ingress/egress between the overall development and highway and that ingress/egress from outparcels to the highway shall be accomplished by utilizing the internal circulation of the development and development's driveways. The selling or leasing of outparcels within the limits of the development to third parties shall in no way expand the number of driveways as provided in the initial application for permits. Temporary permitted driveways may be allowed for outparcels that are developed prior to the construction of the permanent permitted driveways to the overall development, but such temporary permitted driveways shall be removed by the applicant or present owner at their own expense, and not at the Department's expense, when the permanent permitted driveways are opened to traffic.

3. The District will inform the developer that the following note will be made a part of the driveway permit:

   "Ingress and/or egress to the adjacent right of way along the _____ side of _____ between station number _____ and _____ of Project Number _____shall be provided at station number(s) _____. No additional ingress and/or egress shall be allowed between station numbers _____ and _____."

4. All applicants shall make application for a permit on the following permit forms, as applicable:
   A. Form MND-001 "Application For Permit to Construct Driveway With Connection To State Highway And Agreement Of Applicant Given In Consideration Of Such Permit" (Must be letter size paper-8.5 x 11)
   B. Form MND-005 "Supplement to Forms MND-001, MND-002 and MND-004" (Must be legal size paper- 8.5 x 14)
   C. Form MND-603 "Performance Bond" (**If required by the District Engineer**, must be letter size paper-8.5 x 11)

5. If such access to the above-described developments are of such magnitude that the potential exists for future traffic handling facilities such as additional traffic control devices and/or geometric improvements, a study shall be made prior to approval of the initial permit and reviewed by the State Traffic Engineer in order to determine if such should be added to the permit or a stipulation added to the permit assigning to the developer, or in his absence the local jurisdiction, the responsibility of providing these traffic handling facilities in accordance with the Mississippi Standards and Specifications for Road and Bridge Construction (Current Edition), Manual on Uniform Traffic Control Devices (MUTCD), Current Edition, and MDOT Roadway Design Manual, Current Edition. This latter case would require a separate permit at that time.
6. If revisions to the existing traffic control and geometrics are requested by a permit application based upon traffic conditions not anticipated at the time of the initial permit is approved, the applicant shall submit the permit application

and supportive data for review by the State Traffic Engineer. Any revisions shall be at the discretion of the Department to preserve the capacity and safety of the relevant section of highway.

402 Pipelines

1. Applications for permits to construct pipelines, including service connections, on state highway rights of way by companies or associations will be made on the following forms, as applicable:
   A. Form MND-002 "Application For Permit To Construct Pipeline Along Or Across State Highway And Agreement Of Applicant Given In Consideration Of Said Permit" (Must be letter size paper-8.5 x 11)
   B. Form MND-005 "Supplement to Forms MND-002, and MND-004" (Must be legal size paper-8.5 x 14)
   C. Form MND-002-Attachment A "Jacking, Dry Boring, Boring with Drilling Fluid, Tunneling and Directional Boring" (**If necessary**, must be letter size paper 8.5 x 11)
   D. Form MND-603 "Performance Bond" (**If required by the District Engineer**, must be letter size paper-8.5 x 11)

403 Electric Power and Communication Utility Permits for Holders of Master Agreements

1. Applications for permits to construct above ground and underground utilities, including service connections, on state highway right of way by utility companies or associations which have executed Form MND-482, Master Agreement, will be made on the following forms, as applicable:
   A. Form MND-482 "Master Agreement For Location Of Electric Power And Communication Utility Lines On State Highway Right-Of-Way" (Must be letter size paper-8.5 x 11)
   B. Form MND-003 "Application For Permit To Construct Utility Lines Along Or Across State Highways For Holders Of Master Agreements" (Must be legal size paper-8.5 x 14)
   C. Form MND-003-Attachment A "Supplement to Form MND-003" (Must be legal size paper-8.5 x 14)

404 Selective Clearing of Timber Permits

1. Selectively clearing of timber on highway right of way is allowed due to changing land use and urban expansion often making uncontrolled growth incompatible with adjacent property development. The selective thinning of timber within the right of way will improve the visibility to various facilities such as schools, businesses, shopping centers, etc., thereby achieving a more pleasing landscape appearance.
2. Selectively clearing for the purpose of erecting outdoor advertising structures/signs is strictly prohibited.
3. Applications for permits to selectively clear timber on highway right of way will be made on the following forms, as applicable:

A. Form MND-004 "Application For Permit To Locate Certain Facilities On Or To Perform Certain Work On State Highway Right-of-Way" (Must be letter size paper-8.5 x 11)
B. Form MND-005 "Supplemental to Forms MND-001, MND-002 and MND-004" (Must be legal size paper-8.5 x 14)
C. Form MND-603 "Performance Bond" (**If required by the District Engineer**, must be letter size paper-8.5 x 11)
D. Form MND-002-Attachment A "Jacking, Dry Boring, Boring with Drilling Fluid, Tunneling and Directional Boring" (**If necessary**, must be letter size paper-8.5 x 11)

405 All Other Right Of Way Encroachment Permits

1. Applications for permits to grade or otherwise change the right of way or locate any facility on State Highway right of way, or perform subterranean exploration, seismic surveys, or other work on state highway right of way not covered in SECTIONS 400 through 404 above will be made on the following forms, as applicable:
   A. Form MND-004 "Application For Permit To Locate Certain Facilities On Or To Perform Certain Work On State Highway Right-of-Way" (Must be letter size paper-8.5 x 11)
   B. Form MND-005 "Supplemental to Forms MND-001, MND-002 and MND-004" (Must be legal size paper-8.5 x 14)
   C. Form MND-603 "Performance Bond" (**If required by the District Engineer**, must be letter size paper-8.5 x 11)
   D. Form MND-002-Attachment A "Jacking, Dry Boring, Boring with Drilling Fluid, Tunneling and Directional Boring" (**If necessary**, must be letter size paper-8.5 x 11)

406 Additional Permit Requirements

1. If the permit involves traffic control, roadway and/or bridge special details, the Department's applicable Division Engineer shall review and approve the special details and such shall be noted on the permit application.
   A. Roadway Design Division will require detailed drainage information for reviewing and approving special drainage systems submitted by the applicant. In order to expedite the approval process, the District should coordinate the drainage system information needed by the Roadway Design Division with the State Maintenance Engineer. The Maintenance Division will keep examples of drainage system information requirements for permits on the MDOT Intranet system.
2. If the permit involves clearing and pruning of trees and other vegetation for utility lines, the applicant shall follow the rules, regulations and limits for removing and/or maintaining trees and other vegetation as outlined in Rule 37.I.7501.03005, Clearing and Pruning of Trees and Other Vegetation for Utility Lines, Forms MND-755, MND-756, MND-757, MND-758, MND-759, and MND-760.

3. Prior to approval of permits for selective clearing of timber and/or clear cutting of timber, as described in SECTIONS 404.C and 405.c above, the removal and disposal of any timber, and reimbursement thereof, shall be in accordance with Section 65-1-123, Mississippi Code of 1972 Annotated, as amended.
4. Applications for clear cutting of timber on the right of way of the state maintained system is prohibited. Clear cutting of timber will be allowed in conjunction with permits approved for grading, new utility construction, etc., as necessary to perform the approved operations(s).
5. Final approval authority for various permit applications and agreements is outlined in Rule 37.I.7501.03001, Processing of Permit Applications.

PREPARATION OF APPLICATIONS

500 All applications described in SECTIONS 400 through 406 above shall be submitted in a neat, legible manner, with all information including drawings, special notes, signatures, dates and notarizations typewritten and/or in non-smearing blue or black ink of a quality suitable for microfilming or scanning. Department forms specified in SECTIONS 400-405 above must be used, with no exception. Project plan sheets, cross section sheets or data submitted on other than the specified forms will not be accepted. The Department's electronic permit form system may be used if available.

EXECUTION

600 Applications shall be executed by owners, corporate officers, or authorized government officials as applicable. All applications shall be notarized. Persons with powers of attorney may execute applications, provided that a copy of the power of attorney is filed with the application.

EXTENSION OF PERMIT

700 All encroachment permits are issued for a period of one (1) year after date of approval by the Deputy Executive Director-Chief Engineer. Upon expiration of the permit, no further work will be allowed by the applicant except as authorized, in writing, by an extension not exceeding one year or by a new permit. An extension of the performance bond will be required when the permit is extended or renewed. Before granting an extension or issuing a new permit, the application will be reviewed by the District Engineer for conflicts with any planned construction by the Department.

PERFORMANCE BOND REQUIREMENTS

800 Any encroachment permit involving work on the roadway or on the roadside may be required to be secured by a properly executed Performance Bond, Form MND-603, certified check or cashier's check. The amount of bond for each permit will

be based upon the estimated cost to repair such damage as may occur from the proposed work and/or the failure of the applicant to complete the work shown on the permit in accordance with the terms and conditions of the permit. The amount of bond required will be determined by the District Engineer.

801 Each bond will cover only one (1) permit application. The permit application will not be approved until the Performance Bond has been approved as set out in SECTION 803 below.

802 Permits submitted to the Department by non-government entities for grading on the Interstate Highways must be secured by a Performance Bond in the minimum amount of $5,000.00.

803 All Performance Bonds, Form MND-603, and the permit application must be submitted to the District Engineer for review. Upon finding all documents in order, the District Engineer will follow the processing procedure for the Performance Bond as outlined in Rule 37.I.7501.04009, Instructions for Processing Form MND-603, Performance Bond.

804 The processing of a permit requiring a Performance Bond is outlined in Rule 37.I.7501.03001, Processing of Permit Applications.

FEDERAL LANDS

900 All permit applications for the erection or construction of any utility (above or below ground) or private service along or across the right of way of a state highway, if right of way was obtained from the National Forest Service, the National Park Service, the Bureau of Indian Affairs, the Corps of Engineers, or any other Federal agency, must be approved by the appropriate Federal agency before being presented to the Department. A Federal agency will only give the Department a "Special Use Permit" or a "Highway Easement Deed" to the highway right of way and retain fee simple title in such rights of way.

MUNICIPALITIES

1000 All permit applications for any utility or private service or other encroachment on a highway, the right of way of which has been taken over from a municipality for maintenance, should be approved by the municipality before being presented to the Department for approval. If the right of way for a highway inside a municipality was purchased by the Department, it is not necessary to secure approval of the municipality.

WHEN WORK MAY BEGIN

1100 No work shall be undertaken on the state highway right of way until the applicant has received a copy of the approved permit. A copy of the approved permit shall

be kept on the job site at all times when work is in progress. Notice shall be given to the Department before any work on the right of way is begun.

ALTERATION OF PERMIT

1200 No work to be performed on a state highway, or the right of way thereof, as an exercise of an approved permit, may be relocated or altered without such change being shown on an approved revision of the permit or approved addenda thereto.

CONTROL OF WORK

1300 When work proposed to be done on state highway right of way is of considerable scope or requires exact location as to line or grade, such as utility lines, extensive grading, or drainage, the proposed work will be staked by the applicant in order to facilitate field inspection by the Department, which is required prior to approval of the application. The approved work shall be staked ahead of construction so as to provide direction for construction personnel.

RIGHT OF WAY MARKER REPLACEMENT

1400 If the proposed work requires that the right of way marker(s) have to be lowered or temporarily removed, a Mississippi registered land surveyor shall place reference points by which the right of way markers are replaced. The applicant has the responsibility, and cost thereof, for furnishing the surveyor to perform the work necessary to replace the markers.

1401 The applicant shall furnish MDOT with the necessary documentation from the Mississippi licensed surveyor stating that the subject right of way marker(s) have been replaced in accordance with the Mississippi surveying rules and regulations

SEEDING AND SODDING

1500 The District will determine the requirements for establishing satisfactory ground cover when graded and/or disturbed areas are involved.

1501 When small areas are disturbed, stockpiling and/or spreading of topsoil over the finished work and sowing of various seeds may be acceptable. Watering may be required.

1502 Where large areas are involved, a more detailed vegetation schedule will be required.

1503 The applicable sections of the Mississippi Standard Specifications for Road and Bridge Construction, Current Edition, will be used as a reference.

1504 All areas of the Department's right of way that are graded and/or disturbed must be neatly dressed and grassed to prevent erosion and blend with adjacent right of way areas.

1505 In order to make vegetation schedules as uniform as possible, a recommended example is a follows:

VEGETATION SCHEDULE

1600 All soil preparation, fertilizing, sprigging, seeding and work applied to same shall be in accordance with the following procedure and schedule:

1. SHAPE AREA. Shape all areas to typical cross section and dress same as required by the permit.
2. SPREAD FERTILIZER AND PREPARE SEED BED. The required fertilizer and agricultural limestone shall be spread uniformly over the area to be top seeded. After the fertilizer and limestone has been spread, the area shall be thoroughly pulverized and the fertilizer incorporated in the top four (4) inches of the graded areas.
3. KIND AND QUANTITY OF FERTILIZER. Fertilizer and agricultural limestone shall be applied at the following rates:

Combination Fertilizer	-	13-13-13	-	800 lbs. per acre
Agricultural Limestone	-			2 tons per acre

4. SEEDING AND/OR SODDING. Seeding and/or sodding is required on disturbed areas specified in the permit or by a representative of the Department. All areas should receive seeding as follows:

Common Bermuda	-	15 lbs. per acre	-	year round
Bahia - 30 lbs. per acre - year round				
Fescue (Ky.31)	-	20 lbs. per acre	-	August 1-April 1
Crimson Clover	-	15 lbs. per acre	-	August 1-April 1

No crimson clover or bahia grass is to be planted in the Delta and no Bahia grass is to be planted in city sections.

5. MULCH. All areas shall be covered with a baled straw (oat, wheat, rice barley, etc.) at the rate of 1.5 to 2.0 tons per acre. The mulch shall be dry and free of weeds. The mulch shall be spread and anchored in such a manner as to give a uniform cover over the entire area.
6. REFERTILIZATION. Sixty (60) days after the grass has been planted, vegetated areas shall receive additional fertilizer. Refertilization shall be applied at the rate of 500 lbs. of 13-13-13 per acre or 250 lbs. of ammonium nitrate per acre when deemed necessary by the Department.
7. MAINTENANCE. The permitee shall maintain the grassed areas in a satisfactory manner until a good growth is assured and final acceptance is made by the Department. Maintenance work shall include watering (when necessary), restoring the replacing grass, filling washes and mowing, if necessary.

8. SATISFACTORY GROWTH. When grass or grasses have overlapping growth, the area shall be considered to have satisfactory growth.

1601 The Maintenance Division will keep the above vegetation schedule on the MDOT Intranet system. The District may download the vegetation schedule file and select and print the portion that is applicable to the specific permit on Form MND-005, Supplemental Form for Additional Sheets for MND-001, MND-002, and MND-004 or on Form MND-003, Attachment A, Application for Permit to Construct Utility Lines Along or Across State Highways for Holders of Master Agreements. The vegetative schedule will be updated by the Maintenance Division, as necessary, when the District advises the Maintenance Division of a specific need for a modification. The District may modify the vegetation schedule as listed on the MDOT Intranet system to fit the needs for the type of work involved and location thereof. However, it is recommended that the format be followed to maintain uniformity throughout the State.

GENERAL INFORMATION REQUIREMENTS

1700 A plan and cross section or elevation of the proposed construction is to be shown on the application form. The site of the proposed construction is to be referenced by distance to the nearest culvert, bridge, or prominent cross road and also the nearest municipal limit, to the tenth of a mile, if such limit is within reasonable distance. All information necessary to convey knowledge of what is to be done, how it is to be done, and where it is to be done is to be shown on the application form. Each application must be in sufficient detail to inform the applicant as well as the Department of all phases of the proposed work.

1701 Upon request, the applicant shall use a vicinity map showing the location and adjacent land uses. Pertinent information could include:

1. Numbers and/or names of all highways and roads which appear on the plan. The designation "county road" on a cross road is insufficient since such designation does not identify the particular road.
2. Width of existing roadway pavements.
3. Distance from edge of pavement to side ditch and direction of flow in the ditch.
4. Distance from centerline of highway or road to right of way line.
5. For proposed above ground installations within 30 feet from the edge of the traveled way: miles per hour of any speed zone; design speed of the highway; whether or not the installation will be accessible to out of control vehicles.
6. Location of property lines.
7. Length of frontage.
8. Location of existing and proposed fuel pumps, buildings, grease and wash racks, etc.
9. Proposed width of entrance driveways measured parallel to the highway.
10. Angles of proposed driveways with highway.

11. Distance from driveway to property line or corner, measured along right of way line.
12. Distance between driveways measured along right of way line.
13. Proposed radii of all curves.
14. Location and size of any existing cross drain or side drain pipes or culverts and direction of flow within such structures.
15. Location, size, length and direction of flow of any proposed pipes or culverts.
16. Distance between fuel pump foundations and right of way line.
17. Location of rural entrance site with respect to nearest town or intersecting named or numbered road or highway; location of urban entrance site by naming cross streets bracketing the proposed work.
18. North arrow.
19. Scale in feet per inch if the plan is to scale.
20. Title showing name of owner and county in which the proposed work is located.
21. Any additional information necessary to present a picture of the site, such as sight distance if this is a feature, or difference in elevation between highway and right of way line if the difference will result in a six (6) percent or greater grade on the entrance drives, etc.
22. Highway project number and station number.

INFORMATION REQUIRED FOR PERMITS THAT INFLUENCE HIGHWAY DRAINAGE

1800 When drainage designs are required to be reviewed by the Roadway Design Division, the process will be expedited by having certain information regarding the drainage design in the initial permit package as indicated below:

1801 The layout sheet of the proposed work shall indicate the following as necessary:

1. A MDOT Project Number with respect to the site location;
2. The actual limits of the proposed development (as applicable) with respect to the identified project using a second or larger layout sheet if necessary, and show the full limits of the property and the relative drainage basin (another layout sheet at smaller, but legible, scale if needed);
3. Reference proposed site stationing with respect to stationing of the project (if applicable-for far-removed work, only the connection may apply);
4. Reference the proposed site elevations with respect to the true elevations of the project (any deviation must be tied to established true elevation);
5. Show details of the work*, especially relative to drainage systems-junctions, structures (flow line and inlet elevations, etc.);
6. A legible print of the consulting Engineer's Registration Seal.

1802 Other essential information is as follows (as is applicable*):

1. Adequate cross sections* through the length of the proposed work from shoulder edge or centerline of adjacent lane (showing the right of way line),

both existing and proposed ground lines, at 100' intervals, but include any vital/key intermediate cross sections (inlets, driveways, etc.);

2. Show all existing culverts* (cross drains, side drains, etc.) including upstream and downstream flowlines, inlet elevations, etc.;
3. Show all proposed drainage culverts, connections, etc.* and specifications data i.e., sizes, type of structure, type of material, flow lines,, inlet elevations, etc.;
4. Include profile drawings of all proposed drainage culverts/systems*, indicating especially the sizes, slopes, type of pipe/culvert material, and connections/junction structures with flow line and inlet elevations;
5. Include hydraulic design data from which proposed drainage structures were determined-those structures/culverts receiving discharge of crossdrain culverts or emptying into or otherwise controlling the discharge of crossdrain culverts must be sized to appropriately receive, convey, and/or discharge the design storm frequency relative to the classification of the highway, i. e. 50-year storm design minimum for Interstate and Primary Systems (highways in urbanized zones can require 100-year design).

*On far-removed sites, some details may be "Not Applicable" (N/A), but major drains/drainageways/drainage channels must be addressed

SPECIAL NOTES

1900 Each application includes certain provisions preprinted on the permit form. When preparing applications, it is often necessary to add special notes or paragraphs to the permit before it is signed by the applicant. In order to make these notes uniform, listed below are suggested notes more frequently used. If possible, these notes should be used. All necessary notes should be on the application when executed by the applicant. If a note is added after execution by the applicant, it must be prefaced with: "As a condition for the approval of this application...".

1901 The Applicant must be informed in writing that special notes have been added to the permit after execution by the applicant. Further, the applicant must contact the District in writing if there are questions about any such special note so that there will be a full and complete understanding of the permit requirements by all parties.

1902 The Maintenance Division will keep a list of these special notes on the MDOT Intranet system. The District may download the special note file and select and print those notes that are applicable to the specific permit on Form MND-005, Supplemental For Additional Sheets for MND-001, MND-002 and MND-004 or on Form MND-003, Attachment A, Application for Permit to Construct Utility Lines Along or Across State Highways for Holders of Master Agreements. The special note listing will be updated by the Maintenance Division, as necessary, when the District informs the Maintenance Division of a specific note that should be added, deleted, and/or modified.

1903 The special notes or paragraphs are as follows:

1. If a mailbox is to be placed on highway right of way, it shall meet the requirements listed in Rule 37.I.7501.04013, Driveway and Street Connections, Median Openings, Frontage Roads.
2. 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 VI of the Manual of Uniform Traffic Control Devices (MUCTD), Current Edition, as a minimum. A special traffic control plan is included in this application if special traffic control details are required.
3. The applicant shall comply with the Transportation Commission Order, dated May 22, 2001, Minute Book 8, Page 645 and 646, or revised order, relative to restricted speed zones for traffic lane closures on four (4) lane divided highways. The District Engineer will furnish the applicant with a copy of this order, upon request.
4. The applicant agrees to fully comply with the United States Corp of Engineers' regulations for wetlands and to obtain any and all necessary permits prior to beginning any work on state maintained highway right of way.
5. We/I ____(Applicant)_____ do hereby certify that the gas line crossing(s) shown on this application is/are to operate under a pressure in excess of forty-five (45) pounds per square inch and will have regularly inspected and adequately-maintained cathodic protection in accordance with the company's safety program and extra strength pipe will be used under the roadway as shown herein.

   I also hereby certify that I have the authority to make the certification herein and to bind ____(Applicant)___concerning such certification.

   Certified _____
   Name of Company Official

   _____

   _____Title

6. We/I,_____, P.E. hereby certify that the proposed High Density Polyethylene Pipe to be used as an encasement contained in this permit meets all industry standards for certified HDPE pipe and that the design meets the requirements for its use for underground highway crossings or parallel installations.

7. As a condition for approval of this permit for all road closures, the applicant shall coordinate the road closure approval process with the District Permit Officer.

Any road closure shall be approved, in writing, by the Department's Executive Director.

8. This permit gives applicant permission for only that work shown on the Department's right of way.
9. Any deviation from this permit shall require approval from the Department.
10. No parking of vehicles or equipment within the No Access Right Of Way.
11. Since this project is scheduled for re-construction, the existing roadway and right of way are subject to change.
12. Proposed right of way and access road alignment shown on the permit is subject to change. The conceptual plans are now in development by the Department. The actual location of the proposed right of way and access road will be determined at a later date.
13. The applicant is responsible for any conflicts with existing utilities on the highway right of way and is to secure permission from said utilities for any necessary alterations, at the applicant's sole cost.
14. Usage meters and other appurtenances not shown on this approved plan will not be permitted on the highway right of way.
15. All debris is to be removed from the right of way, stumps cut flush with ground, and any damage to the right of way repaired immediately.
16. All signatures and notarizations must be signed in black ink.
17. Any damage to ponds, lakes, or land caused by this pipeline installation shall be the responsibility of the applicant.
18. Applicant shall furnish all materials and perform all work.
19. It is understood and agreed that any encroachments on adjoining property owner(s)' property shall be secured with easements from said property owner(s).
20. As a condition for the approval of this permit application, the applicant may be required to perform additional items of work not shown but necessary (due to unforeseen circumstances) to complete the permitted work. Also, the applicant agrees to perform work as shown on this application, make any necessary repairs of damages to the right of way, roadway slopes, shoulders, or pavement, all to the satisfaction of the Commission and to save the Commission harmless as to all claims arising from work performed under this permit.
21. The applicant shall keep the roadway free of dirt and debris at all times.
22. The applicant is to give the Department's District Permit Department forty-eight (48) hours (2 working days) notice. Telephone numbers _____, _____, _____.
23. It is expressly understood and agreed that no trees or shrubs on the highway right of way will be cut or trimmed except as shown on this application.
24. All drainage pipe or culvert is to be laid to line and grades indicated by stakes set by the Department's District office.
25. This permit is also subject to approval by the relevant municipality.
26. This permit is also subject to approval by the county or counties, if more than one (1) is involved.
27. At such time as service drives or frontage roads are built at this location, the driveway or driveways will be relocated to connect with the service drive or frontage road and will not connect directly to the highway.

28. Any work done by the applicant on the highway right of way shall be at his/her sole expense and may be utilized by the Department of Transportation without payment.
29. All grading, landscaping, filling or otherwise altering the ground conformation shall be done according to the terms of the permit and all disturbed areas shall be re-sodded or seeded, fertilized, and watered as directed by the District Engineer.
30. All trenches shall be backfilled and thoroughly tamped in lifts not exceeding six (6) inches, each lift being compacted to a density equal to or exceeding that of the adjacent material.
31. The applicant agrees to maintain the areas graded, trenched, ditched, or otherwise scarred for a period of one (1) year after completion of all construction or until a sod growth acceptable to the Department is established and bond in the amount of $_____has been executed as a guarantee.
32. A condition for the approval of this permit is that the applicant or applicants accepts all responsibility for damages to other property and agrees to save the Department harmless for all claims for all damages arising out of work performed under this permit.
33. For Drainage Districts or other Agencies for channel alterations at stream crossings where the Commission has prior jurisdiction: "As a part of the consideration for the granting of this permit, the applicant agrees to the following:
    A. To promptly repair or to reimburse the Department for the cost of repair of damage to bridges or other drainage structures caused by the equipment operated by the applicant or its agents and for damage to bridges or drainage structures caused by lowering of the flow line of the drainage channel.
    B. To maintain the channel cross section on the highway right of way as shown and, in the event of failure to do so, to reimburse the Department for the cost of repair of damages, if any, to the highway bridges, drainage structures, and other appurtenances.
    C. That this permit is for the purpose of the applicant performing his/her statutory duty and is not to be construed as making the Department liable for changes in drainage above, below or upon the highway right of way or in any manner or degree liable for any damages."
34. A condition for approval of this permit is that the applicant maintains the frontage road as a public way.
35. Applicant shall maintain access to existing driveways during all phases of construction.
36. The applicant agrees to assume the responsibility for obtaining any and all necessary storm water permits from the Mississippi Department of Environmental Quality (MDEQ) prior to beginning any work on state maintained highway right of way.

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

2000 Section 65-1-8, Mississippi Code Annotated (1972)

2001 37.I.7501.03001, Processing of Permit Applications

2002 United States Code of Federal Regulations (CFR), Title 23, Part 645B, Accommodation of Utilities

2003 37.I.7501.03003, Form MND-001, Application for Permit to Construct a Driveway

2004 37.I.7501.04005, Form MND-002, Application for Permit to Construct Pipeline

2005 Form MND-005, Supplement Form for Additional Sheets to Form MND-001, MND-002, and MND-004

2006 37.I.7501.04011, Form MND-482, Master Agreement for Location of Electric Power and Communication Utility Lines on State Highway Right-of-Way

2007 37.I.7501.04013, Driveway and Street Connections, Media Openings, Frontage Roads

2008 37.I.7501.04006, Form MND-003, Application for Permit to Construct Utility Lines Along or Across State Highways for Holders of Master Agreements

2009 Mississippi Standard Specifications for Road and Bridge Construction, Current Edition

2010 Manual on Uniform Traffic Control Devices (MUTCD), Current Edition

2011 MDOT Roadway Design Manual, Current Edition

2012 AASHTO Roadside Design Guide, Current Edition

2013 MDOT Roadway and Bridge Design Standard Drawings, Current Edition

2014 For Mississippi Code see www.state.ms.us

2015 For Federal Government U.S. Code see www.gpoaccess.gov or www.dot.gov

2016 For MUTCD and FHWA links see http://mutcd.fhwa.dot.gov and www.fhwa.dot.gov

2017 MDOT specific rules, forms, publications, SOPs, and other support documentation are available for review at MDOT