

**Title 37 Transportation and Highways**  
**Part 1 Mississippi Department of Transportation**  
**Sub-Part 5101 – Aeronautics**

**Chapter 01001 Applications for federal and state funds for airport projects**

Purpose

- 100 Provide federal and state funds for constructing and improving airports. Provides airport owners with guidance for requesting federal and state funds for airport projects pursuant to Sections 61-1-13 and 61-1-33 of the Mississippi Code of 1972. A copy of the Mississippi Code is available for review at [www.state.ms.us](http://www.state.ms.us).
- 102 Airport owners will submit all applications for Federal Aviation Administration (FAA) Airport Improvement Program funds for airport planning, construction and development projects to the Aeronautics Division for Mississippi Transportation Commission approval pursuant to Section 61-1-33 of the Mississippi Code of 1972. Requests will be made on the application form or forms that are currently in use by the FAA at the time of the application submittal. Requests for state funds to supplement the local share of these projects will be included on the FAA application form or forms.
- 103 The current FAA application form or forms will also be used to request state funds for projects to be funded with federal, state and local funds or solely with state and local funds. The forms are available on the FAA website ([www.faa.gov](http://www.faa.gov)) or the MDOT Aeronautics website ([www.gomdot.com/aero](http://www.gomdot.com/aero)).

**Chapter 04001 Provides airport owners with guidance for applying for MMTIP Funds**

Purpose

- 100 Provides airport owners with guidance for applying for MMTIP Funds. Application, approval and administrative requirements for airport improvement projects in accordance with the Multi-Modal Transportation Improvement Program (MMTIP), Sections 65-1-701 through 65-1-711 of the Mississippi Code of 1972. A copy of the Mississippi Code is available for review at [www.state.ms.us](http://www.state.ms.us).
- 101 When funds are approved for the MMTIP, the Aeronautics Division will notify airport owners of the availability of the funds and solicit applications for projects to compete for the available funds. Application forms prepared by the Aeronautics Division will be provided with the letter of notification and include a deadline date for receipt of applications.
- 102 Applications will be reviewed and approved by a seven member committee comprised of five (5) airport directors, or their designees, appointed by the President of the Mississippi Airports Association, at least three (3) who shall represent airports with commercial service, the Executive Director of MDA, or his designee, and the Executive Director of MDOT, or his designee.

- 103 Upon approval of the projects by the Committee, the projects will be presented to the Mississippi Transportation Commission for their approval of funds for the projects. After Commission approval, the Aeronautics Division will issue a Multi-Modal Airport Grant for acceptance by the respective airport owners obligating funds for the project and establishing the terms and conditions for accomplishing the project.
- 104 After the grant has been executed, the Aeronautics Division will administer the project in accordance with applicable MDOT procedures for expenditure of state funds.

### **Sub-part 5301 – Rails**

#### **Chapter 01000 Mississippi Public Railroad Grade Crossing Consolidation Procedure**

##### Purpose

- 100 To define a rule for the establishment of procedures for consolidation and/or elimination of public railroad grade crossings and to evaluate the adequacy of traffic control devices at such grade crossings.
- 101 The Commission may accept requests from cities or counties regarding which corridors should be studied. The Mississippi Department of Transportation and the Railroad Company will meet with the City/County officials to present consolidation plan(s) and the City/County may offer an opportunity for a public hearing with the Rails Division and the Railroad Company.
- 102 The Commission may accept requests from cities or counties regarding which corridors should be studied to determine which public railroad grade crossings should be consolidated and/or eliminated and to evaluate the adequacy of traffic control devices at the grade crossings within the corridors which are being studied. In conducting its analysis, the Commission may consider input from local governments and railroads and may conduct public hearings as deemed appropriate. The Mississippi Department of Transportation and the Railroad Company will meet with the City/County officials to present consolidation plan(s) and furnish justification for recommendation(s). The City/County may offer an opportunity for a public hearing with the Rails Division and the Railroad Company at a specified date, time, and location within the City/County. And/or the Commission, on its own motion, may at any time require a public hearing. The City/County shall prepare a transcript of any public hearing. The public hearing transcript will be reviewed by the Rails Division, which may recommend any change(s) or modification(s) of any recommendation(s) to the Executive Director through the Director, OIP.

#### **Chapter 02000 Multi-Modal Transportation Improvement Program (MMTIP) Funds**

##### Purpose

- 100 Provides public railroad owners with guidance for applying for MMTIP Funds

101 Application, approval and administrative requirements for railroad improvement projects in accordance with the Multi-Modal Transportation Improvement Program (MMTIP), Sections 65-1-701 through 65-1-711 of the Mississippi Code of 1972. A copy of the Mississippi Code is available at [www.state.ms.us](http://www.state.ms.us).

1. When funds are approved for the MMTIP, the Rails Division will notify railroad owners of the availability of the funds and solicit applications for projects to compete for the available funds. Application forms prepared by the Rails Division will be provided with the letter of notification and include a deadline date for receipt of applications.
2. Applications will be reviewed and approved by a committee comprised of the publicly owned railroad directors, or their designees, the Executive Director of MDA, or his designee, and the Executive Director of MDOT, or his designee.
3. Upon approval of the projects by the Committee, the projects will be presented to the Mississippi Transportation Commission for their approval of funds for the projects. After Commission approval, the Rails Division will issue a Multi-Modal Railroad Grant for acceptance by the respective railroad owners obligating funds for the project and establishing the terms and conditions for accomplishing the project.
4. After the grant has been executed, the Rails Division will administer the project in accordance with applicable MDOT procedures for expenditure of state funds.

### **Sub-Part 5901 – Mississippi Transportation Commission**

#### **Chapter 01001 Organization of Mississippi Transportation Commission**

##### Purpose

100 To describe the general course and operation of the Mississippi Transportation Commission.

##### Authority

200 Section 65-1-1 et. seq. Mississippi Code of 1972 Annotated

##### Commission Members

300 The Mississippi Transportation Commission consists of three (3) elected members, one (1) from each of the three (3) Supreme Court districts of the state. Only qualified electors who are citizens of the Supreme Court district in which he or she offers for election shall be eligible for such office.

301 Transportation Commissioners are elected at the same time and in the same manner as the Governor. The term of the elected Transportation Commissioners begins on the first Monday of January in the year succeeding the date of their election, and they serve for a term of four (4) years and until their successors have taken office.

302 If any of the Transportation Commissioners dies, resigns or is removed from office, the Governor will appoint a replacement for the unexpired term, as long as the unexpired term does not exceed twelve (12) months. If the unexpired term exceeds twelve (12) months, the Governor shall, within fifteen (15) days from the date of the vacancy, call an election in the Supreme Court district in which the vacancy exists and the election is to be held within

sixty (60) days from the date of the issuance of the Governor's call for election. The election of the transportation commissioner will be for the remaining portion of the unexpired term.

- 303 Each Transportation Commissioner, prior to taking office, will take and subscribe the oath of office required of other state officials execute a bond in the sum of Fifty Thousand Dollars (\$50,000.00).

#### Commission Meetings

- 400 The Transportation Commission elects of one (1) of its members to serve as chairman of the commission. The commission, a majority of which constitutes a quorum, holds its regular Commission meetings on the second and fourth Tuesday of each month at the office of the commission in Jackson, Mississippi. The Transportation Commission may hold a regular meeting not more than three (3) times each year at other locations as may be set by the commission. At the regular sessions the commission may hear, continue and determine any and all matters coming before it.

#### Special Meetings

- 500 The commission may hold special meetings at the call of the Executive Director of MDOT or the chairman of the Transportation Commission at such times and places in this state as either of them may deem necessary. At special meetings it may hear, continue, consider and determine any and all matters coming before it, provided that at least five (5) days' notice of such meetings shall be given to all the members of the commission beforehand. A special session may be called at any time without the foregoing notice, or any notice, if by and with the unanimous consent of all the members of the commission, with such unanimous consent being spread at large on the minutes of the commission. If any session is held at a location other than at the commission's office in Jackson, Mississippi, the commission will make provisions to allow public participation in the meeting by appearing at the Jackson office.

#### Commission Authority

- 600 The Mississippi Transportation Commission acts as a legal entity, and speaks only through its minutes, and in all matters shall act as a unit. Any action on the part of any member of the commission separately does not bind the commission as a unit, but such individual member only shall be liable personally on his official bond.

#### Compensation

- 700 Salaries are fixed by the legislature in addition to expenses incurred in the performance of each Commissioner's respective official duties.

#### Authorities and Powers

800 The Mississippi Transportation Commission has the general powers, duties and responsibilities as set forth in Section 65-1-8 of the Mississippi Code of 1972 Annotated, and is hereby incorporated into these rules by reference.

801 The Mississippi Code is available in its entirety from the Office of the Secretary of State of Mississippi in Jackson, Mississippi.

802 The Commissioners may be contacted at the following address:

Mississippi Transportation Commission  
P.O. Box 1850  
Jackson, Mississippi 39215-1850

**Chapter 01002 Public Request for MTC Information and Records**

**Purpose**

100 Description of organization and how the public may obtain this information or make public records requests.

101 This rule establishes the method of how the public may obtain information or make public records requests as required by Mississippi Code pertaining to Commission orders.

102 The MTC meets the second and fourth Tuesday of every month usually at 10:00 am at the Mississippi Department of Transportation’s Administration Building. These meetings are open to the public. Information on these meetings, including any opportunities to watch them online, can be found on MDOT’s website (<http://www.gomdot.com>)

103 The public may obtain a description of MTC’s organization from the Mississippi Department of Transportation’s website (<http://www.gomdot.com>). This website contains the most current organizational chart as well as other organizational information.

104 The public may also obtain information or make public records requests as required by Mississippi Code on MDOT’s website (<http://www.gomdot.com>)

**Sub-Part 6001 – Office of Intermodal Planning**

**Chapter 01000 Strategic Multi-Modal Investments Fund Program**

**Purpose**

100 The purpose of this rule is to provide guidance on the Strategic Multi-Modal Investments Fund.

101 This rule describes eligibility requirements, application procedures, administrative and approval requirements for transportation projects funded from the Strategic Multi-Modal Investments Fund.

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

200 Section 2, Senate Bill 2559 from the 2023 Regular Session, requires the Mississippi Department of Transportation (MDOT) to promulgate rules and regulations in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of the Strategic Multi-Modal Investments Fund Program.

300 MDOT will review and recommend awards, by way of a competitive application process, in accordance with the Act.

400 MDOT will notify eligible entities of the availability of the funds and solicit applications in a manner established by the department. Applicants are responsible for complying with all application requirements. Current application guidelines can be found at <http://www.gomdot.com>.

500 All projects meeting the application guidelines will be evaluated and selections will be submitted to the Mississippi Transportation Commission for approval. The Mississippi Transportation Commission will make a final determination as recorded in its minutes.

600 Terms and conditions for completing the project will be set forth in a Strategic Multi-Modal Investments Fund Program Memorandum of Agreement between the Mississippi Transportation Commission and the award recipient. This agreement must be fully executed prior to the distribution of funds.

## **Sub-part 6101 – Public Transit**

### **Chapter 53000 Major Program Responsibilities**

#### Purpose

100 Provide applicants, customers and other stakeholders with descriptions and administrative references for major programs and describes the Public Transit Division’s related responsibilities.

101 Defines administrative locus of responsibility, describes major programs and provides program guidance references for the Federal Transit Administration grant and State funded transportation programs and initiatives administered by the MDOT through the Public Transit Division.

## Administrative Responsibility

- 200 By legislative action, the Governor of Mississippi, in accordance with Section 5311(a), Section 5310 and Section 5311(h) of the Federal Transit Act, as amended, has designated the Mississippi Department of Transportation as the agency to receive and administer FTA funds. The Public Transit Division within the Office of Intermodal Planning, is authorized by the Mississippi Transportation Commission to apply for, receive and administer FTA program funds as well as State funds that are subsequently available to support public transportation programs, projects or initiatives.
- 201 A state management plan is required by Federal Transit Administration program guidance for the entity designated by the Governor to apply for, receive and administer Federal Transit Administration grant program funds. Consequently, MDOT will maintain an approved plan, entitled “State Management Plan for Federal Transit Administration Funded Transportation Programs” (SMP). Our SMP describes the state’s policies, administrative rules and procedures for administering Federal Transit Administration grant programs and projects authorized by the Commission. The purpose of the SMP is to facilitate: state program management; Federal Transit Administration (FTA) oversight, and to provide public information on the MDOT’s administrative guidance and procedures. To the greatest extent practical the MDOT, through the Public Transit Division, will rely on and use the applicable policies and administrative rules and procedures for all transportation projects funded with state and federal funds.
- 202 Detailed descriptions of the Federal Transit Administration funded transportation programs administrated by the MDOT, though the PTD may be found in Chapters I, II, IX, XII and XIII of the most recent version of the SMP (available from the Public Transit Division).
- 204 There are several regulatory and administrative requirements that provide the basis for the MDOT’s administrative responsibilities for the federal and state transportation programs, projects and initiatives. The most prominent are the most recent versions of the following:
- FTA Circular 5010.1E “ Grants Management Guidelines”
  - FTA Circular 9040.1E “Nonurbanized Area Formula Program Guidance”
  - FTA Circular 9070.1E “ Elderly and Persons with Disabilities Program Guidance”
  - FTA circular 5010.1D, “Grants Management Guidelines”
  - FTA Circular 9500.1, "Intergovernmental Review of FTA Planning, Capital and Operating Programs and Activities"
  - FTA Circular 7010.1, "Capital Cost of Contracting"
  - FTA Circular 4220.1D, "Third Party Contracting Requirements";
  - UMTA Circular 1155.1, "FTA EEO Policy and Program Requirements"
  - FMTA Circular 5700.1, "Requirements and Responsibilities for Indirect Cost Proposals/Cost Allocation Plans for Technical Studies and Capital Grants"
- (Each of the above is available from the FTA website- [www.fta.dot.gov](http://www.fta.dot.gov))

- Sections 65-1-701 through 65-1-711 of the Mississippi Code as amended
- Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations, 49 C.F.R. Part 19, as amended
- 49 C.F.R. Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements (available from the Office of Management and Budget website - [www.whitehouse.gov](http://www.whitehouse.gov))
- Federal transit laws, 49 U.S.C. Section 5301, et seq. (also 49 U.S.C. Chapter 53), as amended
- OMB Circular, A-133, "Audits of State and Local Governments and Non-Profit Organizations"
- OMB Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments";
- "Americans with Disabilities Act of 1990", as amended, 42 U.S.C. Part 12101 et seq.
- Surface Transportation and Uniform Relocation Assistance Act of 1987 (Pub. L 100-17), as amended
- U.S. Department of Transportation, "Participation by Minority Business Enterprise in Department of Transportation Programs", 49 CFR Part 26 and Federal Register, as amended
- Federal Highway Administration/Urban Mass Transportation Administration, "Environmental Impact and Related Procedures", 23 CFR Parts 660 and 661, as amended
- Federal Transit Administration, "Buy America Requirements", 49 CFR Parts 660 and 661, as amended
- 49 CFR Parts 27 and 609, "Nondiscrimination on the Basis of Handicap in Financial Assistance Programs; Final and Proposed Rules", as amended
- 49 CFR Part 604, "Charter Service, Final Rule"; as amended
- OMB Circular A-110, "Uniform Administrative Requirements Grants and Agreements with Institutions of Higher Education, Hospitals and other Nonprofit Organizations"
- OMB Circular A-122, "Cost Principles for Nonprofit Organizations"
- UMTA Circular 4702.1, "Equal Employment Opportunity Policy and Requirements for Grant Recipients"
- 42 U.S.C. Chapter 85, Clean Air Act, as amended
- 29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended
- National Environmental Policy Act, 42, U.S.C. Section 4321 et seq. h.16 U.S.C. Section 470, "National Historic Preservation Act", as amended
- 49 CFR Part 17, "Intergovernmental Review of Department of Transportation Programs and Activities", as amended
- 49 CFR Part 20, "New Restrictions on Lobbying", as amended



- 49 CFR Part 605, "School Bus Operations", as amended
- 49 CFR Part 622, "Environmental Impact and Related Procedures", as amended
- 49 CFR Part 661, "Buy America Requirements: Surface Transportation Assistance Act of 1982, as amended"
- 49 CFR Part 663, "Pre-award and Post-Delivery Audits of Rolling Stock Purchases," as amended (and additional guidance published in the Federal Register, dated 3-31-92)
- 49 CFR Part 665, "Bus Testing", as amended

(The above are available though the Office of Management and Budget website - [www.whitehouse.gov](http://www.whitehouse.gov); the GPO Access website - [www.gpoaccess.gov](http://www.gpoaccess.gov); and the U.S. Department of Transportation website - [www.dot.gov](http://www.dot.gov))

## **Chapter 53001 Section 5311 Program Eligibility**

### Purpose

- 100 Provide guidance on recipient and service area eligibility requirements for grant assistance.
- 101 Describes types of eligible recipients and services that can be funded by the MDOT through the most recent version of the Section 5311 Rural General Public Transportation Program (often referred to as Nonurbanized Area Transportation Program). (The Section 5311 description may be viewed at the Federal Transit Administration website – [www.fta.dot.gov](http://www.fta.dot.gov).)

### Section 5311 Project - Eligible Recipients

- 200 Eligible recipients of Section 5311 assistance include: municipalities; state agencies; local public bodies and agencies thereof (unless prohibited by state statutes); private non-profit organizations/groups; Indian tribes; and operators of public transportation services. Private for-profit operators, while encouraged to participate in the planning and provision of Section 5311 services, may participate directly as providers only through contracts with eligible recipients or via the MDOT's Intercity Bus Program.
- 201 Private non-profit transportation companies or corporations providing public transportation services, and private non-profit institutions of higher learning are eligible to receive Section 5311 financial assistance provided:
- the proposed services are designed and operated to ensure accessibility by the general public; and
  - the request for financial assistance is endorsed by resolution of the appropriate public governing body or bodies affected by the proposed services.
- 202 Other Eligible Recipients - prioritization and selection of Section 5311 projects for funding is the responsibility of MDOT as the designated state agency. Applicants or recipients of Section 5311 assistance involving Section 5307 or private intercity carriers will be evaluated based on provisions of the most recent version of:

- FTA Circular 9040.1E;
- State Management Plan for Federal Transit Administration funded Transportation Programs, as appropriate and
- Any section 5307 project involving facility construction will be performed through contract with the sponsoring organization.  
( Both documents are available through the Public Transit Division)

203 Section 5311 projects may, with substantial justification approved by MDOT, design project services to target use by transportation disadvantaged persons (i.e., clients of human service agencies); however, the general public must be routinely afforded the opportunity to use the transportation services.

204 The Public Transit Division shall utilize the guidelines contained in Chapter II, Part A of the most current approved State Management Plan in determining the eligibility of an applicant as a general public service provider.

#### Section 5311 Eligible Service Areas

300 Section 5311 funds are available to assist public transportation projects in areas having less than 50,000 population as defined in Chapter II Part B. of the most recent approved State Management Plan

301 The MDOT uses the terms "*non-urbanized* and *rural* areas" synonymously to mean any area outside an urbanized area, as designated by the Bureau of the Census. An urbanized area consists of a core area and the surrounding densely populated area with a population of 50,000 or more, with boundaries fixed by the Census Bureau or extended by state and local officials. Since the goal of Section 5311 is to enhance access of people living in non-urbanized areas to activities, Section 5311 projects may include the transportation of non-urbanized residents to and from urbanized areas. If Section 5311 funds are used in a joint urbanized/non-urbanized area project, Section 5311 funds should be used primarily to assist the non-urbanized portion of the service area.

302 For purposes of this rule, "Public Transportation" and public transit are used synonymously to mean mass transportation by bus or other conveyance, either publicly or privately owned, which provides services to the general public (not including charter, sightseeing, or exclusive school bus services) on a regular and/or continuing basis.

#### **Chapter 53002 Section 5310 Program Eligibility**

##### Purpose

100 Provide guidance on recipient and service area eligibility requirements for grant assistance.

101 Describes types of eligible recipient and services that can be funded by the MDOT through the most recent version of the Section 5310 Elderly and Persons with Disabilities Program. (The Section 5310 description may be viewed at the Federal Transit Administration website – [www.fta.dot.gov](http://www.fta.dot.gov).)

## Section 5310 Projects - Eligible Recipients

- 200 Eligible recipients of Section 5310 assistance include: private nonprofit organizations; public bodies that certify that no nonprofit corporations or associations are readily available in the area to provide the service; and public bodies approved by the state to coordinate services for elderly persons and persons with disabilities.
- 201 Local public bodies eligible to apply for Section 5310 funds as coordinators of services for elderly persons and persons with disabilities are those designated by the state to coordinate human service activities in a particular area.
- 202 The prioritization and selection of Section 5310 (i.e. elderly and persons with disabilities) projects for funding is the responsibility of MDOT as the designated state agency. Applicants for, or recipients of Section 5310 assistance will be evaluated based on the provisions of the most recent version of FTA Circular 9070.IE and the approved State Management Plan as appropriate. (Both documents are available from the Public Transit Division.)
- 203 The Public Transit Division shall utilize the guidelines contained in Chapter XIII, Part G of the most current approved State Management Plan in determining the eligibility of an applicant as an elderly person and persons with disability service provider.

## Section 5310 Eligible Service Areas

- 300 Section 5310 funds are available to assist elderly persons and persons with disabilities transportation projects in urban and non-urbanized areas.
- 301 The MDOT uses the terms "*non-urbanized* and *rural* areas" synonymously to mean any area outside an urbanized area, as designated by the Bureau of the Census. An urbanized area consists of a core area and the surrounding densely populated area with a population of 50,000 or more, with boundaries fixed by the Census Bureau or extended by state and local officials. The goal of Section 5310 is for the primary purpose of providing transportation to elderly and/or disabled persons. In addition to specific clients, transportation services may be made available to other elderly and disabled persons on a space available basis. Section 5310 vehicles may also serve the transportation needs of general public passengers on an incidental basis. The incidental basis refers to services that do not interfere with transportation services designed to meet the specific needs of elderly persons or persons with disabilities.
- 302 For purposes of this rule, "Elderly persons" refers to a person meeting the requirements for services under Title XX and Title IIIB of the Older Americans Act. In general, persons age 55 and older are considered eligible for Section 5310 transportation services. "Disabled person" means any individual who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary disability (including any person who uses a wheelchair or has semi-ambulatory capabilities), is unable without special facilities to utilize public transportation facilities and services effectively.

## Chapter 53003 Transportation Planning

## Purpose

- 100 Provide guidance on planning requirements for public transportation programs and projects.
- 101 Provides references to the planning requirements, including external relationships, for the public transportation programs administered by the MDOT through the Public Transit Division. Identifies primary stakeholders in the federally mandated planning process.
- 102 There are specific federal requirements for planning related to programs and projects funded with Federal Transit Administration assistance. To the extent required by federal guidance MDOT passes these requirements along to the applicants for and recipients of federal funds through the most recent versions of the following:
  - 23 CFR Part 450, Statewide Transportation Improvement Program, as amended;
  - 49 U.S.C. Section 135 Transportation Improvement Program, as amended;
  - 49 U.S.C 5303-5306, as amended(Available from U.S. Department of Transportation website - [www.dot.gov](http://www.dot.gov))
- 103 MDOT encourages the routine collaboration of planning efforts and resources with other state agencies.

## **Chapter 53004 Transportation Coordination**

### Purpose

- 100 Provide guidance on Coordination of Transportation Resources
- 101 Describes MDOT's policy and approach to promoting coordination of transportation programs and resources with and among applicants, contractors, state agencies and other stakeholders.
- 102 Coordination of transportation services is an integral part of the Mississippi Department of Transportation's policies and goals for administration of the transportation programs and projects that are funded with federal, state, or local funds. The MDOT will make every reasonable effort to implement coordination between state, regional and local agencies involved in funding and providing transportation services. In order to accomplish this, MDOT supports the activities of and will utilize resources of various internal and external entities referenced in Chapter III Part A.-D of the approved State Management Plan for Federal Transit Administration Funded Transportation Programs . (The State Management plan is available through the Public Transit Division) In addition, the MDOT will focus on coordination of resources as a part of the application for and monitoring of all FTA funded projects planned and authorized through programs administered by the Public Transit Division.
- 103 Applicants for and subrecipients of federal and state funds are required to submit evidence of coordination during the application, monitoring and project evaluation stages. Failure to

coordinate or show good faith efforts to coordinate services and/or resources could result in denial or suspension of funding.

## **Chapter 53005 Transportation Program Application and Project Selection**

### Purpose

- 100 Provide guidance on application and project selection requirements for FTA funded projects.
- 101 Describes subrecipient application requirements and procedures as well as MDOT's project selection criteria for approval of formula program and special projects.
- 102 To the greatest extent practical MDOT uses a competitive application process when selecting projects to be funded. Before a project can be evaluated and selected for recommendation to the Transportation Commission for approval, certain application documents as well as federally required certifications and assurances must be submitted to the Public Transit Division. Project applications will be evaluated to determine the extent to which the proposed project meets overall program goals, objectives, application requirements and criteria set forth in the most recent version of the State Management Plan for Federal Transit Administration funded transportation programs. (The SMP is available through the Public Transit Division.)
- 103 Chapter IV, Parts B-D describes in detail the application requirements and the project selection priorities for the most recent version of the Section 5311 Rural Transportation Program.
- 104 Chapter XIII Parts I-K describes in detail the application requirements and project selection priorities for the most recent version of the Section 5310 Elderly and Persons with Disabilities Transportation Program.
- 105 Application and project selection requirements for all other state and FTA funded projects or contracts will be incorporated in the application announcement and application instructions. Such requirements will be based on the most current program guidance available from the U.S. Department of Transportation; the Federal Transit Administration and appropriate federal or state authorizing legislation or guidance.

## **Chapter 53006 Capital Grant programF**

### Purpose

- 100 Provide guidance on the Public Transit Divisions administration of projects and contracts funded with Section 5309 Capital assistance.
- 101 Describes how the Public Transit Division makes project awards and administers contracts that are funded with assistance from the most recent version of the Federal Transit Administration's Capital Program.

102 For the purposes of this rule the Public Transit Division will use guidance contained in the most recent versions of the following documents when applying for grants, reviewing requests as well as awarding and administering contracts for capital projects funded through the Section 5309 Capital Program:

- FTA Circular 9300.1A, “Capital Program: Grant Application”;
- FTA Circular 5310.1C, “Grants Management Guidelines” and
- Applicable portions of the State Management Plan For Federal Transit Administration funded Transportation Programs.

(FTA circulars are accessible through the FTA website-[www.fta.dot.gov](http://www.fta.dot.gov))

(State Management Plan is available through the Public Transit Division)

## **Chapter 53007 Distribution of Transportation Program Funds**

### Purpose

100 Describes options for transfers among programs and method for distribution of funds to subrecipients and contractors.

101 Describes options available for transfer of federal funds among Federal Transit Administration programs along with MDOT’s methods used to ensure that federal grant funds and state assistance are distributed equitably among eligible subrecipient and contractors.

102 MDOT is committed to ensuring the equitable distribution of transportation resources in rural and small urban areas. To the greatest extent practical MDOT will make use of competitive application process and procedures, as well as data from available plans, needs assessments or studies to assist in the distribution of federal funds. Chapter V, Part B-D of the most recent version of the approved State Management Plan (SMP) for Federal Transit Administration funded transportation programs describes the considerations, methods and procedures for annual distribution of funds. (The SMP is available through the Public Transit Division.)

103 The transfer of apportioned or carryover funds may impact resources that are available for local transit providers and municipalities. The MDOT, in accordance with the Surface Transportation Program (STP) provisions, may periodically review the need to transfer and/or allocate STP funds, Congestion Management and Air Quality Improvement Program funds (CMAQ) as well as certain other federal funds that are considered flexible funds by the provisions of federal legislation and/or guidance, to support public transit projects. It is the MDOT's policy that in accordance with FTA guidance, with the exception of the following projects, rural projects that may be funded with these transfer funds will be selected by the MDOT after consultation with affected local officials:

1. projects on the National Highway System and
2. bridge and Interstate maintenance funds.

104 The MDOT shall consider all transferred funds, e.g. STP, CMAQ or other flexible funds, under the program requirements as apportioned Section 5311 funds, with one exception.

These transfer funds are limited to funding non-operating costs. Non-operating costs include capital and project administration

- 105 The request for transfer of STP, CMAQ or other flexible federal funds to the Section 5311 program shall be approved by formal action of the Transportation Commission.
- 106 After reviewing the requests for Section 5310 funds, annually the MDOT may transfer Section 5310 funds to the Section 5311 or to a Section 5307 urbanized area (under 200,000 population) program/project. These transferred funds may be used for non-operating expenses only.

#### Notification of Transfers

- 200 All transfers of Section 5311, Section 5307 and Section 5310 funds will be done in accordance with the appropriate FTA program circulars or regional office guidance. Requests for transfer will generally originate within the Public Transit Division and be done after consultation with affiliated recipients.

### **Chapter 53008 General FTA Compliance Requirements**

#### Purpose

- 100 Provide general guidance on compliance standards for subrecipient contractors.
- 101 Describes and provides references to the general project compliance provisions of the most frequently cited laws and administrative requirements that apply in common to all federal grant program, including all contracts funded by the MDOT with Federal Transit Administration assistance.
- 102 Several laws, regulations and administrative requirements apply in common to all federal grant programs and, therefore, are applicable to the FTA transportation programs administered by the MDOT. Information about compliance with these laws, regulations and administrative requirements is passed down to subrecipient contractors through Chapter X of the most current version of the MDOT's State Management Plan for Federal Transit Administration Funded Transportation Programs. (Available through the Public Transit Division) Compliance requirements are passed down to contractors through the standard contract agreements and monitored during annual application and project monitoring. Compliance features for some of these requirements are periodically further defined by the Federal Transit Administration's regulatory and program guidance updates, such as the most current version of:
- FTA Circular 9040.1E, "Nonurbanized Area Formula Program Guidance";
  - FTA Circular 9070.1E, "Elderly and Persons with Disabilities Transportation Program Guidance"; and
  - FTA Circular 5010.1D, "Grants Management Guidelines"
- (Accessed at [www.fta.dot.gov](http://www.fta.dot.gov) and [www.dot.gov](http://www.dot.gov).)
- 103 Additionally, there are several unique provisions applicable to all FTA grant assistance programs that are routinely compiled and published as the Annual List of Certifications and

Assurances for Federal Transit Administration Grants and Cooperative Agreements. (Accessed at [www.fta.dot.gov](http://www.fta.dot.gov) and [www.gpoaccess.gov](http://www.gpoaccess.gov) .)

- 104 It is the policy of the MDOT to ensure agency and subrecipient compliance, to the greatest extent possible, with each of the various provisions by requiring execution and submission of updated certifications and assurances; through Standard Operating Procedures (SOP's) and administrative rules as well as policies and procedures that are based on guidance provided by or through federal agencies including but not necessarily limited to:
- Federal Transit Administration,
  - U.S. Department of Transportation; and
  - U.S. Department of Labor
- 105 In assuring compliance with these provisions, the Public Transit Division and affected subrecipient contractors may consult with other MDOT organizational units such as: Office of the General Counsel; Procurement; Human Resources; Environmental; and Office of Civil Rights.

### **Chapter 53009 Construction or renovation of facilities through Section 5311 and Section 5310 Programs**

#### Purpose

- 100 Provide guidance on the construction or renovation of facilities through the Section 5311 and Section 5310 Programs
- 101 Describes the means by which facilities may be constructed or renovated through the Section 5311 and Section 5310 Programs.

#### Requirements for Section 5311 and Section 5310 Construction or Renovation Projects

- 200 Eligible recipients of funds through the Section 5311 and Section 5310 transportation programs shall utilize the guidance contained in Chapter XV of the most recent version of the approved State Management Plan for construction or renovation of facilities.
- 201 Recipients eligible to receive funds for construction or renovation projects are determined from the guidance contained in Chapters II and XIII of the State Management Plan. (The State Management Plan is available through the Public Transit Division.)

### **Chapter 53010 Procurement and Third Party Contract Management**

#### Purpose

- 100 Provide general guidance on procurement and third party contract management for subrecipient contractors.
- 101 Describes the overall procurement and third party contract management requirements that are applicable for all public transportation subrecipient contractors.



- 102 For procurements, including third party contracting, in addition to applicable state purchasing laws and procedures, e.g. Procurement Manual prepared by the Department of Finance and Administration, the MDOT has adopted and passed down the provisions of the most recent version of FTA Circular 4220.1E, The FTA Best Practices Procurement Manual including revisions, as well as The Best Practices Manual and Circular 4220.1E (Both documents may be accessed at [www.fta.dot.gov](http://www.fta.dot.gov))
- 103 The most recent versions of the following project administration and management requirements are also passed down:
- U.S., 49 C.F.R. Part 18, entitled “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments”, as amended (referred to as the “Common Rule”)
  - 49 C.F. R. Part 19, entitled “Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations”, as amended.
- (These documents are available at [www.dot.gov](http://www.dot.gov) or by contacting the MDOT’s Public Transit Division.)
- 104 For general contract management purposes, all FTA funded subrecipients must comply with the applicable provisions of these rules along with the most current versions of:
- FTA Circulars 9040.1E, “Nonurbanized Area Formula Program Guidance and Grant Application Instructions”;
  - 9070.1E, “Elderly and Persons with Disabilities Program Guidance and Application Instructions”; and
  - 5010.1C, “Grant Management Guidelines”
- (These documents are available at [www.dot.gov](http://www.dot.gov) or by contacting the MDOT’s Public Transit Division)
- 105 Unless an issue is specifically addressed by state law or other administrative procedures which provide guidance, all MDOT subrecipient contractors will also rely on the provisions of Chapter VIII, Parts A-E of the most current version of the State Management Plan For Federal Transit Administration Funded Transportation Programs for guidance when conducting procurements and managing third party contracts.
- 106 Unless so specified in writing, with the exception of vehicle purchases and/or refurbishing, all routine procurement and third-party contracting activities are the responsibility of the contractor. It is the policy of the MDOT that contractors use their own procurement system as long as it conforms to applicable Federal requirements, state purchasing laws and the Contract Agreement with the MDOT.

## **Chapter 53011 Property Management Standards**

### **Purpose**

- 100 Provide general guidance on property management standards for subrecipient contractors.
- 102 Describes the property management standards necessary to comply with use, continuing control, and maintenance standards for vehicles and other equipment purchased with federal and/or state funds.
- 103 As the subrecipient contractor guidance for property and equipment management standards, the MDOT has adopted and passes down *the management of real property, equipment and supplies standards* provisions of the most recent versions of:
- FTA Circular 5010.1D, entitled Grants Management Guidelines along with;
  - the applicable provisions of the most current versions of FTA Circulars 9040.1E, “Nonurbanized Area Formula Program Guidance and Grant Application Instructions”;
  - 9070.1E, “Elderly and Persons with Disabilities Program Guidance and Application Instructions”.
- (These documents may be accessed at [www.fta.dot.gov](http://www.fta.dot.gov).)
- 104 Unless an issue is specifically addressed by state law or other administrative procedures referenced above, all MDOT subrecipient contractors will also rely on the provisions of Chapter VIII, Parts F-G of the most current version of the State Management Plan for Federal Transit Administration Funded Transportation Programs for guidance when disposing of equipment and vehicles.

## **Chapter 53012 Multi-Modal Transportation Improvement Program**

### **Purpose**

- 100 Provide guidance to public transportation providers on the Multi-Modal Transportation Improvement Program.
- 101 Describes eligibility requirements, application procedures, administrative and approval requirements for public transportation projects funded from the Multi-Modal Transportation Improvement program.
- 102 MDOT recognizes the most recent version of the provisions of Sections 65-1-701 through 65-1-711 of the Mississippi Code of 1972, as amended as the basis for developing and implementing the Public Transportation provisions of the Multi-Modal Transportation Improvement Program (MMTIP). Based on the availability of funds the MDOT, through the Public Transit Multi-modal Fund Committee (PTMMFC) and the Public Transit Division will review and make awards by way of a competitive application process, except where otherwise indicated by statute. (This section of the Mississippi Code may be viewed at [www.doi.state.ms.us/mississippi.html](http://www.doi.state.ms.us/mississippi.html).)
- 103 When funds are approved for the MMTIP, the Public Transit Division will notify operators of federally funded transportation services of the availability of the funds and solicit applications in a manner agreed upon by the Public Transportation Multi-Modal Fund Committee. Applicants are responsible for complying with all application requirements.

- 104 Applications as submitted will be reviewed and approved by the Committee. Members are appointed in accordance with the provisions of Section 65. The Committee will make formal recommendations to the Mississippi Transportation Commission based on the justifications included in each project application package. Where applicable, as in the case of Urban Transportation Systems identified in the statute, a written request justification, submitted on behalf of the urban system will be used as the basis for recommending approval. This justification must include the amount and allocation of requested funds.
- 105 Upon approval of the project by the Commission, the Public Transit Division will issue a Multi-Modal Public Transit Grant agreement that must be executed by the authorized representative of the project. This obligates the state and any local funds for the project and states the terms and conditions for accomplishing the project.
- 106 After the agreement is fully executed the Public Transit Division will administer each project to the greatest extent practical in accordance with the provisions of the State Management Plan for Federal Transit Administration Funded Transportation Programs and the most current MDOT procedures for the expenditure of state funds.

### **Chapter 53013 Section 5311 Program Assistance Categories and Ratios**

#### Purpose

- 100 Provide guidance to recipients on eligible costs assistance categories and federal participation ratios.
- 101 Defines project costs and describes the three types of eligible funding assistance categories as well as the match requirements and federal participation ratios that are reimbursable through the MDOT.

#### Eligible Assistance

- 200 Eligible project costs shall be determined in accordance with the most current Office of Management and Budget Circulars A-87, A-102, A-122 and A-110; the most current State Management Plan as well as FTA Circular 9040.1 as amended and the following U.S. Department of Transportation regulations:
- “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments; and
  - “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments;
- (All OMB documents are available from the OMB website-[www.whitehouse.gov](http://www.whitehouse.gov). FTA Circulars and State Management Plan are available from the Public Transit Division)
- 201 Eligible project costs **shall be defined in three (3) categories: project administration, operating and capital as contained** in the approved State Management Plan and OMB Circulars A-87,110 and 102. FTA Circulars define assets, liabilities, revenues and expenditures. These definitions shall be used in all of the Department's external Section 5311 contracts.

## Federal and State Participation Ratios

- 300 Routine participation ratios are limited by guidance contained in Chapter II of the current approved State Management Plan and may vary to the extent allowed by the most current Federal Transit Administration program guidance.
- 301 Funds provided through the Multi-modal Transportation Improvement Program may be used to directly support or match eligible project costs in accordance with current application instructions.
- 302 Chapter II, Parts E-F of the approved State Management Plan defines local match. Unless specifically authorized by DOT/FTA guidance or regulations, the eligible local match share for FTA projects must be from non-FTA sources. Local match can include local, state, unrestricted Federal funds, funds derived from purchase of service contracts or certain types of contributions.

## Chapter 53014 Eligible Costs and Participation Ratios

### Purpose

- 100 Provide guidance to recipients on eligible costs assistance categories and federal participation ratios.
- 101 Defines eligible project costs and describes the three types of eligible funding assistance categories, local match requirements and federal participation ratios for public transit projects.

### Eligible Assistance

- 200 Subrecipients are responsible for identifying, reporting and tracking all project costs. Eligible project costs shall be determined in accordance with the most current Office of Management and Budget Circulars A-87, A-102, A-122 and A-110; the most current State Management Plan as well as FTA Circular 9040.1 as amended and the following U.S. Department of Transportation regulations:
- “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments; and
  - “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments;
- (Both documents are available through the Office of Management and Budget website [www.whitehouse.gov](http://www.whitehouse.gov))
- 201 Applicants and subrecipients must recognize eligible project costs as defined in three (3) categories (i.e., project administration, operating and capital) in the most current version of the approved State Management Plan and OMB Circulars A-87;110; and 102. (The State Management Plan is available through the Public Transit Division).

- 202 FTA Circulars also define assets, liabilities, revenues and expenditures. These definitions contained in the latest version of these circulars shall be used in all of the Department's external Section 5311 contracts.
- FTA Circular 9040.1E “Nonurbanized Area Formula Program Guidance”
  - FTA Circular 9070.1E “Elderly and Persons with Disabilities Program Guidance”
  - FTA Circular 5010.1C “ Grants Management Guidelines”
- (These documents are available through the FTA website-[www.fta.dot.gov](http://www.fta.dot.gov))

#### Federal and State Participation Ratios

- 300 Routine participation ratios are to be limited by guidance contained in Chapter II of the current approved State Management Plan and may vary to the extent allowed by the most current Federal Transit Administration program guidance.
- 301 Funds provided through the Multi-modal Transportation Improvement Program may be used to directly support or match eligible project costs in accordance with current application instructions.

#### Local Match

- 400 Chapter II, Parts E-F of the most current version of the approved State Management Plan defines local match. Unless specifically authorized by DOT/FTA guidance or regulations local match for federally funded projects must be from non-FTA sources. Local match can include local, state, unrestricted Federal funds or funds derived from purchase of service contracts.

### **Chapter 53015 Section 5311/5310 Program Private Sector Participation**

#### Purpose

- 100 Provide guidance on Private Sector Participation
- 101 Describes how private sector recipients participate in the provision of rural and special transportation services funded with FTA assistance.
- 102 MDOT recognizes FTA's policy of affording private transportation providers the "maximum feasible" opportunity to participate in the provision of rural and small urban area transportation services as contained in the most recent versions of FTA Circulars 9040.1E Non-urbanized Formula Program Guidance and 9070.1E Elderly and Persons with Disabilities Program Guidance as amended. Consequently, all applicants and contractors must make assurances in writing that private providers are allowed to participate in the planning and/or providing of transit services. These circulars are available at the FTA website – [www.fta.dot.gov](http://www.fta.dot.gov).)
- 103 Consistent with federal policy, MDOT, through the Public Transit Division, has incorporated the program requirements applicable to the evaluation of private sector service alternatives into the application and monitoring process.

- 104 Chapter II Part F and Chapter XIV Parts A-C of the current State Management Plan describe the major provisions of private sector participation in FTA funded projects. (The State Management Plan is available through the Public Transit Division.)

### **Chapter 53016 Contractor Payments**

#### Purpose

- 100 Provide guidance on how projects request payment through the Public Transit Division.
- 101 Describes the process as well as approval requirements for subrecipient contractors to request payments, including routine reimbursement, capital purchase awards and assistance through the Rural Transit Assistance Program.

#### Federal Transit Administration Projects

- 200 All requests for payment, including reimbursement requests, must be submitted through and signed by an authorized representative of the subrecipient contractor. Chapter VII, Parts F-I of the most current version of the MDOT's State Management Plan for Federal Transit Administration Funded Transportation Programs contains the approval requirements and specific procedures required of subrecipient contractors (available from MDOT's Public Transit Division).

#### State Funded Projects

- 300 Request for subrecipient contractor payments from state funded awards must be submitted in accordance with and in such a manner as prescribed in the MDOT's award documents and related correspondence.

### **Chapter 53017 Monitoring and Evaluation**

#### Purpose

- 100 Provide general guidance on requirements for monitoring and evaluation of project funded with FTA funds.
- 101 Describes and illustrates the Public Transit Division's monitoring and evaluation requirements that are applicable to Section 5311 Rural General Public and Section 5310 Elderly and Persons with Disabilities transportation projects funded with Federal Transit Administration funds.
- 102 As the State Agency designated to administer Federal Transit Administration Programs, the MDOT has the responsibilities to:
1. ensure that sub recipients are aware of the requirements imposed on them by state laws, administrative procedures, federal statutes and regulations; and
  2. ensure compliance with various state and federal requirements

- 103 The MDOT has adopted monitoring procedures for all Section 5311 and Section 5310 Transportation Program projects. Chapter XI of the most recent version of the State Management Plan for Federal Transit Administration funded transportation programs, Parts A-C describes in detail the monitoring requirements and procedures used for the Section 5311 and Section 5310 sub recipient projects.
- 104 There are several regulatory and administrative requirements that compel the MDOT, to ensure sub recipient compliance with federal requirements. The most prominent are the most recent versions of the following:
- MDOT’s State Management Plan for Federal Transit Administration Funded Transportation Programs (available from MDOT’s Public Transit Division)
  - FTA Circular 5010.1E “ Grants Management Guidelines”
  - FTA Circular 9040.1E “Nonurbanized Area Formula Program Guidance”
  - FTA Circular 9070.1E “ Elderly and Persons with Disabilities Program Guidance (These FTA circulars are available from the FTA website - [www.fta.dot.gov](http://www.fta.dot.gov))
  - 49 C.F.R. Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements. (This circular is available form the Office of Management and Budget website - [www.whitehouse.gov](http://www.whitehouse.gov))
- 105 All Section 5310 and 5311 projects will be required to submit information on project performance as well as expenditures and revenues to assist in the evaluation of the effectiveness and efficiency of the project. Such information shall be submitted in accordance with schedules and formats prescribed by the most recent version of the State Management Plan for Federal Transit Administration funded Transportation Programs and the most current administrative guidance issued by the Public Transit Division., but at least semi-annually.

## **Chapter 53018 Transportation Project Approval**

### Purpose

- 100 Provide guidance on how state and Federal Transit Administration funded projects are approved and authorized.
- 101 Describes the project approval process as well as authorization requirements for recipients of Federal Transit Administration and State funds.
- 102 All projects funded with state and/or Federal Transit Administration assistance projects must be approved by formal action of the Transportation Commission, either individually or as a part of an approved Program of Projects. Requests for approval are based on information provided by the applicant. Applicants are responsible for requesting and fully completing all application materials in the format as prescribed by the Public Transit Division or other federal guidance. The Program of Projects development and approval process is discussed in detail in the most current version of:
- FTA Circular 9040.1E” Non urbanized Area Formula Program”

- FTA Circular 9070.1E” Elderly and Persons with Disabilities Program Guidance”  
(Both documents can be found at the Federal Transit Administration web-site [www.fta.dot.gov](http://www.fta.dot.gov) or by contacting the Mississippi Department of Transportation, Public Transit Division)

- 103 All projects are authorized by fully executed agreements. It is the contractors’ responsibility to be familiar with the terms and conditions of each agreement when the project is implemented. Agreements include the appropriate attachments and appendixes listed in Chapters VI, Part E and VII, Parts D-E of the most current version of the MDOT’s State Management Plan for Federal Transit Administration Funded Transportation Programs (available through the Public Transit Division)
- 104 At the least, agreements for FTA funded projects must contain the appropriate required clauses included in of Appendix A of the most recent version of the Best Practices Procurement Manual (available through the FTA website - [www.fta.dot.gov](http://www.fta.dot.gov))

### **Chapter 53019 Contractor Project Management**

#### Purpose

- 100 Provide guidance on general project management compliance requirements for sub recipient contractors.
- 101 Describes the overall administrative project management standards and requirements for sub recipient contractors that are supported through the MDOT with Federal Transit Administration funds.
- 102 The MDOT passes down the following project administration and grant management requirements:
- 49 C.F.R. Part 18, entitled “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments”, as amended (referred to as the “Common Rule”;
  - 49 C.F. R. Part 19, entitled “Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations”, as amended.
- (Both of these regulations can be accessed at [www.dot.gov](http://www.dot.gov) or by contacting the MDOT’s Public Transit Division.)
- 103 For the purposes of general program management and administration of all FTA funded projects, the MDOT will apply the provisions of these rules along with the most current versions of:
- FTA Circulars 9040.1E, “Nonurbanized Area Formula Program Guidance”;
  - 9070.1E, “Elderly and Persons with Disabilities Program Guidance ”; and
  - 5010.1C, “Grant Management Guidelines”

(These FTA circulars are available from the FTA website - [www.fta.dot.gov](http://www.fta.dot.gov))



- 104 Unless an issue is specifically addressed by state law or other administrative procedures, all MDOT subrecipient contractors will rely on the provisions of Chapter VII, Parts D-K and Part M of the most current version of the State Management Plan For Federal Transit Administration Funded Transportation Programs for guidance when managing contracts and administering projects.

## **Chapter 53020 Intercity Bus Program**

### Purpose

- 100 Provide guidance to public transportation operators concerning the eligibility requirements for participation in MDOT's Intercity Bus Program
- 101 Describes eligibility requirements, application procedures, administrative and approval requirements for public transportation projects funded from the Intercity Bus Program.
1. MDOT recognizes the provisions of 49 U.S.C. Section 5311(f) and the guidance contained in FTA Circular 9040 1.E, "Nonurbanized Area Formula Program Guidance" as the basis for the Intercity Bus Program (ICB). (Both are available through the FTA website-[www.fta.dot.gov](http://www.fta.dot.gov).)
  2. Through the Public Transit Division, the MDOT will develop, implement and support projects that improve accessibility and availability of intercity bus services. Significant emphasis is to be placed on coordinating resources of existing public and private resources.
  3. The ICB program will be administered, to the extent practical, in accordance with the provisions of the most current MDOT's State Management Plan for Federal Transit Administration funded Transportation Programs. (Available from the Public Transit Division)
  4. For the purposes of this rule and applications submitted to the MDOT, intercity bus service is defined as regularly scheduled bus service for the general public which operates with limited stops over fixed routes connecting to two or more urban areas that are not in close proximity; which may have the capacity for transporting passengers' baggage and; service that makes specific planned connections with established intercity bus service, where such service is available. Dedicated commuter service is not included in this definition.
  5. Chapter IX, Parts F-I of the above referenced plan provides more specific guidance on eligible recipients, eligible activities, project selection, application procedures and the optional exemption. (This document is available from the Public Transit Division.)

## **Sub-Part 6203 – Office of Civil Rights**

### **Chapter 00100 Americans with Disabilities Act (ADA) Policy Statement**

#### Purpose

- 100 To comply with the requirements of the Americans with Disabilities Act of 1990.
- 101 The Mississippi Department of Transportation will not discriminate against qualified individuals with disabilities in the job applications procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions and privileges of employment. A

qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question.

## AMERICANS WITH DISABILITIES ACT (ADA) POLICY STATEMENT

- 200 An individual with a disability is a person who:
- Has a physical or mental impairment that substantially limits one or more major life activities;
  - has a record of such an impairment; or
  - is regarded as having such impairment.
- 201 The Mississippi Department of Transportation will make a reasonable accommodation for the known disability of a qualified applicant or employee if it does not impose an undue hardship on the agency.
- 202 The Mississippi Department of Transportation strictly prohibits retaliation against any employee or applicant exercising rights granted by the ADA. Any coercion, intimidation, threats, harassment or interference in the exercise of an employee or applicant's rights granted under the ADA, or of the encouragement of someone else's exercise of rights granted by the ADA, is strictly prohibited.
- 203 The Mississippi State Personnel Board has established a separate grievance procedure for any applicant or employee who has reason to believe that they have been unlawfully discriminated against by the Mississippi Department of Transportation on the basis of disability. The separate Americans with Disabilities Act Grievance Procedure is not intended to prohibit an applicant or employee from utilizing the existing grievance procedure and grievant are not required to exhaust either grievance procedure prior to filing a complaint with an applicable federal agency.
- A. Pursuant to Mississippi State Personnel Board regulations, the ADA Grievance Procedure begins with the individual who is filling the grievance preparing and submitting a written statement. The statement should contain the name, address, and telephone number of the individual or their authorized representative filing the complaint; a brief and specific description of the situation, incident, or condition being grieved and reasons therefore; identity of the grievant; identity of the witnesses, if any; the remedy the individual is seeking; and the signature of the individual filing the grievance properly dated by this individual (appendix B of the Mississippi State Employee Handbook for sample form.)
  - B. The grievance should be submitted to the Human Resources Director and/or agency ADA Coordinator within seven working days of when the grievant became aware of the cause of the complaint.
  - C. The Human Resources Director and/or ADA Coordinator will then have three working days to provide the grievant a written acknowledgement of the grievance.

- D. The Human Resources Director and/or ADA Coordinator will promptly conduct a review of the issues involved in the grievance. If a resolution of the grievance is mutually agreeable by the parties involved, the Human Resources Director and/or ADA Coordinator will facilitate arrangements of the resolution and make a record of this agreement. If no resolution is possible, the Human Resources Director and/or ADA Coordinator will provide written response to the grievant outlining all of the relevant issues concerning the grievance. This response shall be approved by the agency head or appointing authority and must be completed no later than fifteen working days from the agencies receipt of the grievance.
  
- E. If a grievance is not presented within the time lines as set forth herein above, it will be considered waived absent an extension by written mutual consent. If the Human Resources Director and/or ADA Coordinator does not answer or acknowledge receipt of the grievance within the specified time lines, the grievant may elect to treat the grievance as denied at that point and immediately appeal the grievance to the Mississippi Employee Appeals Board unless an extension of time is granted to the Human Resources Director and/or ADA Coordinator to respond by written mutual agreement.

## **Chapter 00200 Equal Employment Opportunity**

### **Purpose**

- 100 To comply with the requirements of 23 CFR, Subpart C of the Federal Code of Regulations
  
- 101 The Mississippi Department of Transportation will not discriminate on the basis of race, color, religion, national origin, sex, age, disability, and political affiliation with regard to employment practices including recruitment, placement, transfer, promotion, training, demotion, discipline, and termination.

### **EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY STATEMENT**

- 200 It is the policy of the Mississippi Department of Transportation to afford equal employment opportunities to each applicant or employee in all employment practices including recruitment, placement, transfer, promotion, training, demotion, discipline, and termination without regard to race, color, religion, national origin, sex, age, disability, and political affiliation.
  
- 201 The Mississippi Department of Transportation shall assure equal employment opportunity to qualified disabled applicants or employees. The Americans with Disabilities Act of 1990 defines qualified individuals as people who with or without reasonable accommodations can perform the essential functions of the job.
  
- 202 Sexual harassment is a prohibited practice which violates the sex discrimination provisions of Title VII of the Civil Rights Acts of 1964. The Department charges each and every manager and supervisor with the responsibility to ensure that the workplace is free from sexual harassment.

- 203 For specific grievance procedures, employees may refer to the Mississippi State Employee Handbook or contact their Equal Employment Opportunity (EEO) Officer.
- 204 The Mississippi Department of Transportation shall implement and strive by good faith efforts to achieve the goals established by its Affirmative Action Program. There shall be involvement, commitment and support of executives, managers, supervisors, and employees.
- 205 All managers and supervisors are herewith notified they are fully obligated to ensure that this policy is adhered in all transactions involving employees or potential employees. The major responsibility shall be the recognition and removal of any barriers to equal employment opportunity, identification of problem areas, and of persons unfairly excluded or held back and action enabling them to compete for jobs on an equal basis. Any violation of this policy or state and federal laws ensuring equal employment opportunities shall be reported immediately to the Equal Employment Opportunity Officer.

#### **Chapter 00300 Complaint Procedures For The Ms Department Of Transportation Under Title Vi Of The Civil Rights Act Of 1964, As Amended**

##### Purpose

- 100 To comply with Title VI of the Civil Rights Act of 1964, as amended, authority has been delegated to the Civil Rights Director (hereinafter CRD) for civil rights compliance. The procedures set out in the Title VI Implementation Plan are intended to identify the responsibilities between the CRD and MDOT Divisions and District Offices for prompt processing and disposition of Title VI complaints received directly by MDOT to the end that no person in the United States shall, on the grounds of race, color, national origin, sex, age, handicap, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the U.S. Department of Transportation including the Federal Highway Administration.
- 101 Such discrimination is also prohibited against the traveling public and business users of the federally-assisted highways in their access to and use of the facilities and service provided for public accommodations (such as eating, sleeping, rest, recreation, and vehicle servicing) constructed on, over, or under the right-of-way of such highways or on property which is disposed of by the Department. In addition, such discrimination by the Department and its agents is prohibited against eligible persons in making relocation payments and in providing relocation advisory assistance where relocation is necessitated by highway right-of-way acquisitions.
- 102 This document is issued by the Mississippi Department of Transportation (hereinafter MDOT) which sets forth procedures for enforcing the requirements of Title VI of the Civil Rights Act of 1964 with respect to the filing, processing, investigating, and disposing of complaints of discrimination.

## SCOPE

- 200 A. MDOT. The procedures apply to all Divisions and Districts under the authority of the Department.
- 201 B. Sub recipients and Contractors. These procedures apply to all MDOT's primary and secondary recipients of federal-aid, including contractors and subcontractors.

## FILING OF COMPLAINTS

- 300 A. Who May File A Complaint. Any person who believes that he or she, any specific class of persons, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964 may by himself or herself or by a representative file a complaint. The basis of the discrimination charge would include race, color, national origin, sex, age, handicap, or disability, or retaliation for opposing any practice made unlawful by Title VI and its parallel statutes or for participating in any stage of administrative or judicial proceedings under such laws prohibiting discrimination.
- 301 B. Computation of Time for Filing.
1. The complainant must file a complaint not later than 180 days after:
    - a. The date of the occurrence of the alleged discrimination; or
    - b. Where there has been a continuing course of prohibited conduct, the date on which the conduct was discontinued.
  2. Time periods in these procedures that are set forth in terms of days constitute calendar days unless otherwise stated.
  3. In computing any period of time prescribed or allowed by these procedures the day of the act or event from which the designated time period begins to run shall not be counted. The last day of the period shall be included unless it falls on a Saturday, a Sunday, or a legal holiday, as defined by statute, or any other day when MDOT Offices are closed, whether with or without legal authority, in which case the period shall be extended to run until the end of the next business day.
  4. The Executive Director of MDOT or the CRD for cause shown may at any time in his/her discretion extend the time for filing or waive the time limit in an equitable manner in the interest of justice. In any event, this action must be approved by the Federal Highway Administration.
  5. Timely filing of a complaint constitutes the following:
    - a. delivery of the written complaint in person by the complainant or representative of the complainant within the applicable filing period; or

- b. delivery by mail postmarked before the expiration of the applicable filing period; or
- c. delivery by facsimile.

302 C. Contents of Complaints. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. In addition, each complaint should contain the following:

1. The full name, address and telephone number of the person making the complaint;
2. The full name(s) and address(es) of the person(s), governmental entity, or business organization(s) against whom the complaint is made (the respondent);
3. A statement setting forth as fully as possible the facts and circumstances surrounding the claimed discrimination including the date of the alleged unlawful act(s) or event(s) and explanation of efforts, if any, that the complainant attempted to make to resolve the complainant's issues with the respondent; and
4. A statement disclosing whether the complaint or other statement describing the alleged discriminatory act(s) or event(s) has been filed with other State, Local or Federal agencies and, if so, the dates of such filings, the name, and address of the agencies.

303 In the event that a person makes a verbal complaint of discrimination to an official or employee of MDOT, the official or employee should report the complaint to the designated Division or District Title VI Coordinator or to the CRD. The Title VI Coordinator or CRD will then interview the person making the verbal complaint. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature and verification. The complaint will then be handled in the manner as herein set forth.

#### PROCESSING OF COMPLAINTS

400 Complaints must be processed internally according to S.O.P. No. ADM-09-01-00-000.

401 Dismissals of Complaints. A complaint will be dismissed for the following reasons:

Where the complainant fails or refuses to provide requested information, fails or refuses to appear or to be available for interviews or conferences as determined necessary, or otherwise fails or refuses to cooperate with MDOT's inquiries or investigation.

#### INVESTIGATIONS

500 A. Within 45 days of the complaint receipt date, an investigation will be conducted and completed. The identity of complainants will be kept confidential except to the extent necessary to satisfy the requirements of these procedures and federal law, including the conduct of any investigation, hearing, or judicial proceeding.

501 B. Resolution of Complaints. Within 90 days of receipt of a complaint, the Executive Director will send a written decision to the complainant to include the following:

1. The proposed disposition of the whole matter;
2. Notification to the complainant of his/her appeal rights with the Federal Highway Administration or U.S. Department of Transportation, if he/she is dissatisfied with the final decision rendered by MDOT; and
3. The final decision will also be communicated to the respondent(s). FHWA will be provided with a copy of the decision and summary of findings.

### **Chapter 00400 Alternate On-The-Job Training Programs**

#### Purpose

- 100 To establish implementation of special requirements for the provision of on-the-job training as outlined in 23 CFR. This provision can be found on-line at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).
- 101 In accordance with 23 CFR, Special Provisions of the contract outlines the process by which contractors may provide on-the-job training aimed at developing full journeymen in the type of trade or job classification involved. The number and type of trainees will be determined by the Contractor and the Office of Civil Rights in conjunction with the Federal Highway Administration.

#### Contractor Requirements

- 200 When trainees are used and prior to commencing construction, the contractor shall submit to the Office of Civil Rights, for approval, the selected classifications and the approximate starting date of each trainee. The Contractor shall submit to the Office of Civil Rights using the Trainee Schedule Form and Program Agreement Form for approval.
- 201 When each trainee/apprentice is assigned to a project the contractor will immediately submit, Trainee Enrollment Form, directly to the Office of Civil Rights, OJT Coordinator. The contractor shall identify on this form the name of the trainee, classification, and number of trainee hours.
- 202 The contractor will complete Monthly Time Report, directly to the Office of Civil Rights, OJT Coordinator. The contractor shall identify on this form the hours required for the job classification, keep up with hours trainee has earned on the job and the trainee work progress.
- 203 The contractor and trainees may be required to participate in on-site reviews and interviews to document progress of training.

## Payments

- 300 Payment to the contractor for training provided will be made on submission of company's invoice, the contractor will be reimbursed at the rate of \$3.00 per hour of training authorized and given.
- 301 All forms associated with Alternate On-the-Job Training Program may be obtained by contacting the MDOT Office of Civil Rights at P.O. Box 1850, Jackson, MS 39215-1850.

## **Chapter 00500 Disadvantaged Business Enterprise Program Certification**

### Purpose

- 100 To establish a procedure to comply with 49CFR, Part 26 of the Federal Code of Regulations. These regulations maybe accessed online at <http://www.gpoaccess.gov/cfr/index.html>
- 101 The Mississippi Department of Transportation will certify eligible firms for participation in its Disadvantaged Business Enterprise Program in accordance with 49 CFR, Part 26.
- 102 The Mississippi Department of Transportation will certify eligible firms for participation in its Disadvantaged Business Enterprise Program in accordance with 49 CFR, Part 26.
- 103 A Disadvantaged Business Enterprise firm must meet the following basic criteria:
- The principal owner(s) of the firm must be socially and economically disadvantaged.
  - The firm must be in business for profit.
  - The firm must be a small business as outlined by the Small Business Administration. Small business size standards can be found on the Small Business Administration's website at [www.sba.gov](http://www.sba.gov).
- 104 Applications for certification maybe obtained via the internet at MDOT's website, [www.gomdot.com](http://www.gomdot.com) or by contacting MDOT's Office of Civil Rights, P.O. Box 1850, Jackson, MS 39215-1850 or any Unified Certification Partner falling under the purview of the Federal Aviation Association, Federal Transit Association, or local municipality.

## **Chapter 00600 Monitoring the Disadvantaged Business Enterprise (DBE) Program**

### Purpose

- 100 To establish a procedure to comply with 49CFR, Part 26 of the Federal Code of Regulations. These regulations are available at <http://www.gpoaccess.gov/cfr/index.html>



- 101 Disadvantaged Business Enterprise (DBE) firms being used to meet a DBE goal on a federal-aid or AHEAD project are required to meet the guidelines of 49CFR, Part 26. The Office of Civil Rights, Project/Resident Engineers, and Prime Contractors are required to monitor DBE participation to ensure that these guidelines are met to the best of their ability.

#### General Rules DBE Subcontractors

- 200 The prime contractor must obtain an approved subcontract request for each DBE subcontractor performing work on a project.
- 201 The prime contractor will be encouraged to ensure that a representative for each subcontractor attends preconstruction conferences.
- 202 DBE subcontractors shall be required to submit rental agreements to verify ownership of equipment (including trucks).
- 203 Prime contractor and subcontractor employees will be interviewed every two (2) weeks for the life of the project.

#### Rules for Receiving DBE goal credit

- 300 A prime contractor will only be given credit toward the contract DBE goal when the DBE performs a commercially useful function. Federal regulation 49 CFR 26 states: A commercially useful function has been performed when a DBE is responsible for the execution of a distinct element of the work of a contract by actually managing, performing and supervising the work involved. The following guidelines should be used in determining a commercially useful function.

1. Work Performed:

- a. The DBE contractor must manage the work for which he/she has contracted. The management shall include scheduling work operations, ordering equipment and materials, preparing and submitting payrolls, hiring and firing employees, including supervisory positions and exercising control over the daily business operations.
- b. The DBE contractor must perform the work for which he/she has contracted with his/her own workforce. Repetitive use by a DBE of personnel from other contractors will not satisfy the commercially useful function requirement.
- c. The DBE must supervise the daily operations of the work contracted. This shall consist of independent direct supervision of the employees working for the DBE or by a skilled and knowledgeable superintendent/foreman employed by, paid wages by and under the control of the DBE contractor.
- d. The DBE must obtain all materials and equipment necessary to perform the contract work. The DBE shall negotiate and enter into equipment leases or purchase agreements directly with the equipment source. Equipment lease rates shall be in line with prevailing industry rates and shall not be inflated.

Supplier/Manufacturer: (60% credit for supplier only)

- 400 The DBE maintains an inventory.
- 401 Sells materials to contractors (delivery may be included).
- 402 Packages and ships goods to contractors.

### **Possible Non-Compliance Actions**

- 500 The following situations may indicate DBE program noncompliance with the commercially useful function requirement and should be reported:
1. The DBE is performing work outside the areas listed on OCR-481.
  2. The DBE provides little or no supervision to his/her employees for work performed by them. Supervision is provided by someone else not employed or under the control of the DBE and the DBE is rarely seen on the project site.
  3. The DBE's work is performed by personnel normally employed by another contractor. Prime contractor's employees are not allowed to perform the DBE's work. The DBE contractor must prepare and submit their own payrolls.
  4. The materials and equipment being used by the DBE belongs to another contractor and no rental agreements have been submitted to the project engineer.
  5. Materials and supplies needed to perform the DBE's work are delivered to, billed to or paid for by another contractor.
  6. The DBE subcontractors-subs portions of the work that is assigned to him by the prime, to a non-minority contractor.
  7. The DBE is working on the project without an approved subcontract agreement or CAD-720.
  8. A DBE trucking subcontractor uses or rents trucks from the prime contractor.
  9. A DBE (prime contractor) subcontracts more than the allowed 60% of the total contract.

### **Investigations of Non-Compliance**

- 600 The prime contractor may be required to provide information and documentation as a result of an investigation or on-site review into non-compliance issues. All such request will go through the District Engineer of the area where the project is being performed.
- 601 The prime contractor shall be provided a summary report and notice of any requested corrective action by the Chief Engineer of the Mississippi Department of Transportation.

## **Chapter 00700 Disadvantage Business Enterprise (DBE) List**

### **Purpose**

- 100 To establish a procedure to comply with 49CFR, Part 26 of the Federal Code of Regulations. These regulations maybe accessed online at <http://www.gpoaccess.gov/cfr/index.html>
- 101 The Mississippi Department of Transportation sets an annual Disadvantaged Business Enterprise goal each year in accordance with 49 CFR, Part 26. The Department's goal for DBE participation is met by assigning a percentage goal to appropriate construction and consultant contracts that is let for bids. The contractor must agree to this goal and submit required paperwork.
- 102 When bids are taken, the low bidders must agree to meet or exceed the goal specified in the bid proposals.
- 103 The contractor shall complete and return to the Contract Administration Division an OCR-481 Form, Disadvantaged Business Enterprise List, no later than the 10<sup>th</sup> calendar day after the opening of the bid. The contractor shall identify on the form the DBE firm to meet the project goal, the proposed specific items and percent of work to be performed, and the dollar value to be paid to the DBE firm to meet the project goal. The contractor shall also obtain the signature of the owner of the DBE firm (or the DBE designee) on the OCR-481.
- 104 The OCR-481 may also be labeled an OCR-481C when used in conjunction with consultant contracts and a DBE-1 when used in connection with Urban projects.
- 105 All forms may be obtained via the MDOT website at [www.gomdot.com](http://www.gomdot.com) or by contacting the MDOT Offices of Contract Administration Division or the Office of Civil Rights at P.O. Box 1850, Jackson, MS 39215-1850.

## **Chapter 00800 Certification of Payments to Disadvantaged Business Enterprise (DBE) Firms**

### **Purpose**

- 100 To establish a procedure to comply with 49CFR, Part 26 of the Federal Code of Regulations. These regulations maybe accessed online at <http://www.gpoaccess.gov/cfr/index.html>
- 101 Prime Contractors are required to submit an OCR-482 certifying all payments to DBE subcontractors before a final estimate is paid and a project closed out.
- 102 The prime contractor, unless they are a certified DBE, shall submit a copy of Form OCR-482 on all federal-aid projects and AHEAD projects that contain a DBE goal at the conclusion of the project. The prime contractor shall submit the OCR-482 to the project engineer to be signed and forwarded to the appropriate person as indicated on the bottom of

the form. Prime contractors who are also certified DBEs shall submit an OCR-482 acknowledging that fact for the record.

- 103 Prime contractors shall be required to provide the Project Engineer with justification and supporting documentation when it is found that the DBE goal was not met.
- 104 The project will not be accepted and the Prime Contractor will not be paid a final estimate until the DBE goal has been satisfied or proper justification obtained for failure to meet the DBE goal.
- 105 The OCR-482 may also be labeled an OCR-482C when used in conjunction with consultant contracts and a DBE-2 when used in connection with Urban projects.
- 106 All forms may be obtained via the MDOT website at [www.gomdot.com](http://www.gomdot.com) or by contacting the MDOT Offices of Contract Administration Division or the Office of Civil Rights at P.O. Box 1850, Jackson, MS 39215-1850.

## **Chapter 00900 Commercially Useful Function Performance Report**

### Purpose

- 100 To establish a procedure to comply with 49CFR, Part 26 of the Federal Code of Regulations. These regulations maybe accessed online at <http://www.gpoaccess.gov/cfr/index.html>
- 101 Federal regulations state that in order for a DBE's work to count towards the prime's DBE goal, they must perform a Commercially Useful Function (CUF) as outlined in 49 CFR, Part 26.
- 102 A Disadvantaged Business Enterprise (DBE) firm must perform a Commercially Useful Function (CUF) in accordance with 49 CFR, Part 26 of the Code of Federal Regulations in order for its work to count toward a prime contractor's DBE goal. A CUF has been performed when a DBE is responsible for the execution of a distinct element of the work of a contract by actually managing, performing, and supervising the work involved.
- 103 The DBE Subcontractor and the Prime Contractor shall receive copies of the form OCR-483. This form is completed when a DBE subcontractor has completed at least 50% of its work or at any time a problem arises, the project engineer or his designated representative will complete the OCR-483 form.
- 104 The DBE subcontractor and the Prime Contractor may be subjected to an onsite review when the OCR-483 identifies problem areas.
- 105 The OCR-483 may also be labeled an OCR-483C when used in conjunction with consultant contracts and a DBE-3 when used in connection with Urban projects.

- 106 All forms may be obtained via the MDOT website at [www.gomdot.com](http://www.gomdot.com) or by contacting the MDOT Offices of Contract Administration Division or the Office of Civil Rights at P.O. Box 1850, Jackson, MS 39215-1850.

### **Chapter 01000 Certification of Payments to Subcontractors**

#### Purpose

- 100 To establish a procedure to comply with 49 CFR, Part 26 of the Federal Code of Regulations. These regulations may be accessed online at <http://www.gpoaccess.gov/cfr/index.html>
- 101 To track payments by the prime contractor to subcontractors for work performed or materials/supplies purchased for a project to satisfy DBE requirements.
- 102 Contractor must submit the form OCR-484, Certification of Payments to Subcontractors, each month to the Project Engineer.
- 103 Contractor shall submit a negative or no change OCR-484 to the Project Engineer if no payments are made this period.
- 104 Failure of the contractor to submit OCR-484s may result in estimates being held.
- 105 The OCR-484 may also be labeled an OCR-484C when used in conjunction with consultant contracts and a DBE-4 when used in connection with Urban projects.
- 106 All forms may be obtained via the MDOT website at [www.gomdot.com](http://www.gomdot.com) or by contacting the MDOT Offices of Contract Administration Division or the Office of Civil Rights at P.O. Box 1850, Jackson, MS 39215-1850.

### **Chapter 01100 List of Firms Submitting Quotes**

#### Purpose

- 100 To establish a procedure to comply with 49CFR, Part 26 of the Federal Code of Regulations. These regulations may be accessed online at <http://www.gpoaccess.gov/cfr/index.html>
- 101 All contractors submitting bids must include a listing of firms that provided quotes on each project for which a bid is submitted.
- 102 The contractor shall submit an OCR-485, List of Firms Submitting Quotes, to the appropriate entity as indicated at the bottom of the form as part of the bid package.
- 103 The contractor shall identify the firm, contact name, firm address, phone number, and identify if the firm is a certified Disadvantaged Business Enterprise (DBE) firm on the OCR-485 form.

- 104 If this form is not included as part of the bid packet, the bid will be deemed irregular.
- 105 The OCR-485 may also be labeled an OCR-485C when used in conjunction with consultant contracts and a DBE-5 when used in connection with Urban projects.
- 106 All forms may be obtained via the MDOT website at [www.gomdot.com](http://www.gomdot.com) or by contacting the MDOT Offices of Contract Administration Division or the Office of Civil Rights at P.O. Box 1850, Jackson, MS 39215-1850.

**Chapter 01200 DBE Prime Contractors**

Purpose

- 100 To establish a procedure to comply with 49 CFR, Part 26 of the Federal Code of Regulations. These regulations maybe accessed online at <http://www.gpoaccess.gov/cfr/index.html>
- 101 Allows MDOT to deduct any amount of work from the Disadvantaged Business Enterprise (DBE) goal not performed by the DBE Prime Contractor
- 102 DBE Prime Contractors are required to submit and OCR-487 on all non-DBE subcontractors.
- 103 The DBE Prime Contractor shall identify the specific item and percentage of work and the dollar value of that work that is performed by a non-DBE subcontractor.
- 104 This form should be submitted to the appropriate entity as indicated on the bottom of the form.
- 105 The OCR-487 may also be labeled an OCR-487C when used in conjunction with consultant contracts and a DBE-7 when used in connection with Urban projects.
- 106 All forms may be obtained via the MDOT website at [www.gomdot.com](http://www.gomdot.com) or by contacting the MDOT Offices of Contract Administration Division or the Office of Civil Rights at P.O. Box 1850, Jackson, MS 39215-1850.

**Sub-Part 6601 – Office of Enforcement**

**Chapter 01001 Size, Weight and Load Enforcement**

Purpose

- 100 Define the origin for the Mississippi Department of Transportation Office of Enforcement.
- 101 This rule cites the statutory authority for the origin of the Mississippi Department of Transportation Office of Enforcement

- 102 The Mississippi Department of Transportation Office of Enforcement is created by Section 65.1.2 Mississippi Code of 1972 Annotated as amended which is available at [www.state.ms.us](http://www.state.ms.us).

## **Chapter 02001 Size, Weight and Load Enforcement**

### **Purpose**

- 100 Define the authority for Mississippi Department of Transportation Office of Enforcement to enforce size, weight and load statutes.
- 101 This rule cites the statutory authority for the enforcement of the size, weight and load statutes by the Mississippi Department of Transportation Office of Enforcement.
- 102 The Mississippi Department of Transportation Office of Enforcement is authorized to enforce the size, weight and load regulations by Section 63.5.1, et.seq as amended of the Mississippi Code of 1972 Annotated which is available at [www.state.ms.us](http://www.state.ms.us).

## **Sub-Part 6301 – Permit & Motor Carrier Division**

### **Chapter 01001 Over-Dimensional Permits**

#### **PURPOSE AND GENERAL INFORMATION**

- 100 These rules provide information pertaining to the issuance of over-dimensional permits by the Permit & Motor Carrier Division of the Mississippi Department of Transportation (“MDOT”), as adopted by the Mississippi Transportation Commission (the “Commission”). Over-dimensional vehicles and/or loads must have a valid permit in order to operate on Mississippi’s roads, highways, and when allowed, interstates.
- 101 While traveling on the Interstate and Highway systems in Mississippi, all vehicles and loads must abide by the Federal Motor Carrier Safety Administration Regulations, including guidelines for cargo securement. See Title 49, Transportation, Part 300 – 399.
- 102 The Commission is authorized to establish rules pursuant to Miss. Code Ann. §65-1-8 (2)(c), et. seq. as amended. For specific guidance and requirements for each type of permit, please see MDOT’s Permit & Motor Carrier Manual, which may be found at <https://mdot.ms.gov/portal/permits>.
- 103 All requirements of the Permit & Motor Carrier Manual must be adhered to in order for any permit issued to remain valid.
- 104 Additional regulations, policies, and procedures may be included in the Permit or Blanket Permit.

- 105 All applications for permits must be submitted to the MDOT Permit & Motor Carrier Division for authorization and approval. You may apply by creating an account in ExpressPass at the following website: <https://permits.mdot.ms.gov/>.
- 106 Please contact the Permit & Motor Carrier Division with any questions at 601-359-1717.

## **PERMITS**

201 MDOT may issue the permits contained in this section, if offered, based on the criteria set forth in MDOT's Permit & Motor Carrier Manual.

### 202 Single Trip Permit

Allows an owner/operator to move a legal size/weight load on Mississippi highways when vehicle registration and title is not made in Mississippi. A Temporary Trip Permit is issued in lieu of international registration plan (IRP) plates for travel within Mississippi.

### 203 Oversize Blanket Permit

An owner/operator of a vehicle hauling an oversize load of one continuous piece may apply to MDOT for a permit.

### 204 Single Trip Oversize Permit

An owner/operator of a motor vehicle may apply to MDOT to purchase an Oversize Permit. The Oversize Permit allows the carrier to move a load on a predetermined route that may be overheight or overwidth in size.

### 205 Single Trip Overweight Permit

An owner/operator of a motor vehicle may apply to MDOT to purchase an Overweight Permit. An Overweight Permit allows the carrier to move a load on a predetermined route that may be overweight but of legal dimensions in size (i.e., height and width).

### 206 Single Trip Oversize/Overweight Permit

An owner/operator of a motor vehicle may apply to MDOT to purchase an Oversize/Overweight Permit. The Oversize/Overweight Permit allows the carrier to move a load on a predetermined route that may be overheight, overwidth, or overweight in size.

### 207 Super Load Permit

1. An owner/operator of a motor vehicle may apply to MDOT to purchase a Super Load Permit. The Super Load Permit may contain one or more permits, i.e. overweight and/or oversize.
2. Various conditions are required to move a Super Load, including, but not limited to, escort, flags, and lights.
3. All requirements are listed on the Super Load Permit and are more fully set forth in MDOT's Permit & Motor Carrier Division Manual.

### 208 Sealed Container Permit – Single Trip



1. An owner/operator of a motor vehicle may apply to MDOT to purchase a Sealed Container Permit – Single Trip, which entitles the vehicle to haul sealed containers on the state-maintained highway system for a single trip.
  2. All Sealed Container Permit – Single Trip holders are authorized for one movement on a predetermined route. MDOT may modify the predesignated route at any time for cause.
- 209 Sealed Container Permit – Blanket
1. An owner/operator of a motor vehicle may apply to MDOT to purchase a Sealed Container Permit - Blanket, which is an annual permit that entitles the vehicle to haul sealed containers on the state-maintained highway system.
  2. The owner/operator must complete a separate application for a trip permit, to receive approval for a predetermined route for each load.
  3. All Sealed Container Permit - Blanket holders are authorized for seven (7) days per week and twenty-four (24) hours per day continuous movement on predesignated routes. MDOT may modify these predesignated routes at any time for cause.
- 210 Harvest Permit
1. An owner/operator of a motor vehicle may apply to MDOT to purchase an annual Harvest Permit, which will entitle the vehicle to haul specified items from its point of origin to a processing location. See Miss.Code Ann. §§ 27-19-81(4) and 63-5-33.
  2. Harvest Permits are not valid on Interstate Highways.
  3. Harvest Permits are not valid on low-weight roads and bridges.
- 211 Special Interstate Agriculture Vehicle Permit
1. An owner/operator of a motor vehicle may apply to MDOT to purchase a Special Interstate Agriculture Vehicle Permit, which is an annual blanket permit that allows certain agriculture vehicles to haul specified items on the Interstate Highway System. See 23 USC §127; Miss. Code Ann. §§63-5-27, 63-5-29, 63-5-33, 27-19-81.
  2. In order to obtain a Special Interstate Agriculture Vehicle Permit, the owner/operator must first hold a valid Harvest Permit. The two permits will run concurrently.
  3. Special Interstate Agriculture Vehicle Permits are not valid on low-weight roads and bridges.
- 212 57 Foot Box Van Trailer Permit
1. An owner/operator of a 57-foot box van trailer may apply to MDOT for a blanket permit to travel on an approved route seven (7) days per week and twenty-four (24) hours per day.

2. MDOT may exclude or designate certain portions of highways to be used with the blanket permit or at any time during the life of the blanket permit with advanced notification to the permit holder.
- 213 Tractor with Dirt Pan In-Tow Permit  
An owner/operator of a tractor with dirt pan in-tow may apply to MDOT for a seventy-two (72) hour road use permit and an oversize permit.
- 214 Overlength Truck and Trailer Blanket Permit  
An owner/operator of a motor vehicle hauling an overlength load may apply to MDOT for a permit.
- 215 Timber Industry Two-Piece Load Permit
1. An owner/operator of a motor vehicle moving two pieces of equipment used in the timber industry as a one-piece load may apply to MDOT for a permit.
  2. A Two-Piece Load Permit is not valid on Interstate Highways.
- 216 Forestry Blanket Permit
1. An owner/operator of a motor vehicle moving a single piece of equipment used in the timber industry may apply to MDOT for an Annual Forestry Blanket Permit. See Miss. Code Ann. §63-5-52.
  2. The Annual Forestry Blanket Permit will not be valid if any of the weight and/or dimension restrictions are exceeded. The owner/operator will be required to purchase a Single Trip Oversize and/or Overweight Permit.
- 217 Pole Blanket Permit  
The Pole Blanket Permit allows the movement of poles or extended length timber loads on State Maintained Highways.
- 218 Hay Blanket Permit  
A Hay Blanket Permit authorizes the movement of hay bales and rolls on State Maintained Highways and Interstate Highways.
- 219 Special Heavy Equipment Blanket Permit  
An owner/operator of a motor vehicle moving special heavy equipment may apply to MDOT for a blanket permit that allows for seven (7) days per week and twenty-four (24) hours per day movement for certain loads
- 220 Timber Industry 12 Foot Rear Overhang Blanket Permit  
An owner/operator of a motor vehicle moving timber at night with overhang from the rear trailer lights may apply to MDOT for a blanket permit.

221 Special Permit – Military and Emergency Response  
A United States Military Unit may apply for a permit for the deployment of military operations and emergency response.

222 Special Permit  
With respect to highways under its jurisdiction, MDOT may in its discretion, upon application and good cause shown, issue a special permit authorizing the applicant to operate or move a motor vehicle or combination of motor vehicles of a certain size, weight or load that exceeds the maximum requirements set forth by law and/or MDOT's Permit & Motor Division Carrier Manual.

## **GENERAL PERMIT REGULATIONS**

300 A written application for overweight overweight/oversize permit will be submitted to the Department. Application forms may be obtained from the Department or the Department's internet web site or calling 1-888-737-0061.

301 Applicants shall provide a valid Federal DOT number or a Certificate of Insurance with the Department listed as the certificate holder with no less than Five Hundred Thousand Dollars (\$500,000) single limit liability on file with the Department. Exceptions may be made when in the opinion of Department a movement is not of a nature likely to cause damage to the highway or one time personal movements. Applicable vehicle liability insurance is required.

302 Movement prohibited on all posted bridges. Posted bridge map located at <http://www.GoMDOT.com>.

303 Section § 63-5-53, et. seq. of the Mississippi Code of 1972 Annotated as amended, places damage liability upon the permit holder.

304 Application for Continuous Movement/Self Issued Blanket Authorization (CMSI), Timber Industry Two-Piece Load Blanket Permit or Oversize/Overweight Write Your Own Blanket Permit must submit a written application and establish a Department charge account. For more information contact Financial Management Division (601)359-7055.

305 Company/applicant with delinquent assessment should not apply for permits until delinquency is satisfied.

306 The applications will be reviewed by the Department.

307 Denied applications will be returned to applicants with reasons for denial.

308 A copy of the applicable blanket authorization and/or permit must be carried in the vehicle at all times.

309 Any misstatement, misrepresentation, or failure of an applicant to comply with the terms of the permit, or the Department's rules and regulations, may result in revocation of all permits privileges for a period of time determined by the Director of the Office of Enforcement. The mover/permit holder may appeal suspension/revocation to the Executive Director

- 310 Permits are generally intended for one-piece items. However, it is recognized that there are manufactured products which, when placed side by side, do not appreciably surpass the statutory width; e.g., concrete pipe, rolled hay, shipping pallets. Accordingly, permits may be issued for movement of such products up to a maximum width of ten and one-half (10½) feet.
- 311 Rear overhang of fifteen (15) feet or greater will require a permit and a front and/or rear escort. Forest products may have a 28 foot overhang but only daylight movement is allowed.
- 312 Front projection exceeding 3 feet will require a permit, 15 feet or greater requires front and/or rear escort
- 313 Vehicles with a total length exceeding ninety-nine (99) feet must obtain an oversize permit.
- 314 Trailers exceeding fifty-three (53) feet in length will require an oversize permit.
- 315 Night movements may be permitted for loads not exceeding twelve (12) feet in width, or 150,000 pounds or 99 feet long or height exceeding 13 feet 6 inches (**the maximum height is dependent on the route**).
1. When moving at night operating on two (2) lane roadways (one lane per direction of travel) loads 10 feet wide or greater will require, at minimum, the use of a front escort and flashing amber lights mounted on the rear of the load.
  2. When moving at night operating on divided highways (two or more through lanes per direction of travel) loads 10 feet wide or greater will require, at a minimum, the use of a rear escort and flashing amber lights mounted on the rear of the load.
  3. Loads less than ten (10) feet will not require escorts.
- 316 Movement of loads in excess of 8 feet 6 inches (102 inches) will require a permit. Exceptions are allowed in Section § 63-5-13 et. seq. of the Mississippi Code of 1972 Annotated as amended.
- 317 Over width loads shall not be moved during inclement weather.
- 318 Oversize Load Signs are required on all loads in excess of twelve feet in width.
- 319 Escort requirement:
1. When moving during “Daylight Hours” operating on two (2) lane roadways (one lane per direction of travel) loads 13 feet wide or greater will require, at minimum, the use of a front escort and flashing amber lights mounted on the rear of the load.
  2. When moving during “Daylight Hours” operating on divided highways (two or more through lanes per direction of travel) loads 13 feet wide or greater will

require, at a minimum, the use of a rear escort and flashing amber lights mounted on the rear of the load.

## **GENERAL SAFETY REQUIREMENTS**

- 400 When considered necessary for the protection of the public or the highway, permits may require reduced speed limits, law enforcement escort (s) or other safety precautions such as:
1. Front and rear escort.
  2. Escorts with a height pole.
  3. Daylight movement only.
  4. Certain portions of the roadway or routes may be excluded for travel.
- 401 Traffic control devices (signs, signals, etc.) that are removed just prior to the load passing their location shall be re-erected immediately after the load passes the location. Re-erecting a sign and sign post requires the applicant to drive the sign post (s) immediately adjacent to its previous location and attaching the sign(s).
- 402 The applicant is responsible for any additional permits, notifications or clearances as may be required by other jurisdictional agencies or regulations.
- 403 Movement will not be allowed on Sunday, after 12:00 noon on days preceding or on the following holidays; New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas, unless permitted.
- 404 Warning flags will be displayed on all corners at a height of six (6) feet above the pavement on moves in excess of ten (10) feet, not exceeding twelve (12) feet in width.
- 405 Two (2) five (5) inch flashing amber lights sufficient for five hundred (500) feet visibility will be mounted approximately six (6) feet above the pavement on the rear corners of loads and an oversize load sign on the front and rear of loads exceeding twelve (12) feet in width.
- 406 Transporters of loads in excess of twelve (12) feet shall time movements to avoid the major urban areas of Jackson, Memphis/Southaven and the Gulf Coast (excluding I-10) from 7:00 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. weekdays.

## **Oversize Manufactured Housing Blanket Authority**

- 500 May be issued for non-divisible manufactured housing over 14 ft. in width not exceeding 16 ft. in width, not exceeding 14 ft. in height, overall length of towing vehicle and manufactured housing must not exceed 120 feet, and legal weight.
- 501 There is no charge for the blanket authority.
- 502 Pre-numbered permit books must be purchased from the Department. Each book contains 50 permits and cost \$500.00. (\$10.00 per permit)

- 503 The permittee will complete a permit form for each trip; the original will be placed in the vehicle. Completed books must be returned to the Department

### **Sealed Container Permits**

- 600 Sealed containerized cargo units are considered as non-divisible loads and overweight permits will be issued subject to the following restrictions:
1. Containerized cargo units are transporting commodities for export or import moving to or from a port.
  2. A copy of the international bill of lading signed by a customs official or an international bill of lading with an equipment interchange and inspection report must be submitted to the Department before a permit is issued.
  3. Maximum gross vehicle weight 95,000 lbs, with maximum tandem axle weight of 42,000 lbs. (Attachment 1)
  4. All vehicles permitted for movement of overweight sealed containerized units are authorized 24/7 continuous movement.

### **Continuous Movement/Self Issued Blanket Authorization (CMSI)**

- 700 The CMSI blanket authorizes companies transporting sealed containerized cargo or equipment to move seven (7) days a week, twenty-four (24) hours a day, with gross weight not to exceed 95,000 pounds. All other dimensions must be legal.
- 701 The fee for the CMSI Blanket Permit is \$500.00 per year per company.
- 702 The CMSI blanket authorization must be renewed each year.
- 703 Authorizes companies to issue their own permits without contacting the Department.
- 704 Since there is no control of routing after the blanket is issued, care must be taken during the application process to insure that the Department has a complete understanding of the nature of these loads.
- 705 Once the application is approved, a Continuous Movement/Self Issued (CMSI) blanket authorization agreement between the company and the Department will be issued to the company.
- 706 The Department will review submitted permits and bill the company. If any discrepancies are noted by the staff the company will be notified prior to billing.
- 707 The company will be issued a series of pre-numbered permit forms.
- 708 The company will complete the permit form prior to any move, fax the form to the Permit Office, and issue a copy of the permit to the driver of the vehicle.

709 If the permit is not faxed to the Department, or if it is not displayed by the driver upon request, the move will be deemed not to have a permit and will be penalized accordingly.

### **Tractor With Dirt Pan In-Tow**

800 Must have a 72-hour road use permit.

801 Must have a 72-hour road use permit.

802 Must have an oversize permit.

803 May move in convoy of no more than three (3) units with escorts front and rear.

804 The Escort will have flashing amber lights and radio contact with each unit.

805 “Wide Load” signs must be placed on all units and escorts

806 Routes will use four lane roadways where possible.

807 Convoys will pull off the highway at sufficient intervals, to allow traffic to pass.

808 Daylight movements only.

### **Super Load**

900 “Super Load” is any vehicle that exceeds any of the following limits:

1. Overall Width 20 feet,
2. Overall Length 120 feet,
3. Overall Height 17 feet,
4. Gross Weight of 190,000 pounds or greater.

901 The following list of requirements must be addressed in the application:

1. A request for permission to move on Mississippi’s highway system
2. The name and address of the applicant and shipper
3. The origin and destination of the load
4. Gross weight of vehicle and load.
5. The dimensions of the tractor, trailer, and load
6. Written acknowledgement and permission from utility and railroad companies are required for a load exceeding 17 feet in height.

7. Written acknowledgement and permission from affected railroad companies are required for vehicle and load length exceeding 120 feet.
8. Steps taken to lessen the load
9. The most direct route.
10. Steps to reduce interference with other traffic
11. If entering an adjacent state a written certification from that state allowing entrance.

902 Diagrams of tractor, trailer and load:

1. Number, spacing and individual axle weights.
2. Number and size of tires.
3. Width and height of load.

903 A route survey must include the following:

1. Route (s) surveyed
2. List of obstructions such as, highway signs (roadside and overhead), bridge rails, overhead traffic signals, and overhead power lines, railroad crossings on the route or shoulders affecting the move.
3. Pull-off areas to allow traffic to pass such as, parking lots, truck stops, other locations with the capacity to allow the tractor, trailer, and load too completely clear the road.

904 Detailed traffic control plan will consist of the following:

1. List of all points where the load and/or vehicle will encroach into opposing traffic.
  - i. How much of the lane will be encroached.
  - ii. Distance traveled in opposing traffic lanes.
  - iii. Duration of encroachment.
2. If stopping traffic is required provide the following:
  - i. Where and how
  - ii. Type or method of advanced notification
  - iii. After review MDOT Permit Section may require additional information before final approval.

### **Oversize Width Blanket Permit**

1000 Authorizes the movement of loads not exceeding 14 feet.



1001 The fee for the blanket permit is \$100.00 per year, per company.

### **Continuous Movement Over Length Trailer Blanket Permit**

1100 Maximum length truck and trailer combination not to exceed 99 feet.

1101 Written application must be submitted, including a list of highways to be traveled

1102 The fee for the blanket permit is \$100.00 per year, per company

1103 The company will be issued a blanket permit with designated routes.

### **Timber Industry Two-Piece Load Blanket Permit**

1200 Authorizes the movement of two pieces of equipment used in the timber industry as a one piece load.

1201 The fee is \$200 per year.

1202 The company will be issued a series of pre-numbered permit forms.

1203 The company will complete the permit form prior to any move, fax the form to the Permit Office, and issue a copy of the permit to the driver of the vehicle.

1204 The Department's permit staff will review submitted permits and bill the company. If any discrepancies are noted by the Department the company will be notified prior to billing.

1205 If the permit is not faxed to the Permit office, or if it is not displayed by the driver upon request, the move will be deemed not to have a permit and will be penalized accordingly.

1206 No tandem axle may exceed 44,000 pounds, and no tri-axle may exceed 60,000 pounds.

1207 If the gross vehicle weight exceeds 100,000 pounds, the company will be deemed not to have a permit and will be penalized accordingly.

1208 Two-Piece Load Blanket Permit is valid on state routes only.

### **Special Heavy Equipment Blanket Permit**

1300 All vehicles permitted for movement under the Special Heavy Equipment Blanket Permit will be allowed 7 days a week, 24 hour movement for loads not exceeding 150,000 pounds, 12 feet wide, 13 feet 6 inches high or 99 feet long.

1301 Daylight moves only for loads over 12 feet wide not to exceed 14 feet wide. (Monday through Saturday with normal travel restrictions)

1302 When moving at night operating on two (2) lane roadways (one lane per direction of travel) loads 10 feet wide or greater will require, at minimum, the use of a front escort and flashing amber lights mounted on the rear of the load.

- 1303 When moving at night operating on *divided highways* (two or more through lanes per direction of travel) loads 10 feet wide or greater will require, at a minimum, the use of a rear escort and flashing amber lights mounted on the rear of the load.
- 1304 Loads less than ten (10) feet will not require escorts.
- 1305 Special Heavy Equipment Blanket Permit is Four Thousand Five-Hundred Dollars (\$4,500.00) for excess weight and is non refundable. The permit shall expire one (1) year from the issue date or on the expiration date of the insurance policy. An over width blanket permit not exceeding 14 feet is available for One Hundred Dollars (\$100.00) annually.
- 1306 The permit will be vehicle specific
- 1307 Request for authorization to transfer this permit to another vehicle shall be submitted in writing to Department section justifying the request.
- 1308 Denial of the request may be appealed to MDOT Office of Enforcement Director.

#### **Oversize/Overweight Write Your Own Blanket Permit**

- 1400 All “Write Your Own” permits are good for three (3) consecutive work days and daylight movement only, Monday thru Saturday no movement on Sunday.
- 1401 Motor cranes and/or off-road self powered equipment must submit a certified scale receipt indicating the dimension of each axle’s spacing, each axle’s weight, and the date.
- 1402 Oversize/Overweight, motor cranes and off-road self-powered equipment Blankets are \$200.00. A series of pre-numbered permit books will be issued. Prior to each move the permittee will complete the information on the permit form and fax it to the Vehicle Permit Office.

#### **Timber Industry 12 Foot Rear Overhang Permit**

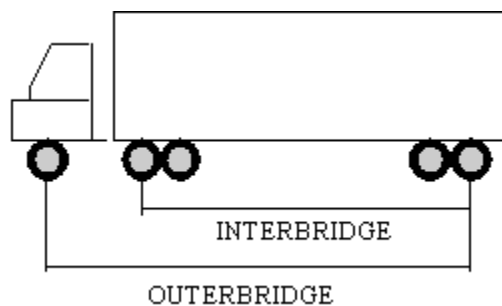
- 1500 Authorizes the night movement of timber with overhang from the rear trailer lights not to exceed 12 feet.
- 1501 Applicants must provide a description of the vehicle/s that will operate under this permit, including, but not limited to, license plate number, vehicle identification number, vehicle color, and manufacturer.
- 1502 The name and phone number of the owner/operator shall be displayed on both sides of the pulling vehicle. The markings must be legible from a distance of 25 feet at night while the vehicle is stationary and the markings are to be maintained in a manner ensuring legibility.
- 1503 Applicants must provide and maintain a current valid U.S. DOT number or submit and maintain a current, valid Certificate of Insurance, with the Department listed as the certificate holder, with a minimum of Five Hundred Thousand Dollars (\$500,000) single limit liability coverage.

- 1504 This Certificate of Insurance or a copy and a copy of any replacement policies and/or modifications must be present in the cab of the vehicle.
- 1505 Failure to produce a current, valid and acceptable Certificate of Insurance voids all permits issued.
- 1506 Vehicles without valid insurance coverage will not be allowed to resume movement until proof of valid insurance coverage is provided.
- 1507 Prior to the issuance of the permit, each vehicle listed on the application must pass a safety inspection by the Department
- 1508 Vehicles operating under this permit will be subject to safety inspections at anytime.
- 1509 Must have a valid or current registration, harvest permit and oversize permit in the vehicle.
- 1510 Must have a rotating/oscillating amber light securely attached at both sides of rear of the load.
- 1511 A 2 inch by 24 inch retroreflective sheet in a red and white pattern must be securely attached to the outside of the lowest piece of timber on both sides of the load, approximately 6 feet from the end of the load.
- 1512 The hours for moving such loads will be limited to 2 hours before sunrise and ending 2 hours after sunset.
- 1513 Vehicles operating under this permit will comply with weight limits and other regulatory guidelines.
- 1514 The fee is \$100 per year for an annual blanket permit or \$10 per trip.

**Attachment 1**

**Sealed Container Measurement Calculations**

The maximum gross vehicle weight is determined by these measurements. Vehicles cannot exceed 42,000 lbs on a tandem axle.



Maximum gross vehicle weight with maximum tandem axle weight of 42, 000 lbs.

Length:	Outer bridge Min. (ft.)	Inter bridge Min. (ft.)	Gross Vehicle Weight Max (lbs.)
	51	39	95,000
	49	37	94,500
	47	35	92,000
	45	33	90,000
	43	31	85,500
	41	29	79,500
	39	27	74,400
	37	25	70,800
	35	23	68,200
	33	21	65,700
	31	19	63,000
	29	17	59,900
	27	15	57,900
	25	13	56,600

### Chapter 03002 Harvest Permits

#### Purpose

- 100 Define the authority for Mississippi Department of Transportation Office of Enforcement Permit Division to issue Harvest Permits.
- 101 This rule cites the the statutory authority for the issuance of Harvest Permits and displays the over dimensional permitting rules as adopted by the Mississippi Transportation Commission.
- 102 The Mississippi Transportation Commission's is authorized to establish rules by Section § 65-1-8 (2)(c), et. seq. of the Mississippi Code of 1972 Annotated as amended. Mississippi Code of 1972 Annotated as amended Section 27-19-81(4) authorizes the Mississippi Transportation Commission to issue Harvest Permits. The Mississippi Transportation Commission adopted rules for the Mississippi Department of Transportation Office of Enforcement Permit Division issuance of Harvest Permits. The full text of the rule is attached. Cites to the Mississippi Code may be found at [www.state.ms.us](http://www.state.ms.us).

#### MISSISSIPPI DEPARTMENT OF TRANSPORTATION

##### Harvest Permit Administrative Procedures

- 200 Pursuant to Senate Bill No. 2476, the owner and/or operator of a vehicle may apply to the Mississippi Department of Transportation for authorization to receive a Harvest Permit. The permit will entitle the vehicle to haul sand, gravel, fill dirt, agricultural products or unprocessed forestry products at an authorized maximum gross weight not to exceed 84,000 pounds. The authorization and permit are subject to the following restrictions.

1. All applications for authorization for a Harvest Permit must be submitted to the Mississippi Department of Transportation (MDOT): Harvest Permit Application, Post Office Box 1850, Jackson, Mississippi, 39215-1850.
2. Harvest Permits are not valid on Interstate Highways. Any weight in excess of the maximum legal gross weight of the vehicle or in excess of the maximum highway weight limit shall be penalized \$0.05 per pound for the first 16,000 pounds of excess weight and \$0.15 per pound for all excess weight exceeding 16,000 pounds.
3. Harvest Permits are not valid on low-weight roads.
4. Vehicles, which due to number of axles and/or axle spacing, can not haul maximum load limits, may obtain Harvest Permits to haul covered products at 4,000 pounds above their authorized gross weight limit. Weight in excess of 4,000 pounds above their authorized weight limit will be penalized at \$0.05 cents per pound and \$0.15 cents per pound for excess weight exceeding 16,000 pounds.
5. For the purposes of these regulations, “agricultural products” (except unprocessed forest products) are defined as those products produced on the farm and being transported from the farm to market or processing points (cotton seeds, regardless of origin, will be considered an agricultural product).
6. For the purposes of these regulations, “unprocessed forestry products” are defined at those forestry products being hauled directly for the forest. Hauling from a “holding yard” will be considered as being hauled directly from the forest. (Sawdust, bark, and chips, regardless of origin, will be considered an unprocessed forestry product).
7. A check or money order in the amount of twenty-five dollars (\$25.00) made payable to the Mississippi Department of Transportation must accompany the application for authorization for a Harvest Permit. All checks or money orders not made payable to the Mississippi Department of Transportation will be returned.
8. Applications for authorization for a Harvest Permit are subject to approval by MDOT. Applications not approved for any reason will be returned to the applicant for correction.
9. The Harvest Permit shall include a decal and an authorization letter. The Harvest Permit is effective as of the issue date as shown on the authorization. Upon receipt of the decal, the decal shall be affixed in the upper left corner of the applying vehicle’s driver side windshield.
10. One Harvest Permit decal will be issued for every approved application after meeting all other requirements. The decal will be serialized for audit purposes. The decal is not transferable between owners or vehicles. If a decal is found on a vehicle for which it was not issued, the decal becomes null and void and the vehicle is considered as not having a Harvest Permit.

11. A Copy of the authorization letter must be kept in the vehicle at all times. If the vehicle is found without the authorization, the decal becomes null and void.
- 201 These administrative procedures are in no manner intended to effect or supplant the authority granted by Senate Bill no. 2475 to the board of supervisors of any county or the governing authority of any municipality concerning this subject manner.
- 202 These procedures were approved by the Mississippi Transportation Commission at its regularly scheduled meeting on July 9, 2002

### **Chapter 04001 Commercial Motor Vehicle Compliance**

#### Purpose

- 100 Define the authority for Mississippi Department of Transportation Office of Enforcement to enforce State and Federal Motor Carrier Safety Regulations.
- 101 This rule cites the statutory authority for the enforcement of the State and Federal Motor Carrier Safety Regulations.
- 102 The Mississippi Department of Transportation Office of Enforcement is authorized to enforce the Motor Carrier Safety Regulations (49 CFR parts 40, 325, 350, & 355-399) as amended; and All other Rules and Regulations adopted by the MPSC pursuant to said Mississippi Motor Carrier Regulatory Act of 1938 by Transportation Commission Order. Transportation Commission's authority is located in § 65-1-8 (2)(c), et. seq. of the most current version of the Mississippi Code of 1972 Annotated as ammended. Rules adopted by the Mississippi Transportation Commission are recorded in Minute Book 10 Page 407 of the Official Minutes of the Mississippi Transportation Commission as amended.
- 103 Sites for the Mississippi Code are available at [www.state.ms.us](http://www.state.ms.us) and the CFR sites are available at <http://www.gpoaccess.gov>.

### **Chapter 05001 Appeals Board of the Mississippi Transportation Commission**

#### Purpose

- 100 Define the authority of the Appeals Board, how they are appointed, and rules for any person that feels aggrieved by a penalty for excess weight assessed against him by an agent or employee of the Mississippi Department of Transportation pursuant to § 27-19-89 which is available at [www.state.ms.us](http://www.state.ms.us).
- 101 This rule cites the statutory authority for the Appeals Board of the Mississippi Transportation Commission and procedures appealing a penalty for excess weight.
- 102 The Appeals Board of the Mississippi Transportation Commission shall try issues presented according to the law and the facts and within guidelines set by § 63-1-46 and § 99-17-9 of the most current version of the Mississippi Code of 1972 Annotated as ammended.

## **Chapter 06001 Motor Fuel Tax Enforcement**

### **Purpose**

- 100 Define the authority for Mississippi Department of Transportation Office of Enforcement of Fuel Tax Statutes.
- 101 This rule cites the statutory authority for the enforcement of Fuel Tax Statutes by the Mississippi Department of Transportation Office of Enforcement.
- 102 The Mississippi Department of Transportation Office of Enforcement is authorized to cooperate with the State Tax Commission by providing enforcement personnel to enforce fuel tax statutes by Section 65-1-8(2)(x), as amended of the Mississippi Code of 1972 Annotated.
- 103 The Mississippi Department of Transportation Office of Enforcement is authorized to enforce these statutes of the Mississippi Code of 1972 as amended by Section 65-1-82(2)(x) as amended of the Mississippi Code of 1972:

Section 27-55-501 et. seq

Sections 27-55-1 et. seq

Sections 27-59-1 et. seq

Sections 27-61-1 et. seq

These sites are available at [www.state.ms.us](http://www.state.ms.us).

## **Sub-Part 6701 – External Affairs**

### **Chapter 01001 News Releases/Traffic Advisories**

#### **Purpose**

- 100 The purpose of this policy is to provide a guideline for the issuance of news releases specifically pertaining to traffic advisories.
- 101 MDOT External Affairs Division will be responsible for sending agency-related news releases and traffic advisories to the general public statewide or in specific areas according to news release content.
- 102 Upon notification from MDOT district offices or MDOT staff, designated External Affairs staff will write and send out a news release/traffic advisory to the media. The person receiving information will place it on MDOT External Affairs /news release letterhead. The information in the news release/traffic advisory will include:
- Contact Name
  - Dateline: Jackson, Miss.,
  - Day of week advisory is released
  - The month in which the advisory is released
  - Day of the month advisory is released

- The year
- Day of the week and month which the advisory will be effective
- Any special details that the public/media will need to know (location of work, type of work, type of ceremony, etc)
- At the end of all text, the symbol -30- should appear at the bottom

103 The news release/traffic advisory will then be released to the media via fax machine and e-mail if requested. News releases/traffic advisories will also be posted on MDOT's website at [www.goMDOT.com](http://www.goMDOT.com) in the Media Room.

104 Records of fax confirmation, e-mail confirmation and website postings will be filed by the MDOT External Affairs Division.

### **Chapter 01003 Annual Reports**

#### **Purpose**

100 The purpose of this policy is to outline the process for publication and distribution of the fiscal year annual report and the 1987 Four-lane Annual Report (aka AHEAD Report).

101 The MDOT External Affairs Division follows Section 27-101-1, Mississippi Code of 1972 as amended (Senate Bill 2553) pertaining to the production and distribution of the fiscal year annual report and the 1987 Four-lane Annual Report. Cites are available at [www.state.ms.us](http://www.state.ms.us)

### **Sub-part 6801 – Internal Audit Division**

### **Chapter 01001 Guidelines and Policy Regarding the Single Audit Program**

#### **Purpose**

100 Establish guidelines and policy for the Internal Audit Division regarding the Single Audit Program.

101 Pursuant to Part 200.501 of Title 2, Code of Federal Regulations, as amended from time to time, municipalities and public authorities that expend in excess of the dollar amount provided in 2 CFR 200.501(a), as amended from time to time, are required to submit to have a Single Audit performed under the Federal Single Audit Act of 1984, as amended, for fiscal years commencing after December 31, 2000.

102 Single Audit reports and schedules must be provided to the Internal Audit Division upon request.

103 The Internal Audit Division shall not impose any additional audit requirements on municipalities or public authorities which have an audit performed under this regulation,



except as additional reviews are deemed necessary by a Commissioner, the Commission, or the Executive Director for:

1. Periods on project close-out reviews not covered by this regulation;
2. Resolution of material known questioned costs;
3. Resolution of non-compliance which is deemed material to the schedule of expenditures of State transportation assistance;
4. Unresolved reportable conditions which are also material weaknesses to the financial statements or the schedule of State transportation assistance;
5. Indications of irregularities or fraud, waste, or abuse; or
6. Other reviews deemed necessary to fulfill monitoring responsibilities of Federal programs or to comply with Federal requirements or guidance.

104 To conduct the required merit review and subrecipient monitoring for certain awards, Internal Audit Division requires entities to complete an audit verification indicating: their reporting and compliance requirements, their ability to properly administer federal funds, and affirmation that they are following all state and Federal laws, regulations, and applicable guidance under penalty of perjury. This verification and the most recent fiscal year's audit report or financial information should be submitted to MDOT no later than nine months after the end of the entity's fiscal year.

105 From time to time, the Internal Audit Division may issue guidance to encourage compliance.

## **Sub-Part 7201 – Materials**

### **Chapter 01000 Materials Division, Principal Roles and Responsibilities**

#### **Purpose**

100 To establish the principal responsibilities of the Materials Division.

In Charge: State Materials Engineer

Line Supervision Over: Assistant State Materials Engineer  
Branch Supervisors

Line Reporting To: Assistant Chief Engineer - Operations

101 The Materials Division is responsible for: the sampling, testing, inspection and reporting of materials produced at plants which supply materials to the Department; provide statewide geotechnical operations for the Department; testing and reporting of all samples submitted by the Districts; operation of the independent assurance sampling program; and evaluation of new products.

102 The major functions of the Materials Division include but are not limited to the following responsibilities.

1. Inspect the manufacture, obtain and test samples, and report results of tests, of materials produced at concrete pipe plants, metal pipe plants, timber-treating plants, bituminous refineries, terminals, out-of-state aggregate plants, prestressed concrete plants in the vicinity of Jackson, Mississippi, and various other manufacturing plants.
2. Test and report samples submitted by representatives (County Engineers) of the Office of State Aid Road Construction and other Governmental agencies as authorized by the Executive Director of the Mississippi Department of Transportation.
3. Operation of an independent assurance sampling and testing program in cooperation with the Federal Highway Administration meeting the requirements of Federal-Aid Policy Guide, 23 CFR 637B as amended. Copies of the Code of Federal Regulations can be obtained by accessing [www.gpoaccess.gov](http://www.gpoaccess.gov).
4. Advise and assist district and project office personnel in all phases of plant operations, inspection, sampling and testing of materials, including ready-mix concrete plants, hot mix asphalt plants, calibration of distributor tanks and new sources of aggregates.
5. The State Materials Engineer serves as Chairman of the Mississippi Department of Transportation Product Evaluation Committee and maintains the Department's Approved Products List (APL).
6. The State materials Engineer serves as the Mississippi Department of Transportation Radiation Administrative Officer administering and controlling the use of radioactive material within MDOT. Standards for protection against radiation when using nuclear gauges are detailed in the current edition of the Mississippi Department of Transportation *Materials Division Inspection, Testing, and Certification Manual*. These standards have been adopted to comply with guidelines set forth by the Mississippi State Board of Health in the publication, *Regulations for the Control of Radiation in Mississippi* a copy of which can be obtained by accessing the Mississippi Department of Health's website at [www.msdh.state.ms.us](http://www.msdh.state.ms.us).
7. Provide other engineering guidance as required by the Transportation Commission or Executive Director of the Mississippi Department of Transportation.

103 To accomplish the above functions, the Materials Division is organized into the following Branches: Field Operations, Laboratory Operations, Geotechnical, and Independent Assurance Section.

104 Individuals interested in obtaining information about the operations of the Materials Division at the Mississippi Department of Transportation should refer to the current edition of the Mississippi Department of Transportation *Materials Division Inspection, Testing, and Certification Manual*. The above referenced manual is available per request to the Materials Division at the Mississippi Department of Transportation at the following address:

State Materials Engineer  
Mississippi Department of Transportation  
P.O. Box 1850

Jackson, Mississippi 39215-1850

105 In addition, this manual is currently available online at [www.gomdot.com](http://www.gomdot.com).

## **Chapter 02000 Field Operations Branch of Materials Division, Principal Roles and Responsibilities**

### Purpose

100 To establish the principal responsibilities of the Field Operations Branch of the Materials Division:

In Charge: Field Operations Engineer

Line Supervision Over: Assistant Field Operations Engineer/Quality Assurance Engineer  
Inspection Section Chief  
Laboratory Control Section Chief

Line Reporting To: Assistant State Materials Engineer

101 The Field Operations Branch of the Materials Division is responsible for inspection, sampling, testing, and approval of pretested materials to be used for work completed under the supervision of the Mississippi Department of Transportation. The Field Operations Branch also writes material specifications, maintains the Department's Approved Products List, and reviews project material acceptance records for the issuance of a completed project Certification of Materials and Tests document by the State Materials Engineer.

102 The major functions of the Field Operations Branch of the Materials Division include but are not limited to the following:

1. Sample and inspect sources of pretested materials, and issue reports for pretested materials to be used for work completed under the supervision of the Mississippi Department of Transportation.
2. Develop material specifications as needed for various materials to be used on Department projects; and maintain these specifications by conducting periodical reviews.
3. Maintain the Department's Approved Products List. This list includes both materials subject to specifications and products that are approved via the Product Evaluation Committee.
4. Coordinate administrative duties related to the Product Evaluation Committee as designated by the State Materials Engineer.
5. Accept or reject certified or tested materials in accordance with Department project contract document requirements.
6. Review Project Engineer certification of materials, and assist the Project Engineer in obtaining the necessary test documents for material pay items listed on an applicable project.

7. Prepare appropriate material clearance information for the State Material Engineer to issue a project certification of material document.
  8. Maintain records of inspection, testing, and certification for materials supplied to Department Projects.
- 103 To accomplish the above functions, the Field Operations Branch of Materials Division maintains two sections: the Laboratory Control Section and the Inspection Section. These sections are supervised by the designated section chief.

104 Specific Requirements pertinent to Inspection, Sampling, Testing, Acceptance, and Reporting of various pretested materials that are proposed to the Mississippi Department of Transportation for use in the highway program can be found in Department Rule 37.I.7201.02100 and the current edition of MDOT's *Materials Division Inspection, Testing, and Certification Manual*. This manual provides detailed procedures pertaining to the individual duties and functions required of the Field Operations Branch and the material producers and/or suppliers during inspection and testing of a subject material. The above referenced manual is available per request to the Materials Division at the Mississippi Department of Transportation at the following address:

State Materials Engineer  
Mississippi Department of Transportation  
P.O. Box 1850  
Jackson, Mississippi 39215-1850

105 In addition, this manual is currently available online at [www.gomdot.com](http://www.gomdot.com).

**Chapter 02100 Materials Producer and Supplier Requirements for providing materials to be used for work completed under the supervision of the Mississippi Department of Transportation.**

Purpose

- 100 To establish a procedure for sampling, testing, inspection, reporting, and/or acceptance of various materials used for work completed under the supervision of the Mississippi Department of Transportation.
- 101 The Mississippi Department of Transportation inspects the manufacture, obtains and tests samples, and reports results of tests of materials produced by various producers and suppliers for acceptance for use on Department projects. The Materials Division of the Mississippi Department of Transportation is responsible for administering these duties.
- 102 The Mississippi Department of Transportation, Materials Division must inspect the manufacture, obtain and test samples, and report results of tests of materials produced at the following types of facilities:
  1. Concrete Pipe Plants;
  2. Metal Pipe Plants;

3. Wood Treating Plants;
  4. Bituminous Binder Refineries;
  5. Hot Mix Asphalt and Ready Mix Concrete Plants;
  6. Product Manufacturer Terminals;
  7. Out-of-State Aggregate Plants;
  8. Pre-cast and Pre-stressed Concrete Plants;
  9. Traffic Striping Materials
  10. Various other manufacturing plants.
- 103 The branch responsible for completion of these duties within the Materials Division is the Field Operations Branch. In order to accomplish these tasks, the Materials Division has developed and maintains for publication the Mississippi Department of Transportation *Materials Division Inspection, Testing, and Certification Manual*. This manual contains uniform standards and procedures that have been established for the inspection, sampling, and testing of materials by the Mississippi Department of Transportation. The Producer shall notify the Field Operations Engineer of the Materials Division as far in advance as possible when products will be ready for inspection.
- 104 The Mississippi Department of Transportation *Materials Division Inspection, Testing, and Certification Manual* details the specific procedures to which material producers and suppliers must adhere in order to certify and supply acceptable materials for Department work. Listed below, but not limited to, are material categories for which Inspection, Sampling, Testing, and Certification procedures have been developed:
1. Stone Rip Rap;
  2. Preformed Joint Filler;
  3. Steel Wire Fabric (Wire Mesh);
  4. Traffic Paint;
  5. Performance Graded Asphalt Binders;
  6. Precast Concrete Box Culverts;
  7. Glass Beads;
  8. Raised Pavement Markers and Adhesive;
  9. Treated Timber Products;
  10. Thermoplastic Traffic Stripe;
  11. Concrete Fence Posts and Right of Way Markers;
  12. Reinforcing Steel;
  13. Corrugated Metal Pipe and Pipe Arches;
  14. Non-Metal Pipe, Flared End Sections and Cattlepasses;
  15. Miscellaneous other materials as applicable to construction projects supervised by the Mississippi Department of Transportation
- 105 All materials, the manufacturing process, and the finished units shall be subject to have free entry on the premises of a Producer, Supplier, and/or Broker of an applicable material for the purpose of inspection, sampling, and designation of material approval. The Inspector shall be furnished with the necessary equipment and labor to assist in the performance of testing and inspection of material(s). Calibration of all applicable testing equipment shall be completed at the minimum required intervals outlined by the equipment manufacturer, or as

deemed necessary by the State Materials Engineer and set forth in the Mississippi Department of Transportation *Materials Division Inspection, Testing, and Certification Manual*.

- 106 Upon product approval, the producer shall be responsible for sending a copy of the shipping ticket or documentation otherwise specified in the *Materials Division Inspection, Testing, and Certification Manual*, with each shipment, for the Project Engineer and/or the Field Operations Branch of the Materials Division.
- 107 Failure to comply with all applicable requirements herein or as set forth in the Mississippi Department of Transportation *Materials Division Inspection, Testing, and Certification Manual* will be cause to have a company removed from the applicable approved list and/or disapproval of the material to be supplied.
- 108 Individuals interested in obtaining information pertinent to inspection, sampling, testing, and certification procedures for materials supplied for Mississippi Department of Transportation projects should refer to the current edition of the Mississippi Department of Transportation *Materials Division Inspection, Testing, and Certification Manual*. The above referenced manual is available per request to the Materials Division at the Mississippi Department of Transportation at the following address:

State Materials Engineer  
Mississippi Department of Transportation  
P.O. Box 1850  
Jackson, Mississippi 39215-1850

- 109 In addition, this manual is currently available online at [www.gomdot.com](http://www.gomdot.com).

## **Chapter 02200 Identification, Storage, and Inventory Control of Materials for Advance Payment**

### Purpose

- 100 To establish procedures to be used in conjunction with advance payment for material stored or stockpiled for Mississippi Department of Transportation Projects
- 101 Stored or Stockpiled Materials which have been inspected and tested in accordance with all applicable specifications and approved by the Mississippi Department of Transportation for use in Department projects may be considered for advance payment upon written request from the Contractor; and, in compliance with all conditions detailed in the Mississippi Department of Transportation *Materials Division Inspection, Testing, and Certification Manual*, the standard specifications, and/or the applicable contract documents.
- 102 Stored or Stockpiled Materials which have been inspected and tested in accordance with all applicable specifications and approved by the Mississippi Department of Transportation will be considered for advance payment.

- 103 In order to be considered for Advance Payment, the Contractor must make a written request for payment and furnish written consent of the Surety to the Project Engineer. The Contractor must also make arrangements through the Project Engineer for the satisfactory storage of materials as stipulated in the Mississippi Department of Transportation *Materials Division Inspection, Testing, and Certification Manual*, the standard specifications, and/or the applicable contract documents.
- 104 When a determination has been made to allow advance payment for materials, the Project Engineer or a verifier representing either the Central Laboratory, District Materials Engineer or an approved Department representative agency acting on behalf of the Project Engineer shall make an inventory of the pre-tested items to be stored or stockpiled. Upon completion of the inventory, a Certificate of Storage Form, TMD 323 must be completed and distributed by the Department representative in time for an advance payment to be included on the applicable monthly estimate. The TMD 323 Form lists the inventoried items from the Contractor's storage or stockpile area.
- 105 Individuals interested in the specific procedures for the advance payment for material stored or stockpiled for Mississippi Department of Transportation Projects should refer to the current edition of the Mississippi Department of Transportation *Materials Division Inspection, Testing, and Certification Manual*. The above referenced manual is available per request to the Materials Division at the Mississippi Department of Transportation at the following address:
- State Materials Engineer  
Mississippi Department of Transportation  
P.O. Box 1850  
Jackson, Mississippi 39215-1850
- 106 In addition, this manual is currently available online at [www.gomdot.com](http://www.gomdot.com).

**Chapter 02300 Sampling and Testing of Small Quantities of Miscellaneous Materials for use on Mississippi Department of Transportation Projects**

Purpose

- 100 To establish procedures for the sampling and testing of small quantities of materials for Mississippi Department of Transportation Contracts as specified.
- 101 This rule establishes procedures for the sampling and testing of small quantities of materials. It is intended that reduced sampling and testing procedures be permitted for small quantities of materials that will not adversely affect the traffic-carrying capacity of a completed facility. These procedures will not be permitted for concrete in major structures or other structurally critical items.
- 102 This rule establishes procedures for the sampling and testing of small quantities of materials. It is intended that the reduced sampling and testing procedures be permitted for small quantities of materials that will not adversely affect the traffic-carrying capacity of a

completed facility. These procedures will not be permitted for concrete in major structures or other structurally critical items.

- 103 Sampling and testing of small quantities of miscellaneous materials may be waived by the Mississippi Department of Transportation on the basis of one of the two following methods:
1. Acceptance on the basis of visual examination provided the source has recently furnished similar material found to be satisfactory under the normal sampling and testing procedures of the Department.
  2. Acceptance on the basis of certification by the producer or supplier that the material complies with the specification requirements.
- 104 Regardless of the basis of waiver, the primary documentation of acceptance (i.e. certificate from the Project Engineer or certification from the Producer) shall be provided by the Project Engineer with copies to the District Materials Engineer, State Materials Engineer, and State Construction Engineer. This documentation shall include the material and quantity covered by the acceptance.
- 105 The maximum quantities of material that may be accepted are specifically detailed in the most current edition of the Mississippi Department of Transportation *Materials Division Inspection, Testing, and Certification Manual*. The Mississippi Department of Transportation *Materials Division Inspection, Testing, and Certification Manual* is available per request to the Materials Division at the Mississippi Department of Transportation at the following address:

State Materials Engineer  
Mississippi Department of Transportation  
P.O. Box 1850  
Jackson, Mississippi 39215-1850

- 106 In addition, this manual is currently available online at [www.gomdot.com](http://www.gomdot.com).

### **Chapter 03000 Geotechnical Branch of Materials Division, Principal Roles and Responsibilities**

#### Purpose

- 100 To establish the principal responsibilities of the Geotechnical Branch of Materials Division.

In Charge:	Geotechnical Engineer
Line Supervision Over:	Geotechnical Design Engineer Geotechnical Field Superintendent
Line Reporting To:	Assistant State Materials Engineer





- 101 The Laboratory Operations Branch of Materials Division is responsible for: testing and reporting test results on proposed and active construction projects and some inspection of private laboratory facilities and certification of laboratory technicians.
- 102 The major functions of the Laboratory Operations Branch of Materials Division include but are not limited to the following responsibilities. Detailed procedures related to the following duties of the Laboratory Operations Branch of Materials Division can be found in the current edition of Mississippi Department of Transportation's *Materials Division Inspection, Testing, and Certification Manual*.
1. In order to comply with the requirements set forth in Federal-Aid Policy Guide, 23 CFR 637B as amended, the Laboratory Operations Branch tests materials incorporated into Department construction projects. Copies of the Code of Federal Regulations can be obtained by accessing [www.gpoaccess.gov](http://www.gpoaccess.gov).
  2. The Laboratory Operations Branch tests and reports samples submitted by representatives (County Engineers) of the Office of State Aid Road Construction and other Governmental agencies as authorized by the Executive Director of the Mississippi Department of Transportation.
  3. Upon written request by private engineering firms through the State Materials Engineer, the Laboratory Operations Branch will check and certify laboratory technicians and laboratory equipment for projects funded through the Mississippi Department of Transportation.
  4. The Laboratory Operations Branch conducts job control sampling and testing of materials incorporated into Department construction projects in order to comply with the requirements set forth in Federal-Aid Policy Guide, 23 CFR 637B as amended. Copies of the Code of Federal Regulations can be obtained by accessing [www.gpoaccess.gov](http://www.gpoaccess.gov).
  5. The Laboratory Operations Branch sets uniform procedures for inspecting ready-mix concrete plants.
  6. The Laboratory Operations Branch tests some materials for the purpose of approving the source (Source Approval) prior to inclusion into work for the Department. Provided the test results indicate that the material meets all of the requirements for the type material specified, the State Materials Engineer will approve the Source for use on Department projects.
- 103 To accomplish the above functions, the Laboratory Operations Branch of Materials Division maintains the following labs: Soils, Physical, Asphalt, Chemical, Concrete and Cement. The labs are supervised by the Assistant Laboratory Operations Engineers. Materials Division maintains current AASHTO Materials Reference Laboratory (AMRL) and Cement and Concrete Reference Laboratory (CCRL) Certifications. A list of AMRL or CCRL accredited labs is available online at [www.amrl.net](http://www.amrl.net).
- 104 Individuals interested in obtaining information pertinent to testing of materials, inspection of private laboratory facilities and certification of laboratory technicians should refer to the current edition of the Mississippi Department of Transportation *Materials Division Inspection, Testing, and Certification Manual*. The above referenced manual is available per request to the Materials Division at the Mississippi Department of Transportation at the following address:

State Materials Engineer  
Mississippi Department of Transportation  
P.O. Box 1850  
Jackson, Mississippi 39215-1850

105 In addition, this manual is currently available online at [www.gomdot.com](http://www.gomdot.com).

### **Chapter 06000 Mississippi Department of Transportation Product Evaluation Committee and Product Evaluation Committee Requests.**

#### Purpose

- 100 To establish the procedure that producers, manufacturers, or their authorized distributors of materials and/or procedures must follow in order to have products evaluated for use in the highway program.
- 101 The Mississippi Department of Transportation Product Evaluation Committee reviews new materials, new products, and new procedures for which the Department has no standard specification and are proposed to the Mississippi Department of Transportation for use in the highway program. Material Suppliers who wish to have a product evaluated by the committee must complete and submit for review the most current version of Form ADM-361.
- 102 The Mississippi Department of Transportation Product Evaluation Committee is a non-policy making body of technical and administrative advisors to the Chief Engineer who evaluate new materials, new products, and new procedures proposed to the Department, and make appropriate recommendations. This committee only evaluates products for which the Department has not developed a standard specification.
- 103 Material Suppliers who wish to have a product evaluated by the committee must complete and submit for review the most current version of Form ADM-361. Form ADM-361 requests information pertinent to a product's evaluation that includes but is not limited to the following information: Product and/or Procedure name, manufacturer, and related contact information; the recommended use of the product/procedure; the product composition, any State or Federal Specifications that the product/procedure meets; existing alternative products/procedures; warranty/guarantee information; limited cost data; name, title and represented entity of the person completing the form.
- 104 The committee coordinates and assigns the evaluation of these products to the various divisions and districts which could benefit most from a product innovation. Based on the results of an evaluation, a recommendation on a product or procedure will be made during a regular committee meeting.
- 105 Committee Recommendations will be made on the basis of review and evaluation. These recommendations may consist of the following actions:
- a. Immediate Adoption of the Item and/or Procedure;

- b. Trial usage for further evaluation or trial usage on a project tested basis;
  - c. Additional review, development, or research by the Department;
  - d. Reference back to the initiator for additional information;
  - e. Rejection.
- 106 If correspondence from a representative of the Product Evaluation Committee pertaining to an evaluation is disregarded for a period of no less than six months, an evaluation will be terminated. A letter to the material supplier will state the following:
- a. MDOT correspondence has not been answered within the last six months;
  - b. Evaluation has been terminated due to supplier lack of interest;
  - c. Two years after the date of this letter is the earliest allowable product resubmission date.
- 107 Representatives of manufacturers or producers may be asked to appear before the Committee to clarify or amplify their proposals, when deemed necessary by the committee. In addition, outside experts and members of the Mississippi Department of Transportation with first hand knowledge of a proposal being considered may be requested to appear before the committee.
- 108 Materials Suppliers wishing to request a product evaluation should complete the most current version of Form ADM-361. For a product and/or procedure to be considered for evaluation by the Product Evaluation Committee the original of the form should be submitted to the State Materials Engineer at the Mississippi Department of Transportation at the address specified on Form ADM-361. This form is available per request to the State Materials Engineer at the following address:
- State Materials Engineer  
Mississippi Department of Transportation  
P.O. Box 1850  
Jackson, Mississippi 39215-1850
- 109 In addition, this form is currently available online at [www.gomdot.com](http://www.gomdot.com).

**Sub-Part 7301 – Construction Division**

**Chapter 00100 Sale of Standard Specifications**

Purpose

- 100 Establish the methods for selling the Mississippi Standard Specifications for Road and Bridge Construction.
- 101 Subject to availability, the general public may purchase a copy(ies) of the Standard Specification from the MDOT Construction Division.
- 102 All requests for Standard Specifications should be addressed to the Mississippi Department of Transportation, Construction Division, P.O. Box 1850, Jackson, MS 39215-1850. Over-the-counter sales may be made at the MDOT Construction Division, 1st Floor, MDOT Administration Building, 401 North West Street, Jackson, MS, 601-359-7301.

- 103 Payment for standard Specifications will be by cash, check or money order only. Checks and money orders shall be made out to the Mississippi Department of Transportation.

## **Chapter 00200 Conditions Governing Construction Contracts**

### Purpose

- 100 Establish requirements for constructing MDOT contracts.
- 101 All projects awarded by the Mississippi Transportation Commission shall be constructed in accordance with the contract documents. Contract documents may include but are not limited to Standard Specifications, contract proposal and contract plans.

## **Sub-Part 7401 – Contract Administration**

### **Chapter 01000 Bidding Rules**

#### Purpose

- 100 The purpose of provisions requiring that contracts with public authorities be let only after competitive bidding [is] to secure economy in the construction of public works and the expenditures of public funds for materials and supplies needed by public bodies; to protect the public from collusive contracts; to prevent favoritism, fraud, extravagance, and improvidence in the procurement of these things for the use of the state and its local self-governing subdivisions; and to promote actual, honest, and effective competition to the end that each proposal or bid received and considered for the construction of a public improvement, the supplying of materials for public use, etc., may be in competition with all other bids upon the same basis, so that all such public contracts may be secured at the lowest cost to taxpayers.
- 101 These rules apply to the competitive bidding process for projects administered by the Mississippi Department of Transportation Contract Administration Division from Advertising of the project to Execution of the contract. These rules relative to the *Federal Highway Administration's Program Administration Contract Administration Core Curriculum Participant's Manual and Reference Guide as amended*, *The Mississippi Standard Specifications For Road and Bridge Construction as amended*, *The Mississippi Code of 1972 as amended*, *the Code of Federal Regulations as amended* and *Title 23 of the United States Code as amended* will be adhered to at all times. Sections and Laws noted are not all inclusive. When reference is made to a regulation, specification or code, such means the latest version of such.
1. **Method of Construction** – actual construction work shall be performed by contract awarded by competitive bidding; unless as provided in Title 23 Sec. 635.104 of the *Code of Federal Regulations as amended*.
  2. **Advertising/Notice to Contractors** – the rule conforms to Sec. 102.001 *Mississippi Standard Specifications for Road and Bridge Construction*, Sections 31-7-13, subsection (c) (i) and 65-1-85 of the *Mississippi Code of 1972 as amended*, Title 23 Sec. 635.112 of the

*Code of Federal Regulations as amended* and as noted in the *Federal Highway Administration's Program Administration Contract Administration Core Curriculum Participant's Manual and Reference Guide Section III*. (As applicable)

3. **Prequalification of Bidders** – the rule conforms to Sec. 102.01 *Mississippi Standard Specifications for Road and Bridge Construction, as amended*; and Title 23 Sec. 635.110 of the *Code of Federal Regulations as amended*; and Section 65-1-85 of the *Mississippi Code of 1972 as amended*.
4. **Proposal Sales and/or Distribution** – Proposals may be viewed and downloaded at no cost at <http://mdot.ms.gov>, or purchased according to terminology in the advertisement for each project. Sections 102.02 and 102.03 of the *Mississippi Standard Specifications for Road and Bridge Construction, as amended*, are to be noted for this rule.
5. **Addenda to Proposal** – the rule conforms to Sec. 102.06 and Sec. 102.07 subsection (e) of the *Mississippi Standard Specifications For Road and Bridge Construction, as amended*; Section 31-7-13, subsection (c) (ii) of the *Mississippi Code of 1972 as amended*, Title 23 Sec. 635.112 of the *Code of Federal Regulations as amended* and as noted in the *Federal Highway Administration's Program Administration Contract Administration Core Curriculum Participant's Manual and Reference Guide Section III*. Contractors who have been approved to bid will be notified electronically of any addenda issued prior to the letting date. The contractor will need to apply the electronic addenda to the bid file.
6. **Letting Process** – the rule conforms to Sec. 102 *Mississippi Standard Specifications For Road and Bridge Construction as amended*, Sec. 31-3-21 of the *Mississippi Code of 1972 as amended* and Title 23 Sec. 635.113 *Code of Federal Regulation as amended*. Bids are received in accordance with the terminology noted in the advertisement/Notice to Contractors. Bids are read in accordance with *Mississippi Transportation Commission Order dated 12-5-2002, found at Minute Book 9, Page 1225 of the Official Minutes of the Mississippi Transportation Commission (opening and reading construction bids publicly)* and Title 23 Section 635.113 *Code of Federal Regulations as amended*, however, irregularities (some noted in Sec. 102.07 *Mississippi Standard Specifications For Road and Bridge Construction, as amended* and Title 23 Sec. 635.113 *Code of Federal Regulations as amended* and as noted in the *Federal Highway Administration's Program Administration Contract Administration Core Curriculum Participant's Manual and Reference Guide Section III*) in the bid submitted by the contractor may result in the bid submission being rejected. To avoid irregular bids, contractors should comply with the Bidder Check List in the bid file. Bid Bonds are required in accordance with Sec. 102.08 of the *Mississippi Standard Specifications for Road and Bridge Construction, as amended*.
7. **Award and Execution of Contract** – the rule conforms to Sec. 103 of the *Mississippi Standard Specifications for Road and Bridge Construction as amended*, Sections 31-7-13 & 65-1-85 of the *Mississippi Code as amended* and Title 23 Sec. 635.114 *Code of Federal Regulations*, and Title 23 Section 112 *United States Code as amended* and as noted in the *Federal Highway Administration's Program Administration Contract Administration Core Curriculum Participant's Manual and Reference Guide Section III*. Generally, awards are made at the first Commission meeting after the bid opening; however, concurrence in award is a prerequisite to Federal participation of Federal-aid contracts in construction costs and is considered as authority to proceed with construction, unless specifically stated otherwise. Once the Commission makes the award and concurrence from Federal Highway Administration (if required) is obtained, the department will mail notification of award. The Contractor receiving the award will receive other documentation that is required to be

executed and submitted back to the department to analyze for completeness before a Notice to Proceed with construction can be issued. If the documentation submitted back to the department is appropriate and accurate, the contract will be executed by the Executive Director, which is what actually makes it a valid contract and the Contractor will be issued a Notice to Proceed with construction. Section 103.08 and 108.02 of *the Mississippi Standard Specifications for Road and Bridge Construction as amended*, explains the consequences for the contractor failing to execute and return said documents.

- 102 Electronic links to all materials referenced (manuals, laws, regulations, etc.) relative to the Administrative Procedures Act Rules for the Contract Administration Division may be accessed via the department's internet website as follows:

<http://www.gomdot.com>

## Chapter 02000 Emergency Contracts

### Purpose

- 100 To establish rules concerning Emergency Projects/Contracts.
- 101 Actual construction work shall be performed by contract awarded by competitive bidding; unless, the governing board or the executive head, or his designee shall determine that an emergency exists.
- 102 The rule conforms to Sections 31-7-13 (j) and 65-1-85 of the *Mississippi Code of 1972 as amended*, Section 635.104 *Code of Federal Regulations as amended* and *The Federal Highway Administration Emergency Relief Manual as amended*. The Mississippi Department of Transportation reserves the right to alter this process according to the severity of the emergency.
1. **Emergency** – emergencies must involve an accident or unforeseen occurrence requiring immediate action and/or represents a direct danger to the general public health and safety.
  2. **Determination of Emergency** – the District Engineer will notify the Executive Director that an emergency condition exists.
  3. **Declaration of Emergency** – the Executive Director may declare the project as an emergency, at his/her discretion.
  4. **Preparation of Proposal** – once an emergency project is declared, a proposal will be prepared and such will be submitted to Contract Administration.
  5. **Distribution of Proposal** – when an emergency project proposal is received in Contract Administration, the department will solicit bids from interested contractors. Proposals will be distributed to those contractors showing interest in the project.
  6. **Receipt of Bids and Bid Opening** – the department will, on the date noted in the proposal, receive bids in the department and open such at the designated time. The normal bidding procedures will apply at this time.
  7. **Letting Process** – the rule conforms to Sec. 102 *Mississippi Standard Specifications For Road and Bridge Construction as amended*, Sec. 31-3-21 and Sec. 65-1-85 of the *Mississippi Code of 1972 as amended*, Title 23 Sec. 635.113 *Code of Federal Regulation as*

amended and Chapter VI Section M (1.b.) of *The Federal Highway Administration Emergency Relief Manual as amended*. Sealed proposals are received in accordance with the terminology noted in the advertisement/Notice to Contractors. Sealed proposals are opened and read in accordance with Section 635.113 *Code of Federal Regulations as amended*, however, irregularities (some noted in Sec. 102.07 *Mississippi Standard Specifications For Road and Bridge Construction, as amended* and Title 23 Sec. 635.113 *Code of Federal Regulations as amended* and as noted in the *Federal Highway Administrations Program Administration Contract Administration Core Curriculum Participant's Manual and Reference Guide Section III*) in the bid submitted by the contractor may result in the bid submission being rejected. To avoid irregular bids, contractors should comply with the Bidder Check List at the front of each proposal. Bid Bonds are required in accordance with Sec. 102.08 of the *Mississippi Standard Specifications for Road and Bridge Construction, as amended*.

8. **Award and Execution of Contract** – the basics of the rule conform to Sec. 103 of the *Mississippi Standard Specifications for Road and Bridge Construction as amended*, Sec. 31-7-13 of the *Mississippi Code as amended* and Title 23 Sec. 635.114 *Code of Federal Regulations*, and Title 23 Sec. 112 *United States Code as amended*, the *Federal Highway Administrations Program Administration Contract Administration Core Curriculum Participant's Manual and Reference Guide Section III-Part V* and as noted in *The Federal Highway Administration Emergency Relief Manual as amended*. Emergency jobs are awarded by the Executive Director with the Commission concurrence at their next meeting. Once the Commission makes the award and concurrence from Federal Highway Administration (if required) is obtained, the department will mail notification of award. The Contractor receiving the award will receive other documentation that is required to be executed and submitted back to the department to analyze for completeness before a Notice to Proceed with construction can be issued. If the documentation submitted back to the department is appropriate and accurate, the contract will be executed by the Executive Director, which is what actually makes a valid contract, and the Contractor will be issued a Notice to Proceed with construction. Section 103.08 and 108.02 of the *Mississippi Standard Specifications for Road and Bridge Construction as amended*, explains the consequences for the contractor failing to execute and return said documents.

- 103 Electronic links to all materials referenced (manuals, laws, regulations, etc.) relative to the Administrative Procedures Act Rules for the Contract Administration Division may be accessed via the department's internet website as follows:

**<http://www.gomdot.com>**

## **Chapter 03000 Subcontracting**

### Purpose

- 100 Establish Procedures Covering Subcontracting
- 101 In accordance with Federal Highway Administration Federal-Aid Policy Guide CFR 23 Section 635.116, and the *Mississippi Standard Specifications for Road and Bridge Construction*, the prime contractor is required to perform with its own organization contract work amounting to not less than 40 percent of the total contract price excluding any



identified specialty items. Specialty items may be performed by subcontract and the amount of any such specialty items so performed may be deducted from the total original contract before computing the amount of work required to be performed by the prime contractor's own organization. The contract amount upon which the foregoing 40 percent requirement is computed includes the cost of materials and the manufactured products which are to be purchased or produced by the prime contractor under the contract provisions.

102 Any subcontract request, Form CAD-720, Request for Permission to Subcontract, must be approved by the Executive Director before the subcontractor begins work. The subcontractor will be permitted to perform only the work included in the approved subcontract request. For Federal-Aid projects, Form CAD-725, (Sub) Sub-Contract Certification for Federal-Aid Projects, and Form CAD-521, Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246), must be attached and submitted with Form CAD-720.

103 To assure that all work (including subcontract work) is performed in accordance with the contract requirements, the prime contractor shall be required to furnish a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work).

*[Reference Mississippi Code 1972, Title 31. Public Business, Bonds and Obligations, Chapter 3. State Board of Public Contractors]*

104 On projects financed with 100 percent state funds, all subcontractors must be licensed by the Mississippi State Board of Contractors if the amount of the subcontract is in the amount of Fifty Thousand Dollars (\$50,000.00) or more.

#### PURPOSE

200 Establish Procedures Covering Subcontracting of Haul

201 All trucks or hauling equipment used where a pay item or absorbed item is involved, except those owned or rented by the prime or subcontractor and bona fide owner-operator, must be covered by an approved Form CAD-720, Request for Permission to Subcontract. The Executive Director must approve the CAD-720 prior to the commencement of the hauling operation. Exceptions are those trucks or hauling equipment owned or rented by the prime contractor, subcontractor, or bona fide owner-operator. *[Reference Mississippi Standard Specifications for Road and Bridge Construction]*

202 Electronic links to all materials referenced (manuals, laws, regulations, etc.) relative to the Administrative Procedures Act Rules for the Contract Administration Division may be accessed via the department's internet website as follows:

**<http://www.gomdot.com>**

## Chapter 04000 Statements and Payrolls

### Purpose

- 100 Establish the rules to insure compliance with Contract Labor Provisions Relative to the prompt submission of Labor Payrolls on construction contracts by prime and subcontractors.
- 101 The rule conforms to Section 110 of the *Mississippi Standard Specifications for Road and Bridge Construction*, Title 29 of the *Code of Federal Regulations*, Title 23 of the *United States Code*, the *Davis-Bacon Act* and the *U.S. Department of Labor* and *The Fair Labor Standards Manual to the Congressional Accountability Act*. Forms mentioned may be obtained by contacting Contract Administration.
1. **Predetermination of prevailing wage rates** – Each contractor and subcontractor must submit 2 copies of form CAD-880 to the Project Engineer and County Engineer weekly. One of such will be forwarded to the Compliance Officer. Such information is utilized to determine future wage rates.
  2. **Weekly Labor Payrolls and Weekly Summary of Wage Rates** – Once work has begun on a contract, the contractor and/or subcontractor will be required to submit two copies of his/her weekly payroll, forms CAD-880 and CAD-881 (which can be obtained from Contract Administration), on all Federal-Aid projects and two copies of his/her weekly payroll, form CAD-880, on all 100% State Funded projects. If no work is completed, the contractor/subcontractor will be required to submit a negative (NO WORK) statement for the period. When work is completed and a weekly payroll is FINAL, such must be noted thereon. The Project Engineer has one week to check the payrolls and forward such to the Compliance Officer. The warrant will not be issued to the Contractor for payment of the monthly estimate if the required payroll reports have not been received.
  3. **Detection of Violation and the withholding of Unpaid Wages and Liquidated Damages**- The rule conforms to the *Work Hours Act of 1962*. Violations will be computed and recorded on form CAD-882 by the Compliance Officer. A copy of such will be forwarded to the Contractor to serve as notification of the violation. Action required to rectify the violation will be shown on this copy. The violation may not be cleared until the Compliance Officer has received a supplemental payroll, proof of restitution signed by the employee, letter of explanation from the contractor and a final determination by the Federal Highway Administration and/or the Secretary of Labor.
  4. **Labor Regulations (Employee Interviews)** – the rule complies with *Federal Highway Administration Regulations* requiring labor compliance interviews of employees of contractors and subcontractors on all Federal-Aid projects. Form CAD-440 will be the reporting instrument in this instance.
  5. **Employee Information Requirements** – the rule complies with *U.S. Department of Labor Regulations*. Contractors and Subcontractors are required to display information on Federal-Aid projects. Posters PR-1022, FHWA 1495, EEO Poster and Job & Health Protection. Wage rates as published by the Department of Labor, the company EEO policy statement, a letter stating the companies EEO Officer, MBE Liaison Officer, and Safety Officer, a letter to the Project Engineer designating a responsible person and alternate along with their telephone numbers to implement the traffic control plan, Job Superintendent

information, 404 permit (when required), and the name and telephone numbers of physicians, hospitals, and/or ambulances must be posted.

6. **Non-Discrimination Construction Contracts** – the rule conforms to Title 49 *Code of Federal Regulations*, Title VI of the *Civil Rights Act of 1964* and Title 42 *U.S. Code*.
7. **Annual Equal Opportunity Reports by Contractors and Subcontractors on Federal-Aid Projects** – the rule conforms to the *Federal Highway Administration Regulations*. The regulations require each prime contractor and subcontractor who holds a subcontract of \$10,000 or more to submit annual reports on Form FHWA-1391. The Compliance Officer will submit the FHWA-1391 to the prime contractor each year. The prime contractor will furnish such to the subcontractors as needed.
8. **On-the-Job Training Programs** – the rule conforms to the *Federal Highway Administration Regulations*, Special Provisions No. 907-906-2 of the *Federal Transmittal No. 147 dated June 26, 1975*. When trainees are required and prior to commencing construction, the contractor shall submit to the Compliance Officer /Contract Administration Division for approval, the selected classification and the approximate start date of each trainee. When each trainee is assigned to a project, the contractor will immediately submit Form FHWA-320 in duplicate directly to the Compliance Officer/Contract Administration Division. Notification will be forwarded to the Project Engineer and daily statements regarding the trainee will be maintained in the project diary. The contractor will complete form CAD-685 weekly and submit such to the Project Engineer and the trainee will be interviewed at least once during his/her training program using form CAD-440 on Federal-Aid projects. Full and proper documentation of the contractors' activity is very important because training represents a pay item under the contract.

- 102 Electronic links to all materials referenced (manuals, laws, regulations, etc.) relative to the Administrative Procedures Act Rules for the Contract Administration Division may be accessed via the department's internet website as follows:

<http://www.gomdot.com>

## **Chapter 05000 Contractor Payment**

### Purpose

- 100 To measure quantities, determining compensation and providing payment to contractors.
- 101 This rule will establish the methods of measuring quantities to determine proper payment to the contractor. MDOT pays the contractor based on measured quantities. The rule conforms to the Mississippi Standard Specifications for Road and Bridge Construction as amended, the Mississippi Code of 1972 as amended, the Code of Federal Regulations as amended and U. S. Code as amended.
1. **Measurement of Quantities** – the rule conforms to Sec. 109.01 of the *Mississippi Standard Specifications for Road and Bridge Construction as amended*.
  2. **Scope of Payment** – the rule conforms to Sec. 109.02 and 109.03 of the *Mississippi Standard Specifications for Road and Bridge Construction as amended*.

3. **Extra & Force Account work** – the rule conforms to Sec. 109.04 of the *Mississippi Standard Specifications for Road and Bridge Construction as amended*.
4. **Partial Payments** – the rule conforms to Sec. 109.06 of the *Mississippi Standard Specifications for Road and Bridge Construction as amended*, Sec. 31-5-25 *Mississippi Code of 1972 as amended* and Sec. 635.122 *Code of Federal Regulations as amended*. The documentation for payment to contractor will be recorded on forms CAD-001 and CAD-002 as amended which are maintained in the Contract Administration Divisions Forms Manual. Advancement on Materials, Retainage and Withholding of Estimates are all discussed in Section 109.06 of the *Mississippi Standard Specification for Road and Bridge Construction as amended*.
5. **Changes in Material Costs** – the rule conforms to Sec. 109.07 of the *Mississippi Standard Specification for Road and Bridge Construction as amended*.
6. **Overpayment** – the rule conforms to Sec. 109.08 of the *Mississippi Standard Specifications for Road and Bridge Construction as amended*.
7. **Acceptance and Final Payment** – when all provisions of the contract have been completed and are in compliance with the specification, the Director will issue an acceptance letter to the Contractor. Once Contract Administration receives a copy of the Director’s acceptance letter and the Surety Release, which is a task the Contractor must administer, authorizing payment to the contractor for full and final payment, final payment will be made to the to the contractor in accordance with Sec. 109.11 of the *Mississippi Standard Specification for Road and Bridge Construction as amended*.

102 Electronic links to all materials referenced (manuals, laws, regulations, etc.) relative to the Administrative Procedures Act Rules for the Contract Administration Division may be accessed via the department’s internet website as follows:

**<http://www.gomdot.com>**

### **Chapter 06000 Prompt Payment**

#### **Purpose**

- 100 The purpose of this rule is to establish a rule the contractor must adhere to when payment to a subcontractor is required.
- 101 The rule conforms to the Mississippi Code of 1972 as amended and the Mississippi Standard Specifications for Road and Bridge Construction as amended.
- 102 When a contractor receives any payment under a public construction contract, the contractor shall upon receipt of that payment, pay each subcontractor and material supplier in proportion to the percentage of work completed by each subcontractor and material supplier. If for any reason the contractor receives less than the full payment due under the public construction contract, the contractor shall be obligated to disburse on a pro rata basis those funds received, with the contractor, subcontractors and material suppliers each receiving a prorated portion based on the amount due on the payment. If the contractor, without reasonable cause, fails to make any payment to his subcontractors and material suppliers within fifteen (15) days after the receipt of payment under the public construction contract, the contractor shall pay to his subcontractors and material suppliers, in addition to

the payment due them, a penalty in the amount of one-half of one percent (1/2 of 1%) per day of the delinquency, calculated from the expiration of the 15-day period until fully paid. The total penalty shall not exceed fifteen percent (15%) of the outstanding balance. Such is supported in Section 31-5-27 of the *Mississippi Code of 1972 as amended*, Section 108.01.1 of the Mississippi Standard Specifications for Road and Bridge Construction as amended. Should the contractor fail to comply then Section 109.06.4 of the *Mississippi Standard Specifications for Road and Bridge Construction as amended* may govern as applicable.

- 103 Electronic links to all materials referenced (manuals, laws, regulations, etc.) relative to the Administrative Procedures Act Rules for the Contract Administration Division may be accessed via the department's internet website as follows:

**<http://www.gomdot.com>**

### **Chapter 07000 Substitution with Securities**

#### Purpose

- 100 The purpose of this provision is to establish a procedure for the withdrawal by the contractor of amounts retained on contracts by furnishing security in compliance with Section 31-5-15 *Mississippi Code of 1972 as amended*.
- 101 Under any public contract made or awarded by the Mississippi Transportation Commission, the Contractor may, with the written consent of his or its surety, from time to time, withdraw the whole or any portion of the amount retained from payments due the Contractor pursuant to the terms of the contract by depositing with the State Treasurer of the State of Mississippi the securities as written in Section 31-5-15 *Mississippi Code of 1972 as amended*, or any combination thereof in an amount equal to or in excess of the amount so withdrawn, said securities to be accepted at the time of deposit at market value but not in excess of par value.
1. The contractor will deposit acceptable security, as indicated by Section 31-5-15 *Mississippi Code of 1972 as amended*, supported by a properly executed power of attorney if required, with the State Treasurer of the State of Mississippi. At the time of deposit of security, the contractor will have had his surety furnish the State Treasurer written consent to withdraw the whole or any portion of the amount(s) retained, not to exceed the specified and acceptable value of the deposited security, from payments due to the contractor pursuant to the terms of the contract. The written statement furnished by the surety may be submitted in such form as to extend the consent for withdrawal of retainage throughout the life of the contract as limited by the value of current and subsequent deposit(s) of security. Three copies of this approved surety should be submitted to the Contract Administration Engineer.
  2. The Contractor will make a written request (letter, telegram, fax, Email) to the Contract Administration Engineer, indicating the total amount of the security, and will designate the project or projects to which the security is to be credited, and in case of its application to two or more contracts, designate the value to be credited to each project or contract.
  3. The Contractor will furnish the Contract Administration Engineer with a signed document from the contractor's bank, meeting all requirements as required by Section 31-5-15 *Mississippi Code of 1972 as amended*, which indicates at minimum the security's Cusip

number, receipt number, par value, market value, maturity date, effective date, type of security, pledged member(s), contractor's name and account number. As applicable, Contract Administration will specify all deadlines for the retainage withdrawal request to appear on the future monthly estimate.

4. Contract Administration will then furnish the Contractor with signed documentation that all securities have been approved for substitution of retainage.

- 102 Electronic links to all materials referenced (manuals, laws, regulations, etc.) relative to the Administrative Procedures Act Rules for the Contract Administration Division may be accessed via the department's internet website as follows:

**<http://www.gomdot.com>**

### **Chapter 08000 Liquidated Damages**

#### Purpose

- 100 The purpose of this rule is to explain Liquidated Damages.
- 101 Liquidated Damages may apply should a Contractor fail to complete the work in the stipulated time. The rule is supported by the *Mississippi Standards Specifications for Road and Bridge Construction as amended*, *The Code of Federal Regulations as amended* and the *Federal Highway Administrations Program Administration Contract Administration Core Curriculum Participants Manual as amended*.
- 102 Failure to complete the required work on time may result in liquidated damages that are governed by Section 108.07 of the *Mississippi Standards Specifications for Road and Bridge Construction as amended*, Section 635.127 *Code of Federal Regulations as amended* and as noted in the *Federal Highway Administrations Program Administration Contract Administration Core Curriculum Participants Manual as amended*. Statements of Daily Charges for Liquidated Damages are recorded on forms CAD-724B and CAD-724C as amended.
- 103 Electronic links to all materials referenced (manuals, laws, regulations, etc.) relative to the Administrative Procedures Act Rules for the Contract Administration Division may be accessed via the department's internet website as follows:

**<http://www.gomdot.com>**

### **Chapter 09000 Equipment Rental Request Form**

#### Purpose

- 100 To establish the rule related to request to rent equipment.
- 101 The rule conforms to the *Mississippi Standard Specifications for Road & Bridge Construction (as amended)* and the *Code of Federal Regulations (as amended)*.

- 102 As noted in Section 108.01.2 of the *Mississippi Standard Specifications for Road & Bridge Construction (as amended)*, for any work proposed to be performed by rental equipment, the Contractor shall, in advance of such use, notify the Resident or Project Engineer on the Department's Standard Equipment Rental Request form, more commonly known as form CAD-160. This form is maintained in the Department's Forms Manual.
- 103 Electronic links to all materials referenced (manuals, laws, regulations, etc.) relative to the Administrative Procedures Act Rules for the Contract Administration Division may be accessed via the department's internet website as follows:

**<http://www.gomdot.com>**

## **Chapter 10000 Local Public Agency Projects in Contract Administration**

### Purpose

- 100 To establish the rule related to Local Public Agency project procedures within Contract Administration.
- 101 The rule conforms to the *Project Development Manual for Local Public Agencies (as amended)* and the *Code of Federal Regulations (as amended)*.
- 102 The Contract Administration Division's involvement in LPA Projects is as noted in the *Project Development Manual for Local Public Agencies (as amended)*. All applicable entities shall adhere to and comply with the *Project Development Manual for Local Public Agencies (as amended)* in relation to Local Public Agency Projects.
- 103 Electronic links to all materials referenced (manuals, laws, regulations, etc.) relative to the Administrative Procedures Act Rules for the Contract Administration Division may be accessed via the department's internet website as follows:

**<http://www.gomdot.com>**

## **Sub-part 7501 - Maintenance**

### **Chapter 03001 Processing Permit Applications**

#### Purpose

- 100 To establish a procedure for handling all Right of Way Encroachments permits (MND Forms) or agreements on state maintained highways and active projects.
- 101 This rule sets forth the process to require approved permits or agreements for all utilities located on the rights of way including those placed and/or adjusted under utility agreements in order that records be complete and certifications can be made that all utilities on projects are under proper agreement prior to being advertised for construction. The terms permit or agreements shall mean an approved written instrument in the form of an easement, MND Form, Utility Agreement or some special instruction defining the terms of such use and

occupancy of highway right of way, and the manner in which such encroachments are to be accommodated thereon.

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1. SECTION 200 DEFINITIONS
2. SECTION 300 GENERAL
3. SECTION 400 PERMIT PROCEDURE
4. SECTION 500 REFERENCES

***Definitions***

- 200 Mississippi Transportation Commission, hereinafter the “Commission”.
- 201 Mississippi Department of Transportation, hereinafter the “Department” or “MDOT”.

***General***

- 300 Attention is called to the Commission’s, requirements that all persons must secure encroachment permits (MND Forms) for utilities, driveways, grading, or any facility placed upon or charge made in the right of way and that all work in connection therewith must be in accordance with said permit.
- 301 Applications for encroachment permits on state maintained highways are to be made to the District Office, which supervises the maintenance of the highway on which the permit site is located. Employees are to be headquartered at these offices responsible for providing assistance to the applicant in the preparation of the application in accordance with the requirements of the Commission’s regulations, inspecting the site at which the proposed work is done, signing the application on the line indicating field inspection has been made and transmitting the application to the District Engineer with appropriate recommendation.
- 302 In order to properly discharge their assigned duties, it will be necessary that all personnel handling encroachment permits be kept informed of the limits of all proposed or active projects programmed and the changes in programming as the project advances. A planned highway improvement will be considered as being a proposed or active project on/or after any phase of development of the highway project is programmed and will be considered active until the date of final acceptance by the State or Federal Highway Administration, when applicable. When an encroachment application is first field inspected, the inspector should know whether a project is programmed at that location and the programming stage. Properly informed personnel may enable savings to be made in adjustments of utilities being constructed shortly before the right of way acquisition stage or prior to the beginning of construction. Although the adjustment may not be at state expense, the utility may realize a saving by being properly informed. The utility owner may elect to defer construction until the project plans are completed. Applications for other items such as driveways, frontage roads, grading, drainage and others may be affected by programmed construction. It is recognized that situations will arise that require special attention and in



these and all other instances, cooperation will be required between the District Engineer, Maintenance Division, Roadway Design Division, Right of Way Division (Utility Section), Traffic Engineering Division and Bridge Division as applicable to the specific permit details.

## Permit Procedure

400 SECTION 1. Permits for AI Sections of Highways Not on a Programmed Project. This section shall apply to all permits not otherwise covered under Section 401 and 402 below.

### 1. ROUTINE APPLICATIONS

All applications, except those on the Interstate Highway System, other fully controlled access highways and those hereinafter specified, which comply with the Commission's regulations may be approved by the District Engineer or his/her authorized designee. Prints of the approved application and permit will be made as necessary for distribution to the applicant by the District Office. The approved original Permit Forms will be retained by the District Office. After the work has been completed, the District Engineer or his/her authorized designee will make an on-site inspection and if the work has been completed in accordance with the permit, one print of the approved application will be signed on the line provided for installation inspection and filed in the District. If the installation is not in accordance with the permit, the District Engineer will advise the applicant, in writing, of such nonconformance and that additional work must be performed before the work under the approved permit will be accepted.

### 2. INTERSTATE AND OTHER CONTROLLED ACCESS HIGHWAYS

All applications on the Interstate Highway System and other Fully Controlled Access Highways will be forwarded by the District Office to the State Maintenance Engineer with appropriate recommendation and all such applications that comply with the Commission's regulations may be approved by him after any necessary approval by the Federal Highway Administration is obtained. The original copy of the approved application will be forwarded back to the District Office for distribution to the applicant, filing and installation inspection as described in SECTION 400.1 above.

### 3. NON COMPLIANCE WITH REGULATIONS

All applications not in compliance with the Commission's regulations regardless of the type of highway involved will be given special attention by the District Engineer in order that the application may be changed to comply with all regulations. If such change cannot be effected, the application will be forwarded to the State Maintenance Engineer with full explanation, including valid reasons, if any, why the application cannot be brought into compliance. It may then be referred through channels for consideration as a special circumstance. If authorized, the State Maintenance Engineer will approve the application. The original copy of the approved application will be forwarded to the District Office for distribution to the applicant, filing and installation inspection as described in SECTION 400.1 above.

### 4. OPEN CUT OF THE ROADWAY - TRAFFIC INTERFERENCE

The approval of all applications which unduly interfere with highway traffic and all applications to open cut the surface of the roadway must be approved by the State Maintenance Engineer. Applications to open cut the surface of the roadway will show, in detail, the method used to replace the surface. When there is interference with highway traffic the application will show the traffic control plans as well as any

necessary detour road. The original copy of the approved application will be forwarded to the District Office for distribution to the applicant, filing and installation inspection as described in SECTION 400.1 above.

5. SPECIAL REFERENCE

The District Engineer may refer any application to the State Maintenance Engineer. A full explanation should accompany such applications.

401 SECTION 2. PERMITS FOR SECTIONS OF HIGHWAYS ON ACTIVE PROJECTS

This section shall apply to all permits not otherwise covered under Section 1 above and Section 3 below.

1. GENERAL

- a. Before a Federal Aid Project can be authorized for construction, all public utilities as located upon the right of way on the proposed project must be covered by a proper permit and/or agreement in accordance with Federal Highway Administration (FHWA) rules and regulations. These requirements will also apply to State Projects.
- b. Utility and all other applications as received in the District Office, if located on an active project, will have placed thereon the notation, "Active Project No. \_\_\_\_\_", and all other information considered essential. If a project is dropped from the program without a contract having been awarded, the section of highway thereon reverts to its original status and the procedure under SECTION 400 would be applicable.
- c. The District Office will alert all personnel in charge of surveys to check the District Maintenance and Construction files for all approved utility encroachment permit applications and agreements. Where there are not approved applications and agreements on file for a utility, the District Engineer should request the Utility Company to complete a standard permit application and process the application through normal channels. If the utility may require adjustment, the permit application may be delayed until right of way plans are approved in order to show its proposed or final adjusted location as hereinafter set out. If the application is in accordance with regulations, it may be approved as set out in SECTION 400.1 above. If the application does not meet the regulations, it should be handled as set out in SECTION 400.3 above.
- d. Applications for new utility installations which occur during the active program period must be properly authorized on the appropriate MND Form and approved by the District Engineer or his/her authorized designee except those outlined in the next paragraph. All permit applications on the Interstate highway system and other fully controlled access highways shall be processed through the Maintenance Division as in SECTION 400.2 above. It is noted that situations may arise that require special attention from other divisions of the Department. If so, the Maintenance Division will serve as the liaison between the District and Central Office.
- e. For utilities that are in conflict with the construction of a proposed or active highway project and will require adjustments, or are to remain within the highway right of way, a proper permit application or agreement is required. Proper agreement forms will be furnished the utility company at the appropriate programmed stage. All permit applications are to be signed by the District Engineer or his/her authorized designee except in those instances previously designated.

- 402 SECTION 3. PERMITS FOR SECTIONS OF HIGHWAYS UNDER CONTRACT
1. Right of Way Encroachment applications on a section of a highway on which a contract has been executed will be handled as set out in SECTION 401.1.d above and will comply with additional requirements as follows:
    - a. The applicant must furnish a letter from the prime contractor in which it is stated “It is expressly agreed that the construction as shown on the attached encroachment application by \_\_\_\_\_ will in no way interfere with the construction under contract, and upon approval by the Mississippi Department of Transportation may be performed as shown with the full knowledge and consent of the undersigned.”
    - b. Applications will also be subject to the approval of the project or resident engineer supervising the contract and such approval will be indicated on the permit by initial and date.
    - c. The application will contain the highway project number.

403 SECTION 4. PERMITS FOR DRIVEWAYS FOR LARGE TRAFFIC GENERATOR DEVELOPMENTS

This section shall apply to all permits in SECTION 400, 401, and 402 above relative to large traffic generator developments.

1. All permit applications for driveways for large traffic generator developments will be processed in accordance with this Rule, Rule 37.I.-7501.04013, Driveway and Street Connections, Median Openings, Frontage Roads and Rule 37.I.7501.04002, Right of Way Encroachment Permits, and the MDOT Access Management Manual.

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

- 500 37.I.7501.04002, Right of Way Encroachment Permits
- 501 37.I.7501.04009, Instructions for processing Form MND 603, Performance Bond
- 502 37.I.7501.06001, Accommodation of Utilities on Freeway Right of Way.
- 503 For Mississippi Code see [www.state.ms.us](http://www.state.ms.us)
- 504 For Federal Government U.S. Code see [www.gpoaccess.gov](http://www.gpoaccess.gov) or [www.dot.gov](http://www.dot.gov)
- 505 For MUTCD and FHWA links see <http://mutcd.fhwa.dot.gov> and [www.fhwa.dot.gov](http://www.fhwa.dot.gov)
- 507 MDOT specific rules, forms, publications, SOPs, and other support documentation are available for review at MDOT
- 508 MDOT Access Management Manual, Current Edition

**Chapter 03004 Permits for Seismic Surveys**

Purpose

- 100 To establish a policy for issuance of permits for seismic surveys performed on the highway rights of way of the Mississippi Department of Transportation, hereinafter called “Department”.
- 101 This rule establishes procedures for issuance of a permit to perform seismic surveys on MDOT rights of way.
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Procedures

- 200 The applicant shall furnish the following documents as part of the permit application:
1. A letter stating that:
    - a. The applicant does hereby covenant and agree to indemnify and hold harmless the Mississippi Transportation Commission and the Mississippi Department of Transportation from and against any claims, actions, suits, causes or demands, including court costs and reasonable attorneys’ fees, proximately resulting from acts or omissions of the applicant, or applicant’s servants, agents or employees in prosecution of the activities proposed under this permit application; and
    - b. The applicant does hereby agree to pay for any damage to the roadway proximately caused by the acts or omissions of the applicant, or applicant’s servants, agents or employees in prosecution of the activities proposed under this permit application. This letter shall be signed by the company official duly authorized to issue this document.
  2. A performance bond may be required at the discretion of the District Engineer.
- 201 The applicant is fully responsible for obtaining written permission from adjacent land owners, owners of mineral interests and lessees, if applicable, to perform a seismic survey on or near their property. The applicant shall, upon request, furnish the Department copies of these documents.
- 202 The District Engineer may consider approval of applications from authorized applicants.
1. The District Engineer may reject any application which in his opinion could cause hazard to the traveling public or be detrimental to the condition of the highway rights-of-way.
  2. The design, materials and method(s) used for the seismic survey must be specified in writing and shall adhere to all safety guidelines set forth by the industry standard. It is noted that the applicant, by signing this permit, certifies that the design, materials and method(s) of operations are of the industry standard, where the industry standard is indicated.
  3. The District Engineer will have a visual inspection (unless otherwise deemed necessary) made prior to each survey and within 60 days after completion of each survey in order to determine if any damage has occurred to the highway facility.

## General Requirements

- 300 Each application will be submitted on Form MND-004, Application for Permit to Locate Certain Facilities on or to Perform Certain Work on State Highway Right of Way, and will show a plat of the highway by sections, townships, counties, highway intersections and other appropriate landmarks.
- 301 Each application will contain a short description of the equipment involved, the source type, the method of operation(s) and where the equipment will be positioned. The method of operation(s) may be presented to the Department in 2 Dimension or 3 Dimension views as the applicant chooses.
- 302 The District Engineer shall be given 24 hours notice prior to the survey and after completion of the survey.
- 303 Seismic surveys shall not be performed on the Interstate system.
- 304 The applicant shall not place or use any source of energy (compressed air, explosives, vibrators, etc.) on highway right of way. Receiving units (cables, trucks, etc.) will be permitted to be placed on highway right of way excluding the Interstate system.
- 305 The following safety precautions will be in force.
1. Time of Work - The survey will be accomplished during daylight hours only and no work will be performed on Saturdays, Sundays, New Years Day, Independence Day, Labor Day, Thanksgiving or Christmas Day or the day preceding or following these holidays when the highway being surveyed is apt to be heavily traveled. No work shall be performed on the highway right of way during days of rain, sleet, snow, ice on the highway and/or fog.
  2. Traffic Control – 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. The applicant shall attach a special traffic control plan to the application if special traffic control details are required. When the survey operation is on the pavement, not more than one traffic lane will be blocked. The work will progress in the same direction as traffic in the lane in which work is being performed.
- 306 The permit approval will be for a maximum of twelve months and will not be extended. A new application must be submitted for approval if the seismic survey is not completed within the twelve months listed in the previous sentence.
- 307 The application shall be approved prior to beginning the work.

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

- 400 37.I.7501.04002, Right of Way Encroachment Permits.
- 401 37.I.7501.03001, Processing of Permit Applications
- 402 37.I.7501.04007, Application for Permit to Locate Certain Facilities on or to Perform Certain Work on State Highway Right of Way, Form MND-004.
- 403 Form MND-005, Supplement Form for Additional Sheets to Form MND-001, MND-002 and MND-004.
- 404 Manual on Uniform Traffic Control Devices (MUTCD), Current Edition.
- 405 For MUTCD and FHWA links see <http://mutcd.fhwa.dot.gov> and [www.fhwa.dot.gov](http://www.fhwa.dot.gov)
- 406 MDOT specific rules, forms, publications, SOPs, and other support documentation are available for review at MDOT

**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. Additionally any such maintenance clearing and pruning may be performed without further permit, however the District Permit Officer shall be notified at least 24 hours in advance of work. A routine permit is required if the applicant is performing maintenance operations that require a closure within the limits of the roadway or shoulder of the highway. 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 erodible 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 within the same day of the operation. 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. Rules 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, as well as sight flare and sight distance safety improvements will be included in other applicable Rules. The trimming or cutting of trees, shrubs and/or vegetation on highway rights-of-way not under the provisions of this Rule but for the purpose to improve or enhance the visibility or view of any Outdoor Advertising Sign or Device, or a potential site for Outdoor Advertising Sign or Device, is strictly prohibited as set forth in Rule 37.I.7501.09002, Control of Outdoor Advertising Adjacent to State Controlled Routes.
- 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 shall be 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. Clear cutting or the removal of trees beyond the established limits will be allowed without reimbursement on a case-by-case basis if the monetary value of the timber would be less than the improvement value being made to the right-of-way. These improvements include but are not limited to enhanced safety sight distance of the traveling public or an overall reduction in maintenance costs. Additional clearing may be required by the District Engineer, or his/her designed, if potential safety issues exist and/or aesthetic field conditions warrant remnant patches of vegetation to remain.

#### 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 State Controlled Routes
- 406 For Mississippi Code see [www.state.ms.us](http://www.state.ms.us)
- 407 For MUTCD and FHWA links see <http://mutcd.fhwa.dot.gov> and [www.fhwa.dot.gov](http://www.fhwa.dot.gov)
- 408 MDOT specific rules, forms, publications, SOPs, and other support documentation are available for review at MDOT

**Chapter 03006 Supplemental Forms for Clearing and Pruning of Trees and Other Vegetation for Construction and Maintenance of Utility Lines, Forms MND-755, MND-756, MND-757, MND-759 and MND-760**

Purpose

- 100 To establish a policy for attaching certain forms to applicable permits relative to clearing and pruning of trees and other vegetation for utility lines and for controlling vegetation along those lines.
- 101 This rule establishes policy and lays out specific permit forms for use in clearing and pruning of trees and other vegetation for utility lines and for controlling vegetation along those lines.

## General

- 200 The following applicable permit forms are to be used for construction of utility lines on highway right of way:
1. Application for Permit to Construct Pipeline, Form MND-002.
  2. Application for Permit to Construct Utility Lines Along or Across State Highways for Holder of Master Agreements, Form MND-003.
  3. Application for Permit to Locate Certain Facilities on or to Perform Certain Work on State Highway Right of Way, Form MND-004.
- 201 The following appropriate forms are to be attached to the applicable MND-002, MND-003 and/or MND-004 permit forms listed in Section A above to identify the limits of clearing and pruning of trees and other vegetation for utility lines:
1. Clearing and Pruning Limits for Parallel Above Ground Utility Lines for Electric Power Lines, Form MND-755.
  2. Clearing and Pruning Limits for Above Ground Utility Highway Crossings for Electric Power Lines, Form MND-756.
  3. Clearing and Pruning Limits for Underground Crossings and Parallel Utility Lines for Gas, Water, Sewer and Other Pipelines, Form MND-757.
  4. Clearing and Pruning Limits for Underground Crossings and Parallel Utility Lines for Telephone and Other Communication Lines, Form MND-758.
- 202 The following forms are to be used for maintaining undergrowth and other vegetation along utility lines by the use of herbicides:
1. Special Use Herbicide Permit, Form MND-759.
  2. Herbicide Management Plan, Form MND-760.
- 203 Forms MND-759 and MND-760 are self-explanatory with the processing instructions listed in Rule 37.I.7501.03005, Clearing and Pruning of Trees and Other Vegetation for Utility Lines.
- 204 All forms listed in Section 201 and 202 are attached to this Rule.

## REFERENCES:

- 300 37.I.7501.03005, Clearing and Pruning of Trees and Other Vegetation for Utility Line.

## **Chapter 03008 Encroachment Permits for County and Municipally Owned Collection Stations for Solid Waste**

### Purpose

- 100 To Establish a Policy on Permits for Location of Solid Waste Collection Stations on State Highway Rights of Way.

101 This rule details requirements for the location of solid waste collection stations upon state highway rights of way.

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

1. Location of solid waste collection stations on state highway rights of way may be permitted only in instances where no practicable and feasible location off state highway rights of way can be found. The applicant shall provide adequate parking for the station site(s). The driveway for the station site(s) shall have adequate stopping sight distances as indicated in Rule 37.I.7501.04013, Driveway and Street Connections, Median Openings, Frontage Roads.
2. Solid waste collection stations are not to be located on the rights of way of freeways, rights of way of partially controlled access highways, and at locations on the rights of way of any highway where access to and from the abutting property is prohibited.
3. Permit applications will be submitted on Form MND-001, Application for Permit to Construct Driveway, and such application shall conform to the requirements of Rule 37.I.7501.04002, Right of Way Encroachment Permits, Rule 37.I.7501.03001, Processing of Permit Applications and with Sections A, B, and C of Rule 37.I.7501.04013, Driveway and Street Connections, Median Openings, Frontage Roads.
4. Where the abutting property is owned by the county or municipality, a permit for locating a collection station on highway right of way will not be approved; however, the applicant may request approval for a driveway permit for access for the collection station.
5. The application for location of the station on state highway right of way will not be considered unless the application includes thereon on a properly executed statement reading as follows:

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

Owner: \_\_\_\_\_ Signed: \_\_\_\_\_ Wit  
ness: \_\_\_\_\_ Signed: \_\_\_\_\_

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

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

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

- A. Construct the facility shown on this application at its own expense and at such time as it is no longer feasible to operate the station further agrees to remove same and restore the highway rights of way

to a condition acceptable to the Chief Engineer-Deputy Executive Director of the Mississippi Department of Transportation, hereinafter "Department".

- B. After the container has been placed at the specified location for a period of six months and its use indicates that it should be a permanent location, the applicant shall pave the area designated on the permit at the sole expense of the applicant.
- C. All waste receptacles will be constructed of solid metal, equipped with self-closing lids, meeting all requirements of the State Board of Health and designed so as to enable waste to be deposited and emptied in a manner that will not create an unsightly or unsanitary condition at the station.
- D. The applicant will keep the station area clean at all times.
- E. Upon failure of the applicant to comply with the terms of this permit, said permit may be canceled by the Department upon thirty days written notice.
- F. The applicant shall obtain any permit(s) required from the Mississippi Department of Environmental Quality (DEQ) for locating and operating any transfer, storage and/or collection station and transportation thereof on public or private property in addition to the highway permit from the Department.
- G. The waste container and all parking must be located outside the clear zone.
- H. This Rule, 37.I.7501.03008, Encroachment Permits for County and Municipally Owned Collection Stations for Solid Waste, shall be hereto attached and considered part thereof of the applicants permit and he/she shall comply with all terms herein.

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

200 37.I.7501.04013, Driveway and Street Connections, Median Openings, Frontage Roads.

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

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

203 37.I.7501.03001, Processing of Permit Applications

204 Mississippi Department of Environmental Quality Rules and Regulations for Solid Waste Collection Stations.

205 For Mississippi Code see [www.state.ms.us](http://www.state.ms.us)

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

## Chapter 04001 Underground Utility Crossings

### Purpose

- 100 To establish a policy for underground utility line crossings, encroachments and tunneling permits and to establish the responsibility for construction and maintenance of all such work on Mississippi Department of Transportation Right of Way.
- 101 This rule sets forth the requirements for the construction and maintenance necessary for permitting underground utility line crossings under bridges, box bridges without floors, crossings of highways, roads, streets and frontage roads and for encasements and tunneling on Mississippi Department of Transportation Right of Way. Reference is made to Forms MND-002 and MND-005.
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### USE OF DRAINAGE OPENINGS PROHIBITED

- 200 Underground utility lines crossing highways, frontage roads, and intersecting roads and streets within the right of way may not use the opening of a drainage structure as a means of obtaining the crossing, except that underground crossings may be placed in the proper depth trench under box bridges without floors and under bridges provided such locations will not be so near piers, piling or foundations that damage may occur or the line conflict with bridge supports, abutment fill slopes or slope paving.

JACKING, DRY BORING, BORING WITH DRILLING FLUIDS, TUNNELING AND DIRECTIONAL BORING REQUIREMENTS

- 300 Underground utility lines crossing dirt or gravel surfaced highways, frontage roads, intersecting roads and streets maintained by the Department may be accomplished by open trenching. After the encasement or the carrier pipe is laid, the trench will be immediately backfilled in lifts not exceeding six (6) inches thick, each lift being compacted to a density equal to or exceeding that of the adjacent material. The original surface will be restored. Where the facility to be crossed is open to traffic, one traffic lane will be kept open at all times. Underground utility lines crossing treated design soils, sub-bases, bases or pavements of highways, frontage roads, and intersecting roads and streets maintained by the Department will be accomplished by jacking, dry boring, boring with drilling fluids tunneling or directional boring in accordance with the requirements listed on Permit Form MND-002, Application for Permit to Construct Pipeline Along or Across State Highway, etc., Attachment A, Jacking, Dry Boring, Boring with Drilling Fluids, Tunneling and Directional Boring.
- 301 For all permits under this section, a Performance Bond, Form MND-603 may be required at the discretion of the District Engineer. The amount of the Performance Bond (\$10,000 min. if required) shall be determined by the District Engineer based upon the proposed work.
- 302 Application for pipe bursting to be performed on pipe located on highway right of way other than Interstate right of way shall be approved on a case by case basis. Pipe bursting will not be allowed on Interstate right of way. Should an applicant request to perform pipe bursting they shall provide the following certifications:

- (1) I, \_\_\_\_\_, P.E. hereby certify that the proposed work will not  
**Professional Engineer**  
cause damage to the roadway structure or other appurtenances such as guardrail and drainage structures.
- (2) We/I, \_\_\_\_\_, hereby certify the following:  
**Applicant**
1. The contractor has received training and is certified by the respective manufacturer of the pipe bursting equipment to operate pipe bursting equipment and systems.
  2. Only the contractor's employees who have been trained and certified shall operate the pipe bursting equipment during the project.
  3. The contractor shall provide certification from the manufacturer that the operators have been trained and are proficient in the use of the equipment.

I, also, hereby certify that I have the authority to make the certification herein and to bind  
\_\_\_\_\_ concerning such certification.  
**Applicant**

Certified \_\_\_\_\_

**DRIVEWAYS**

- 400 The maintenance of paved driveway connections to abutting property is the responsibility of the abutting property owner and the utility owner is responsible to such person or persons for the method used in accomplishing the driveway crossing. The maintenance of private unpaved driveway connections to abutting property is the responsibility of the Department, but the utility owner is responsible to such person or persons for the method used in accomplishing the driveway crossing and for returning the driveway to a condition acceptable to the abutting property owner. (Reference is made to Rule 37.I.7501.03002, Construction and Maintenance of Driveway, ---Connections to State Highways).

**CONSTRUCTION DETAILS - OPEN TRENCHES - ENCASUREMENT LENGTHS**

- 500 All lines required to be jacked or bored and not required to be encased will be of material of adequate strength and design for jacking or boring; in lieu thereof, an encasement of adequate strength and design may be jacked or bored and the carrier pipe inserted therein.
- 501 Encasements will extend at least six (6) feet from the toe of fill slopes and at least six (6) feet from the ditch line in ditch sections; however, all encasements will extend at least ten (10) feet from the roadway shoulder when shallow or no ditch sections; flat slopes, etc. are encountered. (See Attachment A for details). The required encasement lengths and limits for the specific permit shall be determined by the District on a case-by-case basis. Open trenches approaching jacked, bored or tunneled crossings will not be excavated more than two (2) feet toward the highway from the end of the encasement. No open trench in cut sections or no ditch sections will encroach upon the pavement base, sub-base or treated design soil. Depth of cover will be sufficient to clear any pavement base, sub-base or treated design soil by at least one (1) foot and in no instance should the top of the encasement or the carrier pipe be less than thirty-six (36) inches below any ditch bottom. Crossing approaches and parallel lines shall have thirty-six (36) inches minimum cover. Where soil conditions, depth of trench, or other factors constitute a hazard to the roadway or to the highway user, the length of encasement and open trench restrictions will be increased as necessary. Where necessary, sheeting may be required. All fuel carrier pipes which are required to be encased or on which encasements are used will be vented. Vents will be placed on the right of way line or not more than one (1) foot inside the right of way and the top of the vent will be located three (3) feet above the ground as a minimum. In municipal or other built-up sections, there is often not enough street width to provide the required open trench clearances or sufficient space for boring, jacking or tunneling pits. These instances will be treated as special cases, each according to its merits. They should be fully documented and referred to the State Maintenance Engineer for disposition.
- 502 Unless there are overriding practical considerations, carrier pipes or encasements as required or used shall be jacked, bored or tunneled across the medians of all 4-lane

conventional, partially controlled and fully controlled access highways in order that construction and maintenance equipment and personnel in the medians will be eliminated. Where encasements are required and permitted to be laid in open trenches, they will also be continued across these medians.

- 503 Where encasements are required or used under the through and/or auxiliary lanes or ramps of fully controlled access highways, such encasements shall extend from the through and/or auxiliary lanes or ramps a minimum distance of two (2) feet outside the control of access line.

#### PRESSURE PIPELINES CARRYING LIQUIDS - ENCASEMENT REQUIREMENTS

- 600 Pipelines that are subject to the requirements of the Mississippi Public Service Commission shall be constructed in accordance with its requirements.
- 601 Pressure pipelines carrying liquids such as water, sewage, crude oil and petroleum that cross under roads, streets, frontage roads, ramps, conventional highways, partially controlled and fully controlled access highways will be encased as required in paragraphs 2, 3 and 4 of Section D above; however, pressure pipelines carrying hazardous liquids (crude oil and petroleum products) will not require encasement provided the pipeline company meets the requirements listed in SECTION 602.
- 602 If the pipeline company wishes to place a pipeline that is not encased under Department roadways, the pipeline company shall be required to submit a letter, along with the permit application, from a registered professional engineer certifying that the pipeline to be placed under Department roadways meets the standards set forth in the United States Code of Federal Regulations (CFR), Title 49, Part 195-TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE. The pipeline company shall also submit pipeline design calculations along with the permit application and the above referenced certification.
- 603 When an existing casing for a water line(s) is extended due to highway improvements, the new and existing casing connection may be made using the welding process and/or the use of mechanical couplings designed for this type of work.
- 604 The encasement material shall be steel pipe. If requested and approved by MDOT, HDPE pipe may be substituted for the steel encasement. Should a Utility company request using HDPE Pipe in lieu of steel for a crossing, they must place it six (6) feet below the ditch bottom or three (3) feet lower than the requirement for a steel encasement. The utility company will certify, by a registered professional engineer, that the HDPE pipe encasement meets industry standards for highway crossings. An example certification can be found in SECTION 1200 - 1203.

#### GRAVITY FLOW PIPELINES CARRYING LIQUIDS - ENCASEMENT REQUIREMENTS

- 700 Gravity flow pipelines carrying liquids such as water, sewage, crude oil and petroleum products when crossing under roads, streets, frontage roads, ramps, conventional highways, partially controlled and fully controlled access highways will not be required to be encased



other than as set out in SECTION 500. If encasements are used, they shall be in accordance with SECTIONS 501 – 503.

#### PRESSURE PIPELINES CARRYING GASES - ENCASEMENT REQUIREMENTS

- 800 Pipelines carrying gases that are subject to the requirements of the Mississippi Public Service Commission shall be constructed in accordance with its requirements.
- 801 Pipelines carrying gases with a pressure of forty-five (45) pounds per square inch or less will not be required to be encased under roads, streets, frontage roads, ramps, conventional highways, partially controlled and fully controlled access highways other than as set out in SECTION 500. If encasements are used, they shall be in accordance with SECTIONS 501 - 503.
- 802 Polyethylene pipelines carrying gases for service lines operating under low pressure will be permitted outside the limits of the highway roadways without encasement. Any polyethylene gas pipeline that is permitted to be installed under the highway roadway must be encased and vented. Any encasement shall be in accordance with SECTIONS 501 – 503.
- 803 Gas pipelines carrying gases with a pressure in excess of forty-five (45) pounds per square inch crossing under roads, streets, frontage roads, ramps, conventional highways, partially controlled and fully controlled access highways shall be encased unless such pipelines have regularly inspected and adequately maintained cathodic protection in accordance with the utility company’s safety program and extra strength pipe is used for the length required to be encased in SECTION 500. Pipe will be considered extra strength when either the wall thickness is increased a minimum of ten (10) percent above that used for the design pressure of the subject line or the extra strength is achieved by use of pipe having ten (10) percent higher minimum yield strength. Pipe will also be considered extra strength when the combination of diameter, wall thickness and tensile properties is such that the internal pressure required to produce a hoop stress in the crossing pipe equal to its minimum yield strength is at least ten (10) percent higher than the internal pressure required to produce a hoop stress in the pipe on either side of the crossing equal to its minimum yield strength. If encasements are used, they shall be in accordance with SECTIONS 501 – 503.
- 805 When application is made to construct a gas line crossing, the application will show the maximum pressure under which the line will be operated. If the maximum pressure is in excess of forty-five (45) pounds per square inch and the line is not to be encased, the applicant will be required to make the following statement as a condition for the approval of the application:

(1) We/I \_\_\_\_\_ do hereby certify that the gas line crossing(s)  
**Applicant**

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 \_\_\_\_\_ concerning such certification.

**Applicant**

Certified \_\_\_\_\_

*Name of Company Official*

\_\_\_\_\_  
**Title**

806 The encasement material shall be steel pipe. If requested and approved by MDOT, HDPE pipe may be substituted for the steel encasement. Should a Utility company request using HDPE Pipe in lieu of steel for a crossing, they must place it six (6) feet below the ditch bottom or three (3) feet lower than the requirement for a steel encasement. The utility company will certify, by a registered professional engineer, that the HDPE pipe encasement meets industry standards for highway crossings. An example certification can be found in SECTION 1200 - 1203.

807 Plastic pipe that is not encased requires a tracer wire. The tracer wire shall not come in contact with the plastic carrier pipe.

#### COMMUNICATION LINES - CABLES - DUCTS-ENCASEMENT REQUIREMENTS

900 Communication cables will not be required to be encased; however, encasements may be permitted at the request of the applicant. The cables shall be placed in bores where open trenching is not permitted. The bore diameter may not exceed the tolerances stated in Attachment A of Rule 37.I.7501.04005. If encasements are used, they shall be in accordance with SECTIONS 501 - 503.

901 Ducts will be required to be encased as set out in Sections B and D above. If encasements are used, they shall be in accordance with SECTIONS 501 - 503.

902 The method of construction will be that which will enable the line to be maintained without entering fully controlled access areas.

903 Unless there are overriding practical considerations, bores for placing cables under the Department's roadways will continue across the medians of all 4-lane conventional and partially controlled access highways in order that construction and maintenance equipment and personnel in the medians will be eliminated.

#### ELECTRICAL POWER LINES-ENCASEMENT REQUIREMENTS

1000 Electrical power lines that are subject to the requirements of the Mississippi Public Service Commission shall be constructed in accordance with its requirements.

- 1001 Electrical distribution power lines (7,200 to 13,000 Volts), when approved for crossing under roads, streets, frontage roads, ramps, conventional highways, partially controlled and fully controlled access highways, shall be encased throughout the entire highway right of way and extend a minimum distance two (2) feet outside the highway right of way lines. Underground transmission power lines will not be permitted to be installed parallel or crossing the highway right of way. Reference Rule 37.I.7501.04015, Parallel Utility Lines and Overhead Crossing Encroachment Permits.
- 1002 The encasement material shall be steel pipe. If requested and approved by MDOT, HDPE pipe may be substituted for the steel encasement. Should a Utility company request using HDPE Pipe in lieu of steel for a crossing, they must place it six (6) feet below the ditch bottom or three (3) feet lower than the requirement for a steel encasement. The utility company will certify, by a registered professional engineer, that the HDPE pipe encasement meets industry standards for highway crossings. An example certification can be found in SECTION 1200 - 1203.

REPAIRS OF LEAKS

- 1100 Where leaks occur in unencased pipelines or failures occur in other lines within areas where access or excavation is not permitted, a parallel crossing or loop line shall be installed in accordance with these regulations and the faulty line plugged at both ends; where conditions warrant, the faulty line may be required to be filled with grout or other acceptable material. Such leaks shall be promptly repaired or bypassed upon request of the Department. Leaks in any other line will be promptly repaired upon request of the Department.

ENCASEMENT PIPE SPECIFICATIONS

- 1200 Encasements of corrugated metal pipe and pipe with flanges or protuberances that violate the tolerances allowed in Attachment A of Rule 37.I.7501.04005 will not be permitted.
- 1201 Corrugated metal and flanged pipe meeting the Mississippi Standard Specifications For Road and Bridge Construction, Current Edition, may be used as encasements or carrier pipes when laid in open trenches in areas having acceptable soil conditions.
- 1202 Steel pipe encasements twelve (12) inches in diameter or greater shall be new or in good condition and shall conform to ASTM Specification A-252 Gr. 2 or better. Such pipe will be of thickness required to withstand all external and internal stresses and will be of a thickness not less than the following:

12" diameter . . . . .	.0188"
14" diameter . . . . .	.0188"
16" diameter . . . . .	.0188"
18" diameter . . . . .	.0188"
24" diameter . . . . .	.0250"
30" diameter . . . . .	.0250"
36" diameter . . . . .	.0250"

60” diameter . . . . .0.250”

1203 Should a Utility company request using HDPE Pipe in lieu of steel for a crossing they shall certify by a registered professional engineer the following. “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.”

PERMIT REQUIREMENTS

1300 Preliminary Requirements for acquiring a permit - All underground utility permits require that the permittee visit the site prior to submitting a permit application and discuss with the applicable District Permit Office to determine an acceptable location. Prior to this discussion all adjacent utilities shall be located and marked. Overall feasibility of the utility and prescribed location will then be determined. At that time, the determined location shall be shown on a legible, standard scaled drawing and referenced with station offsets, distance to the right-of-way line, as well as depth of facility from existing ground at critical points such as bottom of ditch, point of entry, and edge of pavement. The location of all facilities to be placed on right-of-way, all above ground appurtenances, as well as locations of any bore pits that may be needed for construction shall be shown on the scaled drawing. In addition, bore pits or other excavations necessary for the installation of the utility should be shown as well. Applicant shall be required to stake proposed utility location prior to submission of permit application.

1301 Requirements upon completion of the permitted work - A duly authorized representative of the utility company shall certify in writing that all work has been done as per the approved permit. This certification shall be submitted immediately upon the completion of the work noting any significant variations from the original permit submittal. Failure to provide completion of work certification may result in the permit application being revoked. MDOT reserves the right to require the permittee to expose a facility as needed for inspection. Noncompliance with the approved permit shall require the utility company to remove the newly installed line and replace it in the permitted location. All costs associated with the relocation of the noncompliant facility shall be solely at the utility company’s expense.

1302 Additional Service Lines - Service lines being installed from an existing distribution line located within MDOT right-of-way are required to be covered under a separate permit application. This includes any and all encroachments or work to be performed on right-of-way.

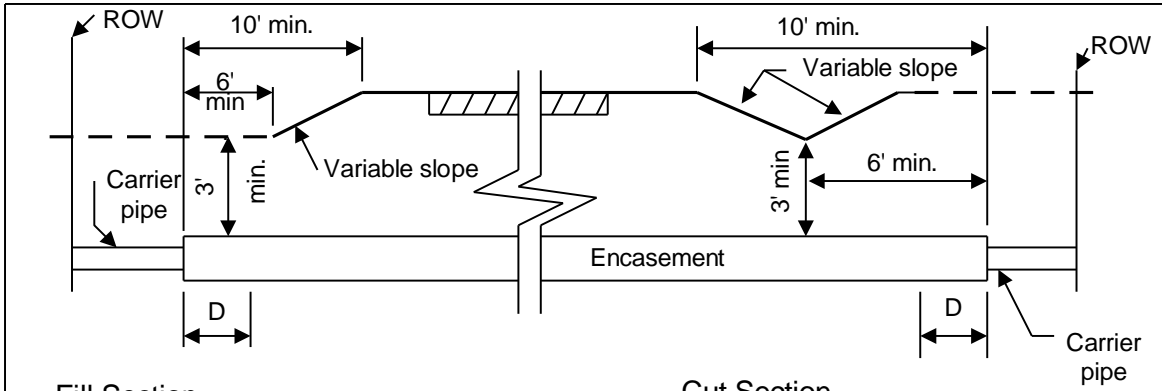
1303 Additional Requirements - Above-ground appurtenances, including but not limited to those described herein, and areas around the appurtenances that would affect routine right of way maintenance operations shall be maintained by the utility company so that they are clearly visible. MDOT does not in any way assume the maintenance or upkeep of the facility or proposed improvement herein described nor will MDOT be held responsible for any

damage which may be inadvertently done to the facility or proposed improvement regardless of the source or cause of such damage.

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

- 1400 37.I.7501.04002, “Right of Way Encroachment Permits,” including references
- 1401 37.I.7501.03002, “Construction and Maintenance Driveways, County Roads and Municipal Street Connections to State Highways”
- 1402 Mississippi Public Service Commission Rules and Regulations
- 1403 United States Code of Federal Regulations (CFR), Title 49, Part 195-Transportation of Hazardous Liquids by Pipeline
- 1404 Mississippi’s Standard Specifications for Road and Bridge Construction, Current Edition
- 1405 37.I.7501.04015, Parallel Utility Lines and Overhead Crossing Encroachment Permits
- 1406 37.I.7501.04005, Application for Permit to Construct Pipeline, Form MND-002, Attachment A
- 1407 37.I.7501.04009, Instructions for Processing Form MND-012, Agreement and Form MND-603, Performance Bond
- 1408 Attachment A, Encasement Typical Sections
- 1409 For Mississippi Code see [www.state.ms.us](http://www.state.ms.us)
- 1410 For Federal Government U.S. Code see [www.gpoaccess.gov](http://www.gpoaccess.gov) or [www.dot.gov](http://www.dot.gov)
- 1411 MDOT specific rules, forms, publications, SOPs, and other support documentation are available for review at MDOT

# Attachment 'A' Encasement Typical Sections



Fill Section

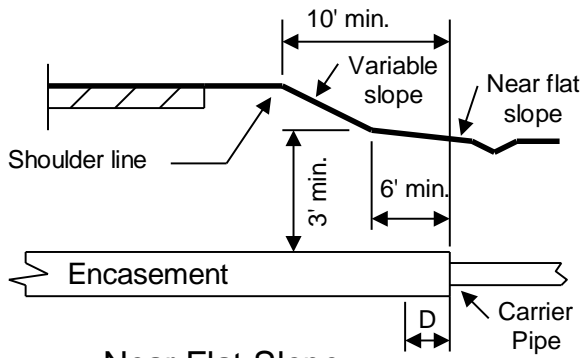
**Encasement  
Typical Section**

Cut Section

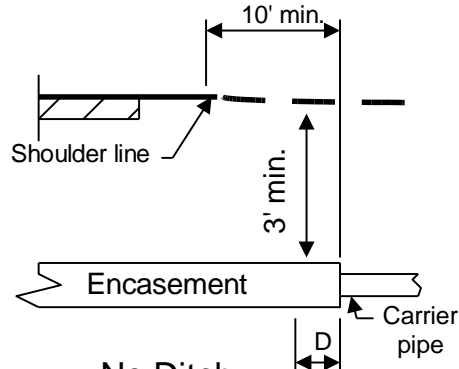
NOTE: Vents are required on encasements carrying fuel products

NOTE:  $D=2'$  Max for all installations

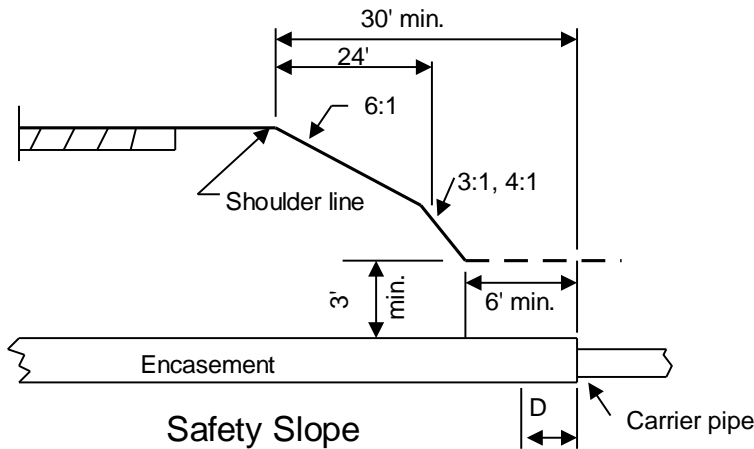
NOTE: Open trenches will not be excavated more than two (2') feet from end of encasement toward the highway.



**Near Flat Slope  
Typical Section**



**No Ditch  
Typical Section**



**Safety Slope  
Typical Section**

## 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 This section defines the roadway classification system for the Mississippi Department of Transportation. The roadway classification system is consistent with the definitions as contained in the Access Management Manual. Note that the minimum design standards for the number and locations of the connections, median type and openings, turn lane requirements, and traffic signal location and distance will all be affected by speed and existing land use development.
- 301 **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 are not permitted to cross controlled access highways. Utility lines may be located on the right of way of fully controlled access highways when such locations conform to the requirements of the Department's Rules. Freeways may be developed by stage construction.
- 302 **TYPE 2 - PARTIALLY CONTROLLED ACCESS HIGHWAY (2A & 2B) -**
1. **Type 2A**—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 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 or 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. **Type 2B**—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 for access control from the 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.

- 303 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 for safety and/or as indicated in the Access Management Manual and the Department's Rules. 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.

For determining levels of access and minimum standards such as driveway spacing, conventional highways are subcategorized by speed and area type (rural versus urban).

## 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 or half scale-11 x 17)
  - 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 meeting traffic volume thresholds as defined in the MDOT Access Management Manual shall require a Traffic Impact Analysis 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, through its Access Management Manual and policies, 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 Access Management Manual and 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 or half scale-11 x 17)
  - 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 and MDOT Access Management 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 or half scale-11 x 17)
- 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 or half scale-11 x 17)
  - c) Form MND-003-Attachment A “Supplement to Form MND-003” (Must be legal size paper-8.5 x 14 or half scale-11 x 17)

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 or half scale-11 x 17)
  - 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 or half scale-11 x 17)
- 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 unless a master agreement is held with the applicant. 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 as 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 permittee 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](http://www.state.ms.us)
- 2015 For Federal Government U.S. Code see [www.gpoaccess.gov](http://www.gpoaccess.gov) or [www.dot.gov](http://www.dot.gov)
- 2016 For MUTCD and FHWA links see <http://mutcd.fhwa.dot.gov> and [www.fhwa.dot.gov](http://www.fhwa.dot.gov)
- 2017 MDOT specific rules, forms, publications, SOPs, and other support documentation are available for review at MDOT
- 2018 MDOT Access Management Manual, Current Edition

**Chapter 04003 Requirements for Drainage Structures Constructed Under Right of Way Encroachment Permits**

Purpose

- 100 To establish permit policy for drainage and drainage structures.
- 101 This rule sets forth the requirements necessary to regulate the use of state highway rights of way for the construction and maintenance of drainage and drainage structures allowed by permit.

**DRAINAGE AND DRAINAGE STRUCTURES**

- 200 Drainage in roadside ditches shall not be altered or impeded except as authorized on the permit and the applicant must provide adequate and approved drainage structures at his expense. Pipe culverts installed under driveways shall be not less than fifteen (15) inches in diameter. Drainage structures permitted upon state highway right of way will comply with the following requirements or later revisions in official design practice:
  1. Pipe Structures - Pipe shall comply with the latest version of the Department’s “MDOT PIPE CULVERT MATERIAL DESIGN CRITERIA.”
  2. Pipe Headwalls, Box Culverts, Bridges, Inlets, Junction Boxes, Headwalls, Grates, Etc. - These items shall be designed, detailed and constructed in accordance with the Department’s Roadway and Bridge Design Manuals, Roadway and Bridge Design

Standard Drawings and Mississippi Standard Specifications for Road and Bridge Construction.

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

300 MDOT Pipe Culvert Material Design Criteria

301 MDOT Roadway Design and Bridge Design Standard Drawings

302 Mississippi Standard Specifications for Road and Bridge Construction

303 MDOT Roadway Design Manual

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

#### **Chapter 04004 Applications for Permit to Construct Utility Lines Along or Across State Highways for Holders of Master Agreements**

Purpose

100 To provide standard forms for showing work to be performed on the highway right of way by holders of master agreements.

101 This rule establishes permit forms to be used for the construction and maintenance of utility lines along or across MDOT right of way for holders of master agreements.

102 Form MND-003, “Application for Permit to Construct Utility Lines Along or Across State Highways for Holders of Master Agreements”, shall be used for detailing work to be performed by holders of master agreements.

103 Form MND-003, Attachment A, shall be used when the permit application requires additional information to outline the work completely.

104 The applicant shall complete Form MND-003 and Form MND-003, Attachment A, if required, and forward all pages to the Department’s district office for further processing.

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

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

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

#### **Chapter 04005 Application for Permit to Construct Pipe Line, Form MND-002**

Purpose

- 100 To provide a permit form for the construction of a pipe line along or across MDOT right of way.
- 101 This rule establishes permit forms for the construction of a pipe line along or across MDOT maintained right of way. See Attached form, MND-002.

**Chapter 04006 Application for Permit to Construct Utility Lines Along or Across State Highways for Holders of Master Agreements, Form MND-003**

Purpose

- 100 To permit forms for the construction of utility lines along or across MDOT maintained right of way for holders of master agreements.
- 101 This rule establishes permit forms for the construction of utility lines along or across MDOT maintained right of way for holders of master agreements.

Forms

- 200 **FORM MND-003**, Application for Permit to Construct Utility Lines Along or Across State Highways for Holders of Master Agreements

**Chapter 04007 Application for Permit to Locate Certain Facilities on or to Perform Certain Work on State Highway Right of Way**

Purpose

- 100 To provide a permit form to locate certain facilities on or to perform work on state highway right of way.
- 101 This rule establishes a permit form to locate certain facilities on or to perform work on state highway right of way. See Attached form, MND-004.

**Chapter 04008 Supplement Form for Additional Sheets for Form MND-001, MND-002 and MND-004**

Purpose

- 100 To provide a standard supplemental form for showing additional data for Form MND-001, Form MND-002 and MND-004.
- 101 This rule establishes a supplemental permit form to be used for additional information for Forms MND-001, MND-002 & MND-004.



- 102 Form MND-005, “Supplemental Form for Additional Sheets for Form MND-001, MND-002 and MND-004”, shall be used when the permit requires additional information to detail the work completely.
- 103 The applicant shall complete and attach Form MND-005 to the MND-001, MND-002 or MND-004, as applicable, and forward all pages to the Department’s district office for further processing.

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

- 200 37.I.7501.04002, Right of Way Encroachment Permits
- 201 MDOT specific rules, forms, publications, SOPs, and other support documentation are available for review at MDOT

**Chapter 04009 Instructions for Processing Form MND-603, Performance Bond**

Purpose

- 100 To Provide Instructions for Processing Form MND-603, Performance Bond.
- 101 This rule establishes a procedure for the processing Form MND-603, Performance Bond when required on a right of way encroachment permit.

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- 1. SECTION 200 GENERAL
- 3. SECTION 300 PERFORMANCE BOND FORMS
- 4. SECTION 400 REFERENCES

GENERAL

- 200 Form MND-603, Performance Bond is required when the District Engineer determines that the work described on the permit forms warrants a performance bond. However, a performance bond with a set minimum amount is required for performing certain work and/or on certain routes, for example, grading permits on Interstate.
- 201 Performance Bonds with a set minimum amount are listed in the following Rule’s:
  - 1. 37.I.7501.04002, Right of Way Encroachment Permits.
  - 2. 37.I.7501.03001, Processing Permit Applications.
  - 3. 37.I.7501.03005, Clearing and Pruning of Trees and Other Vegetation for Utility Lines Specifically Form MND-759, Special Use Herbicide Permits.
- 202 The APPLICANT shall forward the Permit, the Performance Bond, and the Bond Form to the District Engineer.

## PERFORMANCE BOND FORMS

300 FORM MND 603, Performance Bond

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

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

## **Chapter 04011 Master Agreement for Location of Electric Power and Communication Utility Lines on State Right of Way**

Purpose

100 To establish a policy for the location of electric power and communication utility lines on Mississippi Transportation Commission's rights of way by companies authorized by laws of the State of Mississippi to erect, place, and maintain its poles, wires, cables, conduits, and appurtenant facilities along, across, and under the public highways and streets of the State of Mississippi.

101 This rule sets forth a master agreement between an electric power and communication utility company and the Mississippi Transportation Commission (MTC) for the location of electric power and communication utility lines on Mississippi Transportation Commission's rights of way.

## MASTER AGREEMENT FORMS

200 **FORM MND 482**, Master Agreement For Location Of Electric Power And Communication Utility Lines On State Highway Right-Of-Way

## **Chapter 04013 Driveway and Street Connections, Median Openings, Frontage Roads**

Purpose

100 To establish a policy on issuing permits for construction and maintenance of driveways, other connections, median openings, frontage roads and signs on partially controlled access highways.

101 This rule sets forth the requirements necessary to regulate the use of state highway rights of way for the construction and maintenance of driveways, other connections, median openings, frontage roads and signs on partially controlled access highways.

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5.	SECTION 600	DRIVEWAY CONNECTIONS TO PARTIALLY CONTROLLED ACCESS HIGHWAYS (TYPE 2A AND 2B)
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11.	SECTION 1200	REFERENCES

## DEFINITIONS

200 Mississippi Transportation Commission, hereinafter “Commission”

201 Mississippi Department of Transportation, hereinafter “Department”.

## GENERAL REQUIREMENTS

300 The maintenance of minimum standards for entrances and exits to highways are in the interest of public welfare and safety, and the following general requirements should be met before any driveway application is approved.

301 Reference is made to the current edition of the AASHTO Roadside Design Guide, and the recommendations therein as are applicable to the location and construction of driveway, road and street connections to the highway. The cut and fill slope requirements for these connections are listed below in Paragraphs 301.1 and 301.2. Culverts and sidedrains under such connections must be of a length sufficient to accommodate the side slope requirements listed below in Paragraphs 301.1 and 301.2.

1. Applications for driveway, road and street connection permits to the highway on highways built prior to the adoption of the AASHTO Roadside Design Guide shall meet the requirements of the highway as constructed or reconstructed. However, in no case, shall the cut and fill slopes within the clear zone be steeper than three to one.
2. Applications for driveway, road and street connection permits to the highway on highways constructed or reconstructed after the adoption of the AASHTO Roadside Design Guide shall not be steeper than six to one foreslopes and three to one backslopes within the clear zone.

In areas beyond the clear zone, the slopes may be increased but, in no case, shall the slopes be steeper than three to one.

- 302 Driveways shall not be permitted to connect with any highway, road, street or frontage road at a location if it does not meet the minimum stopping sight distance (as outlined in the current edition, and any interim requirements, of the MDOT Roadway Design Manual-using 3R criteria and the MDOT Access Management Manual, Section 4, Geometric Requirements, Sight Distances), vertical or horizontal alignment, terrain or other reasons which will cause an undue hazard to the traveling public.
- 303 As there are already many conflicting traffic movements in intersections, no driveway will be permitted to enter directly into an intersection. Driveways must turn traffic into the traffic stream of the highway and/or intersecting road or street before it is permitted to pass through the intersection, in accordance with the Access Management Manual, Section 4, Geometric Requirements, Corner Clearances..
- 304 Islands having a minimum length of twenty-five (25) feet measured parallel to the highway will be built between closely spaced driveways to form definite entrances and exits to the degree needed to channelize traffic and prevent paving of the entire frontage, thereby eliminating parking on the highway right of way directly in front of business places and immediately adjacent to the roadway. See MDOT Access Management Manual, Section 3, Levels of Access for Type 3 Conventional Highways for more details.
- 305 Suitable drainage must be provided to drain the roadway surface, shoulders and side ditches. No water shall be ponded by the building of the driveway.
- 306 Should the land use for the property for which the driveway was originally permitted be changed (i.e. residential to commercial), the permit shall be revoked and a new permit must be applied for reflecting the new land use. This paragraph is applicable to all permits granted by the Department prior to and after the approval of this Rule.
- 307 Reference: Rule 37.I.7501.04002, Right of Way Encroachment Permits, for further access requirements for large traffic generators.
- 308 Reference: MDOT Access Management Manual, Section 3, Levels of Access, for definitions of Type 1, Type 2A, Type 2B and Type 3 highways.

- 309 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. The applicant shall attach a special traffic control plan to the application if special traffic control details are required.
- 310 All permit applicants shall be required to comply with the Corps of Engineers' regulations for wetlands and the MDEQ-Office of Pollution regulations for stormwater runoff, and to obtain any necessary permits prior to performing any work on the right of way.
- 311 The applicant shall construct all facilities to the applicable State and Federal laws, rules, regulations and standards, and shall indemnify and hold the Mississippi Transportation Commission and the Mississippi Department of Transportation harmless for any and all liability resulting from injury to all members of the public which is proximity caused by said facilities.

#### SCOPE OF PERMIT

- 400 Such clearing and pruning of trees and vegetation necessary for the proposed construction will be shown on the application in detail.
- 401 Any grading desired to be done on the right of way other than is necessary for the construction of the driveway will be shown on the application in detail.
- 402 Drainage data and proposed drainage structures will be shown on the application.
- 403 For large traffic generators, a vicinity map shall be furnished covering the entire area to be developed. (Reference: Rule 37.I.7501.04002, Right of Way Encroachment Permits).

#### DRIVEWAY CONNECTIONS TO CONVENTIONAL HIGHWAYS AND FRONTAGE ROADS (TYPE 3).

- 500 Applications for the construction of driveways must be for the purpose of securing access to property and not for the purpose of providing space for the parking or servicing of vehicles on highway right of way.
- 501 The location, design and construction of driveways described in the application shall be in accordance with the Access Management Manual, Section 3, Levels of Access for Type 3 Conventional Highways and as stated below:
1. No more than two (2) combined driveway entrances and exits shall be permitted for any parcel of property which has a frontage of three hundred (300) feet or less. Additional entrances or exits for parcels having a frontage in excess of three hundred (300) feet shall be permitted only if an additional entrance would create a safer condition. Additional entrances or exits must be reviewed and recommended by the State Traffic Engineer and approved by the State Maintenance Engineer or the District Engineer as applicable. Where frontage is fifty (50) feet or less, only one (1) combined entrance and

- exit is permitted, the width of which shall not exceed twenty-five (25) feet measured parallel to the centerline of the highway.
2. The width of any driveway entrance or combined entrance and exit, except as restricted above shall not exceed fifty (50) feet measured parallel to the centerline of the highway. Areas on the right of way between driveways shall not be used for vehicular travel or parking. These areas shall be considered as restricted areas or neutral areas, and may be graded or filled in only as hereinafter provided in SECTION 502 below.
  3. The grade of the driveway entrance and exit shall follow the shoulder slope for a distance equal to the width of the shoulder or ten (10) feet from the pavement edge, whichever is greater, and then continue on a 2% to 4% slope downward and away from the roadway to a point twenty (20) feet from the pavement edge. The driveway slope shall then continue on a slope not to exceed 15% until it connects with the original ground line. When field conditions are such that a steeper driveway is required due to restricted right of way, the driveway profile may be increased to 20% maximum.
  4. The construction of parking areas on the highway right of way is specifically prohibited. Businesses requiring parking space for their customers shall provide such space off the highway right of way.
  5. Sections of driveway entrances and exits constructed parallel to the highway for access to gasoline pumps or other structures shall be constructed off the right of way. Such pumps and other structures requiring parallel driveways are to be located a minimum distance of twelve (12) feet, with fifteen (15) feet recommended to the edge of the pump island, outside the right of way in order that the parallel section of the driveway shall not encroach upon the right of way.
  6. When curb and gutter is constructed or removed and reconstructed, the driveway entrance and exit shall be constructed or reconstructed of equivalent or other acceptable material, and the curbing along the entrance and exit shall be returned to the roadway on a radius as shown on MDOT Roadway Standard Drawing SD-1. Minimum Turning Radii shall conform to the most current version of the MDOT Roadway Design Manual, Chapter 6. The grade of entrances and exits shall conform to the grade of sidewalks, if any, and a neat junction between the apron of the entrances, exits, and the sidewalk shall be made. Where such new entrance or exit will cause heavy vehicular traffic or frequent light vehicular traffic to cross a sidewalk designed for pedestrian traffic only and will not withstand the expected vehicular traffic, the permit application will include removal and replacement of the inadequate sidewalk. The new sidewalk and the portion of the driveway where the new sidewalk extends across the driveway shall conform to the requirements of the current edition of the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Transitions between the sidewalk and the driveway surface and the slope and cross-slope of the driveway crossed by the sidewalk are of particular importance.
  7. All driveway entrances and exits shall be so constructed that vehicles approaching or using them will have adequate stopping sight distance in accordance with the current edition, and any interim requirements, of the MDOT Roadway Design Manual - 3R criteria in both directions along the highway in order that the driver may enter or leave the highway without unduly interfering with highway traffic. Any driveway application that does not provide adequate sight distance as outlined in the above listed design manual shall be denied. In order to provide adequate stopping sight distance in both directions when entering the highway, driveway entrances and exits should be at a 90

- degree angle. Angles less than 90 degrees should not be constructed unless justified by an engineering analysis and in no case shall be less than 60 degrees with the highway. For further guidance, reference the Access Management Manual, Section 4.
8. Corner clearance is the distance between an intersection and the first point of ingress or egress to a corner property's driveway. The purpose of corner clearance is to remove conflicting movements from the functional area of intersections and provide sufficient stacking space for queued vehicles at intersections so that the driveways are not blocked. No driveway will be permitted to enter directly into an intersection. Driveways must turn traffic into the traffic stream of the highway and/or intersecting road or street before it is permitted to pass through the intersection. Unless an exception is granted, the minimum corner clearance for entrances on TYPE 2 and TYPE 3 Roads will be established by a queuing analysis or 125 feet for unsignalized intersections and 125 feet for signalized intersections whichever is larger. If an exception is requested and approved at an intersection where no provision has been made for sight distance or clear vision areas (flared right of way), no part of a driveway entrance or exit may be permitted to connect with either the highway or crossroad or street within 50 feet from the outside shoulder line of the adjacent street and the access will be a right-in/right-out. Exceptions may be approved if as a result of MDOT action the property would become landlocked. No part of a driveway entrance or exit may be permitted within a corner radius.
  9. No part of a driveway entrance or exit may be permitted to encroach upon additional right of way secured outside the continuation of the normal right of way lines for the purpose of channeling traffic or to provide adequate sight distance or clear vision for intersecting traffic. The driveway return will begin at a point no nearer such additional right of way than its point of intersection with the normal right of way line of the highway and its intersection with the normal right of way line of the crossroads or street. These areas described here and in SECTION 501.8 above shall be restricted areas and may be graded or filled in only as hereinafter permitted in SECTION 502 below.
  10. At some intersections additional right of way has been secured for construction purposes and not for channeling traffic or for sight distance. The project plans should be checked to determine the reason for purchase of such additional right of way. Driveway entrances and exits complying with all other requirements may encroach into the additional area purchased for construction purposes, but they may not be permitted to encroach into any part of the additional right of way purchased for channeling traffic or purchased for or necessary for sight distance or clear vision for intersecting traffic. The denial of vehicular ingress and egress across sight distance or clear vision areas on the older projects is based upon the regulatory powers of the Commission in connection with traffic safety. Additionally, on the newer projects, the plans may show the erection of traffic barriers along the outer limits of additional right of way purchased for sight distance or clear vision areas, which is considered sufficient notice to the property owner of the conditions under which the right of way was purchased.
  11. The minimum driveway spacing shall be determined based Section 3 and Appendix 4 of the MDOT Access Management Manual.
  12. SECTIONS 501.8, 501.9, and 501.10 above and the MDOT Access Management Manual will also apply at frontage road intersections with other roads and streets.

- 502 Restricted or neutral areas as described in SECTIONS 501.2, 501.8, and 501.9 above may be graded or filled only when the following requirements have been complied with:
1. Surface drainage is provided to drain all surface water on the graded or filled in areas away from the roadway in a suitable manner and be deposited into the natural drain. Sub-surface drainage shall be provided where required to prevent development of a high ground level that will endanger the highway pavement.
  2. The drainage opening underneath the area is adequate to carry the water to its natural drain or its roadside ditches. Pipe culverts installed under these areas shall be not less than fifteen (15) inches in diameter.
  3. Permanent provisions are made to separate the area from all traveled ways in order to prevent its use for entrance or exit, or for vehicular parking, by constructing concrete or other acceptable masonry curb that conform to the current edition of the MDOT Roadway Design Standard Drawings around the perimeter of the area.
  4. Restricted or neutral areas' length, width and shape will vary at different locations. The lot frontage, right of way width and many other factors will determine the size and shape of such areas. When curbs are used to channelize areas they should be constructed five (5) to ten (10) feet from edge of pavement, or a greater distance if necessary to clear the prevailing shoulder width. Channelized areas shall extend to the right of way line.
- 503 All driveways shall be so located within the applicant's frontage that the flared portion or return adjacent to the traveled way will not encroach on adjacent frontage. A minimum distance of twelve and one-half (12-1/2) feet should be reserved between driveway and boundary or property line so as to preserve a twenty-five (25) foot neutral area between driveways. Applications for joint use driveways (two adjacent property owners using the same driveway) or for driveways with less than the required twenty-five (25) foot neutral area between driveways will be reviewed for approval on a case by case basis; however, in all such applications, both affected property owners' signatures are required on the permit. Refer to Appendix 4 of the MDOT Access Management Manual for the minimum connection spacing for all driveways. Sections 3 and 4 of the Access Management Manual contain details regarding minimum driveway spacing and corner clearance requirements.
- 504 Driveways shall be built so that vehicles will not have to back into the roadway.
- 505 Graded areas and areas in which the sod has been destroyed during construction shall be solid sodded, sprig sodded or seeded, fertilized and watered as necessary to promptly re-establish an acceptable vegetative cover. Seeding is to be done with approved seed and in season only. Proper ground preparation is required prior to re-sodding or seeding. (Reference: Rule 37.I.7501.04002, Right of Way Encroachment Permits, Seeding and Sodding Section).
- 506 Drainage onto the highway right of way is handled as follows:
1. Raw sewage, septic tank effluent, wash rack runoff, or other objectionable matter will not be permitted to drain upon the roadside or into roadside ditches.
  2. Effluence from a sewage treatment plant may be allowed to drain on the right of way if the following conditions are met:



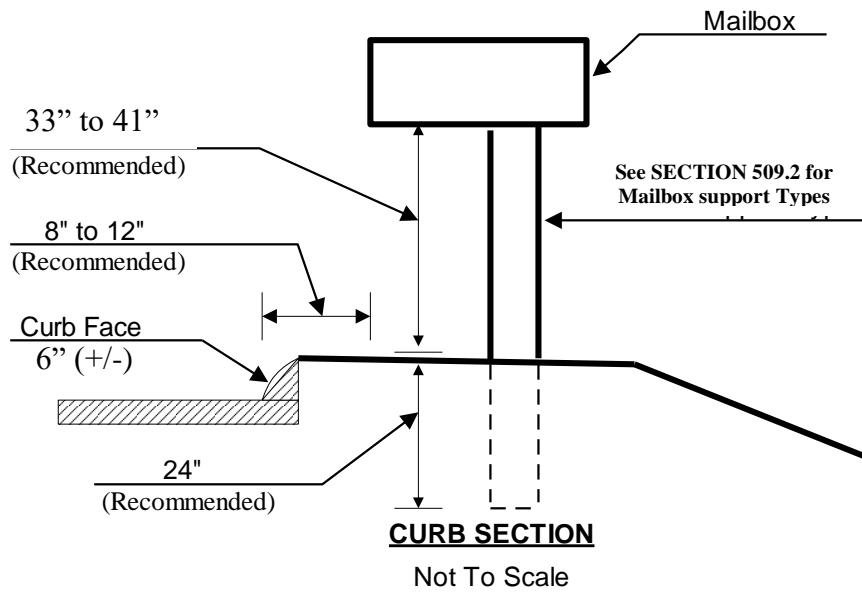
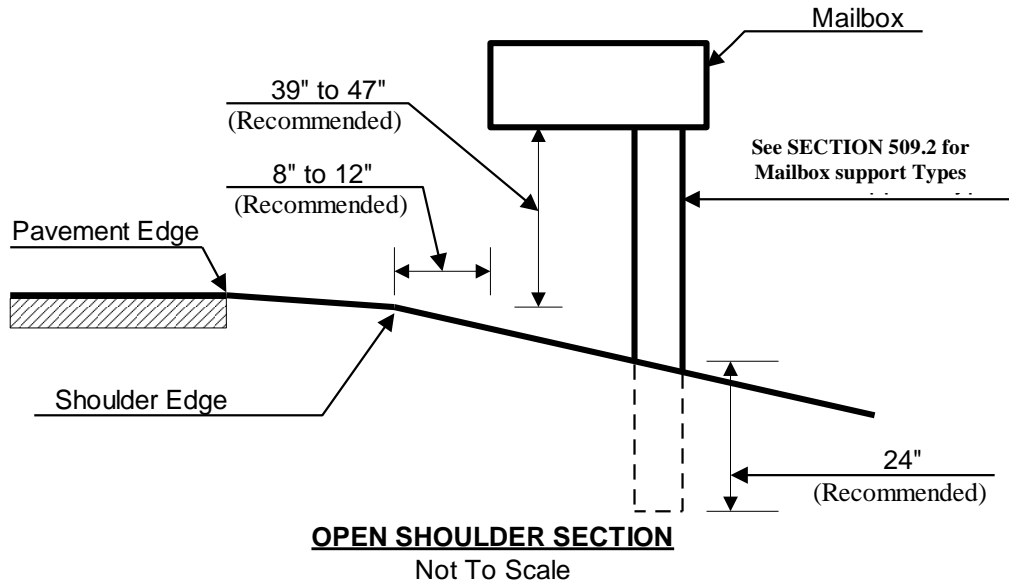
- A. The applicant must obtain a permit from the Mississippi Department of Environmental Quality (MDEQ) - Office of Pollution Control in Jackson.
  - B. The applicant must contact the owners of the property on which the effluence is discharged to get their permission. Failure to obtain permission would result in a revision to the proposed plan of discharge or not issuing the permit.
  - C. The applicant must supply written notice from the MDEQ-Office of Pollution Control documenting the estimated discharge rate per day.
  - D. The determination of the point of discharge will be based upon a case by case review of what effects the discharge or discharge point will have on existing structures and the maintenance and aesthetics of the highway and right of way.
  - E. The District Engineer shall decide upon review of field conditions if the sewage treatment plant discharge would create a maintenance problem. If a potential maintenance problem would be created, the permit will be denied.
3. Violations shall be reported to the MDEQ – Office of Pollution Control and/or the Mississippi Department of Health.

507 On highways which have been designated as partially controlled access facilities and other locations on the highway system where there is sufficient right of way for construction of additional traffic lanes, frontage roads or other facilities which would require a change or relocation of the driveway entrance and exit, the following statement shall be made part of the permit: “The applicant acknowledges that this permit is granted and accepted in accordance with the powers vested in the Mississippi Transportation Commission by Section 65-1-8, Mississippi Code 1972, Annotated, and such permit is temporary in nature in that it does not in any way create or grant a permanent easement of use in or to the right of way of the highway. Such permit may be altered or changed at the discretion of the Department at any time additional improvement construction or re-construction of said highway is undertaken at the said location.”

508 Data relative to the proposed location, relocation, design and construction of driveways and approaches as may be required shall be furnished by the applicant free of cost. The applicant shall make any and all changes or additions necessary to make the proposed driveways or approaches satisfactory to the Department.

509 Mail Boxes to be placed on highway right of way must meet the following specifications which are to be made a part of driveway permit applications:

1. Mailbox materials and size shall conform to the requirements of the United States Postal Service.
2. Mailbox supports may be 4” x 4” square or 4” diameter round wood posts, 6” diameter PVC pipe, or any other mailbox supports listed in the current edition of the AASHTO Roadside Design Guide, Chapter 11 (The Roadway Design Division has a copy), or any mailbox found acceptable and certified under the NCHRP 350 testing program.
3. Mailbox front is recommended to be 8” to 12” from the edge of the shoulder or the curb face, with the post/support to be 39” to 47” above the shoulder edge or at a height specified by the local United States Postal carrier.
4. A cross-section view of the roadway at the mailbox location is shown below:



5. Any deviation from the above specifications must be approved by the District Engineer.

510 Multiple compartment mailbox units shall not be allowed on state highway right of way. Exceptions to this policy may be allowed when the State Maintenance Engineer determines there is due justification and that:

1. The unit(s) are not within the traffic recovery zone (clear zone).
2. The unit(s) will not block a motorist's sight distance.
3. The unit(s) shall have sufficient off-road access/parking area for traffic being generated.

4. Any exception must be approved by the State Maintenance Engineer.

511 Reference is made to plans of typical driveway connections included in this Rule and the MDOT Access Management Manual.

#### DRIVEWAY CONNECTIONS TO PARTIALLY CONTROLLED ACCESS HIGHWAYS (TYPE 2A and 2B).

600 For Type 2B highways, the access rights to the highway between median openings were purchased with the right of way, and on these projects no driveway or other connection will be permitted except at locations opposite existing median openings. SECTIONS 601 and 602 below do not apply to these projects. Refer to the MDOT Access Management Manual, Section 5, Median Policy for further details on medians.

601 For Type 2A highways, direct driveway connections from abutting property may be permitted to the traveled way of a partially controlled access highway on a temporary basis if frontage roads are not in existence. At such time as a frontage road is constructed, all such temporary driveway connections will be reconstructed to connect with the frontage road and thereafter will not connect with the traveled way of the highway. Proper notice of the condition of approval shall be placed on the permit application as per SECTION 507 of this Rule. Refer to the MDOT Access Management Manual, Section 2, Roadway Classifications, Type 2, Partially Controlled Access Highway, Item 1.

602 The requirements for driveway connections to conventional highways and frontage roads beginning on Page 2 of this Rule will also apply to driveway connections to partially controlled access highways and frontage roads thereon, except as modified or supplemented elsewhere in this Rule and the MDOT Access Management Manual.

#### DRIVEWAYS - INTERSTATE AND OTHER CONTROLLED ACCESS HIGHWAYS (FREEWAYS) (Type 1).

700 Applications for driveway connections to Interstate and other controlled access highways will only be approved to connect with existing frontage roads. Driveway applications will not be approved where frontage roads do not exist, nor will they be approved on intersecting roads or streets where the proposed driveway location is within the 'no access' limits. Applications for driveway connections on such roads or streets are to show the location of the proposed driveway with reference to the 'no access' limits where same are in close proximity. The regulations for driveway connections to conventional highways and frontage roads beginning on Page 2 of this Rule and the MDOT Access Management Manual will also apply to driveway connections to frontage roads on the Interstate and other Freeways.

#### STREET AND ROAD CONNECTIONS TO CONVENTIONAL HIGHWAYS, PARTIALLY CONTROLLED ACCESS HIGHWAYS AND FRONTAGE ROADS

800 Street and road connections are special cases which necessarily must be treated on an individual basis. Many of the regulations applying to driveway connections would also

apply to street and road connections. Street and road connections have a much greater traffic potential and must be constructed at right angles to the roadway. Difficult situations should be referred to the State Maintenance Engineer for consultation with the Roadway Design Division Engineer and the State Traffic Engineer.

- 801 Connections to existing streets and roads will be provided by the Department at the time a highway is constructed or reconstructed as a part of the plans for such highway.
- 802 New street or road connections to existing highways will be constructed in accordance with the approved permit application and at the expense of the applicant, except as provided in Rule 37.I.7501.03002, Construction and Maintenance of Driveway, County Road and Municipal Street Connections to State Highways. Temporary median openings, additional median openings and left turn bays must be approved and be provided in accordance with Section 501.7 & 501.8 of this Rule.
- 803 Where frontage roads exist, new streets or roads will be connected to the frontage road and not the through lanes unless approved by the Commission.
- 804 Reference is made to plans of typical road and street connections included in this Rule and the MDOT Access Management Manual.

#### TEMPORARY CONNECTIONS FOR STREETS AND ROADS TO PARTIALLY CONTROLLED ACCESS HIGHWAYS

- 900 The following provision will apply to permits for construction of temporary connections for street or road connections to partially controlled access highways:
  - 1. Where officially platted and dedicated streets and roads, or other streets and roads, are improved or constructed after completion of a partially controlled access highway on which frontage roads have not been provided, and on which access rights between median crossovers were not purchased with the right of way, permits may be approved on a temporary basis by the Chief Engineer for direct connections to the traveled way and temporary median openings conforming to spacing requirements in SECTION 1001.1 below. Temporary median openings not in compliance with SECTION 1001.1 require approval of the Commission by order spread upon its minutes as outlined in SECTIONS 1001.1 through 1001.4 below. The governing authority (county, city, etc.) constructing such streets or roads will be responsible for the entire cost of providing such temporary connections. When median openings for such temporary connections are authorized, such openings including necessary left turn bays, together with all approved traffic control devices, will be constructed and erected by the Department. The widths of such intersecting street or road connections will be limited to the normal intersecting street or road width and turning radii specified as deemed sufficient for the type of traffic expected. Minimum Turning Radii shall conform to the most current version of the MDOT Roadway Design Manual, Chapter 6.
  - 2. It is required that such temporary connections will be constructed to connect with the frontage road at the time a frontage road is provided and will not thereafter connect with the through traffic lanes. When the temporary connection is reconstructed to connect with the frontage road, the median opening will be removed by the Department. Proper

notice to this condition of approval shall be placed on the permit. (Reference: SECTION 507 of this Rule and the MDOT Access Management Manual, Current Edition).

#### ADDITIONAL MEDIAN OPENINGS AND LEFT TURN BAYS ON CONVENTIONAL AND PARTIALLY CONTROLLED ACCESS HIGHWAYS

- 1000 Medians separating opposite direction travel lanes are installed for the primary purpose of moving traffic in a safe and efficient manner. The introduction of median openings or crossovers impedes the smooth flow of traffic, thus reducing the capacity of the highway. Regulation of median openings on existing multi-lane divided highways with conventional or partial control of access is necessary to provide reasonably convenient access to adjacent roadside property in a uniform manner and still maintain the integrity of the system.
- 1001 The provisions for the spacing and construction of additional median openings and left turn bays on conventional highways, and on partially controlled access highways on which access rights between the median openings were not purchased with the right-of-way shall be in accordance with the MDOT Access Management Manual, Current Edition, Section 5, Median Policy and Appendix 3:
1. Exceptions to the normal minimum spacing intervals as specified in the MDOT Access Management Manual, Section 5 and Appendix 3 for additional median openings will be considered for access to commercial activities and political subdivisions (city, county, school, etc.) provided all the following criteria are met:
    - A. It must be documented that the additional median opening will benefit the overall safety and traffic flow of the users of the main facility and does not just serve a particular development for their own benefit.
    - B. Adequate distances are available for the construction of tapers, left turn bays and for turning movements of traffic.
    - C. Stopping sight distance meets the current edition, and any interim requirements, of the MDOT Roadway Design Manual, using 3R criteria.
    - D. U-turn traffic movement restrictions for class vehicles accessing adjacent properties must be addressed.
  2. The State Traffic Engineer reviews all requests for additional median openings. This includes the conversion of a 4-lane divided highway to a 5-lane facility. Upon completion of the review, the State Traffic Engineer will forward recommendations to the Assistant Chief Engineer-Field Operations.
  3. Additional median openings not in compliance with the required spacings as specified in Section 5 and Appendix 3 of the MDOT Access Management Guide will require approval of the Commission by order spread upon its minutes.
  4. The construction of additional median openings and necessary left turn bays together with all approved traffic control devices will be as follows:
    - A. If the business/traffic generator existed at the requested location of the median crossover prior to the award of the highway contract to construct the divided highway, the Department will be responsible for construction of the median crossover, necessary left turn bays, and traffic control devices as required.
    - B. If the business/traffic generator was not in existence prior to the award of the highway contract to construct the divided highway, then the business/traffic

generator will be responsible for performing all necessary work in accordance with the Department's regulations, standards and permits.

5. Relocation of an existing median crossover can only be approved if the following conditions are met:
  - A. Spacing requirements as described in Section 5 and Appendix 3 of the MDOT Access Management Guide are met;
  - B. Property owners affected by the proposed relocation must agree to the new location; and
  - C. All relocation requests must be approved by the State Traffic Engineer.

## CONSTRUCTION OF FRONTAGE ROADS ON CONVENTIONAL AND PARTIALLY CONTROLLED ACCESS HIGHWAYS

- 1100 SECTIONS 1101 and 1102 below do not apply to those projects on which the access rights between median openings were purchased with the right of way. On these projects no provision was made for construction of frontage roads either partly or wholly on the right of way. Refer to the MDOT Access Management Manual, Sections 2 and 5, Median Policy for further details on medians.
- 1101 Applications for permits may be approved for construction of frontage roads on the highway right of way, or partly on highway right of way, in instances where the abutting property has not been sufficiently developed to warrant construction of a frontage road at State expense. In these instances, the permit will provide for such construction to be in accordance with plans and specifications approved by the Department, and further provide that the frontage road will be maintained by the applicant. A condition for approval of the permit is the applicant maintains the facility as a public road. In the case that ownership of the property changes from the original applicant, then responsibility for such maintenance carries over to the new property owner.
- 1102 Applications for permits may be approved for construction of frontage roads on the highway right of way, or partly on the highway right of way, where same is made necessary by commercial or residential development of abutting property which, without construction of a frontage road, would adversely affect traffic safety. Such construction will be in accordance with plans and specifications approved by the Department and may be accomplished as agreed upon. If the facility is to be maintained by the applicant, a condition for approval of the permit is the applicant or subsequent property owners as discussed above in Paragraph I(2), maintain the facility as a public road. Where maintenance of the completed facility is to be the responsibility of the Department, the applicant will furnish an appropriate instrument or conveyance on any additional right of way necessary for the maintenance of the completed facility.
- 1103 Frontage roads constructed under SECTIONS 1101 and 1102 above will connect to existing roads or streets entering the highway at a median opening, or connect to the highway at an existing median opening, or at a location where a median opening can be constructed in accordance with the requirements for additional median openings on conventional and partially controlled access highways. No permit shall be approved for a frontage road to connect with the highway except at a location opposite an existing median

opening, or opposite a location at which a median opening may be constructed in accordance with the requirements for additional median openings on conventional and partially controlled access highways. The width of the connections of frontage roads with the traveled way will be limited to not more than fifty (50) feet measured parallel to the highway and the turning radii specified as required by the MDOT Roadway Design Manual for the type of traffic expected.

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

- 1200 AASHTO Roadside Design Guide, Current Edition.
- 1201 MDOT Roadway Design Manual, Current Edition.
- 1202 MDOT Roadway Design Manual Standard Drawings, Current Edition.
- 1203 Mississippi Department of Environmental Quality - Office of Pollution.
- 1204 Mississippi State Department of Health.
- 1205 Section 65-1-8, Mississippi Code 1972 Annotated.
- 1206 United States Postal Service.
- 1207 37.I.8101.00001, Types of Highways.
- 1208 37.I.7501.03001, Processing of Permits.
- 1209 37.I.7501.03002, Construction and Maintenance of Driveway, County Road and Municipal Street Connections to State Highway.
- 1210 For Mississippi Code see [www.state.ms.us](http://www.state.ms.us)
- 1211 For Federal Government U.S. Code see [www.gpoaccess.gov](http://www.gpoaccess.gov) or [www.dot.gov](http://www.dot.gov)
- 1212 MDOT specific rules, forms, publications, SOPs, and other support documentation are available for review at MDOT
- 1213 MDOT Access Management Manual, Current Edition.

#### **Chapter 04014 Alteration of Drainage Channels**

##### **Purpose**

- 100 To establish a policy for the widening, deepening, straightening or otherwise altering drainage channels by drainage districts or abutting land owners.

- 101 This rule sets forth the requirements necessary to regulate the widening, deepening, straightening or otherwise altering drainage channels on Mississippi Department of Transportation right of way by drainage districts or abutting land owners.
- 102 It will be the responsibility of the Mississippi Transportation Commission, hereinafter “Commission”, to adapt its plans for highway improvements to meet conditions resulting from planned improvements by Drainage Districts or abutting land owners under the following circumstances:
1. The Drainage District has acquired the rights of way for its improvements;
  2. The title to the abutting land rests with those planning the improvements; and
  3. The Commission has not acquired title to the highway rights of way.
- 103 It will be the responsibility of the Drainage Districts and abutting land owners to adapt their plans to the Commission’s plans where the highway rights of way were acquired prior to the Drainage District acquiring rights of way for its improvements or prior to others planning improvements having acquired the abutting property.
- 104 It will be the responsibility of the Drainage Districts and abutters to adapt their plans to existing highway channels, drainage structures and bridges.
- 105 In lieu of conforming to the plans of the Commission or to existing facilities as set out in Paragraph B and C above, the Drainage Districts or abutters may enter into agreements with this Commission providing for the alteration of the highway plans or existing highway facilities to accommodate the planned improvements. Any increase in project costs due to such plan change or the costs of altering existing highway facilities, including engineering costs incurred by the Commission or private engineers, will accrue to the Drainage District or to the abutter. Such agreements will provide for reimbursement for any damage to the highway or highway structures and save the Mississippi Transportation Commission and Mississippi Department of Transportation, hereinafter “Department” harmless from any claims for damages due to the improvements proposed by the Drainage Districts or abutters.
- 106 When neither the Drainage District nor the Commission has acquired rights of way for planned construction, representatives of both governmental agencies should meet and with the aid of council and within the framework of the law, seek a solution compatible with the aims of both agencies. Such solution will be set out in an agreement approved by this Commission.
- 107 When a Department highway permit and agreement is required, it shall be processed in accordance with Rule 37.I.7501.03001, Processing of Permit Applications.
- 108 When the Drainage District requires a permit from the Department, it shall be processed under the rules and regulations of the Drainage District.
- 109 If other entities or individuals, other than Drainage Districts, make a request to alter existing drainage channels that affects the Commission’s drainage system(s) on the highway right of way, their request will be reviewed and processed on a case by case basis beginning with the applicable District Engineer.



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

- 200 37.I.7501.04007, Application for Permit to Locate Certain Facilities on or to Perform Certain Work on State Highway Right of Way, Form MND-004.
- 201 Supplement Form for Additional Sheets for Form MND-001, MND-002, and MND-004, Form MND-005.
- 202 37.I.7501.04002, Right of Way Encroachment Permits.
- 203 37.I.7501.03001, Processing of Permit Applications.
- 204 MDOT specific rules, forms, publications, SOPs, and other support documentation are available for review at MDOT

### **Chapter 04015 Parallel Utility Lines and Overhead Crossing Encroachment Permits**

#### Purpose

- 100 To establish a policy for location and construction of parallel utility lines and overhead crossings.
- 101 This rule sets forth the requirements necessary to regulate the location and construction of parallel utility lines and overhead crossings on Mississippi Department of Transportation right of way.

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## 10. SECTION 1100 REFERENCES

### GENERAL

- 200 The Mississippi Department of Transportation, hereinafter the Department, will authorize permits for parallel utility lines and overhead crossings as set out below.
- 201 Utility installations, adjustments and relocation are to be located and made with due consideration to highway and utility costs and in a manner that will be the least hazard to the highway users, that will constitute the least interference with the highway facilities and their operations, that will comply with the minimum clearances and that will not appreciably increase the difficulty of or cost of maintenance of the highway.

### TYPES OF HIGHWAYS

- 300 Type 1, 2A, 2B and 3 highways are defined in Rule 37.I.7501.04002, Right of Way Encroachment Permits.

### OVERHEAD POWER AND COMMUNICATION LINES - CONVENTIONAL HIGHWAYS (TYPE3)

- 400 General - Overhead lines will be located as near the right of way line as possible, taking into consideration the length of the cross arm and the preservation of desirable trees and vegetation insofar as such preservation is in accordance with practical considerations of utility pole alignment, however, such alignment must be in accordance with the requirements of the clear roadsides and scenic enhancement policy expressed in Rule 941-7501-04017, Location of Above Ground Utility or Other Structures Affecting Traffic and Scenic Enhancement.
- 401 Construction Areas - Overhead lines may be located in areas other than medians within construction limits where such limits are sufficient distance from the traveled way that such location would not result in any support brace or guy interfering with traffic safety or interfere with the construction or maintenance of the highway.
- 402 Joint Use Agreements - Where there is not sufficient right of way or it appears necessary to conserve available right of way to accommodate present and future utility applications, joint use of a single pole, overhead facility by agreement between the several utilities is encouraged. Such agreements may also reduce impairment of the visual quality of the highway.
- 403 Attachment to Bridges, etc. - Electric power and communication lines shall not be attached or affixed to bridges and grade separation structures nor will they be permitted through pipe culverts, box culverts or box bridges. Crossings may be permitted over or under bridges or grade separation structures where proper clearances from the structure and from the traveled way are obtained.

404 Ground-Roadway Clearance - Overhead lines will cross the highway as near normal to the highway alignments as practical and be of durable materials and as maintenance free as feasible. All overhead lines will have a minimum ground clearance of sixteen (16) feet in order to provide free access to the rights of way by the various types of equipment employed in maintaining the highways. Vertical clearance to all wires from the roadways will be in accordance with the National Electrical Safety Code, Current Edition, but with a minimum clearance from roadways as follows:

Communication lines 18' minimum  
Power Line 0-750 volts 20' minimum  
Over 750 volts 24' minimum

405 Low and High Speed Highways - Rule 941-7501-04017, Location of Above Ground Utility or other Structures Affecting Traffic Safety and Scenic enhancement, outlines the specific horizontal clearances required for above ground installations on low and high speed highways. Above ground installations include utility and traffic signal poles and highway or street lighting supports.

406 Medians - Overhead power and communication lines to be constructed parallel to the highway shall not be placed in the medians of multiple lane highways except as necessary for approved street or highway lighting or traffic signals. Poles or standards for street highways in accordance with Rule 941-7501-04017, Location of Above Ground Utility or Other Structures Affecting Safety and Scenic Enhancement, and will be of a type that will not adversely affect or mar the appearance of the area traversed.

407 Median Crossings - No utility poles or other above ground supports for overhead crossings may be placed in the medians as a part of utility highway crossings unless, in each case, a determination is made by the Chief Engineer that without such pole or support located in the median, the line would be (1) extremely difficult and unreasonably costly to the utility consumer, (2) the installation in the median will not adversely affect to a substantial degree the design, construction, stability, traffic safety or operation of the highway and (3) that in case the highway is designated as a fully or partially controlled access facility every practicable provision will be made for servicing the utility without access from the through traffic lanes or ramps, including removal to a new location.

408 Appurtenances - Pay telephone booths, transformer banks involving multiple pole supports, substations, etc., are not to be permitted upon the right of way. Repeater cabinets such as those used by telephone companies may be installed on poles located on the right of way provided concrete slabs of sufficient size to enclose the poles and servicing area are constructed flush with the ground and are constructed so as to prevent vegetative growth and not impede mowing of adjacent vegetation. This paragraph is not to be construed so as to prevent the location of needed facilities in rest or recreation areas and in hospitality stations.

## UNDERGROUND POWER AND COMMUNICATION LINES - CONVENTIONAL HIGHWAYS (TYPE 3)

500 General - Underground cables, conduits and other approved installations should be located outside construction limits and as near the right of way line as feasible. Future highway reconstruction widening or other possible improvements should be considered when locating the utility. Highway and street crossings will be as near normal to the highway and street alignment as practical and be of durable materials and as maintenance free as feasible. (Reference: Rule 941-7501-04001, Underground Utility Crossings)

501 Permissible Locations - All installations should be located outside cut and fill slopes; however, in some instances narrow right of way widths and conflicts with other utilities on relatively unimproved roads may require a location in such slopes and such location require special measures to be taken by the applicant for prevention of erosion as directed by the District Engineer. In situations of narrow right of way it may be preferred that underground cables or conduits with manholes flush with the ground be permitted at the back of a regular cut ditch near the toe of the cut slope when such location would not

### 502 Prohibited Locations

1. No parallel electric power or communication utility lines are to be attached or affixed to bridges or grade separation structures. No parallel line will be located within the pavement, the shoulders, or within the limits of any prepared base, subbase or treated design soil or at locations which would require any of the foregoing to be disturbed during construction or maintenance of the utility. Underground power and communication lines to be constructed parallel to the highway shall not be placed in the medians of multiple lane highways except as necessary for approved street or highway lighting or traffic signals.
2. Underground transmission power lines will not be permitted to be installed parallel or crossing the highway right of way.
3. Underground distribution power lines (7,200 to 13,000 Volts), when approved, will require that the electrical power line be placed in a steel encasement throughout the entire highway right of way and extend a minimum distance of two (2) feet outside the highway right of way lines.

503 Appurtenances - Pedestal type underground cable connections such as those commonly used by telephone companies may be permitted to be installed within the outer two (2) feet of the rights of way. Such pedestal type connections may also be permitted to be installed within two (2) feet of existing permanently located utility poles. Upon relocation of such pole the pedestals will be relocated to comply with this paragraph. This paragraph is not to be construed so as to prevent the location of needed facilities in rest or recreation areas and in hospitality stations. (Reference: Rule 941-7501-04017, Location of Above Ground Utility or Other Structures Affecting Traffic Safety and Scenic Enhancement).

504 Underground power and communication lines will comply with Rule 941-7501-4001, Underground Utility Crossings, except for restrictions outlined in prohibited locations sections in this Rule (Rule 941-7501-04015, Parallel Utility and Overhead Crossing Encroachment Permits).

## PIPE LINES - CONVENTIONAL HIGHWAYS (TYPE 3)

- 600 Permissible Locations - It is preferred that utility pipelines be located outside construction limits and as near the right of way line as feasible. Wide cut sections and other improvements planned for the highway should be considered when locating the pipeline. In special cases, water line crossings may be attached to bridges when the applicant shows just cause as outlined in Rule 941-7501-06001, Accommodation of Utilities on Freeway Rights of Way, Section 2, Paragraphs A, B, C and D and the water line installation will not damage the bridge or interfere with traffic or maintenance of the bridge. Where permitted, such water lines will be placed well outside bridge abutment fills and may be attached to intermediate bents or piers after approaching same underground from the parallel location of the line. The method of attachment will be shown in detailed drawings on the application and must be approved by the Bridge Engineer. The installation will be of durable materials and designed to be as maintenance free as is feasible. In some instances narrow right of way widths or conflicts with other utilities may require a location within construction limits and such location required special measures to be taken by the applicant for prevention of erosion as directed by the District Engineer. In municipal or other built-up sections there may not be enough unpaved area in which to locate parallel pipelines. These instances will be treated as special cases, each according to its merits. They should be fully documented and referred to the State Maintenance Engineer for disposition.
- 601 Prohibited Locations - Pipelines, other than water lines as discussed above, are not to be attached or affixed to bridges, grade separation structures or drainage structures. High pressure parallel transmission lines moving gases and petroleum products are not to be constructed on state highway rights of way. No parallel pipeline will be permitted within the limits of the pavement, the shoulders, the slopes of any prepared base, subbase, treated design soil or at locations which would require any of the foregoing to be disturbed during construction or maintenance of the line. Parallel pressure pipelines or force mains will not be permitted in the medians of multiple lane highways. Parallel gravity flow pipelines may be permitted in the medians provided, in each case, a determination is made by the Chief Engineer that without such location in the median the line will be (a) extremely difficult and unreasonably costly to the user, (b) the installation in the median will not adversely affect to a substantial degree the design, construction stability, traffic safety or operation of the highway, and (c) that in case the highway is designated as a fully or partially controlled access highway, every practicable provision will be made for servicing the utility without access from the through traffic roadways or from the ramps, including removal to a new location.
- 602 Appurtenances - Lift stations, wells, gas and water meters, anode fields, etc., are not to be permitted on state highway rights of way. Where municipal streets have been taken for state maintenance as a state highway, water and gas meters may be installed back of the curbs if agreeable to municipal authorities. This paragraph is not to be construed so as to prevent the location of needed facilities in rest or recreation areas and in hospitality stations.

603 Underground pipeline crossings will comply with Rule 941-7501-04001, Underground Utility Crossings, except for restrictions outlined in prohibited locations sections in this Rule (Rule 941-7501-04015, Parallel Utility and Overhead Crossing Encroachment Permits).

#### PARALLEL LOCATIONS PARTIALLY CONTROLLED ACCESS HIGHWAYS (TYPE 2A and 2B)

700 General - Except as restricted herein the same general requirements for location of above ground and underground parallel lines on conventional highways will apply to their location on partially controlled access highways.

#### 701 Permissible Locations - All Lines

1. For highways designated to have Type 2A access, it is preferred that parallel lines on partially controlled access highways be located between the frontage roads and the right of way line. In extreme situations they may be located in the outer separation, provided there is no interference with highway maintenance operations or drainage and the line will be serviced from the frontage road. If frontage roads have not been constructed at the time the utility application is made, the probable location of the frontage road should be determined and this location taken into consideration in locating the line. In the absence of frontage roads the line should be serviced from adjacent streets or roads where possible.
2. For highways designated to have Type 2B access, it is preferred that parallel lines be located along the outer right of way. The utility lines must be constructed and maintained without vehicular travel from and to the through traffic lanes or ramps of the highway, except at established entrances and exits.

702 Prohibited Locations - All Lines - Neither parallel underground lines nor supports for overhead power and communication lines to be constructed parallel to the highway or crossing the highway will be permitted in the medians of multiple lane highways other than as authorized in Section 1, Paragraphs (g) and (h) above.

#### PARALLEL LOCATIONS AND CROSSINGS – FREEWAYS (TYPE 1)

800 General - Except as restricted herein the same general requirements for location of above ground and underground lines on conventional highways will apply to their location on freeways.

801 Permissible Locations-All Lines - Generally, all parallel utility lines on freeways, if approved, will be confined to areas outside the control of access line and preferably to the area between the frontage road and the right of way line. The control of access fence will usually be erected near the inside shoulder of the frontage road leaving little or no acceptable area between the fence and the frontage road for underground lines location. Servicing of such lines must be accomplished from the frontage roads. Where there are no frontage roads the control of access line is the right of way line unless noted differently on the highway and/or right of way plans. When underground lines follow cross roads or streets which are carried over fully controlled access highways they may not be attached to bridges,

except for water lines indicated in Section 3(a) above, as they cannot be serviced without access from the through lanes or ramps and generally cannot approach the bridge(s) without being placed in the embankment or pavement structure, if any. Underground and overhead lines along such cross road or streets must be located so that servicing can be accomplished from the crossroad or street. Individual service line crossings of freeways are to be avoided where possible, such servicing to be accomplished from single distribution line crossings to the extent practicable and feasible. (Reference: Rule 37.I.7501.06001, Accommodation of Utilities on Freeway Rights of Way).

802 Prohibited Locations - New utilities will not be permitted to be installed longitudinally within the control of access lines except as outlined in Rule 37.I.7501.06001, Accommodation of Utilities on Freeway Rights of Way.

### CONSTRUCTION REQUIREMENTS - ALL HIGHWAYS

900 Overhead Lines - Required clearances of overhead utility lines are detailed in Section 1, Paragraph (e) above. Generally, construction requirements will comply with the regulations of the Mississippi Public Service Commission and/or with the National Electrical Safety Code.

901 Underground Lines - Pipelines, multiple ducts, rigid conduits, telephone cables and like underground structures shall have a minimum cover of thirty six (36) inches. All encasements and carrier pipes will also have a minimum cover of thirty six (36) inches. Underground installations will be covered additionally as required to protect them from damage by heavy maintenance equipment or other apparent hazards. In special circumstances where required depth of cover cannot be obtained. Other means for obtaining protection of an appropriate design and approved by the Department, may be required. Generally, construction and design requirements will comply with the regulations of the Mississippi Public Service Commission and/or with the current Standard Code of Pressure Piping of the American National Standards Institute.

902 Preliminary Requirements for acquiring a permit - All underground utility permits require that the permittee visit the site prior to submitting a permit application and discuss with the applicable District Permit Office to determine an acceptable location. Prior to this discussion all adjacent utilities shall be located and marked. Overall feasibility of the utility and prescribed location will then be determined. At that time, the determined location shall be shown on a legible, standard scaled drawing and referenced with station offsets, distance to the right-of-way line, as well as depth of facility from existing ground at critical points such as bottom of ditch, point of entry, and edge of pavement. The location of all facilities to be placed on right-of-way, all above ground appurtenances, as well as locations of any bore pits that may be needed for construction shall be shown on the scaled drawing. In addition, bore pits or other excavations necessary for the installation of the utility should be shown as well. Applicant shall be required to stake proposed utility location prior to submission of permit application

903 Requirements upon completion of the permitted work - A duly authorized representative of the utility company shall certify in writing that all work has been done as per the approved

permit. This certification shall be submitted immediately upon the completion of the work noting any significant variations from the original permit submittal. Failure to provide completion of work certification may result in the permit application being revoked. MDOT reserves the right to require the permittee to expose a facility as needed for inspection. Noncompliance with the approved permit shall require the utility company to remove the newly installed line and replace it in the permitted location. All costs associated with the relocation of the noncompliant facility shall be solely at the utility company's expense.

- 904 Additional Service Lines - Service lines being installed from an existing distribution line located within MDOT right-of-way are required to be covered under a separate permit application. This includes any and all encroachments or work to be performed on right-of-way.
- 905 Additional Requirements - Above-ground appurtenances, including but not limited to those described herein, and areas around the appurtenances that would affect routine right of way maintenance operations shall be maintained by the utility company so that they are clearly visible. MDOT does not in any way assume the maintenance or upkeep of the facility or proposed improvement herein described nor will MDOT be held responsible for any damage which may be inadvertently done to the facility or proposed improvement regardless of the source or cause of such damage.

#### GENERAL - APPLICABLE TO ALL LINES

- 1000 Clearing and pruning of trees and other vegetation will be in accordance with Rule 37.I.7501.03005, Clearing and Pruning of Trees and Other Vegetation for Utility Lines.
- 1001 Restoration of sod on graded or otherwise disturbed areas will be in accordance with Rule 37.I.7501.04002, Right of Way Encroachment Permits.
- 1002 Underground and overhead installations shall be of durable materials, designed for long service life expectancy and relatively free from routine servicing and maintenance.
- 1003 New construction and reconstruction of existing facilities shall be designed so as to provide for known or expected expansion of the utility facilities in order that construction of the expanded facility may be accomplished in a manner that will minimize hazards and interference with highway traffic.
- 1004 When construction and maintenance equipment and personnel are permitted to operate by access from the through lanes or frontage roads, advance warning signing and ample flagmen shall be provided to handle traffic at times of ingress and egress. When equipment and personnel are permitted to work within or near the roadway or in close proximity to the outer edge of the shoulder, the utility owners shall furnish the necessary traffic control devices in accordance with Part VI of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), Current Edition, as a minimum. Special traffic control details may require a traffic control plan, to be approved by the Department.



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

- 1100 Section 65-1-8, Mississippi Code Annotated (1972).
- 1101 941-7501-04001, Underground Utility Crossings.
- 1102 941-7501-04002, Right of Way Encroachment Permits.
- 1103 941-7501-03005, Clearing and Pruning of Trees and Other Vegetation for Utility Lines.
- 1104 941-7501-04017, Location of Above Ground Utility or Other Structures Affecting Traffic Safety and Scenic Enhancement.
- 1105 941-7501-06001, Accommodation of Utilities of Freeway Right of Way.
- 1106 Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), Part VI, Current Edition.
- 1107 Mississippi Public Service Regulations, Current Edition.
- 1108 American National Standards Institute, Current Edition.
- 1109 National Electrical Code, Current Edition.
- 1110 For Mississippi Code see [www.state.ms.us](http://www.state.ms.us)
- 1111 MDOT specific rules, forms, publications, SOPs, and other support documentation are available for review at MDOT

## **Chapter 04016 Utilities and Maintenance of City Streets**

### Purpose

- 100 To establish permit policy governing utility installations and maintenance of highways within municipalities.
- 101 This rule sets forth the requirements necessary to regulate the use of state highway rights of way for utility installations and maintenance of highways within municipalities.
- 102 As a condition to the taking over of any highway or section thereof located within any municipality, the municipality concerned must agree that, after such highway is taken over for maintenance by the Transportation Commission, neither the municipality nor any person, corporation, or organization shall make any utility or other similar installations under, on, across, or over such highway without having first obtained permission as required by law and

the rules and regulations of the Transportation Commission. In the event such municipality, or any person, corporation, or organization acting under authority of such municipality makes any such installations or in any way damages such highway without permission, the Transportation Commission may, in its sole discretion, return such section of highway to said municipality.

103 This provision shall be made a part of all agreements hereafter made with municipalities for the taking over of highways therein.

104 The policy for the adjustment or relocation of utilities within the corporate limits of a municipality is as follows:

1. The municipality will make the necessary adjustments in its own facilities located within a dedicated street width which is coincident with a highway project at no cost to the Transportation Commission.
2. The Transportation Commission will reimburse the municipality for relocation or adjustments of its facilities which are located within the dedicated width of the city street which is crossed by a highway project if the highway project is not coincident with a city street.
3. The Transportation Commission will reimburse the municipality for relocation or adjustments of the municipalities' facilities located outside a dedicated street width, on private right-of-way, which are not located on state lands or other public right-of-way, provided the municipality has a compensable property interest.
4. The municipality will relocate, or cause to be relocated, all other utilities not owned by the municipality that are located within its right-of-way at no cost to the Transportation Commission.
5. The Transportation Commission will reimburse all other utility companies for the relocation or adjustments of their facilities which are not municipally owned, where the utilities are located on private right-of-way, provided the utility has a compensable property interest.

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

200 Sections 65-1-75, 11-27-43, 11-27-47, 21-27-3, 21-27-5, 65-1-8(e), Mississippi Code Annotated (1972)

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

202 For Mississippi Code see [www.state.ms.us](http://www.state.ms.us)

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

## **Chapter 04017 Location of Above Ground Utility or Other Structures Affecting Traffic Safety and Scenic Enhancement**

Purpose

100 To establish permit policy for locating above ground utility and other encroachments permitted on the right of way so as to promote traffic safety and scenic enhancement.

101 This rule sets forth the requirements necessary to regulate the location of above ground utility and other encroachments permitted on the right of way so as to promote traffic safety and scenic enhancement.

## GENERAL

200 Reference is made to the MDOT's Roadway Design Manual

## ABOVE GROUND INSTALLATIONS

### 300 Low Speed Highways (Urban Areas Only)

1. Low Speed highways are those highways and frontage roads on which the average daily traffic (ADT) is less than 750 and on which the design speed is less than 50 MPH. On these highways above ground utility installations should be located as far from the traveled way as is practicable and feasible and a minimum distance of 30 feet from the traveled way if practicable and feasible. Poles and other obstructions when nearer than 30 feet from the traveled way should be placed on top of cut banks, behind safety barriers or in other locations inaccessible to out of control vehicles to the extent practicable and feasible. The use of signs and light standards with break away type bases meeting the requirements of NCHRP Report 350 and underground facilities, where above ground facilities will be a serious hazard to the motorist, should be encouraged.
2. Where practical limitations prevent better conditions for traffic safety, poles and other obstructions are to be placed not closer than two (2) feet from the shoulder, not closer than one and one-half (1 ½) feet from the curb face of an auxiliary lane, and not closer than one and one-half (1 ½) feet from the curb face of any outside through traffic lane. A clear recovery area of at least ten (10) feet from the edge of the through traffic lane, free of unyielding objects, is desirable (See Attachment A).

### 301 High Speed Highways (Urban Areas Only)

1. High speed highways are those highways and frontage roads on which the average daily traffic (ADT) is 750 or more or on which the design speed is 50 MPH or more. On these highways, no above ground installations are to be placed nearer than 30 feet from the traveled way where such locations are accessible to out of control vehicles. Above ground installations located within 30 feet from the traveled way will be relocated 30 or more feet from the traveled way or to points inaccessible to out of control vehicles at such time as the installation requires a major rebuilding (replacement of above ground structure and restringing). When locating new lines or relocating old lines, installations which cannot be placed 30 or more feet from the traveled way or at points inaccessible to out of control vehicles will be protected by properly designed and approved safety barriers except that light standards and poles with break away type bases meeting the requirements of NCHRP Report 350 may be located to clear the usable shoulder, normally at least ten (10) feet from the edge of any through traffic lane. In curb and gutter sections, these standards or poles shall clear any curb face of through traffic lanes

a minimum of one and one-half (1 ½) feet and this clearance shall be a minimum of one and one-half (1 ½) feet from the curb face of auxiliary lanes (See Attachment A).

2. On rights of way which do not have adequate widths for the required clearances for above ground facilities, below ground installations may be required.

302 Clear Zones For Rural Areas

1. The criteria for rural facilities states that the clear zone will be determined assuming that the facility is uncurbed; i. e., the clear zone criteria presented in the Table 9-2A listed in the MDOT Roadway Design Manual will apply to all rural facilities whether curbed or uncurbed.

303 Municipalities

1. Generally, curbed street sections and highly developed urban sections will have operating speeds below 50 MPH and practical limitations exist in the location of above ground structures; however, the best possible conditions for traffic safety should be obtained. The requirements of Paragraph 2 above will apply to those urban sections constructed on wide rights of way and which are high speed highways.

304 Scenic Strips, Overlooks, Landscaped Areas, Welcome Centers, Rest Areas, Recreation Areas, etc.

1. Utility installations shall not be permitted within scenic strips, overlooks, landscaped areas, welcome center areas, rest areas, and recreation areas except where it is found by the State Maintenance Engineer that the installations will not adversely affect or otherwise mar the appearance of the area traversed. Underground installations are preferred when services are to be provided for these areas.

## UNDERGROUND INSTALLATIONS

- 400 Underground cables and conduits, where practicable and feasible, are to be located outside of construction limits. Underground utilities shall not be permitted within scenic strips, overlooks, landscaped areas, welcome centers, rest areas and recreation areas except where it is found by the State Maintenance Engineer that the installations will not adversely affect or otherwise mar the appearance of the area traversed.

## TEMPORARY INSTALLATIONS

- 500 Temporary installations are those appurtenances necessary for construction of the utility. Above ground temporary installations shall comply with the location requirements of paragraphs 300.1 and 301.1 above.

- 501 Where compliance is not possible, temporary above ground obstructions with or without breakaway construction will clear the usable shoulder at least four and one half (4 ½) feet and clear the edge of any through traffic lane at least ten (10) feet. Above ground temporary installations not meeting the location requirements of paragraphs A.1., A.2., and A.4. may be installed provided an approved safety barrier is placed and shall be effectively lighted and/or reflectorized so as to be visible at night and will be removed as soon as no longer needed.

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

600 MDOT Roadway Design Manual

601 AASHTO Roadside Design Guide

602 37.I.7501.04002, Right-of-Way Encroachment Permits

603 Section 65-1-59, Mississippi Code, Annotated (1972)

604 MDOT Roadway Design Standard Drawings

605 For Mississippi Code see [www.state.ms.us](http://www.state.ms.us)

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

## **Chapter 04018 Access Management Manual**

### Purpose

100 To establish a Mississippi Department of Transportation (MDOT) Access Management Manual that constitutes the Mississippi Department of Transportation's policy for access location determination and procedures for coordinated development between state highways and the abutting properties which they serve.

101 The manual will provide clarification of the administrative procedures and standards as contained in Rules 37.I.7501.04002 "Right of Way Encroachment Permits"; 37.I.7501.04013 "Driveway and Street Connections, Median Openings, Frontage Roads"; and 37.I.7501.03001 "Processing of Permit Applications."

### General

200 The primary purpose of the MDOT Access Management Manual is to establish access management standards that will:

1. Maintain the overall safety of the transportation system.
2. Minimize congestion.
3. Minimize crashes.
4. Provide for efficient traffic flow.
5. Preserve existing system capacity.
6. Provide for pedestrian safety.
7. Maintain roadway aesthetics.
8. Provide appropriate access to adjacent business properties.

- 201 The access management standards found in the MDOT Access Management Manual will apply to all state highways.
- 202 All new construction and reconstruction projects shall incorporate the access management guidelines found in the MDOT Access Management Manual.
- 203 The access management policy found in the MDOT Access Management Manual will apply to all developments or re-permitting of existing access points due to changed land use.

#### Methods of Modification

- 301 The Maintenance Division will have the responsibility of maintaining the manual. Modifications to the manual will be made by the State Maintenance Engineer and approved by the Deputy Executive Director/Chief Engineer.
- 302 MDOT Access Management Manual, Current Edition can be found at <http://www.gomdot.com/home/AccessManagementManual.html>
- 303 Hard copies of the MDOT Access Management Manual, Current Edition can be obtained from the Maintenance Division of the MDOT Central Office and the MDOT District Offices.

Source: *Miss. Code Ann.* § 65-1-8.2 (Rev. 2006).

### **Chapter 04019 Installation of Monitoring Wells on the State Right of Way by Others**

#### Purpose

- 100 General Policy and Guidelines for the Installation of Monitoring Wells on the State Right of Way by others

#### General Policy

- 200 The installation of monitoring wells on state right of way by others shall be allowed under permit only after all other recourses have been exhausted and verified by the Office of Pollution Control (OPC) of the Mississippi Department of Environmental Quality (MDEQ).

#### General Guidelines

- 300 The permittee will be the responsible party required to clean up or monitor a contaminated site.
- 301 A representative from the OPC will approve the location(s) where the well(s) should be installed by approving the permittee's assessment plan.

- 302 If the Department has a problem with the proposed location of a monitoring well(s), the permittee will be required to coordinate an on site inspection to be attended by the permittee and representatives from the Contractor, OPC, and the Department.
- 303 No monitoring well(s) shall be installed that would adversely affect safe traffic operations, roadside maintenance or ingress/egress to adjacent property.
- 304 If an existing monitoring well(s) on state right of way must be relocated for reasons determined by the Department, the permittee will be required to relocate the monitoring well(s) at their expense.
- 305 Upon completion of the monitoring phase, the permittee will cap or remove the monitoring well(s) in a manner acceptable to the Department.
- 306 The permittee shall be required to repair all damage to the state right of way immediately following the installation or removal process.
- 307 The permittee shall be required to execute a Performance Bond in an amount as determined by the appropriate district personnel (\$1000.00 dollars per well).
- 308 The permittee shall be required to contact utility companies in order to locate underground utility lines.
- 309 Applicant must have MDEQ send MDOT a copy of the water well plugging/decommissioning form OLWR-DF-1 when the well is closed.

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

400 For Mississippi Code see [www.state.ms.us](http://www.state.ms.us)

401 For Federal Government U.S. Code see [www.gpoaccess.gov](http://www.gpoaccess.gov) or [www.dot.gov](http://www.dot.gov)

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

## **Chapter 05001 Maintenance Takeover of County Roads and Municipal Streets**

### **Purpose**

- 100 To establish the required standards for county roads and municipal streets to attain for the taking over of such roads and streets by the Mississippi Transportation Commission for construction and maintenance.

- 101 This rule sets forth the requirements necessary to regulate taking over for construction and maintenance of county roads and city streets.
- 102 Subject to the requirements in Section 65-1-59 and 65-1-75, MCA (1972), the following policy with respect to the acceptance of county roads or municipal streets for construction and maintenance is subject to the availability of funds for any construction to be done at the expense of the Mississippi Transportation Commission, hereinafter "Commission".

#### TAKEOVER FOR CONSTRUCTION AND MAINTENANCE OF COUNTY ROADS.

- 200 The County will consult with the Assistant Chief Engineer-Preconstruction through the District Engineer of the Mississippi Department of Transportation, hereinafter "MDOT", in whose district the road is located, to establish agreed criteria for plans and specifications for the highway in keeping with anticipated traffic.
- 201 The County will make application to the Commission on Form MND-562 to accept said road when constructed to the agreed criteria, said application to be accompanied by survey and plans, of said road improved or to be improved, and said application is to contain a provision stipulating whether the County or the Commission is to prepare the necessary detailed plans and specifications for the improvement of the road in accordance with the applicable design and construction criteria.
- 202 After the detailed plans and specifications have been completed to the satisfaction of the County and the Commission, the County is to: (1) acquire the rights of way in accordance with the widths shown on the plans, together with all necessary drainage easements; (2) remove all encroachments such as fences, buildings, signs, etc., from the rights of way, and; (3) adjust any communication lines, power lines and underground utilities that would interfere with the construction or maintenance of the road.
- 203 The county is to grade and drain the road, including any necessary bridge construction, and construct the entire base all in accordance with the plans prepared; or is to provide the Commission with the estimated funds for the performance of said items of work according to said plans by contract or by state forces, as agreed upon.
- 204 After the County has completed the requirements and work outlined in Items 202 and 203 above and furnished the Commission with the Final Certificate and Conveyance (Form MND-200) and Certificate of Title (Form MND-082) to the right of way as shown on the plans along with the necessary drainage easements; the Commission will take over the section of road for construction and maintenance when funds become available for construction.

#### TAKEOVER FOR CONSTRUCTION AND MAINTENANCE OF MUNICIPAL STREETS.

- 300 The Municipality will consult with the Assistant Chief Engineer-Preconstruction through the District Engineer of MDOT in whose district the road is located, to establish agreed criteria for plans and specifications for the street in keeping with anticipated traffic.



- 301 The Municipality will make application to the Commission on Form MND-010 to accept said street when constructed to the agreed criteria, said application to be accompanied by survey and plans of said street improved or to be improved, and said application is to contain a provision stipulating whether the Municipality or the Commission is to prepare the necessary detailed plans and specifications for the improvement of the street in accordance with the applicable design and construction criteria.
- 302 After the detailed plans and specifications have been completed to the satisfaction of the Municipality and the Commission, the Municipality is to: (1) acquire the rights of way in accordance with the widths shown on the plans, together with all necessary drainage easements; (2) remove all encroachments such as fences, buildings, signs, etc., from the right of way, and; (3) adjust any communication lines, power lines and underground utilities that would interfere with the construction or maintenance of the street.
- 303 The Municipality is to grade and drain the street, including any necessary bridge construction, and construct the entire base all in accordance with the plans prepared; or is to provide to the Commission the estimated funds for the performance of said items of work according to said plans by contract or by state forces, as agreed upon.
- 304 After the Municipality has completed the requirements and work outlined in Items 302 and 303 above and furnished the Commission a Certificate of Title (Form MND-081) to the right of way as shown on the plans along with the necessary drainage easements; adopted the required "Ordinance Regulating Traffic and Use" on the subject street (Form MND-561) and furnished certified copies thereof to the Commission, the Commission will take over the section of street for construction and maintenance when funds become available for construction.

#### TAKEOVERS FOR MAINTENANCE OF COUNTY ROADS AND MUNICIPAL STREETS.

- 400 The minimum conditions for a takeover of county roads and municipal streets for maintenance shall be as set forth in the Chief Engineer's letter, the subject being "Maintenance Takeovers". The County or Municipality shall make application using the forms prescribed above.
- 401 When improvements on county roads or municipal streets are necessary for acceptance of same for maintenance, such requirements or standards will be made a part of the county's or municipality's application.
- 402 Additional information required along with the application is as follows:
1. As built roadway plans.
  2. As built bridge plans including bridge foundation documents.

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

- 500 Section 65-1-59 and 65-1 75, MCA (1972).

- 501 Mississippi Standard Specifications for Road and Bridge Construction, Current Edition.
- 502 MDOT Roadway Design Manual, Current Edition.
- 503 AASHTO Roadside Design Guide, Current Edition.
- 504 MDOT Roadway and Bridge Design Standard Drawings, Current Edition.
- 505 Manual on Uniform Traffic Control Devices (MUTCD), Current Edition.
- 506 For Mississippi Code see [www.state.ms.us](http://www.state.ms.us)
- 507 For MUTCD and FHWA links see <http://mutcd.fhwa.dot.gov> and [www.fhwa.dot.gov](http://www.fhwa.dot.gov)
- 508 MDOT specific rules, forms, publications, SOPs, and other support documentation are available for review at MDOT
- 509 Chief Engineer’s letter, “Maintenance Takeovers”, Current Version.

## **Chapter 05002 Return of Relocated Highways to Local Jurisdiction**

### Purpose

- 100 To establish a policy for giving proper notice to counties and municipalities of the return of relocated sections of highways to their respective jurisdiction.
- 101 This rule sets forth the procedure for the return of relocated sections of highways to counties and municipalities for their respective jurisdiction as provided for in Sections 65-1-59 and 65-1-75, Mississippi Code 1972 Annotated.
- 102 Section 65-1-59 of the Mississippi Code says “if any highway or link of highway is removed from the state highway system by legislative act or by relocation or reconstruction, it shall no longer be maintained by or be under the jurisdiction of the State Highway Commission or State Highway Department, but shall be returned to the jurisdiction of the board of supervisors of the county or governing authorities of the municipality through which such road runs”.
  - 1. Except:
    - a. US routes three (3) miles or greater cannot be returned to the local jurisdiction without legislation; or
    - b. US routes less than three (3) miles used as an interstate, 4-lane primary, and the 4-lane program under MS Code 65-3-97 and not on a municipal by-pass or inside a municipality, can be returned to the local jurisdiction.
  - 2. To further explain Section 65-1-59:
    - a. All highways except US highways can be returned to the local jurisdiction (county or city).

- b. A segment of a US route, on a municipal by-pass, that is in the county even if it is less than three (3) miles, cannot be returned to the county because it is considered on a municipal by-pass.
- c. A US route inside a municipality cannot be returned to the municipality.
- d. Regardless of the length of a NON US route in a municipality or on a municipal by-pass, it can be returned to either the municipality or the county.

- 103 Upon completion of a project, the District Engineer will prepare sketch, map or any other pertinent information on the section and notifies the State Maintenance Engineer accordingly.
- 104 The State Maintenance Engineer will then prepare the return notification for the Director's signature.
- 105 The approved return notification will then be sent to the local jurisdiction by certified mail.
- 106 The State Maintenance Engineer will distribute the return notification to:
  - 1. Appropriate Transportation Commissioner
  - 2. State Traffic Engineer
  - 3. State Planning Engineer
  - 4. Bridge Engineer
  - 5. Director-Office of Enforcement
  - 6. Appropriate District Engineer
  - 7. Commissioner of Public Safety
  - 8. State Aid Bridge Engineer
  - 9. Chief of Right of Way

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

200 Sections 65-1-59 and 65-1-75, MCA Annotated.

201 For Mississippi Code see [www.state.ms.us](http://www.state.ms.us)

**Chapter 06001 Accommodation of Utilities on Freeway Rights of Way**

Purpose

- 100 To establish a policy for issuing permits for accommodating utilities on freeway rights of way to improve and maintain highway safety and operation.
- 101 This rule sets forth a uniform policy establishing the conditions under which public and private utilities may be accommodated on the freeway right-of-way, which does not adversely affect highway or traffic safety, or otherwise impair the highway or its' aesthetic quality, and does not conflict with the provisions of federal, state or local laws or regulations. It is not the intent of this policy to impose restrictions on the future installation of utility crossings that would obstruct the development of expanded areas adjacent to the

freeways. The policy recognizes the public interest in avoiding unnecessary and costly operation of public utilities. This policy applies to all highways with full control of access, regardless of system. Also, it has value as a guide for all highways with partial control of access.

## DEFINITIONS

200 Freeway - A divided arterial highway for through traffic with full control of access.

201 Department - Mississippi Department of Transportation.

## INTRODUCTION

300 A uniform policy is needed to establish the conditions under which public and private utilities may be accommodated on the freeway right-of-way, which does not adversely affect highway or traffic safety, or otherwise impair the highway or its' aesthetic quality, and does not conflict with the provisions of federal, state or local laws or regulations. Although the primary purpose of this policy is to improve and maintain highway safety and operation, said policy recognizes the public interest in avoiding unnecessary and costly operation of public utilities. It is not the intent of this policy to impose restrictions on the future installation of utility crossings that would obstruct the development of expanded areas adjacent to the freeways. This policy applies to all highways with full control of access, regardless of system. Also, it has value as a guide for all highways with partial control of access.

## STATEMENT OF POLICY

400 Applicability

1. This policy applies to utilities within freeway rights of way. The principles set forth in this policy apply to all public and private utilities including but not limited to communication, electric power, cable television, water, gas, oil, slurry, petroleum products, sewer, drainage, irrigation and similar facilities. Such utilities may involve construction and maintenance of underground, surface or overhead facilities, either singularly or in combination. This policy does not apply to utilities for servicing facilities needed for operating the freeway.

401 New Utility Installations Along Freeways:

1. Installation of new utilities will not be permitted longitudinally within the control of access lines of any freeway, except that in special cases such installations may be permitted under strictly controlled conditions. The location of such installations, if permitted, will generally be restricted to the outer ten (10) feet of the right of way. Installation of utilities will not be allowed longitudinally within the median area.
2. Some special cases, referenced above, that may warrant accommodation on the right of way are (1) significantly undesirable social, economic, or environmental effects on adjacent property, (2) prohibitively excessive right of way costs on areas adjacent to the freeway, (3) unique nature of adjacent property (irreplaceable historical, parkland, recreational or other function), (4) temporary, short-term emergency needs, (5) Communication utility lines, such

as fiber optic or telephone lines, crossing the Mississippi River or other circumstances that the Mississippi Transportation Commission may specifically authorize.

3. Where such longitudinal installations are requested, the utility owner must in each case show that:
  - a. The accommodation will not adversely affect the safety, design, construction, operation, maintenance or stability of the freeway.
  - b. The accommodation will not be constructed and/or serviced by direct access from the through traffic roadways or connecting ramps.
  - c. The accommodation will not interfere with or impair the present use or future expansion of the freeway; and,
  - d. Any alternative location would be contrary to the public interest. This determination would include an environmental evaluation of the direct and indirect environmental and economic effects covering on and off right of way alternates.

402 Existing Utilities Along Proposed Freeways:

1. Where a utility already exists within the proposed right-of-way of a freeway and it can be serviced, maintained and operated without access from the through traffic roadways or ramps, it may remain as long as it does not adversely affect the safety, design, construction, operation, maintenance or stability of the freeway. Otherwise, it must be relocated.

403 Major Valley or River Crossings:

1. Where a freeway crosses a major valley or river on an existing structure, any utility carried by the structure at the time the highway route is improved may continue to be carried when relocation of the utility would be very costly and provided the utility can be serviced without interference with road users. Expansion of a utility carried by an existing structure across a major valley or river may be permitted provided the utility can be installed and serviced without interference with road users.
2. New utility installations will not be permitted on a structure across a major valley or river at or after the time the highway route is improved, except for special cases as covered in Section 404 of this policy.

404 Utilities Crossing Freeways:

New utility installations and adjustments or relocation of existing utilities may be permitted to cross a freeway. To the extent feasible and practicable they should cross on a line generally perpendicular to the freeway alignment and preferably under the freeway.

1. Utilities Along Roads or Streets Crossing Freeways

- a. Where a utility follows a crossroad or street which is carried over or under a freeway, provisions should be made for the utility to cross the freeway on the location of the crossroad or street in such manner that the utility can be constructed and/or serviced without access from the freeway roadway or ramps. Generally the utilities are to be located within the right-of-way of the crossroad or street, existing or relocated, and may cross over or under the freeway, provided installation and

servicing thereof can be accomplished without access from the freeway roadways or ramps. Utilities will not be permitted to be attached to bridges, except for water or communication lines referenced in Rule 37.I.7501.04015, Parallel Utility Lines and Overhead Crossing Encroachment Permits, Section 600. Where distinct advantage and appreciable cost saving are effected by locating the utilities outside the right-of-way of the crossroads or street they may be so located, in which case they shall be located and treated in the same manner as utility lines crossing the freeway at points removed from grade separation structures as in the sections that follow.

## 2. Overhead Utility Crossings

- a. Overhead utility lines crossing a freeway at points removed from grade separation structures, or those crossing near a grade separation but not within the right-of-way of a crossroad or street, in general, should be adjusted so that supporting structures are located outside the outer edges of freeway roadway side slopes and preferably outside the control of access lines. In any case supporting poles shall not be placed within the clear zone as determined using procedures in the AASHTO Roadside Design Guide, Current Edition. Supporting poles may be placed in medians of sufficient width to provide the above referenced clear zone from the edges of both traveled ways. If additional lanes are planned, the clear zone shall be determined from the ultimate edges of the traveled way. Where right-of-way lines and control of access lines are not one and the same, as where frontage roads are provided, supporting poles may be located in the area between them with appropriate shielding. In extraordinary cases where such spanning of the roadways is not feasible, consideration may be given to conversion to underground facilities to cross the freeway.
- b. At interchange areas, in general, support for overhead utilities should be permitted only where all of the following conditions are met: (i) the clear zone with respect to the freeway through-traffic lanes and the clear zone from the edge of ramp is provided as designated in the AASHTO Roadside Design Guide, Current Edition, (ii) essential sight distance is not impaired, and (iii) the conditions of Section 6 of this policy, "Access for Servicing Utilities," are satisfied. The vertical clearance to overhead utility lines crossing freeways shall be determined by the Department but in no case shall be less than the clearance required by the National Electrical Safety Code.

### c. Underground Utility Crossings

Utilities crossing freeways underground shall be of durable materials and so installed as to virtually preclude any necessity for disturbing the roadways to perform maintenance or expansion operations. The design and types of materials shall conform to appropriate governmental codes and specifications. Utility access holes and other points of access to underground utilities may be permitted within the right-of-way of a freeway only when they are located beyond the shoulders of the freeway or ramps as planned for later widening. This access may be permitted provided the conditions of Section 6 are satisfied.

d. Provisions for Expansion of Utilities

When existing utilities are relocated or adjusted in conjunction with construction of a freeway, provision may be made for known and planned expansion of the utility facilities, particularly those underground. They should be planned to avoid interference with traffic at some future date when additional or new overhead or underground lines are installed.

405 Access for Servicing Utilities:

1. Access for servicing a utility along or across a freeway should be limited to access via (a) frontage roads where provided, (b) nearby or adjacent public roads and streets, or (c) trails along or near the highway right-of-way lines, connecting only to an intersecting road.
2. In those special cases where utility supports, manholes, or other appurtenances are located in medians or interchange areas, access to them from through-traffic roadways or ramps may be permitted, but only by permits issued by the Department to the utility owner setting forth the conditions for policing and other controls to protect highway users.
3. Where utilities are located outside the control of access line and where such utilities may require maintenance from within the freeway right-of-way, a permit must be obtained from the Department. Advance arrangements should also be made between the utility and the Department for emergency maintenance procedures.

406 Construction and Location Details:

1. The Department has the right to preview and approve or reject the location and design of all utility installations and adjustments affecting the highway and issue permits for the contemplated work.

407 Manner of Making Utility Installations and Adjustments:

1. In general, utility installations and adjustments are to be made with due consideration to highway and utility costs and in a manner that will provide maximum safety to the highway users, will cause the least possible interference with the highway facility and its operation, and will not increase the difficulty of or cost of maintenance of the highway.

408 Wetlands

1. Utility owners will be required to comply with the Corps of Engineers regulations for wetlands and to obtain any necessary permits prior to performing any work on the right of way.

409 Traffic Control

1. 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 of Uniform Traffic Control Devices for Streets and Highways (MUTCD), Current Edition, as a minimum. A special traffic control plan is including ion this application if special traffic control details are required.

- 410 Safety
1. The installation of any utility shall not be permitted which would adversely affect safety.
- 411 Scenic Strips, Overlooks, Landscaped Areas, Welcome Centers, Rest Areas Recreation Areas, etc.
1. New utility installations, except those needed for highway purposes, such as for highway lighting or to serve a weigh station, rest area, recreation area, welcome center, etc., are not permitted on highway right of way or other lands which are located within or adjacent to areas of scenic enhancement and natural beauty.
  2. The Departments' Chief Engineer may permit exceptions provided the following conditions are met:
    - a. New underground or aerial installations may be permitted only when they do not require extensive removal or alteration of trees or terrain features visible to the highway user or impair the aesthetic quality of the lands being traversed.
    - b. Aerial installations may be permitted only when (1) other locations are not available or are unusually difficult and costly, or are less desirable from the standpoint of aesthetic quality, (2) placement underground is not technically feasible or is unreasonably costly, and (3) the proposed installation will be made at a location, and will employ suitable designs and materials, which give the greatest weight to the aesthetic qualities of the area being traversed.

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

- 500 United States Code of Federal Regulations (CFR), Title 23, Part 645B, Accommodation of Utilities, Current Edition.
- 501 AASHTO-A Guide for Accommodating Utilities Within Highway Right-of-Way, Current Edition.
- 502 AASHTO-A Policy on the Accommodation of Utilities Within Freeway Right-of-Way, Current Edition.
- 503 AASHTO Roadside Design Guide Current Edition.
- 504 National Electrical Safety Code, Current Edition.
- 505 United States Corps of Engineers Wetland Regulations, Current Edition.
- 506 Manual on Uniform Traffic Control Devices (MUTCD), Current Edition.
- 507 37.I.7501.04002, Right of Way Encroachment Permits.
- 508 37.I.7501.04015, Parallel Utility Lines and Overhead Crossing Encroachment Permits.
- 509 37.I.7501.04001, Underground Utility Crossings.



- 510 37.I.7501.04017, Location of Above Utility or Other Structures Affecting Traffic Safety and Scenic Enhancement.
- 511 For Mississippi Code see [www.state.ms.us](http://www.state.ms.us)
- 512 For Federal Government U.S. Code see [www.gpoaccess.gov](http://www.gpoaccess.gov) or [www.dot.gov](http://www.dot.gov)
- 513 For MUTCD and FHWA links see <http://mutcd.fhwa.dot.gov> and [www.fhwa.dot.gov](http://www.fhwa.dot.gov)
- 514 MDOT specific rules, forms, publications, SOPs, and other support documentation are available for review at MDOT

## **Chapter 09001 Rules, Regulations and Ordinances Governing Use of State Highways of Mississippi**

### Purpose

- 100 To regulate the use of State highways in order that they be preserved for public benefit as intended by law and to carry out the Mississippi Transportation Commission's agreements with the Federal Government regarding maintenance and preservation of completed highways.
- 101 This rule sets forth the requirements necessary to regulate the use of State highways in order that they be preserved for public benefit as intended by law and to carry out the Mississippi Transportation Commission's agreements with the Federal Government regarding maintenance and preservation of completed highways.
- 102 The following rules, regulations and ordinances are hereby adopted by the Mississippi Transportation Commission by virtue of the powers vested with the Commission by Section 65-1-8, et seq., Mississippi Code, 1972, Annotated.

### **DEFINITIONS**

- 200 **ARTERIAL HIGHWAY:** A general term denoting a highway primarily for through traffic, usually on a continuous route.
- 201 **AUXILIARY LANE:** The portion of the roadway adjoining the traveled way for parking, speed-change, or other purposes supplementary to through traffic movement.
- 202 **BELT HIGHWAY:** An arterial highway for carrying traffic partially or entirely around an urban area or portion thereof.
- 203 **COMMISSION:** The term "Commission" when used in the following rules, regulations and ordinances refers to the Mississippi Transportation Commission which is composed of three members duly elected or appointed by the Governor, and qualified under the provisions of Section 65-1-3, et seq., Mississippi Code, 1972, Annotated.

- 204 **CONTROL OF ACCESS:** The condition where the right of owners or occupants of abutting land or other persons to access, light, air, or view in connection with a highway is fully or partially controlled by public authority. Full control of access means that the authority to control access is exercised to give preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections. Partial control of access means that the authority to control access is exercised to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings at grade and some private driveway connections.
- 205 **DIVIDED HIGHWAY:** A highway with separate roadways for traffic traveling in opposite directions.
- 206 **DRIVEWAY:** A roadway of limited width used for ingress and egress between the roadway of a State Highway or frontage road or street, and property abutting the highway.
- 207 **EXPRESSWAY:** A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at intersections.
- 208 **FREEWAY:** A divided arterial highway for through traffic with full control of access.
- 209 **FRONTAGE ROAD:** A local street or road auxiliary to and located on the side of an arterial highway for service to abutting property and adjacent areas and for control of access.
- 210 **HIGHWAY, STREET OR ROAD:** A general term denoting a public way, under the jurisdiction of the Commission for purposes of vehicular travel, including the entire areas within the right of way.
- 211 **HOUSE TRAILER, MOBILE HOME OR MANUFACTURED HOME:** Every trailer or semi-trailer designed for use as a home, office or living quarters.
- 212 **LOCAL STREET OR LOCAL ROAD:** A street or road primarily for access to residence, business, or other abutting property.
- 213 **MAJOR STREET OR MAJOR HIGHWAY:** An arterial highway with intersections at grade and direct access to abutting property, and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.
- 214 **MEDIAN LANE:** A speed-change lane within the median to accommodate left-turning vehicles.
- 215 **MEDIAN:** The portion of a divided highway separating the traveled ways for traffic in opposite directions.

- 216 MISSISSIPPI DEPARTMENT OF TRANSPORTATION, hereinafter “Department”, is the Mississippi Transportation Commission acting directly or through its duly authorized officers and/or agents.
- 217 MOTOR VEHICLE: Every vehicle which is self-propelled.
- 218 OUTER SEPARATION: The portion of an arterial highway between the traveled ways of a roadway for through traffic and a frontage street or road.
- 219 PARKING LANE: An auxiliary lane primarily for the parking of vehicles.
- 220 PARKWAY: An arterial highway for non-commercial traffic, with full or partial control of access, and usually located within a part of a ribbon of park like developments.
- 221 PEDESTRIAN: Any person afoot.
- 222 PUBLIC ROAD OR PUBLIC STREET: This term refers to a road or street open to the public for the purpose of travel but not under the jurisdiction of the Department for construction, reconstruction or maintenance.
- 223 ROADSIDE: A general term denoting the area adjoining the outer edge of the roadway. Extensive areas between the roadways of a divided highway may also be considered roadside.
- 224 ROADWAY: The portion of a highway, including shoulders, for vehicular use. A divided highway has two or more roadways.
- 225 SEMI-TRAILER: Every vehicle without motive power designated for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
- 226 SHOULDER: The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.
- 227 SPEED-CHANGE LANE: An auxiliary lane, including tapered areas, primarily for the acceleration or deceleration of vehicles entering or leaving the through traffic lanes.
- 228 THROUGH STREET OR THROUGH HIGHWAY: Every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right of way to vehicles on such through highway in obedience to either stop sign or a yield sign, when such signs are erected as provided in this Section 65-1-10, et seq., Mississippi Code, 1972 Annotated.

- 229 TRAFFIC LANE: The portion of the traveled way for the movement of a single line of vehicles.
- 230 TRAILER: Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.
- 231 TRAVELED WAY: The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.
- 233 VEHICLE: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

### **RULES, REGULATIONS AND ORDINANCES**

- 300 No person, persons, firm, association, or corporation shall have, construct, reconstruct, erect, build or have constructed, reconstructed, erected, or built any obstruction, building, improvement, fence, garage, filling station, barn, restaurant, or other structure on any part of any state highway right of way or alter any part of the right of way of any state highway or the drainage thereat without permission from the Department.
- 301 No person, persons, company or corporation shall have, construct, or have constructed a pipe line, telephone line, telegraph line, electric power line, street light or lighting device of any nature whether for public or private use on, over or under any part of a state highway right of way before the following requirements have been complied with:
1. The Department's standard application must be signed by the applicant.
  2. After the application has been properly signed and filed with the Department, plans of the proposed construction must be submitted for approval by the District Engineer, State Maintenance Engineer or the Chief Engineer, as applicable.
  3. When the plans have been approved, a copy of the approved plan will be mailed the applicant as his authority to proceed with the construction. A minimum of a twenty four (24) hours written notice must be given in advance of the time actual work is begun.
- 302 No person, persons, firm, association or corporation shall have, construct, reconstruct, erect, build, place, or have constructed, reconstructed, erected, built or placed any portable, temporary or permanent billboard, advertising sign, advertising displays or junked vehicle bearing advertising matter or vehicles parked for the primary purpose of displaying advertising signs, upon the highways and rights of way thereof of this state which are under the jurisdiction of the Commission.
- 303 No person, persons, firm, association or corporation shall have, construct, reconstruct, erect, build, place or have constructed, reconstructed, erected, built or placed any temporary or permanent billboard, advertising sign or advertising display which is supported off the State Highway but extends from said support into and overhanging the right of way of any state highway.

- 304 No person, persons, firm, association, or corporation shall have, place or have placed any vehicle, machinery, equipment or commercial wares, for sale or resale, upon the highways or right of way thereof of the State which are under the jurisdiction of the Commission.
- 305 Private or public roads or driveways will not be permitted to intersect with any portion of a state highway unless permission is secured in accordance with Section 2 above, and the construction is done in strict accordance with the plans approved by the Department.
- 306 No house-trailer shall be parked and no tent or other temporary residence erected on any portion of a state highway right of way.
- 307 Plowing in or using any part of a state highway right of way as a turn row or diverting water into the road ditches in such a manner as to interfere with the drainage of or to cause damage to a state highway is prohibited.
- 308 No person, firm, corporation or association shall cut any trees, shrubs, or other vegetation or shall use chemicals to kill such growing on state highway right of way unless permission is first secured.
- 309 No motor vehicle shall be driven into or across the median of any state highway, except at authorized median openings or at emergency crossovers to be used by official and emergency vehicles only.
- 310 No vehicles shall be stopped or parked on the right of way of a controlled access facility; nor shall vehicles be stopped or parked on the lanes and adjacent shoulders or interchange connections between controlled access facilities and crossroads or cross streets; nor shall vehicles be stopped or parked on the right of way of any other state highway; provided, however, that this shall not apply in cases of emergencies caused by mechanical failure, accident, disability of the driver or as otherwise approved by the Commission.
- 311 The use of any fully controlled access facility by pedestrians, bicycles, hitchhikers, ridden or herded animals and animal drawn vehicles is prohibited. The use of any such fully controlled access facility by motor bicycles, non-motorized vehicles or any other vehicle unable to comply with the posted minimum speed limit is also prohibited. It shall be unlawful for any person to fish from any bridge, culvert or other structure on a state highway.
- 312 No person, firm, corporation or association, shall remove, construct, rearrange or alter any curb, median, bridge, culvert or other appurtenance on any state highway unless permission is secured in accordance with Section 2 above.
- 313 It shall be unlawful for any person to throw or deposit or cause to be deposited on any state highway right of way any dead animal, dirt, garbage, or rubbish as defined below:
1. Dead Animals is defined as all dead animals or parts thereof, (including condemned meats) and not intended to be used as food.

2. Dirt is defined to include loose earth, ashes, manure from stables, corrals and pens, offal from butcher shops and slaughter houses, and all foul and filthy substances.
  3. Garbage is defined to include solid or semi-solid kitchen refuse subject to decay, and market waste of animal and vegetable matter which has been or was intended to be used as food for man or animal.
  4. Rubbish is defined as old tin and iron cans and containers, old automobiles, trucks or other vehicles, trucks or other vehicles, old wood and paper boxes, old metals, wire, rope, cordage, bottles, bags, bagging, rubber and rubber tires, paper and all used or cast-off articles or material, including old plaster, brick, cement, glass and all old building materials.
- 314 No part of any state highway right of way shall be used by any person, firm or corporation for the purpose of servicing automobiles, trucks, tractors or other motor-driven vehicles with fuel, oil, grease, air for tires, water for batteries, water for radiators, wiping of windshields and other parts of such vehicle, changing of tires for doing repair work thereon, or rendering any other such services as are usually rendered at service stations nor shall any portion of any state highway right of way be used for any other commercial purpose and all persons, firms and corporations are hereby prohibited from rendering any of the services enumerated to any such vehicle while the same is parked or standing on any part of any state highway right of way, or using any part of any such state highway right of way for any commercial purposes, and all persons, firms and corporations are hereby prohibited from parking or placing, or causing to be parked or placed any such vehicle on any part of any state highway right of way for the purpose of receiving any of the services hereinabove enumerated; provided, however, that this shall not apply in cases of emergency where any such vehicle has run out of fuel, oil grease, or water, or suffered by other accident or casualty so as to make it necessary that such service be rendered on such state highway in order for said vehicle to reach a garage or service station.
- 315 No person, firm or corporation shall remove, change, damage or otherwise interfere with any signs, markers, posts, curbs, gutter or other structures or things, including any sign, marker, curb, post or other structure or thing placed therein for the purpose of confining traffic and use of said highway to that portion thereof set apart for that purpose, which have been placed on or in any state highway right of way by the Commission or its agents.
- 316 No person shall operate a vehicle at excessive speeds while passing highway maintenance crews, survey crews or construction crews which are engaged in maintenance survey or construction crews which are engaged in maintenance survey or construction work upon the state highways and roadways thereof. When approaching said crews all drivers of motor vehicles shall slow to a reasonable and prudent speed in accordance with existing conditions at the work site. All drivers of vehicles shall obey the flagmen and signs directing traffic at each such work site.
- 317 No roadside park, safety rest area, or welcome center shall be used for commercial ventures except for providing specific information to the traveling public on motorists services, places of interest, or other such information as approved by the Mississippi Development Authority, Division of Tourism, and/or the Mississippi Department of Transportation in accordance with 23 CFR 752.

318 No person shall operate a vehicle at a speed in excess of those authorized by the Commission and posted through construction and maintenance work zones.

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

400 Section 65-1-3, Mississippi Code 1972 Annotated.

401 Section 65-1-8, Mississippi Code 1972 Annotated.

402 Section 65-1-10, Mississippi Code 1972 Annotated.

403 Mississippi Development Authority, Division of Tourism.

404 23 CFR 752.

405 For Mississippi Code see [www.state.ms.us](http://www.state.ms.us)

406 For Federal Government U.S. Code see [www.gpoaccess.gov](http://www.gpoaccess.gov) or [www.dot.gov](http://www.dot.gov)

## **Chapter 09002 Control of Outdoor Advertising Adjacent to State Controlled Routes**

### **PURPOSE**

100 To establish a policy and procedure for the control of outdoor advertising adjacent to State Controlled Routes.

101 This Rule establishes a policy and procedure for the control of outdoor advertising adjacent to State Controlled Routes.

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## STATEMENT OF POLICY

- 200 Pursuant to Public Law 89-385, 89<sup>th</sup> Congress, also known as the Highway Beautification Act of 1965, as amended, all regulations promulgated under said act by the Federal Highway Administration, that said agreement entered into between the State of Mississippi and the Federal Highway Administration, dated March 6, 1972 , and Section 49-23-1, et. seq., Mississippi Code of 1972, as amended, the Mississippi Transportation Commission, hereinafter “the Commission”, declares that the erection and maintenance of outdoor advertising and directional or other official signs and notices in control areas adjacent to the rights of way of State Controlled Routes within this State shall be regulated in accordance with the terms of this rule. This action is taken based on a finding by the Commission that control of outdoor advertising is necessary in order to: (1) prevent unreasonable distraction of operators of motor vehicles, (2) prevent confusion with regard to traffic lights, signs or signals or other interference with the effectiveness of traffic regulations, (3) attract tourists and promote the prosperity and economic wellbeing of the general welfare of the State, (4) promote the safety, convenience, recreational value, and enjoyment of travel on highways within this State, (5) protect the public investment in highways, and/or (6) preserve and enhance the natural scenic beauty and aesthetic features of the highways and the areas adjacent thereto.
- 201 It is the intention of the Commission to provide a basis for control of outdoor advertising and specially authorized signs and notices consistent with the public policy declared by the Congress of the United States, the Legislature of the State of Mississippi, and the agreement dated March 6, 1972, with the Federal Highway administration in control areas adjacent to State Controlled Routes.
- 202 The Legislature of the State of Mississippi, pursuant to Sections 55-13-33 through 55-13-45, Mississippi Code of 1972, as amended, has given the Commission the authority to make and promulgate rules and regulations necessary for controlling advertising adjacent to the Natchez Trace Parkway.
- 203 The Legislature of the State of Mississippi, pursuant to Section 65-41-11, Mississippi Code of 1972, et seq, has given the Commission the authority to make and promulgate rules and regulations necessary for controlling advertising adjacent to Scenic Byways designated by the Legislature under said Statutes.
- 204 Nothing in this Rule shall be construed to abrogate or affect the provisions of any lawful ordinance, regulation or resolution more restrictive than the provisions of this Rule.



DEFINITIONS (The following definitions shall apply to this Rule)

- 300 Abandoned and/or Obsolete Sign: A sign in such a state of disrepair so as to be considered an unsightly nuisance, a sign which no longer serves any useful purpose for the owner or the advertiser thereon, or a sign which fits the requisites for an abandoned and/or obsolete sign set out herein. An abandoned or obsolete sign is a sign that contains obsolete advertising or no advertising matter for a period of twelve (12) consecutive months or otherwise fits the definition set out herein.
- 301 Alternative Energy Device: A device that produces electricity from solar or wind energy.
- 302 Applicant: The person, or business entity making application to erect and maintain a sign.
- 303 At-Grade-Intersection or Intersection: The general area where two or more roadways join or cross at grade, including the roadway and roadside facilities for traffic movements within it.
- 304 Centerline of Highway: (1) A line equidistant from the edge of the median separating the main-traveled ways of a divided highway, (2) The centerline of the main-traveled way of a non-divided highway, or (3) The centerline of each of the main-traveled ways of a divided highway separated by more than the normal median width or constructed on independent alignment.
- 305 Commercial or Industrial Activities: Activities on unzoned property that would generally be recognized by local zoning authorities as commercial or industrial for the purpose of zoning an area under one of the recognized commercial or industrial zoning classifications.
- 306 Commission: Mississippi Transportation Commission.
- 307 Conforming Signs: A sign that conforms to the requirements under this rule, the applicable state statutes, the state-federal agreement, federal statutes and federal regulations.
- 308 Control Area: An area within 660 feet of the nearest edge of the right of way of state controlled routes within Urban Areas measured horizontally from the edges of the right of way along lines perpendicular to the centerline of the highway and beyond 660 feet of the right of way of state controlled routes outside of Urban Areas.
- 309 Department: The Mississippi Department of Transportation.
- 310 Digital Sign: Any sign having the capability to display a message by manipulation of light projected onto a screen or otherwise produced within the screen. Digital sign includes signs using LED Technology, Plasma Technology, or any industry equivalent that produces the same result as these technologies.
- 311 Divided Highway: A highway with separate roadways for traffic traveling in opposite directions.

- 312 Display: The message placed on the face or facing of a sign for the purpose of providing information to the public.
- 313 Dwell Time: The length of time allowed between the rotating of faces on a tri-vision structure.
- 314 Erect: To construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any way bring into being or establish an advertising message on a site.
- 315 Federal Aid Interstate System: That portion of the National System of Interstate and Defense Highways located within this State, as officially designated or as may hereafter be designated by the State Highway Commission, and approved by the Secretary of Transportation, pursuant to the provisions of 23 USC 103(d).
- 316 Federal Aid Primary Highway System: That portion of the main connected highways, excluding interstates that are identified on the Federal Aid Interstate and Primary Systems of Mississippi Map, prepared by Mississippi State Highway Department Transportation Planning Division in cooperation with U.S. Department of Transportation Federal Highway Administration dated July 14, 1988.
- 317 Freeway: A divided arterial highway for through traffic with full control of access.
- 318 Grandfathered Sign: *A sign that was:*
1. Erected and existing before June 15, 1966 adjacent to a Federal Aid Interstate or Federal Aid Primary Highway; or
  2. Erected and existing before May 6, 1976 at or beyond 660 feet from the nearest edge on the right of way of a Federal Aid Interstate or Federal Aid Primary Highway outside of a municipality; or
  3. Erected and existing before July 1, 1988 and within one thousand (1000) feet of the Natchez Trace Parkway.

Grandfathered Signs may also be referred to herein as signs(s) existing under the so called “grandfather clause”.

- 319 Height of sign: The vertical distance from the ground at the road grade to the highest point on the sign face unless the grade of land adjacent to the road is higher than the level of the road grade, then the height shall be measured from the ground level at the support nearest the highway.
- 320 Height of face: The vertical dimension of the panel on which the informative contents of a sign are placed, including border and trim, but excluding supports.
- 321 Illegal Sign: Any sign not permitted under this Rule or which otherwise fits the definition of “Unlawful or Illegal Sign” herein.

- 322 Interchange: A junction of two or more roadways by a system of separate levels that permits traffic to pass from one to the other without the crossing of traffic streams.
- 323 Length of face: The horizontal dimension of the face on which the informative contents of a sign are placed including border and trim, but excluding supports.
- 324 Maintain or Maintenance: The act or activity of prolonging the existence of an otherwise functional sign, including painting, cleaning, replacing advertising message on panels, replacing walkways, replacing lighting equipment, and performing any activities which fit into the normally accepted use and usage of said words. In order to meet the criteria of being a functional advertising sign, said sign must be capable of performing the function of an advertising sign without the performance of said maintenance activities.
- 325 Main-Traveled Way: The traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separate roadways for traffic in opposite directions is a main traveled way. It does not include such facilities as frontage roads, turning roadways or parking areas.
- 326 MDOT: The Mississippi Department of Transportation.
- 327 Natchez Trace Parkway: A federally funded paved highway of scenic beauty and of great value to the State of Mississippi which is created under Section 55-13-15, Mississippi Code of 1972, as amended.
- 328 1966 Inventory: The record of the survey of advertising signs and junkyards, compiled in accordance with the FHWA Instructional Memorandum 50-1-66 dated January 7, 1966.
- 329 Non-Conforming Sign: A sign that was legally erected under the law and circumstances then and there existing that fails to conform to the requirements of this Rule because of subsequent changes to the law or the circumstances. Examples of nonconforming signs include but are not limited to the following:
1. A sign that is erected in a commercial or industrial zone conforming to all requisites of this Rule that fails to conform at a later date because the commercial or industrial zone has been modified by the local government unit to another classification that doesn't support outdoor advertising (residential, agricultural area, etc.);
  2. A sign that is erected in an unzoned commercial or industrial area conforming to all requisites of this Rule that fails to conform at a later date because the character of the area has changed to that of a residential or agricultural area; or
  3. A sign that is erected in a commercial or industrial area (zoned or unzoned) conforming to all requisites of this Rule that fails to conform to the spacing requirements at a later date (i.e. an interchange is built in close proximity placing it within 500 feet of a ramp). For treatment of non-conforming issues regarding qualifying business activities or size restrictions refer to sections 346, 347, and 1000.
- 330 Owner: The owner of a sign.

- 331 Parkland: Any publicly-owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historical site.
- 332 Rest Area/Welcome Center: An area or site established and maintained within or adjacent to the right of way by or under public supervision or control for the convenience of the traveling public.
- 333 Rezone; rezoned; rezoning: The act by a local governmental authority to change the zoning classification for an area of land from the existing classification to a new zoning classification.
- 334 Right of Way: A general term denoting land, property, or interest therein, usually in a strip acquired for or devoted to a highway.
- 335 Scenic Area: Any area of particular scenic beauty or historical significance as determined by Federal, State, or local officials having jurisdiction thereof, which includes interests in lands that have been acquired for the restoration, preservation, and enhancement of scenic beauty.
- 336 Scenic Byway: A public highway, road or street including the corridor through which it passes, that has been designated by the State of Mississippi under Section 65-41-1 MCA et seq in accordance with the process set out herein.
- 337 Sign: An outdoor sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main traveled way of a state controlled route. The sign consists of the sign face, supports, piling, masts and other structural members. Embellishments on or cut-out extensions of sign faces refer to any temporary add-ons to the structure (usually bulletins) that extend beyond the standard structure area to command greater attention to the message. These can include letters, packages, 3-D elements, fiber optics, etc. Various categories of signs are:
1. Advertising Signs: These are signs that advertise a service or product and are not located on the premises where the service or product is vended. These signs are controlled in accordance with this Rule.
  2. On-Premise Signs: Signs used to advertise or identify the principal activities conducted on the property on which they are located. These are commonly referred to as on-premise signs and are not controlled. See Section 1100 for determination of on-premise signs. The acquisition of corridors either in fee or by easement for the purpose of erecting on-premise signs is not acceptable under 23 USC 103(d) under this Rule.
  3. Specially Authorized Signs and Notices as defined and controlled in Section 1700.
  4. Sale or Lease Sign: These are signs advertising the sale or lease of the property upon which they are located. These signs are not controlled except as provided in Section 1100, herein.
  5. Landmark Signs: These are signs lawfully in existence on October 22, 1965, determined by the State, subject to approval by the Secretary of Transportation, to be Landmark Signs, including signs on farm structures or natural surfaces, or

historic or artistic significance, the preservation of which is consistent with the purpose of 23 USC 131.

6. **Small Business Signs:** These are signs advertising a service or product offered by a business but not located on premises. These signs are addressed in Section 603 and controlled in accordance with this Rule.

7. A destroyed sign is a sign that has sustained damage such that 60% or more of the upright supports of the sign structure are physically damaged such that normal repair practices would call for each broken, bent, or twisted support to be replaced or re-erected.

338 **Sign Face:** The planar area to which the advertising message is attached. For Tri-Vision Billboards the sign face is the area which constitutes a single message as the panels rotate. Although Tri-Vision Billboards have, effectively, three faces, they shall be treated as though they only have one face for the purpose of this Rule.

339 **Site:** A parcel or area of property on which the outdoor advertising sign is located or is to be erected. The area encompassed by the footprint of the sign structure to include but not limited to catwalk, lighting, or other equipment and solely dedicated to that one advertising device.

340 **Size:** The area of a sign face including border and trim but exclusive of supports. For Tri-Vision Billboards the area shall be the area of the sign face of one of the two or three potential sign faces.

341 **Spacing:** The distance between signs, as set out in Section 1000.3.

342 **State Controlled Routes:** Those highways contained in the Federal Aid Interstate System and the Federal Aid Primary Highway System, the National Highway System, the Great River Road and any scenic byways as defined herein along with any additions or deletions thereto as the Federal Highway Administration shall determine by federal statutes or regulations.

343 **Tri-Vision Billboard:** A single face, back-to-back, or “V” type advertising structure that has rotating panels on which more than one advertising message may be contained. It is the intent to include within this definition those signs which conform to the industry definition of Tri-Vision Billboard and no other Billboards.

344 **Twirl-Time:** Length of time allowed between the rotating of each advertising face of a Tri-Vision Billboard.

345 **Unified Planned Development:** a commercial development planned for a specific area under a unified management plan containing defined parameters and covenants.

346 **Unlawful or Illegal Sign:**

1. A sign within 660 feet of the right of way of a state controlled route erected after June 15, 1966, or erected after the date the highway is reclassified as a state controlled route, without a proper permit.
2. A sign at or beyond 660 feet of the right of way of a state controlled route outside of urban areas, erected after May 6, 1976, or erected after the date a highway is reclassified as part of the state controlled route and not authorized under Section 800 of this Rule.
3. A sign not erected in accordance with the terms of its permit.
4. A sign or advertising structure that is erected, constructed, installed, maintained, or operated within one thousand (1,000) feet of the outside boundary of the Natchez Trace Parkway outside the limits of any municipality, except as indicated in Section 803 herein.

347 Unzoned Commercial or Industrial Area: An unzoned commercial or industrial area is an area along the highway right of way that has not been comprehensively zoned under authority of law, that is not predominantly used for residential or agricultural purposes, and that is within 800 feet, measured along the edge of the right of way, of, and on the same side of the highway as, the principal part of at least two (2) adjacent recognized commercial or industrial activities. The sign must be located on the same side of the highway as the commercial or industrial activity.

1. Proximity to Right of Way

A portion of the regularly used buildings, parking lots, storage and processing areas, where each respective business activity is conducted, must be within 200 feet of the highway right of way, and the permanent building where the activity is conducted must be visible from the main-traveled way.

2. Two Separate and Adjacent Activities

To be considered adjacent, there must be no separation of the regularly used buildings, parking lots, storage or processing areas of the two activities by vacant lots, or undeveloped areas over 50 feet wide as measured parallel to the centerline. Two activities may occupy one building as long as each has at least 300 square feet of floor space dedicated to that activity and otherwise meets the definition of a commercial or industrial activity. There must be separation of the two activities by a dividing wall, separate ownership, or other distinctive characteristics. A separate product line offered by one business will not be considered two activities.

3. Measurements

- a. The area to be considered, based upon the qualifying activities, is up to 1,600 feet (800 feet on each side) plus the actual frontage of the commercial or industrial activities, measured along the highway right of way provided that the proposed sign structure is located on the same parcel on which the activities are located.
- b. The depth of an unzoned commercial or industrial area is measured from the nearest edge of the highway right of way perpendicular to the centerline of the main-traveled way of the highway at a depth of 660 feet.

4. Test for Residential or Agricultural

- a. The area must be considered as a whole prior to the application of the test for predominantly residential or agricultural.

- b. An area shall be considered to be predominantly residential or agricultural if more than 50% of the area is being used for a residential or agricultural purpose. Roads and streets with residential or agricultural property on both sides shall be considered as being used for residential or agricultural purposes.
5. Non-Qualifying Commercial or Industrial Activities  
The following activities will ***not*** be considered commercial or industrial for the purposes of establishing an unzoned commercial or industrial area:
- a. Outside advertising structures;
  - b. Agricultural, forestry, ranching, grazing, farming and related activities, including, but not limited to, temporary wayside fresh produce stands;
  - c. Activities:
    - i. Not housed in a permanent building or structure;
    - ii. Not having an indoor restroom, telephone, running water, functioning electrical connections, and adequate heating;
    - iii. Not having permanent flooring other than material such as dirt, gravel, or sand or,
    - iv. Not accessible in all non-catastrophic weather conditions.
  - d. Activities not housed in a permanent building that is visible from the traffic lanes of the main-traveled way;
  - e. Activities conducted in a building primarily used as a residence;
  - f. Railroad right of way;
  - g. Activities that do not have a portion of the regularly used buildings, parking lots, storage or processing areas within 200 feet from the edge of the right of way;
  - h. Activities conducted only seasonally;
  - i. Activities conducted in a building having less than 300 square feet of floor space devoted to the activities;
  - j. Activities that do not have at least one person who is at the activity site, performing work, an average of at least 30 hours per week and spread over four (4) days;
  - k. Activities which have not been open for at least 6 months;
  - l. Recreational facilities such as campgrounds, golf courses, tennis courts, wild animal parks, and zoos, except for the portion of the activities occupied by permanent buildings which otherwise meet the criteria in this subsection, and parking lots;
  - m. Apartment houses or residential condominiums;
  - n. Areas used by public or private preschools, secondary schools, colleges and universities for education or recreation (this does not preclude trade schools or corporate training campuses);
  - o. Quarries or borrow pits, except for any portion of the activities occupied by permanent buildings which otherwise meet the criteria in this subsection and parking lots;
  - p. Cemeteries, or churches, synagogues, mosques, or other places primarily used for worship; and
  - q. Radio or microwave communication towers.

6. Effect of Cessation of Activities

- a. Except as provided in subsection (c) below, a sign permitted through the presence of qualifying activity(s) under both the present rule or previous rules, will be classified as conforming so long as a like number of qualifying activity(s) remain. If all qualifying activities in the area cease, the sign will become nonconforming. The intent of this provision is such that a sign that qualified under the current regulations or preceding regulations will remain conforming so long as the qualifying activity(s) remain. For example, if a sign qualified under the rule requiring one qualifying activity, the sign will remain conforming so long as a qualifying activity continues. Likewise, if the sign qualified under the rule requiring two qualifying activities, the sign will remain conforming so long as two qualifying activities continue.
- b. With regard to a sign that qualifies under the test for agricultural and/or residential (subsection 4 above) if the area ceases to qualify under this test, the sign will become nonconforming.
- c. If MDOT has evidence that an activity supporting an unzoned commercial or industrial area has ceased and no business has been conducted at the activity site within one year after erection of the sign, MDOT may cancel the permit.

348 Urban Area: An area including and adjacent to a municipality or other urban place having a population of five thousand (5,000) or more, as determined by the latest available Federal Census, within boundaries to be fixed by the Department, subject to the approval of the Secretary of Transportation. Information relative to the boundaries or urban areas may be obtained from Transportation Planning Division, Mississippi Department of Transportation, Post Office Box 1850, Jackson, Mississippi 39215-1850.

349 Vegetation Removal Permit: A permit giving consent to selectively cut and remove vegetation from within the Department right-of-way as provided in Section 503. Form MND-830, Vegetation Removal Permit, shall be used for removing vegetation. This permit is to be differentiated from a right of way encroachment permit for the removal of vegetation for business visibility, or other reason. Vegetation restricted from removal includes any and all trees or brush located on the right-of-way.

350 Visible/Visible from the Traveled Way: Capable of being seen without visual aid by a person of normal visual acuity in any season of the year from the main traveled way. The following criteria will be used in determining which signs have been erected for the purpose of their messages being read from the main traveled way.

1. Location of sign
2. Local terrain and physical obstructions
3. Size of sign
4. Angle of sign in relation to controlled highway
5. Message content
6. Distance from controlled highway in relation to size of sign
7. Exposure time in relation to maximum speed limit.



- 351 View: The range of vision defined as the line of sight from a driving motorist to a sign location as measured along the pavement edge of the adjacent travel lane and in the direction of travel from 500 feet to a point perpendicular to the sign location. The view is assessed by projecting straight lines from a height of the motorist view (3.5' to 7.6' above the pavement) to the outer edges of a sign or proposed sign face and inclusive of the planar area encompassed within the sign or proposed sign face.
- 352 Zoning: The act of a county or municipality under Title 17, Chapter 1 of the Mississippi Code of 1972 whereby said county or municipality categorizes all of the property within its boundaries for the purpose of controlling land use and development as required by statute. Zoning ordinances must address the entire aerial extent of the county or municipality (i.e. must be comprehensive).
- 353 Zoned Commercial or Industrial Areas: Those areas which are comprehensively zoned for commercial or industrial purposes pursuant to local zoning ordinances or regulations. In locations lacking a comprehensive zoning plan, the area will be evaluated as an unzoned commercial and industrial area in accordance with Section 347 of this rule. Zoned Commercial or Industrial Areas are further addressed in Section 502.

## BONDS

- 400 All persons, partnerships, corporations, or other business entities erecting and or maintaining permitted outdoor advertising devices under these regulations shall be required, as of January 1, 1968, to provide the Commission with a bond in an amount not to exceed one thousand dollars (\$1,000.00) to insure the faithful compliance with the rules and regulations. Form MND-810, Bond for Outdoor Advertising Business, shall be used.
- 401 All persons requesting a Vegetation Removal Permit shall provide the Commission with a performance bond in the full sum of Five Thousand Dollars (\$5,000.00). Form MND-835, Vegetation Removal Performance Bond, shall be used for furnishing said bond.

When multiple permits are requested there must be a separate Bond for each permit. In lieu of separate bonds, the Applicant may post one bond in an amount totaling \$5,000.00 per permit with reference to each permit number noted on the bond. The bond must stay in effect until completion of the work for all referenced permits as determined by the State Permit Officer.

## PERMITS

- 500 General: A permit must be secured from the Department by any person or company before erecting outdoor advertising within the control area when such outdoor advertising is within the provisions of Sections 800.1, 800.4, 800.5 or 801.1.
- 501 Exceptions: A permit is not required for the erection of outdoor advertising within the control area when such outdoor advertising is within the provisions of Sections 800.2, 800.3, 800.6, 800.7, 801.2, 801.3, or 801.4.

502 Procedure: Permits shall be administered in accord with the following procedure:

1. Each person or company desiring to erect outdoor advertising subject to these regulations shall make application on Form MND-800, Application for Permit to Erect Outdoor Advertising Sign. Prior to submitting the completed form, the applicant shall place a marker on the site of the proposed billboard indicating the exact location of said billboard. Failure to place the marker on the site will result in rejection of the permit. The applicant shall attach to the completed form a certified copy of any permits required by the county and/or municipality in which the proposed sign will be located. If the county and/or municipality does not require a permit, the applicant shall furnish MDOT a certified signed copy of a statement by the responsible official of that jurisdiction that a permit is not required. The applicant shall also attach a copy of the deed for the parcel on which the proposed sign is to be located as well as acknowledgement in the permit application that no restrictions of outdoor advertising structures exist in said document. The completed form and the permit fee of eighty five dollars (\$85.00) will be submitted to the State Maintenance Engineer, in Jackson, Mississippi.
2. Upon receipt of an application in proper form and the permit application fee, the State Maintenance Engineer or his/her designated agent will inspect the proposed site location, authorized by the signed landowner permission contained in the permit application, to insure the site and view conforms to the requirements in this Rule, check all additional information required, and photograph said sign location.
3. Following the inspection the State Maintenance Engineer or his/her designated agent shall within ten (10) days, grant or deny the application unless good cause exists for extending said deadline for an additional ten (10) days and the applicant is notified prior to the extension. If the sign is located within a municipality or county that requires permitting of outdoor advertising in its jurisdiction, a certified copy of the permit from said municipality or county must be attached to the permit application. If the permit application lacks any of the information required by Federal Law, Mississippi Law, or the provisions of this Rule, the applicant will be allowed thirty (30) days from the date of notification to correct deficiencies, after which the application will be void.
4. If the application is in order and complies with the applicable Law as set out herein, the State Maintenance Engineer or his appointed representative will approve the permit and enter the permit number on the form.
5. Copies of the approved permit will be distributed to the applicant and other affected parties.
6. Upon receipt, the permit fee will be forwarded to the Financial Management Division for deposit with the State Treasurer.
7. After erection of the sign in conformance with the permit, the applicant shall be required to place the Company Logo on the sign structure in full view from the highway.
8. The applicant shall advise the State Maintenance Engineer or designated agent in writing, as soon as the sign is erected in order that a final inspection can be made and a sign marker, showing the permit number, affixed to the sign.
9. After the sign is erected by permit the designated agent will affix a sign marker to the sign structure in a prominent location.

10. Each permit issued shall have an initial term of twelve (12) months from the date of issuance. If the sign structure has not been entirely erected (as specified by the permit) during this term, the permit shall expire. No extensions of this initial term will be granted. If the sign structure has not been erected during the 12 month term and if the permittee still desires to erect an Outdoor Advertising structure at the site, a new application and another eighty five dollar (\$85.00) fee must be submitted. Following the expiration of the initial term, permittees of Outdoor Advertising structures erected within the allowed 12 month period will be required to pay an annual renewal fee of twenty (\$20.00) beginning the following July 1<sup>st</sup>, which shall begin the secondary term of the permit.
  - a. The secondary term of the permit shall end on the next following July 1<sup>st</sup> after payment of the renewal fee. The renewal fee will be billed to the permit holder on July 1 of each year thereafter. Failure to pay the renewal fee before September 1 of that same year will result in revocation of the permit and the billboard will be declared an illegal sign subject to immediate removal.
11. Form MND-800, Application for Permit to Erect Outdoor Advertising Sign, is required for each proposed sign installation. A double face or “V” type structure shall only require one (1) application as provided in Section 900.
12. Nothing contained in this Rule shall be construed to limit in any way the authority of any municipality or county in which the sign is to be erected to grant or deny a permit for the erection of said sign or to waive any requirement of any municipality or county for a permit for the erection of said sign. If a municipality or county refuses to grant a permit for a sign within their jurisdiction, the Department will not grant a permit for said sign.
13. If the application is denied, the Applicant shall have the right to request an Administrative Review as set out under Section 1800 – Administrative Reviews.
14. Procedure Where Site is Zoned Commercial or Industrial.
  - a. If the site has been zoned Commercial or Industrial as a part of the original zoning ordinance of the Municipality or County, the applicant must attach an affidavit of the clerk of said Municipality or County that attests to the zoning classification of said site.
  - b. If the application is being made for a sign which is contained within an area that has been rezoned from a classification that would not allow commercial advertising to a commercial or industrial area, a certified copy of the rezoning ordinance or order shall be attached to the application.
15. If the owner of a permit granted hereunder assigns, sells or otherwise transfers said permit to another owner, the transferring owner, jointly with the new owner, must notify the Department by submitting Form 850, Notification of Transfer of MDOT Outdoor Advertising Permit, to the State Maintenance Engineer within thirty (30) days of the transfer.
16. A sign that is allowed to remain as a “grandfathered” sign and that otherwise conforms to the requirements herein may obtain a permit. For such signs, the initial permit fee will be the same as a permit application fee as set herein.
17. Where the property owner, outdoor advertising firm, or any agent or predecessor in interest has received an encroachment permit allowing them to remove vegetation from the adjacent right of way, no outdoor advertising permit may be granted within that area for twenty (20) years from the date of the permit. Where vegetation has

been removed from the right of way without permit, no outdoor advertising permit will be allowed until thirty (30) years from the date that the illegal removal was discovered by the Department. The area in either case is measured parallel along the edge of pavement for the length of area where vegetation is removed and additionally 500 feet in either direction along that side of the roadway. It is the express intent herein to prohibit outdoor advertising where vegetation has been removed from the right of way to create a visible location for the billboard.

18. If an environmental review under NEPA has begun for a project before the complete permit application is received by the department, the resulting permit, if any, may be provisionally granted. After the Right of Way plans for the project are certified, the provisional permit may be reevaluated. If upon reevaluation, the proposed sign location will be non-conforming at the time construction of the project is completed, the permittee will be required to remove the sign at his expense without compensation at a mutually agreed upon date such that the sign does not interfere with the applicable construction project. If the final plans for right-of-way or construction of a project have been certified before the receipt of a completed permit application and the proposed location will be non-conforming at the time construction is completed, the permit will be denied. If a permit is received by the department along a route that is under active construction, the inspection of the permit site may be suspended until such time as construction operations present a safe opportunity to perform said inspection with concurrence from the Project Engineer or until date of Release of Maintenance for the project.

503 Vegetation Removal Permit, Form MND-830

1. General: A Vegetation Removal Permit must be secured from the Department by any person or company before cutting, or trimming vegetation from the Department's right-of-way. Trees, bushes and vegetation growing at or near permitted sites that have grown into the view of the sign face may be cleared or removed by a permittee, his employee, or contractor upon application made to and approval by the Department. The Department shall charge a permittee a vegetation clearance fee of fifty dollars (\$50.00) per site each time that the Department authorizes a vegetation clearance as provided in Section 49-23-11, Mississippi Code of 1972, as amended.
2. Procedure: Any person or company requesting a Vegetation Removal Permit to selectively cut and remove vegetation from the Department's right-of-way must submit a written request on Form MND-829 to the State Maintenance Engineer or his/her designated agent via the Maintenance Division. Except as provided herein, a Vegetation Removal Permit may be granted for legally permitted sign locations only. Before a permit is granted, said sign must be in place for at least three (3) years. A Vegetation Removal Permit at Grandfathered Sign locations will not be allowed unless a permit is obtained under section 501. No Vegetation Removal Permit will be allowed on a scenic byway. The vegetation control view area shall not extend beyond the distances indicated in the diagram that shall be attached to the Vegetation Removal Permit. The maximum vegetation control view area is determined in the manner set forth in section 350 of this Rule. This distance shall be measured along the highway from the viewable face(s) of the advertising device. Vegetation Cuts will not be allowed in the median of a State Controlled Route. Any

agreement with any local governing body relative to the planting of vegetation on the right of way of any state controlled route shall direct that the provisions of these regulations shall continue to apply to vegetation removal in those affected areas. The written request for a vegetation cut must include definite mileage from certain points to the sign location, permit number from the approved permit application, a description of the work to be performed and a permit fee of fifty dollars (\$50.00) for each location.

3. The applicant will submit all correspondence, a completed Vegetation Removal Permit request (Form-829), and fee to the State Maintenance Engineer or his/her designated agent. The State Maintenance Engineer's agent will arrange with the applicant for a field inspection. After completing the field inspection, the State Maintenance Engineer's designated agent shall determine the existence of marketable timber and the value thereof. The State Maintenance Engineer may, in his discretion, require the applicant to pay the market value of the timber before the Vegetation Removal Permit is granted. The State Maintenance Engineer's designated agent shall approve or disapprove the Vegetation Removal Permit. If the Vegetation Removal Permit is approved, the State Maintenance Engineer's designated agent shall send copies of the approved Vegetation Removal Permit and a diagram of the vegetation removal area to the applicant, and the appropriate District Maintenance Engineer. If the Vegetation Removal Permit request is denied, a letter of explanation will be sent to the applicant. The applicant shall have the right to appeal this denial in accordance with Section 1800 herein. If approved, the Applicant will provide a Vegetation Removal Performance Bond as required in Section 400 herein before beginning any work. The applicant will also provide proof of general liability insurance with a registered Mississippi agent in the amount of \$500,000 or more. Upon posting said bond the Applicant will advise the State Maintenance Engineer or his/her designated agent at least two (2) working days in advance of performing any work. All work is to be performed Monday through Friday excluding State Employee Holidays. The State Maintenance Engineer's designated agent shall observe the work in progress.
4. The Vegetation Removal Permit holder or his/her agent shall not impede traffic on any highway while performing the work. If workers or equipment are to be in the proximity of the traffic lanes, the applicant shall furnish, place and maintain traffic control in accordance with Part 6 of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD). The applicant or the State Maintenance Engineer shall attach a special traffic control plan to the application if special traffic control details are required.
5. The Vegetation Removal Permit will expire on the completion of the work or one (1) year from the date of issuance unless canceled, suspended, or revoked prior to the expiration date whichever comes earlier.
6. Violations of this subsection are addressed in Section 1306.

## FEES

- 600 The permit fee for outdoor advertising shall be eighty-five dollars (\$85.00) per sign location and must be submitted along with completed Form MND-800, Application for Permit to Erect Outdoor Advertising Sign. A side by side, back to back, or V-type, structure shall be

considered as one (1) sign in payment of fees. If the permitted sign structure is not erected in the allowed 12-month period, see Section 500. The permit fee covers the expenses incurred by MDOT in processing the application and is, therefore, nonrefundable.

601 There is a twenty-dollar (\$20.00) annual renewal fee for all permitted outdoor advertising signs. Failure to pay the renewal fee when due may result in revocation of the permit and removal of the sign.

602 There is a fee of Fifty Dollars (\$50.00) per site for each Vegetation Removal Permit request.

603 Small Business Signs are exempt from the payment of fees hereunder provided they meet the following criteria:

1. The sign must advertise a service or product offered by the business;
2. The sign is not located on the premises of the business that offers the product or service, these signs may not be located on Interstate or Freeway right-of-way;
3. The sign face does not exceed thirty-two (32) square feet;
4. The sign is owned, not leased, by the owner of the business that offers the product or service;
5. The only information that appears on the sign consists of the product or service that is offered by the business and the name and location of the business; and
6. The business that offers the product or service is located at a single site, is operated by the owner and employs no more than two (2) individuals, excluding family members.

604 Notwithstanding the waiver of permit fees, all Small Business Signs must be permitted and maintained under the applicable regulations for permitting outdoor advertising signs under this Rule.

605 There are no fees required for Specially Authorized Signs and Notices as defined in Section 1700. However, said applicant shall submit Form MND-805, Application for Permit to Erect Directional or Other Official Signs Adjacent to State Controlled Routes, for a permit to erect any sign off the Department right-of-way.

606 As defined in Section 1700, the applicant shall submit Form MND-004, Application for Permit to Locate Certain Facilities on or To Perform Certain Work on State Highway Right-of-Way, with no permit fee required, for “Welcome to City/County Name” Encroachment Signs and “Acknowledgment” Signs. These signs may be permitted on the Department right-of-way. See MDOT-Rule 37.I.7501.04002, Right of Way Encroachment Permits, for permitting process.

607 Nothing contained in this Rule shall be construed to prohibit the payment of a permit fee to a municipality or county in addition to that imposed hereunder.

## PROHIBITED SIGNS

700 Signs within the control area and visible from the traveled way of State Controlled Routes are prohibited as follows:

1. Those which in any way imitate any traffic control device, railroad sign or signal, or highway directional signs.
2. Those which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights, except those giving public service information such as time, date, temperature, weather or similar information. Signs which contain any movement, illusion of movement, or animated and/or moving parts within the sign structure including but not limited to changing electronic messages that scroll, attachments that are effected by wind movement, smoke or steam emission, etc. Digital signs are allowed and are further addressed by Section 1000 below.
3. Those which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highway and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle.
4. Those so illuminated as to interfere with the effectiveness of, or obscure an official traffic sign, device, or signal.
5. Those located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, and those that obstruct, or physically interfere with the driver's view of approaching, merging, or intersecting traffic.
6. Those which are erected or maintained upon trees or painted or drawn upon rocks or other natural features, or those signs displayed on trailers or other portable objects
7. Those which are abandoned discontinued or destroyed as defined herein.
8. Those within 150 feet from centerline of the main traveled way of divided and undivided state controlled routes that are located on railroad right-of-way, property owned by the United States or property owned by other public agencies on which, for any reason, the Commission was prevented from securing the normal right-of-way widths.
9. Those closer than fifty (50) feet to the centerline of any State Highway as provided in Section 49-23-31, Mississippi Code of 1972.
10. Those that cannot be erected with a view that is unobstructed or are located within the boundaries of a permitted sign site as herein defined, or otherwise prohibited by the regulations contained herein.
11. Signs located within 150 feet of the centerline of any highway when the deed for the right of way contains a setback clause prohibiting the erection of signs within said area.
12. "Welcome to (City/County Name)" encroachment signs, "Acknowledgement" signs "Recognition" signs located on or adjacent to Freeways or Interstate effective July 1, 2017 in unincorporated areas.
13. Signs that are located on MDOT right-of-way including signs with a portion of the face overhanging MDOT's right-of-way.

701 Signs at and beyond 660 feet of the nearest edge of the right-of-way of state controlled routes, outside of urban areas, and visible from the main traveled way of such state

controlled routes are prohibited except those specifically authorized in Section 801.1, 801.2, 801.3 or 801.4.

- 702 Signs or advertising structures erected, constructed, installed, maintained, or operated within one thousand (1000) feet of the outside boundary of the Natchez Trace Parkway outside the limits of any municipality are prohibited, except those specifically authorized in Section 803.
- 703 From and after the date of its designation as an official Mississippi Scenic Byway by the Legislature as provided in Section 65-41-11 MCA, no Outdoor Advertising structures may be erected that are visible from said Scenic Byway. MDOT shall have full jurisdiction over scenic byways and these regulations shall apply. All signs or advertising structures existing prior to the designation of said Scenic Byway shall be considered and maintained as nonconforming signs under this Rule.

#### AUTHORIZED SIGNS

- 800 Signs authorized to be erected and maintained within the control area are listed as follows:
1. Specially Authorized signs and notices as set out in Section 1700 herein.
  2. Signs advertising the sale or lease of property upon which they are located.
  3. Signs advertising the principal activities conducted on the property upon which they are located.
  4. Signs located in areas which are zoned industrial or commercial as defined herein.
  5. Signs located in unzoned commercial or industrial areas as defined herein.
  6. Signs which locate, identify, mark or warn of the presence of pipelines, utility lines or rail and appurtenances thereto, including, but not limited to, markers used in maintenance, operation, observation and safety of said facilities.
  7. Grandfathered signs are allowed to remain and shall be maintained as set out in Section 1300 until they are abandoned, destroyed or purchased by the State. However, a Grandfathered sign that is permissible under this Rule may be permitted as set out in Section 500, and those permitted shall be treated as a permitted sign from that time forward.
  8. Nonconforming signs are allowed to remain and shall be maintained as set out in Section 1300 until they are abandoned, destroyed or purchased by the State.
801. Signs at or beyond 660 feet of the nearest edge of the right-of-way of state controlled routes outside of urban areas that are visible from the main-traveled way of such state controlled routes are authorized as follows:
1. Specially Authorized signs and notices as set out in Section 1700.
  2. Signs advertising the sale or lease of property upon which they are located.
  3. Signs advertising the principal activities conducted on the property upon which they are located.
  4. Grandfathered signs are allowed to remain and shall be maintained as set out in Section 1300 until they are Abandoned, destroyed or purchased by the State.



- 802 Landmark Signs, as defined herein in existence on October 22, 1965, are authorized to remain. These signs will be maintained in accordance with the provisions of Section 1300 herein until such time as they are abandoned or destroyed as defined herein.
- 803 Signs allowed within one thousand (1,000) feet of the outside boundary of the Natchez Trace Parkway are:
1. Signs, displays or devices which advertise the sale, lease, rental, or development of the property on which they are located;
  2. Signs, displays or devices which carry only advertisements strictly related to the lawful use of the property on which they are located, including signs, displays, and devices which identify the business transacted, services rendered, goods sold or produced on the property, name of the business or name of the person, firm or corporation occupying or owning the property. The size of signs advertising the major activity of a business is not regulated under Sections 55-13-33 through 55-13-45 Mississippi Code of 1972. Signs which advertise brand name products or services sold or offered for sale on the property shall not be displayed unless such signs are attached to the building in which such products are sold. All signs permitted under this subsection shall be located not more than one hundred fifty (150) feet from the building in which such business activity is carried on;
  3. Historic markers erected by duly-constituted and authorized public authorities;
  4. Highway markers and signs erected or caused to be erected by the Department or other authorized authorities in accordance with the law;
  5. Directional and official signs and notices erected and maintained by public officers or agencies pursuant to and in accordance with lawful authorization for the purpose of carrying out an official duty or responsibility.
  6. Except as otherwise provided by law, signs located within a one thousand (1,000) foot radius of intersections created by the crossing of the boundary of the Natchez Trace Parkway with the right-of-way lines of components of State Controlled Routes.

#### SIGN CONFIGURATIONS WHICH MAY BE ERECTED

- 900 Conventional Signs may be erected back to back, side by side, or “V” type with not more than two (2) faces on one side. Each face shall be limited to one (1) display.
- 901 The signs in Section 900 will be considered as one sign for permit and spacing requirements provided the sign structures are physically contiguous or connected by the same structure or cross bracing, or located not more than fifteen (15) feet apart at their nearest point in the case of back to back or “V” signs.
- 902 A Tri-Vision sign structure may be erected as a single face, back-to-back or “V” type. A Tri-Vision sign structure may not be erected in a side by side or stacked configuration.
- 903 A Digital sign structure may be erected as a single face, back-to-back or “V” type. The structure will have no more than one face on any side. A Digital sign structure may not be erected in a side by side or stacked configuration.

## STANDARDS FOR SIGNS ERECTED UNDER PERMITS

1000 The following standards or requirements apply to all signs erected under permits issued through this Rule. These standards are subject to the standards set out in § 49-23-1, et seq., Mississippi Code of 1972 and shall conform to any amendments thereto from and after the adoption of this Rule.

1. Maximum Size and Height
  - a. The maximum area for each face of a sign erected before July 1, 2003 shall be 1,200 square feet.
  - b. For sign structures erected on or after July 1, 2003, the total aggregate sign face area for any one direction of travel, including side-by-side configurations, shall be 672 square feet, the maximum height shall be fourteen (14) feet and the maximum length shall be forty-eight (48) feet, inclusive of any border and trim on the sign face, but excluding any embellishment on, and cut-out extension of, the sign face, the base or apron, supports and other structural members. The height of any sign structure shall not exceed forty (40) feet.
  - c. For sign structures erected on or after April 15, 2008, the height of any sign structure shall not exceed forty (40) feet above the level of the road grade unless the grade of the land adjacent to the road is higher than the level of the road grade, then the height of the sign structure may exceed forty (40) feet above the level of the road grade but shall not exceed forty (40) feet above the grade of the site where the sign is placed. Any embellishment on or cut-out extension of any sign face shall not exceed twenty percent (20%) of the square footage of such sign face.
  - d. The area of any sign face shall be measured by the smallest square, rectangle, triangle or circle or combination thereof which will encompass the entire sign. Any embellishment on or cut-out extension of any sign face shall not exceed twenty percent (20%) of the square footage of such sign face.
  - e. Maximum size for a Tri-Vision face will be that area prescribed herein as of the date of erection. Each face will have three (3) rotating displays with only one (1) display being viewed at a time.
  - f. Where the visibility of an outdoor advertising structure is affected by the installation of a noise attenuation barrier, the permittee may apply for relief by the following methods:
    - i. Relocation of the sign;
    - ii. A modification of the height of the sign to mitigate the reduced visibility. Application for modification to the height of the sign must be made to the State Maintenance Engineer and approved by the Commission. The municipality or county in which the sign is located must concur with the height modification.
2. Location:
  - a. INTERCHANGES: Signs shall not be located adjacent to or within five hundred (500) feet of an interchange, safety Rest Area/Welcome Center, scale area or any other facility requiring ramps for access to or from the main traveled way. Said five hundred (500) feet is to be measured along the roadway from the beginning or ending of pavement widening at the exit from

or entrance to the main traveled way. In the absence of a widening point, such as in a continuous ramp, the distance measured along the roadway will be 500 feet from the gore point plus an additional 1300 feet which represents the standard design length of a freeway acceleration/deceleration ramp. The 500 feet shall be measured independently for each direction of travel and a sign legal in one direction shall not be placed in such a manner that it can be read from the opposing direction if within the opposing traffic control zone. Within the limits of an incorporated city, town, or village an interchange of the “split diamond” configuration will be treated as two separate interchanges for the purpose of this subsection.

- b. INTERSECTIONS: Signs shall not be located within five hundred (500) feet of an intersection at grade of two (2) or more State Controlled Routes. Said five hundred (500) feet to be measured from the centerlines of the at-grade routes.
3. Spacing: The distance between signs shall be measured along the nearest edge of the traveled way between points directly opposite the center of the sign supports nearest the traveled way for each respective sign.
    - a. No two (2) signs shall be spaced less than five hundred (500) feet except as to signs in existence on April 15, 2008. This spacing limitation shall apply to areas within incorporated cities, towns, villages and in zoned and unzoned industrial or commercial areas outside of incorporated limits of cities, towns, or villages.
    - b. All outdoor advertising signs and other advertising devices located within one-half mile of an intersection of two (2) or more primary highways, or a primary highway and the Great River Road, or an interchange on the interstate system shall be erected and/or maintained with a minimum spacing between structures of five hundred (500) feet, unless separated by another commercial building or structure, other than outdoor advertising, in which case outdoor advertising may be permitted on one or more sides of the building(s). The minimum spacing requirements of five hundred (500) feet between structures shall not apply to signs in existence on April 15, 2008.
    - c. Minimum spacing between two consecutive Tri-Vision sign structures viewed from the same side of the highway will double the applicable minimum spacing. The minimum spacing for a Tri-Vision sign structure adjacent to a conventional sign shall be determined in the same manner as spacing between two conventional signs.
    - d. Minimum spacing between a Digital Sign Structure and any other outdoor advertising sign structure located on the same side of the highway will be double the applicable minimum spacing (1,000 Feet). Other signs adjacent to the Digital Sign that read in the opposite direction from the Digital Sign will not be considered when measuring the spacing. i.e. where the digital sign reads only to northbound traffic, a conventional sign that is less than 1000 feet from the Digital sign and reads only to southbound traffic will not be considered as a violation of this spacing rule. This paragraph applies only to the spacing of Digital Sign Structures and does not apply to conventional signs or tri-vision signs.
  4. Lighting

- a. Signs which were in existence without lighting on March 6, 1972, and which do not comply with the permit requirements of this Rule are not to be illuminated.
  - b. Signs which were in existence on March 6, 1972, without lighting, and which comply with the permit requirements of this Rule, together with signs erected by permit under authority of this Rule may be illuminated in adherence to the customary practices of the sign industry in Mississippi on June 15, 1966, but not in a manner prohibited in Section 700.
5. Tri-Vision Signs
- a. Tri-Vision Signs shall have no more than two (2) faces with three (3) rotating displays per face; dwell time for each face shall be at least ten (10) seconds; twirl time of each face shall be three (3) seconds or less. Tri-Vision signs shall contain a default design that will freeze the sign in one position if malfunction occurs. Tri-Vision signs may not be erected in a side by side or stacked configuration.
    - i. No conventional sign structure can be converted to a Tri-Vision sign unless the site is a conforming site. Sign owners are required to obtain all applicable city/municipality/county permit(s) and furnish MDOT with certified copies of same to allow a Tri-Vision Face on converted or new signs. Nonconforming, grandfathered, or illegal sign structures will not be allowed to be retro-fitted with a Tri-Vision sign. Before applying to MDOT for a permit to convert a sign to a Tri-Vision Sign, Sign owners are required to comply with all applicable permitting requirements of the city or county. Certified copies of the local permits must be furnished to MDOT with the request to modify the sign.
    - ii. All retro-fitted Tri-Vision signs on permitted, conforming structures must first be approved for compliance with these rules by the State Maintenance Engineer or his/her representative.
6. Digital Signs
- a. In addition to the provisions set out herein. Digital sign structures shall be governed by the following:
    - i. The display change time shall be not more than (1) second with duration of each display not less than (8) seconds. Digital/LED Display structures shall contain a default design that will freeze the display in one still position if a malfunction occurs. The owner of every permitted Digital/LED Display sign will provide the MDOT State Maintenance Engineer with an on-call contact person and phone number for each permitted Digital/LED Display sign. The contact person must have the authority and ability to make immediate modifications to the displays and lighting levels should the need arise.
    - ii. Digital/LED Display – Displays shall not create excessive brightness or glare. Such displays shall contain static messages only without movement. Movement is herein defined as the appearance or illusion of movement, either text or images, of any part of the sign structure, design, or pictorial, segment of the sign, including the movement of

- any illumination or the flashing, scintillating, or varying of light intensity.
- iii. The digital billboard must have capability to adjust its intensity in response to ambient lighting conditions. Should MDOT, at its sole discretion, find the sign, any display or effect thereon, to cause glare or to impair the vision of the driver of any motor vehicle or which otherwise interferes with the operation of a motor vehicle, upon request, the owner of the sign shall immediately reduce lighting intensity of the sign to a level acceptable to MDOT. Failure to reduce lighting intensity on request shall be cause for revocation of the permit.
  - iv. No conventional sign structure can be converted to Digital/LED Display unless the site is a conforming site. Sign owners are required to obtain all applicable city/municipality/county permit(s) and furnish MDOT with certified copies of same to allow a digital sign face on converted or new signs. Nonconforming, grandfathered, or illegal sign structures will not be allowed to be retro-fitted with a Digital/LED Display. Before applying to MDOT for a permit to convert a sign to Digital/LED Display, Sign owners are required to comply with all applicable permitting requirements of the city or county. Certified copies of the local permits must be furnished to MDOT with the request to modify the sign.
  - v. All retro-fitted Digital/LED Displays on permitted, conforming structures must first be approved for compliance with these rules by the State Maintenance Engineer or his/her representative.
- b. 'Immediate' or 'immediately' referred to in Sections 1000.6.a.i. and 1000.6.a.iii. above, shall be considered by the Department to mean that the owner shall promptly and diligently begin and complete modifications as soon as it is advised of the need thereof. If the malfunction poses a hazard to the safety of the traveling public, the sign shall be turned off on arrival by the owner or its maintenance personnel until such repairs can be made.
7. Alternative Energy Devices (AED) A device that produces electricity from solar or wind energy.
    - a. New permit applications for ODA shall be accompanied with a depiction and description of the AED to be utilized on the sign structure at the proposed sign site. An Application to Modify ODA Sign Permit (MND-801) shall be approved by the State Permit Officer prior to conversions to an AED on existing conforming signs.
    - b. Solar collector panels, batteries etc. may be located on separate support(s) or on the sign structure, provided they do not exceed the maximum height of sign (40'). Wind Turbines shall be on separate supports, movement on the sign structure is prohibited.
    - c. AEDs cannot display logos or advertising nor should they present an unsightly appearance, glare or otherwise be distracting when viewed from the main traveled way.
  8. Conflicts

Many of the limits set out herein are controlled by Statute. Any conflict between the language in this section and the statutory language shall be controlled by the language of the Statute. Any modification to said statutes enacted after adoption of this rule shall have control over the limits set out herein.

## DETERMINATION OF ON-PREMISE SIGNS

### 1100 General

1. 23 USC 131, and Section 49-23-5, Mississippi Code of 1972, define on premise signs. Said statutes also place “on premise signs” beyond the regulatory control of the Department. The guidelines herein are derived and developed from these statutes and are applicable to Federal and state regulations to identify on-premise signs. The provisions herein do not prohibit signs containing non-commercial speech.
2. In addition to the above, Section 55-13-33, Mississippi Code of 1972 allows signs, displays, or devices to be erected within one thousand (1000) feet of the outside boundary of the Natchez Trace Parkway if the sign only has advertisements strictly related to the lawful use of the property on which it is located including signs, displays or devices which identify the business transacted, services rendered, goods sold or produced on the property, name of the business or name of the person, firm, or corporation occupying or owning the property. Signs which advertise brand name products or service sold or offered for sale on the property shall not be displayed unless such signs are on or attached to the building in which such products are sold. All signs allowed under this subsection shall be located not more than one hundred fifty (150) feet from the building in which such business activity is carried on.
3. This section sets forth the policies and procedures for determining whether a sign is an on premise sign. It is the purpose of this section to prevent possible abuses or obvious attempts to qualify off premise outdoor advertising as on-premise signs, thereby exempting them from control.

### 1101 Characteristics of an on-premise sign

1. A sign, display or device will be considered to be an on-premise sign if it meets the following requirements:
  - a. The sign must be located on the same premises as the activity or property advertised; and
  - b. The sign must have as its purpose (1) the identification of the activity, or its products or services or (2) the sale or lease of the property on which the sign is located, rather than the purpose of general advertising.

### 1102 Premises Test

1. The following shall be used for determining whether a sign, display or device is located on the same premises as the activity or property advertised as required under 1101.1.a above.
  - a. The premises on which the activity is conducted is determined by physical facts rather than property lines. Generally, the premises is defined as the land occupied by the buildings or other physical uses that are necessary or

- customarily incident to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses.
- b. The following will not be considered to be a part of the premises on which the activity is conducted, and any signs located on such land will be considered off-premise advertising:
    - i. Any land which is not used as an integral part of the principle activity. This would include, but is not limited to, land which is separated from the activity by a roadway, highway, or other obstruction, and not used by an extensive highway frontage contiguous to the land actually used by a commercial facility, even though it might be under the same ownership.
    - ii. Any land which is used for, or devoted to, a separate purpose unrelated to the advertising activity. For example, land adjacent to or adjoining a service station but devoted to the raising of crops, residence or farmstead uses or other commercial or industrial uses having no relationship to the service station activity would not be part of the premises of the service station, even though under the same ownership unless the area is part of one unified, planned development, then the area may be evaluated such that an on-premise sign may advertise any activity contained within the development.
    - iii. Any land which is (a) at some distance from the principal activity, and (b) in closer proximity to the highway than the principal activity, and (c) developed or used only in the area of the sign site, or between the sign site and the principal activity, and (d) occupied solely by structures or uses which are only incidental to the principal activity, and which serve no reasonable or integrated purpose relative to the activity other than an attempt to qualify the land for signing purposes. Generally, said land supports facilities that include: picnic, playground or camping areas, dog kennels, golf driving ranges, skeet ranges, walking paths, fences, unpaved parking lots and sign maintenance sheds.
  - c. **Narrow Strips**
    - i. Where the sign site is located at or near the end of a narrow strip contiguous to the advertised activity, the sign site shall not be considered part of the premises on which the activity being advertised is conducted. A narrow strip shall include any configuration of land which is such that it cannot be put to any reasonable use related to the activity other than signing purposes.
    - ii. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if it is located upon a narrow strip of land:
      - A. Which is non-buildable land, such as swampland, marshland, or other wet land, or
      - B. Which is a common or private roadway, or
      - C. Held by easement or other lesser interest than the premises where the advertised activity is located.

### 1103 Purpose Test

1. The following will be used to determine whether a sign, display or device has an appropriate purpose as required in 1101.1.b above.
  - a. Any sign which consists solely of the name of the establishment is an on-premise sign.
  - b. A sign which identifies the establishment's principal or accessory products or services offered on the premises is an on-premise sign.
  - c. When a sign,
    - i Brings rental income to an independent property owner,
    - ii. Consists principally of a brand name or trade name advertising, and
    - iii. The product or service advertised is only incidental to the principal activity; it shall be considered an outdoor advertising sign and not an on-premise sign.
  - d. A sign which advertises activities conducted on the premises, but which also advertises, in a prominent manner, activities not conducted on the premises is not an on-premise sign.
  - e. A sale or lease sign which also advertises any product or service not located upon and related to the business of selling or leasing the land on which the sign is located is not an on-premise sign.

### CONSTRUCTION OF SIGNS

- 1200 Construction should conform to the requirements set forth by the Outdoor Advertisers Association of America and by the International Building Code, or should conform to the applicable local sign code or ordinance, whichever is more restrictive.
- 1201 The Applicant will be required to erect permitted sign(s) so that all sign faces are visible above the tree line. The State Maintenance Engineer's designated agent will make final inspection of the permitted sign and determine whether the sign is above the tree line and take a photograph. The owner of the permitted sign will be advised if the sign is not above the tree line and will be required to raise the height of the sign or the permit will be forfeited and the sign must be removed. If the sign cannot be raised above the tree line without exceeding the maximum height of sign, the permit will be forfeited. Applications for permits to erect signs which are not visible due to existing landscaping of the right-of-way will be denied.
- 1202 The erection of signs adjacent to non-access highways by access from the highway right of way is prohibited. The parking of vehicles on any highway right of way while constructing signs is also prohibited. Violation of this section may result in penalties as provided in Section 1305.
- 1203 Methods of construction and materials used shall not produce a sign which, when viewed from the rear, presents an unsightly appearance. All materials used upon the sign site, as herein defined, being structural cosmetic or otherwise, must comply with the Rule, and all applicable State, Federal, and local statutes or ordinances.



## MAINTENANCE AND CONTINUANCE OF SIGNS

- 1300 For the purpose of defining maintenance requirements, signs are divided into four (4) categories.
1. Conforming signs as defined in Section 307;
  2. Grandfathered signs as defined in Sections 318;
  3. Non-Conforming signs as defined in 329;
  4. Landmark Signs are defined in Section 802.
- 1301 All signs described in Section 1300 shall be maintained in accordance with the following:
1. Outdoor Advertising Signs shall be satisfactorily maintained. Those not maintained in a satisfactory manner will be declared abandoned.
  2. The use of chemicals to destroy trees and other vegetation is strictly prohibited. The trimming or cutting of trees, shrubs and/or vegetation on highway right of way in order to improve or enhance the visibility of any sign is strictly prohibited, except after securing an approved Vegetation Removal Permit, Form MND-830, from the Department.
  3. The maintenance of signs adjacent to non-access highways by access from the highway right of way is prohibited. The parking of vehicles on any highway right of way while maintaining signs is also prohibited.
  4. Abandoned, and/or obsolete signs shall be immediately removed by the owner(s) thereof at the owner(s) sole expense with no compensation.
    - a. An “Available for Lease” or similar message that concerns the availability of the sign itself does not constitute advertising matter. A sign with such a message will be treated as a discontinued sign as set out above.
    - b. Similarly, a sign whose message has been partially obliterated by the owner so as not to identify a particular product, service or facility is considered to be an obsolete sign.
  5. Destroyed sign structures, as defined in Section 337.7, shall be immediately removed by the owner(s) thereof at the owner(s) expense with no compensation. Destroyed signs must be evaluated for conformity to the Rule and be approved by MDOT before being replaced
- 1302 In addition to the requirements set out in Section 1301, conforming signs shall also be subject to the following:
1. After a sign has been erected in conformity with the permit requirements, a request for additional faces, additional lighting, and changes to the sign dimensions, etc. beyond customary maintenance may be submitted without obtaining an additional permit. The permit holder must submit an Application to Modify ODA Sign Permit (MND-801) to the State Permit Officer. The form shall identify the sign by the Department permit number and give details of proposed changes. The sign shall at all times conform to the standards contained in Section 1300 of this Rule.
    - a. The Permit Officer for Control of Outdoor Advertising will inspect the permitted location. If proposed changes are approved, the State Permit Officer will advise the sign owner.

- b. The Application to Modify ODA Sign Permit will remain valid for twelve (12) months from the approval date.
  2. The location of a permitted sign may be changed by the filing of a new permit application and the approval of the State Maintenance Engineer
- 1303 In addition to the requirements set out in Section 1301 above, grandfathered signs shall be maintained in accordance with the following:
  1. No repair or maintenance will be allowed on grandfathered signs except customary maintenance or repair as defined herein. The following activities are considered customary maintenance and repair.
    - a. Change of advertising message or copy.
    - b. Routine replacement of border and trim not to include the sign face. Any net decrease in the outside dimensions of the advertising copy portion of the sign will be permitted. Any subsequent change in the outside dimensions of the sign will be permitted so long as it does not exceed the actual dimensions owner records indicate existed on March 6, 1972. However, in no case will legal size limitations be exceeded.
    - d. The placing of night time illumination on existing sign structures is specifically prohibited as customary maintenance; however, such illumination may be permanently removed from such sign structure.
    - e. A grandfathered sign that is damaged but not destroyed as defined in Section 337(7) is still subject to the restrictions on repair and maintenance set out herein. Such a sign that does not receive damage sufficient to render it destroyed may only be repaired to the extent that it is damaged. Undamaged portions of the sign may not be repaired or replaced.
- 1304 In addition to the requirements set out in Section 1301 above, non-conforming signs shall be maintained in accordance with the following:
  1. No repair or maintenance will be allowed on non-conforming signs except customary maintenance or repair as defined herein. The following activities are considered customary maintenance and repair.
    - a. Change of advertising message or copy.
    - b. Slight alterations of the dimensions of painted bulletins incidental to copy change which do not substantially increase the overall dimensions of the advertising copy portion of the sign.
    - c. Slight alterations of the dimensions of painted bulletins incidental to copy change which do not substantially increase the overall dimensions of the advertising copy portion of the sign.
    - d. Any net decrease in the outside dimensions of the advertising copy portion of the sign will be permitted. Any subsequent change in the outside dimensions of the sign will be permitted so long as it does not exceed the actual dimensions owner records indicate existed on March 6, 1972. However, in no case will legal size limitations be exceeded.
    - e. The placing of night time illumination on existing sign structures is specifically prohibited as customary maintenance; however, such illumination may be permanently removed from such sign structure.

- f. A nonconforming sign that is damaged but not destroyed as defined in Section 336 (7) is still subject to the restrictions on repair and maintenance set out herein. Such a sign that does not receive damage sufficient to render it destroyed may only be repaired to the extent that it is damaged. Undamaged portions of the sign may not be repaired or replaced.

1305 In addition to the maintenance requirements set out in Section 1301 above, Landmark signs shall be maintained as follows:

1. Reasonable restoration of the sign will be permitted.
2. Substantial change in size or message content or the addition of night time lighting will not be permitted.

1306 The rules and regulations set out under this rule will be administered and penalties applied as follows:

1. The Permit Officer for Control of Outdoor Advertising shall be responsible for investigating and gathering all evidence pertinent to any violation hereunder.
2. Upon completing his investigation, the Permit Officer for Control of Outdoor Advertising shall inform the State Permit Officer of the violation in writing and shall set out in said document all facts and circumstances, which support or refute the reported violation.
3. Upon receiving said written document, the State Permit Officer shall make a determination as to whether a violation has occurred. The State Permit Officer may notify the responsible party of the violation and may request a response from that individual or company.
4. If the State Permit Officer determines that a violation has occurred, he shall contact the State Maintenance Engineer who will determine the appropriate penalty to be assessed against the owner of said sign company. The State Maintenance Engineer shall have the discretion to make said determination of penalty. Once the penalty is determined, the State Maintenance Engineer shall inform the owner who committed the violation by letter of the violation and penalties to be assessed. A copy of the report prepared by the Permit Officer for Control of Outdoor Advertising shall be attached to said letter.
5. The penalties which may be assessed against the violator include the following:
  - a. Payment for any physical damage may include costs to repair fences, ruts, etc. If timber is cut, it will be assessed at the higher of its saw log, pulpwood or landscape value along with statutory penalties.
  - b. Suspension of the permit for periods of up to six (6) months.
  - c. Probation for the violating firm for a period of up to twelve (12) months, further violations during the probation period will cause additional penalties.
  - d. Revocation of the permit. Under revocation, it is intended that the violator will not be eligible for a re-issued permit at the same site. The site will include the boundaries of the violation plus the applicable spacing distance.
  - e. Suspension of the site eligibility for periods up to duration of the violator's lease
  - f. Suspension of the violating firm for periods up to twelve (12) months and/or bond forfeiture. During such suspension, the firm will be ineligible for permits.

- g. A moratorium may be declared as to permits for the site for an established period. The site will include the boundaries of the violation plus the applicable spacing distance.
  - h. Under no circumstances will a revoked permit be reinstated until the owner of said permit has accepted and complied with the penalties imposed hereunder. The time for service of any suspension or moratorium will be tolled until the owner accepts and complies with said penalties.
  - i. Removal of the sign at the owner's expense
6. Should the violating firm desire to have an administrative review of the imposition of these penalties, it may do so as set out in Section 1800 hereof.

#### NON-CONFORMING SIGNS

- 1400 Any non-conforming sign, may be required to be removed after the end of the fifth year after it becomes non-conforming.
- 1401 The Commission may acquire by purchase, gift, or condemnation all advertising devices and property rights pertaining thereto of all non-conforming signs required to be removed by this Rule.

#### REMOVAL OF UNLAWFUL OR ILLEGAL SIGNS

1500 Unlawful and/or illegal signs are to be expeditiously removed at the owner's expense. The Maintenance Division of MDOT will pursue the removal of these signs as provided for in Section 1306 herein.

#### IDENTIFICATION OF SIGNS

- 1600 From and after July 1, 1977, the owner of every outdoor advertising sign adjacent to a state controlled route shall identify such sign by placing his name or logo thereon in permanent letters of such size that can be readily read from the main traveled way.
- 1601 On-premise signs, signs that advertise the sale or lease of property on which they are located, directional and other official signs and signs that identify or warn of the presence of utility and rail lines or appurtenances thereto are exempt from this provision.

#### SPECIALLY AUTHORIZED SIGNS and NOTICES

- 1700 SPECIALLY AUTHORIZED SIGNS and NOTICES shall be controlled by this Section 1700. The standards, restrictions or processes herein are solely applicable to the sign types specifically named in Section 1700.1 below. Similarly, with the exception of the Definitions in Section 300, the administrative review process in Section 1800 or any other Section specified herein, none of the standards, restrictions or processes in the other sections of this Rule shall apply to the signs specified in Section 1700.1 below. The signs named in this section are specifically exempted from paying a permit fee.
1. SPECIALLY AUTHORIZED SIGNS and NOTICES include the following:

- a. Directional Signs: Signs containing directional information about public places owned or operated by Federal, State or local governments of their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.
- b. Public Service Signs: These are signs located on school bus stop shelters which are authorized or approved by city, county or state law, regulations or ordinances at places approved by the city, county or MDOT. No shelters will be permitted on the MDOT right of way.
- c. Service Club and Religious Information Signs: Signs and notices, whose erection is authorized by law, relating to meetings of non-profit service clubs or charitable associations, or religious services and directions to said meeting places.
- d. Public Utility Signs: Warning signs, informational signs, notices or markers which are customarily erected and maintained by public or privately owned utilities, as essential to their operation.
- e. Official Signs and Notices: Signs and notices erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction pursuant to and in accordance with direction or authorization contained in Federal, State, or local law for the purposes of carrying out an official duty or responsibility.

NOTE: Historic monuments and markers authorized by State law erected by State or local government agencies or non-profit historical societies are not considered as being either outdoor advertising signs or directional or other Specially Authorized signs and notices and are not subject to control by this Rule.

- f. Other Signs: Signs erected prior to June 15, 1966, and which do not conform to the size, location and spacing requirements of this Rule and are not otherwise prohibited in Section 1700.3 are authorized to be maintained as defined in this Rule.
- g. "Welcome to (Community/City/County Name)" Encroachment Signs: Specially Authorized signs erected within communities and unincorporated areas of counties shall be maintained by public officers or elected county officials while carrying out an official duty or responsibility. Welcome to (Community/City/County Name) signs may be erected on or off the right-of-way subject to the provisions set out below
- h. "Acknowledgement" sign: This Specially Authorized sign becomes a part of "Welcome to (Community/City/County Name)" encroachment sign permit

acknowledging landscaping, maintenance, and appearance improvements at the site of said city/county permitted sign.

NOTE: Signs erected prior to June 15, 1966 and which do not conform to the requirements in this Section and are not otherwise prohibited in this section are authorized to be maintained as defined in this Section.

2. Authorized directional and other Specially Authorized signs on and/or adjacent to the highway right-of-way shall adhere to the following standards:
  - a. Directional Signs
    - i. Size: No directional signs shall exceed the following limits:
      - A. Maximum height of face- 20 feet
      - B. Maximum length of face- 20 feet
      - C. Maximum area - 150 square feet - including border and trim
    - ii. Spacing and location:
      - A. Each location of a directional sign must be approved by MDOT. Directional signs may be erected adjacent to the highway right-of-way.
      - B. No directional sign may be located within 2000 feet of an interchange, or at grade intersection.
      - C. No directional sign may be located within 2000 feet of the edge of a welcome center, rest area, parkland or scenic area.
      - D. No two (2) directional signs facing the same direction of travel shall be spaced less than one (1) mile apart.
      - E. Not more than three (3) directional signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity.
      - F. Signs located adjacent to the Interstate System shall be within 75 air miles of the activity.
      - G. Signs located adjacent to the Primary System shall be within 50 air miles of the activity.
      - H. Directional signs may be allowed on the right-of-way. Directional signs located on the right-of-way must be permitted through the Traffic Engineering Division of MDOT, subject to their regulations.
      - I. All signs not specifically authorized to be located on the right of way must be located adjacent to the right of way.

iii. Message Content:

The message on directional signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating this attraction, such as mileage, route numbers, or exit numbers. Descriptive words or phrases and pictorial or photographic representations of the activity or its environs are prohibited.

b. Public Service Signs

- i. Size: Not to exceed thirty (32) square feet in area, including border and trim.
- ii. Location: Located only on school bus shelters as described in Section 1700.1.b of this Rule. No shelters will be permitted on the right of way of State highways. Not more than one sign on each shelter may face in any one direction. Public Service Signs will not be allowed on the MDOT right-of-way. They may be erected adjacent to highway right-of-way.
- iii. Message Content: (1) Identify the donor, sponsor or contributor of said shelter: (2) Contain safety slogans or messages which shall occupy not less than sixty (60) percent of the area of the sign: and (3) Contain no other message.

c. Service Club and Religious Information Signs

- i. Size: Not to exceed eight (8) square feet, including border and trim.
- ii. Location:
  - A. Signs conveying information only may be erected on the premises of the Service Club or Religious Organization.
  - B. Signs conveying directional information for Service Clubs and Religious Organizations may be located adjacent to the highway right-of-way in any area not prohibited in Section 700.5 of this Rule. Signs conveying directional information must be located within 10 air miles of the premises of the Service Club or Religious Organization. Each Service Club or Religious Organization shall be limited to two (2) signs conveying directional information.
  - C. Signs conveying directional information for Service Club and Religious Information Organizations may not be located on

the MDOT right-of-way or adjacent to an Interstate or a Freeway.

iii. For signs conveying information only, several notices may be placed on a single "billboard" type support; however, the size of each sign shall conform to the requirements of Section 1700.2.c.i above.

d. Public Utility Signs

There are no limitations as to size, spacing or location of these signs.

e. Official Signs and Notices

There are no limitations as to size and spacing of Official Signs and Notices. These signs may be located in any area adjacent to the highway right-of-way not prohibited by Section 700.5 of this Rule.

f. "Welcome to (Community/City/County Name)"

Signs located on/or adjacent to the highway right-of-way are controlled by this rule. The District Engineer or his/her representative has the responsibility for the implementation of the "Welcome To" and "Acknowledgement" sign program. Questions of interpretation concerning these guidelines are to be discussed with the State Maintenance Engineer. Any deviation from these guidelines must be approved by the Chief Engineer. The District Engineer or his/her representative shall advise the applicant of the disposition of their application. It is preferable that "Welcome to (Community/City/County Name)" Signs be located adjacent to the right of way if at all possible. Where location adjacent to the right of way is impossible, the sign may be located on the right of way.

i. Signs located on the right of way shall be administered and approved by the District Engineer as an encroachment in conformity with the MUTCD and the following:

A. Size: The size of "Welcome to (Community/City/County Name)" signs permitted to be erected under this subsection will be determined by the District Engineer in consideration of the amount of available right-of-way.

B. "Welcome to (Community/City/County Name)" signs erected on highway right-of-way shall have the closest edge of said sign at least fifty (50) feet from the nearest edge of pavement and no closer than five (5) feet from the right-of-way line except in curb and gutter sections. In curb and gutter sections with a speed limit of forty-five (45) MPH or less, the minimum distance may be reduced to ten (10) feet from the outside edge of the curb.

C. "Welcome to (Community/City/County Name)" encroachment signs proposed on controlled access highways at uncontrolled exits or side roads will be considered on a



- case-by-case basis. Said determination shall be made by the District Engineer.
- D. "Welcome to (Community/City/County Name)" encroachment signs shall be located at a site where the cutting of trees can be kept to a minimum.
  - ii. "Welcome to (Community/City/County Name)" Signs located adjacent to the right of way shall be approved by the State Maintenance Engineer subject to the following:
    - A. Size: The size of "Welcome to (Community/City/County Name)" signs permitted to be erected under this subsection will be determined by the State Maintenance Engineer on a case by case basis. However, the maximum size allocated for non-advertising recognition signs contained within the "Welcome to (Community/City/County Name)" shall be 24 square feet.
    - B. "Welcome to (Community/City/County Name)" signs shall be located at a site where the cutting of trees can be kept to a minimum.
  - iii. Spacing and Location: Whether they are located on or off of the right of way, "Welcome to (Community/City/County Name)" signs shall be located near the city limits or county line as dictated by terrain and to avoid visual conflict with other signs within the highway right-of-way. Each Community/City/County shall be limited to one such sign as close as practically possible at each location where the community/city limit or county line and the subject highway intersect. For unincorporated areas of a county, the sign should be as close as practically possible to the established boundary of the community and is subject to review by the State Maintenance Engineer and the State Traffic Engineer.
  - iv. "Welcome to (Community/City/County Name)" encroachment signs are strictly prohibited on or adjacent to the right-of-way of Interstates and Freeways effective July 1, 2017 for unincorporated areas.
  - v. Message Content regardless of location shall be restricted to "Welcome to (Community/City/County Name)" or "(Community/City/County Name) Welcomes You" and an established Community/City/County logo or slogan. No advertisements and/or other signs/messages shall be included, attached to, or in the proximity of the proposed sign except an "Acknowledgement" sign or "Recognition" sign. "Recognition" signs are designations, honors, or certifications bestowed upon the applicable City or County. "Acknowledgement" or "Recognition" signs shall conform with content and size provisions described herein and as approved by the State Maintenance Engineer.
  - g. "Acknowledgement" Signs
    - i. Size: "Acknowledgement" Signs shall be no larger than 24 inches long by 24 inches wide. The top of an "Acknowledgement" Sign shall be no higher than four (4) feet above the ground.

- ii. Spacing and Location: "Acknowledgement" signs may be located on highway right-of-way and must be within ten (10) feet of a "Welcome to (Community/City/County Name)" Sign. One (1) "Acknowledgment" Sign is allowed for each "Welcome to (Community/City/County Name)" Sign. The "Acknowledgment" sign shall not block the view of the "Welcome to (Community/City/County Name)" Sign.
    - ii. Message Content: The "Acknowledgement" sign shall have white letters on a blue background. The Message on the sign shall read "maintained by (Sponsor's Name)" or "Sponsored by (Sponsor's Name)". No company logo, color, or advertisement of any kind will be allowed.
  - h. "Recognition" Signs
    - i. Size: Each individual "Recognition" Sign may vary in size; however, all recognition signs shall be located within a maximum total 24 square foot area.
    - ii. Spacing and Location: "Recognition" signs may be located on or within ten (10) feet of a "Welcome to (Community/City/County Name)" Sign. If located on the "Welcome to (Community/City/County Name)" Sign, the recognition sign shall follow "Welcome to (Community/City/County Name)" or "(Community/City/County Name) Welcomes You" and any Community/City/County logo or slogan. Each "Recognition" sign may vary in size, but all "Recognition" Signs posted on a "Welcome To" sign shall be located within an area not to exceed twenty four (24) square feet and shall be located below the Welcome to (Community/City/County Name) portion of the sign. Only one (1) "Recognition" Sign is allowed for each "Welcome to (Community/City/County Name)" Sign. Any "Recognition" not attached to the "Welcome to (Community/City/County Name) sign structure shall not block the view of the "Welcome to (Community/City/County Name)" Sign.
    - iii. Message Content: "Recognition" signs shall include non-advertising Designations, Honors, or Certifications bestowed upon the applicable City or County. "Recognition" signs shall conform with content and size provisions described herein and as approved by the State Maintenance Engineer. No company logo, color(s), or advertisement of any kind will be allowed.
- 3. Standards applying to all signs in this Section:
  - a. Other than Service Club and Religious Information signs, double faced or "V"-type structures will not be permitted for signs under this Section.
  - b. Construction should conform to the applicable requirements set forth in the current edition of the Outdoor Advertising Association of America's "Plant Operations Guideline Manual"; to the applicable local sign companies'

specifications; or to the local governmental unit's (City or County) ordinances, whichever is more restrictive.

- c. Wood shall not be used for structural purposes in the ground unless pressure treated with appropriate preservatives.
  - d. The backs of all structures not shielded by buildings or otherwise hidden should be completely painted in a neutral color to camouflage the back of the sign.
  - e. Methods of construction and materials used shall not produce a sign which, when viewed from the rear, presents an unsightly appearance.
  - f. Lighting: Signs may be illuminated in adherence to the customary practices of the sign industry in Mississippi subject to the following:
    - i. Signs which contain, include, or are illuminated by any flashing; intermittent or moving light or lights are prohibited
    - ii. Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an Federal Aid Interstate or Federal Aid Primary Highway, or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.
    - iii. No sign may be so illuminated as to interfere with the effectiveness of or to obscure an official traffic sign, device or signal.
    - iv. All wiring for signs placed on highway right-of-way shall be underground and in conduit and shall conform to the National Electric Code.
4. Directional Sign Selection Methods and Criteria for Privately-Owned Activities and Attractions to be located off the right of way.
- a. Privately owned activities or activities eligible for directional signing are limited to:
    - i. Natural Phenomena
    - ii. Scenic Attractions
    - iii. Historic Sites
    - iv. Educational Sites
    - v. Cultural Sites

- vi. Scientific Sites
  - vii. Religious Sites
  - viii. Outdoor Recreational Areas
- b. To be eligible, privately owned activities or attractions must be nationally or regionally known, and of outstanding interest to the traveling public.
  - c. The owner(s) or any privately owned activity or attraction listed in Section 1700.4.a who desire to erect directional signs, must furnish the District Engineer of the district in which the activity or attraction is located a statement describing the activity or attraction. The statement should indicate the average number of visitors per day in summer and winter; state that adequate rest room and parking facilities are furnished; and show evidence that the activity or attraction is nationally or regionally known and of outstanding interest to the traveling public. Such evidence could be an approved listing in the National Register of Historic Places; a guest register with a listing of the home states of the visitors; or any other evidence that could establish the fact that the activity is nationally or regionally known and of outstanding interest to the traveling public.
  - d. The District Engineer shall forward the statements, evidence, etc., to the State Maintenance Engineer. After verification of the information submitted by the owner, the State Maintenance Engineer will submit the information to the Commission for approval.
  - e. If the Commission determines that the activity or attraction meets the requirements of Sections 1700.4.a and 1700.4.b, the owner(s) may submit an application on Form MND-805, Application for Permit to Erect Directional or Other Specially Authorized Signs Adjacent to Mississippi Federal Aid Primary or Interstate Highways, for erection of directional signs in accordance with the requirements of this Section. Effective July 1, 2017, signs erected by the Department for the member institutions of the Mississippi Association of Independent Colleges and Universities shall be administered by the Traffic Engineering Division.

## 5. Permits

### General:

- a. A permit must be secured from the Department by any person or company before erecting any sign controlled by this Section with the exception of Public Utility Signs as defined herein.

b. Procedure

i. For all signs under Section 1700.1.a through 1700.1.f.

- A. Each person, company or entity desiring to erect a sign subject to the permitting requirements of this section shall make application on Form MND-805 listed above. Upon receipt of said application in proper form and properly executed, the District Engineer or his/her representative will inspect the proposed location, check all information required, sign for field inspection and forward the completed application to the State Maintenance Engineer for approval.
- B. If the application is in order and complies with State statutes and the provisions of this section, the State Maintenance Engineer or his/her representative will approve applications for signs to be located off the right of way and shall enter the permit number on the form. The Traffic Engineering Division has the responsibility for approving signs to be located on the right-of-way. Copies of the approved permit will be forwarded to the appropriate District Engineer for distribution to the applicant and other affected parties.
- C. The applicant shall advise the State Permit Officer in writing, as soon as the sign is erected in order that a final inspection can be made. For all signs located adjacent to the right-of-way, a permit marker, showing the permit number, shall be affixed to the sign by the Permit Officer for the Control of Outdoor Advertising in a prominent location that can be viewed from the highway. Permit markers will not be issued for signs located on the highway right-of-way.

ii. For "Welcome to (Community/City/County Name)" or "Acknowledgement" signs, defined in Sections 1700.1.g. and 1700.1.h.

- A. All Cities/Counties making application for a "Welcome to (Community/City/County Name)", "Acknowledgement", or Recognition sign shall submit Form MND-004, Application for Permit to Locate Certain Facilities on or to Perform Certain Work on State Highway Right of Way. Upon receipt of this application, the District Engineer will make the appropriate inspection and authorize the permit at his discretion. For all permits for signs under this paragraph to be located on the right-of-way, the District Engineer will notify the Traffic Engineering Division.

- B. A permit for a recognition sign must be associated with an existing or proposed "Welcome To (Community/City/County Name) sign. Each organization, individual, business, and/or industry may make application to install an "Acknowledgement" sign recognizing their efforts for furnishing and maintaining landscaping and/or grounds at the "Welcome to (Community/City/County Name)" sign sites that are permitted on highway right-of-way. Although the application may be completed and submitted by the applicant, the permit will be granted in the name of the Community/City/County and will become a part of the "Welcome to (Community/City/County Name)" sign permit. The Community/City/County is responsible for approving the sponsor named on the "Acknowledgement" sign and for change of the sponsor, if necessary.

If anyone has any questions relative this program, contact the State Maintenance Engineer.

c. General Provisions

- i. Each permit issued under this section will expire twelve (12) months from the date of approval. No extension of this time will be granted. If the work has not been completed before expiration application must be made for another permit.
- ii. Nothing contained in this Rule shall be construed to limit in any way the authority or any municipality in which the sign is to be erected or to waive any requirement of a municipality for a permit for the erection of such sign.
- iii. The denial of the application herein shall entitle the applicant to an administrative review in accord with Section 1800 in this Rule.

FEES: There are no fees chargeable on permit applications made under this Section.

6. Maintenance of Signs

- a. Signs shall be satisfactorily maintained and failure to do so shall be sufficient cause for disapproval of subsequent permits.
- b. Grounds surrounding the sign structure should be kept clean and all weeds should be cut regularly. Whenever practicable, locations should be planted with grass or otherwise landscaped. There should be a frequent check of condition of the area surrounding sign structures. Accumulated debris or weeds should be eliminated promptly

## Administrative Reviews

1800 An applicant/owner shall have the right to an administrative review from an adverse decision made by the Department under this Rule according to the following Rules:

1. Jurisdiction - An administrative review may only be taken from decisions involving the following:
  - a. the denial of a permit to erect a sign;
  - b. the denial of a vegetation removal permit; or
  - c. the revocation of a permit; or
  - d. the imposition of any penalty applied under section 1306 above; or
  - e. the denial of a request to modify a sign.
  
2. Timing - From the date of the correspondence advising him of the adverse decision from which the administrative review is to be taken, the applicant/owner shall have thirty (30) days from said date to request an administrative review by sending a notice of request for administrative review to the State Maintenance Engineer. Said notice of administrative review shall contain the following:
  - a. a description of the decision being appealed and the pertinent facts related thereto. Said notice must be adequate to inform the Department of the specific adverse decision being reviewed;
  - b. a short listing of the factual and/or legal errors that the applicant/owner contends warrant a reversal of said adverse decision; and
  - c. an estimate of the number of witnesses and exhibits which he will present in the administrative review along with the estimated time which will be required to conduct said hearing.
  
3. Costs - Upon receipt of the notice of administrative review in conformance with the above, the State Maintenance Engineer shall transmit said notice of administrative review to the Office of the Attorney General. The Office of the Attorney General will appoint an Administrative Law Judge, hereinafter ALJ, to preside over the administrative review within thirty (30) working days of the receipt of the notice of administrative review. Within said thirty (30) working day period, the Office of the Attorney General will also make an estimate of the costs of the ALJ and the court reporter and will transmit it to the applicant/owner. The applicant/owner shall deposit with the Office of the Attorney General within 30 days of his receipt of said estimate, a cash bond or surety bond on a form to be provided by the Department, Form MND-855, Outdoor Advertising Appeals Bond, in the amount of said estimate which shall insure payment to the Department of the costs of said hearing if the decision being reviewed is upheld.
  
4. Hearing - The administrative review herein shall be a hearing before the appointed ALJ on the Record. Said hearing shall be conducted under the following rules of procedure:
  - a. Procedure shall be controlled by the Mississippi Rules of Civil procedure subject to the following:
    - i. Discovery shall be limited to obtaining names of witnesses and pertinent documents and deposing the parties only. The ALJ shall set

- a scheduling order within sixty (60) days after official appointment which shall set out the deadline for discovery, deadlines for motions and the date of the hearing.
  - ii. There shall be no joinder of parties, intervention of parties or third party practice involved in said administrative review.
  - iii. In all proceedings the Department shall be the Respondent and the Applicant/Owner shall be the Petitioner. It is intended by this language that the Petitioner shall have the burden of proving to a preponderance that it is entitled to the relief requested.
  - iv. All pleadings shall be filed with the Office of the Secretary to the Mississippi Transportation Commission.
- b. Introduction of evidence shall be controlled by the Mississippi Rules of Evidence subject to the following:
  - i. the rules prohibiting hearsay shall be construed liberally by the ALJ.
  - ii. the presentation of evidence shall be conducted in a less formal manner than an actual trial.
- c. With regard to illegal vegetation removal, there shall be a rebuttable presumption that the owner of the sign, the owner of the affected property or both benefiting from said illegal vegetation removal caused said vegetation to be removed.
- d. On conclusion of the presentation of all evidence, the ALJ shall make a written finding of fact and conclusions of law and shall present these to the parties.
- e. If the ALJ upholds the decision of the Department, the Office of the Attorney General shall, within thirty (30) days, send an actual bill to the applicant/owner for payment. Failure to pay said bill within ten (10) working days from the receipt thereof shall result in the forfeiture of the cost bond posted by the applicant/owner. The forfeiture of said bond shall not extinguish the right of the Department to recover the remainder of the actual costs, if any.
- f. If the ALJ overturns the decision being approved the bond shall be returned to the appellant.
- g. If the ALJ overturns the decision, the Department shall have the right to appeal the decision of the ALJ to the county in which the sign or proposed sign is located.
- h. If the ALJ upholds the decision of the Department, the applicant/owner shall have the right to appeal the decision of the ALJ to the county court in which the sign or proposed sign is located within thirty (30) days from an order by the Commission confirming the decision of the ALJ.

1801. Savings Clause – If a court decision results in voiding any provisions of this rule, those provisions unaffected by the decision shall continue in full force and effect.

## OUTDOOR ADVERTISING FORMS

1900 **FORM MND-800**, APPLICATION FOR PERMIT TO ERECT OUTDOOR ADVERTISING SIGNS.



- 1901 **FORM MND-801**, APPLICATION TO MODIFY ODA SIGN
  
- 1902 **FORM MND-805**, APPLICATION FOR PERMIT TO ERECT DIRECTIONAL OR OTHER OFFICIAL SIGNS ADJACENT TO MISSISSIPPI FEDERAL AID PRIMARY OR INTERSTATE HIGHWAYS.
  
- 1903 **FORM MND-810**, BOND FOR OUTDOOR ADVERTISING BUSINESS.
  
- 1904 **FORM MND-829**, APPLICATION FOR PERMIT TO REMOVE VEGETATION FROM THE RIGHT OF WAY OF A STATE CONTROLLED ROUTE.
  
- 1905 **FORM MND-830**, VEGETATION REMOVAL PERMIT.
  
- 1906 **FORM MND-835**, VEGETATION REMOVAL PERFORMANCE BOND.
  
- 1907 **FORM MND-840**, NOTICE OF BLANK SIGN.
  
- 1908 **FORM MND-845**, REMOVAL OF ILLEGAL OUTDOOR ADVERTISING.
  
- 1909 **FORM MND-850**, NOTIFICATION OF TRANSFER OF MDOT OUTDOOR ADVERTISING PERMIT.
  
- 1910 **FORM MND-855**, OUTDOOR ADVERTISING APPEALS BOND.

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

- 2000 Section 49-23-1, et seq, MCA;
- 2001 Section 55-13-1, et seq, MCA;
- 2002 Section 17-1-1, et seq, MCA;
- 2003 Section 65-41-11, et seq, MCA;
- 2004 23 USC 131, et seq.; 23CFR 750;

- 2005 The State-Federal Agreement for control of outdoor advertising between The Mississippi State Highway Commission and Federal Highway Administrator dated March 6, 1972.
- 2006 For Mississippi Code see [www.state.ms.us](http://www.state.ms.us)
- 2007 For Federal Government U.S. Code see [www.gpoaccess.gov](http://www.gpoaccess.gov) or [www.dot.gov](http://www.dot.gov)
- 2008 MDOT specific rules, forms, publications, SOPs, and other support documentation are available for review at MDOT.

#### **Chapter 09004 Application for Permit to Erect Outdoor Advertising Signs, Form MND-800**

##### Purpose

- 100 To provide an application for permit to erect outdoor advertising signs.
- 101 This rule establishes a form that must be used to apply for a permit to erect outdoor advertising signs. (See attached Form MND-800.)

#### **Chapter 09005 Application for Permit to Erect Directional or Other Official Signs Adjacent to Mississippi Federal Aid Primary or Interstate Highways, Form MND-805**

##### Purpose

- 100 To provide an application for permit to erect directional or other official signs adjacent to Mississippi Federal Aid Primary or Interstate Highways.
- 101 This rule establishes a form that must be used to apply for a permit to erect directional or other official signs adjacent to Mississippi Federal Aid Primary or Interstate Highways. (See attached Form MND-805.)

#### **Chapter 09006 Bond for Outdoor Advertising Business, Form MND-810**

##### Purpose

- 100 To provide instructions for processing Form MND-810, Bond of Outdoor Advertising Business.
- 101 This rule provides instructions for the processing Form MND-810, Bond of Outdoor Advertising Business. (See Attached Form MND-810.)

#### **Chapter 09007 Notice to Applicant, Form MND-820**

##### Purpose

- 100 To provide a Form for notifying the affected District Engineer upon erection of any sign by permit.
- 101 This rule provides a Form (MND-820) for an applicant to complete notifying the District Engineer upon erection of any sign by permit. (See attached Form MND-820.)

#### **Chapter 09008 Vegetation Removal Permit, Form MND-830**

##### Purpose

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

#### **Chapter 09009 Vegetation Removal Performance Bond, Form MND-835**

##### Purpose

- 100 To provide a Form for processing a Vegetation Removal Performance Bond.
- 101 This rule provides Form MND-835, Vegetation Removal Performance Bond.

#### **Chapter 09010 Notice of Blank Sign, Form MND-840**

##### Purpose

- 100 To create a Form for notification of a blank sign.
- 101 This rule provides Form (MND-840), Notice of Blank Sign. (See attached Form MND-840.)

#### **Chapter 09011 Removal of Illegal Outdoor Advertising, Form MND-845**

##### Purpose

- 100 To provide a form (MND-845) for use in reporting illegal outdoor advertising.
- 101 This rule establishes a form (MND-845) for use in reporting illegal outdoor advertising. (See attached Form MND-845.)

#### **Chapter 09012 Notification of transfer of MDOT Outdoor Advertising Permit, Form MND-850**

##### Purpose

- 100 To provide a form (MND-850) for use in the transfer of an approved MDOT outdoor advertising permit to another company/individual.
- 101 This rule provides a form (MND-850) for use in the transfer of an approved MDOT outdoor advertising permit to another company/individual. (See attached Form MND-850.)

### **Chapter 09013 Outdoor Advertising Appeals Bond, Form MND-855**

#### Purpose

- 100 To provide a form (MND-855) for use in submitting an outdoor advertising appeals bond.
- 101 This rule establishes a form (MND-855) for use in submitting an outdoor advertising appeals bond. (See attached Form MND-855.)

### **Chapter 09014 Waiver of Deed Restrictions Against On-Premise Advertising**

#### Purpose

- 100 To establish a policy regarding waiver of the advertising sign 150 foot set-back provisions of warranty deeds conveying land to the Mississippi Transportation Commission.
- 101 This rule establishes a policy for the processing of requests for the waiver of the advertising sign 150 foot set-back provisions of warranty deeds conveying land to the Mississippi Transportation Commission.

### **Instructions for Processing the Waiver of Warranty Deed Restrictions**

- 200 The property owner and/or lease holder sends a request for a waiver along with supporting documents to the District Engineer.
- 201 The District Engineer reviews the documents and sends the deeds and supporting documents to the State Maintenance Engineer. Upon receipt of these documents, the State Maintenance Engineer prepares the waiver of warranty deed restriction.
1. It is very important that the Grantor and the Grantee names are correctly input into the waiver and that the restriction language quoted on the waiver matches that used in the original deed.
  2. An example of the waiver to be used is attached.
- 202 The State Maintenance Engineer sends the documents to the Legal Division for review who upon completion returns all documents to the State Maintenance Engineer.
- 203 The State Maintenance Engineer sends the waiver and all associated support documents to the Executive Director by memorandum for review and approval who then sends it to the Secretary to the Commission for acknowledgement. The Secretary to the Commission will forward the executed waiver and warranty deeds to the State Maintenance Engineer.

1. An example of the memorandum to be used is attached.
- 204 The State Maintenance Engineer sends the executed copies of the waiver to the requestor by letter which explains the directions and procedure to record the transactions in the applicable Chancery Clerk office. Upon completion, the requestor is to return the book and page number of the recording of the waiver to the State Maintenance Engineer.
1. An example of the letter to be used is attached.
- 205 The State Maintenance Engineer will send a conformed copy of the waiver of warranty deed restriction to the Right-of-Way Division for inclusion in its files and for adjustment of its property inventory.
1. An example of the memorandum to be used is attached:

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

- 300 Mississippi Transportation Commission Order, Waiver of Warranty Deed Restrictions, Dated May 22, 1979, Recorded in Minute Book 101, Pages 1197 and 1198.
- 301 MDOT specific rules, forms, publications, SOPs, and other support documentation are available for review at MDOT

**Chapter 09015 Removal of Encroachments from Highway Right of Way**

Purpose

- 100 To establish policy and outline procedures for the orderly removal of encroachments from highway rights of way.
- 101 This rule establishes policy and procedures to remove encroachments from highway right of way.

STATEMENT OF POLICY

- 200 In order to fulfill the Transportation Commission’s agreements with the Federal Government to preserve and keep the rights of way free of encroachments on the Federal Aid Highways heretofore constructed and to be constructed and in order that there will be no interruption of federal funds for the continued improvements to the state’s highways, it shall be the policy of the Transportation Commission that the rights of way of all state maintained highways be kept free from all encroachments. Reference is made to Rule 37.I.7501.09001 “RULES, REGULATIONS, AND ORDINANCES GOVERNING THE USE OF STATE HIGHWAY.” The responsibility for removal of encroachments from

highway rights of way within a municipality is that of the municipality in accordance with Mississippi Code Annotated, Section 65-1-75. The responsibility for removal of encroachments from highway rights of way outside municipalities is that of MDOT.

## PROCEDURE

### 300 Encroachments on State Rights of Way Outside Municipalities

1. The District Engineer or his designee in each of the six districts shall have the responsibility of locating, identifying, and acting as the Commission's agent in the removal of all signs, obstructions, and encroachments from the rights of way of state highways.
2. Each agent will regularly inspect all highways in an assigned area and locate, identify and secure removal of all signs, billboards, structures, or other obstructions on or encroaching upon highway rights of way in violation of the law and the regulations of the Commission.
3. The agent will prepare a report of each encroachment on Form MND-683 including a dated picture showing the encroachment and right of way line. Each line on the upper part of the form will be completed. The sketch is to be neat and legible, and must show:
  - a. Centerline, appropriate right of way line, and distance from center line to right of way line.
  - b. Location of encroachment with reference to the right of way line.
  - c. Sign, supports, and legend, if encroachment is a sign.
  - d. Size of other encroachments, if applicable.
  - e. Any other details helpful in identifying the encroachment.
4. The owner will be given a forty-five (45) day notice, by certified mail or personal delivery, properly witnessed, to remove the encroachment. A copy of the report (Form MND-683) will be attached to the notice. (A suggested format for this notice is shown at the end of this Rule).
5. If, at the end of the forty-five (45) day period, the owner has not removed the encroachment or made satisfactory arrangements with the agent for removal, the steps will be taken as follows:
  - a. **SIMPLE SIGNS AND ENCROACHMENTS LYING WHOLLY WITHIN THE RIGHT OF WAY, WITHIN THE DISTRICT'S CAPABILITY TO REMOVE, AND THE REMOVAL OF WHICH IS NOT CONTESTED BY THE OWNER.**
    - i. Remove the encroachment immediately by District forces. The encroachment will be stored for thirty (30) days at the Maintenance Area Headquarters before disposing of them. Owners may retrieve the salvaged encroachment without penalty.
  - b. **COMPLEX SIGNS AND ENCROACHMENTS LOCATED PARTIALLY ON AND PARTIALLY OFF THE RIGHT OF WAY, THOSE NOT WITHIN THE DISTRICT'S CAPABILITY TO REMOVE, THOSE**

WHOSE REMOVAL HAS BEEN CONTESTED BY THE OWNER IN WRITING TO THE DISTRICT, AND THOSE SIGNS AND ENCROACHMENTS NOT COVERED IN (a) ABOVE.

- i. The agent will forward a copy of the notice to the owner, a copy of the report (Form MND-683), and a copy of the receipt (if notice was sent by certified mail) to the State Maintenance Engineer.
- ii. The State Maintenance Engineer will review the data submitted for completeness and adequacy and will transmit the file to the Legal Division (via the Assistant Chief Engineer-Operations) for further legal action.
- iii. The agent will meet the County or District Attorney or file affidavits against the owner when and as deemed necessary and as directed by Legal Counsel.

301 Encroachments on State Rights of Way Within Municipalities

1. The District will contact the applicable municipality, either verbally or in writing, when an illegal encroachment is discovered on state rights of way within the municipal limits. The municipality will be informed that, in accordance with Mississippi Code Annotated, Section 65-1-75, they assume the responsibility for not allowing “any encroachments, signs, or billboards to be erected or to remain on the state-owned rights of way on any designated highway within its corporate limits without consent of the commission.” As part of this responsibility, the municipality shall regularly inspect said rights of way for any illegal encroachments.
2. The District will continue to monitor the highway rights of way within the municipality and inform it of any violations to insure that the rights of way are clear of encroachments.

302 Political signs located on the rights of way will be removed on a regular basis. No notification is necessary prior to removal. The signs will be held for two (2) weeks at the Maintenance Area Headquarters before disposing of them. Sign owners may retrieve the salvaged signs without penalty.

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

400 For Mississippi Code see [www.state.ms.us](http://www.state.ms.us)

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

**Chapter 09016 Report of Right of Way Encroachment, Form MND-683**

Purpose

100 To provide a form (MND-683) for the reporting of right of way encroachments.

- 101 This rule establishes a form (MND-683) for use in reporting right of way encroachments. (See attached Form MND-683.)

### **Chapter 09017 Removal of Illegally Located Automobile Graveyards and Junkyards**

#### Purpose

- 100 To establish a policy and procedure on removal or screening of automobile graveyards and junkyards located within 1000 feet of any Interstate and Federal Aid Primary Highway and within view from said highway. Reference is made to Section 49-25-1 et. seq., Mississippi Code of 1972 as amended, and the Commission's order of July 12, 1966.
- 101 This rule establishes a policy for the removal and screening of automobile graveyards and junkyards as per Section 49-25-1 et. seq., Mississippi Code of 1972 as amended, and the Commission's order of July 12, 1966.

#### STATEMENT OF POLICY

- 200 Pursuant to Public Law 89-285, 89th Congress, the Highway Beautification Act of 1965 and Section 49-25-1, et. seq., Mississippi Code of 1972 as amended, the regulation of automobile graveyards and junkyards adjacent to Interstate and Federal Aid Primary highway is necessary in order to (1) prevent unsightly distraction of operators of motor vehicles; (2) attract tourists and promote the prosperity, economic well-being and general welfare of the state; (3) promote the safety, recreational value and enjoyment of travel on highways within the state; (4) protect the public investment in highways; and (5) preserve and enhance the natural scenic beauty and aesthetic features of the highways and adjacent areas.
- 201 It is intended to provide a basis for regulation of automobile graveyards and junkyards consistent with public policy declared by the Congress of the United States and the Legislature of the State of Mississippi.
- 202 Nothing in this Rule shall be construed to abrogate or affect the provisions of any lawful ordinance, regulation or resolution more restrictive than the provisions of this Rule.

#### DEFINITIONS

- 300 Automobile Graveyard: An establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.
- 301 Junk: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, concrete, asphalt, brick, mortar, limbs, other vegetation, waste, or junked, dismantled or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous material.



- 302 Junkyard: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.
- 303 Unzoned Industrial Area: An unzoned industrial area shall mean the land occupied by the regularly used building, parking lot, storage or processing area of an industrial or manufacturing activity, and that land within 1000 feet thereof which is:
1. Located on the same side of the highway as the principal part of said activity, and
  2. Not predominantly used for residential, business, or other commercial purposes, and
  3. Not zoned by State or local law, regulation or ordinance.
- 304 Industrial activities, for purposes of this definition, shall mean those permitted only in industrial zones, or in less restrictive zones by the nearest zoning authority within the State, except that none of the following shall be considered industrial activities:
1. Outdoor advertising structures.
  2. Agricultural, forestry, ranching, grazing, farming and related activities, including, but not limited to, wayside fresh produce stands.
  3. Activities normally and regularly in operation less than three months of the year.
  4. Activities not housed in a permanent building or structure.
  5. Activities not visible from the traffic lanes of the main traveled way.
  6. Activities more than 300 feet from the nearest edge of the main traveled way.
  7. Activities conducted in a building principally used as a residence.
  8. Railroad right of way.
  9. Junkyards as defined above and in Section 136, Title 23, United States Code.
  10. Act not engaged in manufacture or industry.
- 305 Business Area: Any part of an adjacent area which is at any time (1) zoned industrial or commercial under the authority of any law of this State, which shall include, without limiting the generality of the foregoing, zoning districts customarily referred to as “B” or business, “C” or commercial, “I” or industrial, “M” or manufacturing, and “S” or service and all similar classification.
- 306 Interstate System: That portion of the National System of Interstate and Defense Highways located within this State, as officially designated, or as may hereafter be so designated, by the Mississippi Department of Transportation (hereafter referred to as MDOT), and approved by the Secretary of Commerce, pursuant to the provisions of Title 23, United States Code, “Highways.”
- 307 Primary System: That portion of connected main highways, as officially designated, or as may hereafter be so designated, by the MDOT, and approved by the Secretary of Commerce, pursuant to the provisions of Title 23, United States Code, “Highways.”

## PROCEDURE

- 400 The State Maintenance Engineer or designated agent will be responsible for locating, identifying, and securing the removal of any and all Automobile Graveyards and Junkyards in existence in violations of Section 49-25-1, et. seq., Mississippi Code 1972, as amended.
- 401 The State Maintenance Engineer or designated agent shall regularly inspect the Interstate and Federal Aid Primary Highways within his assigned area and locate all automobile graveyards and junkyards which are within 1000 feet of the right of way and visible from the main traveled way of such highways. Previous inventories of automobile graveyards and junkyards shall be maintained and may be used in making any determination hereafter required.
- 402 Any automobile graveyard or junkyards found to have been located, established or otherwise placed within 1000 feet of the nearest edge of the right of way of Interstate or Federal Aid primary Highways, after June 16, 1966, is illegal under Section 49-25-7, Mississippi Code 1972, as amended, EXCEPT:
1. Those which are screened by natural objects, plantings, fences or other appropriated means, so as not to be visible from the main traveled way, or otherwise removed from sight.
  2. Those located within areas which are zoned for industrial use under authority of law.
  3. Those located within unzoned industrial areas as defined in this Rule.
  4. Those which are not visible from the main traveled.
- 403 Upon finding an illegal automobile graveyard or junkyard, the State Maintenance Engineer or designated agent will:
1. Ascertain the owner(s) of the automobile graveyard or junkyard.
  2. Ascertain the owner(s) of the property upon which the automobile graveyard or junkyard is located.
  3. Ascertain the date the automobile graveyard or junkyard was established.
  4. Contact the owner of the automobile graveyard or junkyard, preferable in person, or by telephone, and advise him the facility is illegal, and why, and request that the violation be remedied.
  5. Follow up with a letter to the owner, restating the facts as to why this facility is illegal, and give him twenty (20) days to remedy the violation. This letter will be sent by Certified Mail, Return Receipt Requested, or by personal delivery, properly witnessed.
- 404 If, at the expiration of the twenty (20) day period the owner has not remedied the violation or made satisfactory arrangements to do so the State Maintenance Engineer or designated agent will forward the following to the Legal Division for action.
1. The name(s) and address of the owner(s) of the facility.
  2. The name(s) and address of the property upon which the facility is located.
  3. The date the facility was established.
  4. A sketch showing:
    - a. the facility in relation to the highway.
    - b. The section, township, range and county in which the facility is located.
    - c. Any other information helpful in pin pointing the location of the facility.

5. Picture(s) of the junkyard. (Show on the sketch the location which the picture(s) was taken).
  6. A copy of the Notice Letter to the owner(s).
  7. A full account of what has transpired relative to this removal.
- 405 The State Maintenance Engineer or designated agent will meet with the appropriate County or District Attorney or will file affidavits against the owners, when and as deemed necessary, and as directed by Legal Counsel.

#### EXISTING JUNKYARDS AND AUTOMOBILE GRAVEYARDS

500 Any junkyard which was lawfully in existence on June 16, 1966, which is within one thousand (1,000) feet of the nearest edge of the right of way and visible from the main traveled way of any highway on the Interstate or Primary System and not located within a zoned or unzoned manufacturing or industrial area shall be screened, if feasible, by the MDOT at locations on highway right of way so as not to be visible from traveled way of such highways or removed from view of the highway as a right of way consideration in keeping with the law.

#### SYSTEM CHANGE

600 Any automobile graveyard or junkyard located along any highway made a part of the Interstate or Primary System after June 16, 1966, shall be considered to have been lawfully established for the purpose of this act and in the event the automobile graveyard or junkyard is not located within either a zoned or unzoned manufacturing or industrial area or that cannot be made to so conform by screening it shall be required to be removed from view of the highway as a right of way consideration in keeping with the law.

#### SCREENING STANDARDS

700 Standards for screening all junkyards will be established by the Roadway Design Division of the MDOT in cooperation with the Federal Highway Administration.

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

700 For Mississippi Code see [www.state.ms.us](http://www.state.ms.us)

701 For Federal Government U.S. Code see [www.gpoaccess.gov](http://www.gpoaccess.gov) or [www.dot.gov](http://www.dot.gov)

#### **Chapter 11001 Application for Maintenance of Urban Streets, Form MND-010**

##### Purpose

100 To establish an application for a municipality who requests that the Mississippi Transportation Commission take over for maintenance of a city street as allowed in Section

65-1-75 and 65-3-99 Mississippi Code of 1972, as amended. (For Mississippi Code see [www.state.ms.us](http://www.state.ms.us))

- 101 This rule establishes a form to be used by municipalities to request the Mississippi Transportation Commission to take over for maintenance a city street.

### **Chapter 11002 Municipal Street Takeovers**

#### Purpose

- 100 To establish a policy to delineate the Mississippi Transportation Commission's responsibility for municipal street takeovers as allowed in Section 65-1-75, Mississippi Code Anotate, 1972.
- 101 This rule delineates the requirements for maintenance of city streets taken over for maintenance by the Mississippi Transportation Commission.
- 102 The maintenance responsibility of the MDOT extends no farther right and left of the center line on streets having curbs at the time of the takeover, or having curbs added by the Municipality after the takeover, than the inside face of the curbs, and shall not include the curbs. Where curbs are added by the State at a later date the maintenance responsibility of the MDOT shall include the curbs but extend no farther right and left of the centerline than the back of the curbs.

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

200 Section 65-1-75, MCA (1972)

201 For Mississippi Code see [www.state.ms.us](http://www.state.ms.us)

### **Chapter 11003 Certificate of Title (Municipality), Form MND-081**

#### Purpose

- 100 To provide a form for a municipality to use in submitting a certificate of title to the Mississippi Transportation Commission.
- 101 This rule establishes a form for a municipality to use in submitting a certificate of title to the Mississippi Transportation Commission. (See attached Form MND-081.)

### **Chapter 11004 Certificate of Title (County), Form MND-082**

#### Purpose

- 100 To provide a form for a county to use in submitting a certificate of title to the Mississippi Transportation Commission.

- 101 This rule establishes a form for a county to use in submitting a certificate of title to the Mississippi Transportation Commission. (See attached Form MND-082.)

#### **Chapter 11005 Ordinance Regulating Traffic and Use of Street(s), Form MND-561**

##### Purpose

- 100 This form provides the necessary information to comply with the appropriate statutes in transferring maintenance of a portion of a State Highway within the limits of a municipality to the municipality.
- 101 This is a form of ordinance that must be passed before a municipality can take over the maintenance of a state highway that passes through the municipality. The form provides that the municipality will maintain the integrity of the right of way and the highway as is required of the MDOT. (See attached Form MND-561.)

#### **Chapter 11006 Order of the Board of Supervisors, Form MND-562**

##### Purpose

- 100 This form certifies compliance with those statutes that control the transfer of maintenance of a state highway from a county to the Mississippi Transportation Commission.
- 101 This form is a certification by the county that it has complied with the specific statutory requirements necessary to transfer the maintenance of a highway from the County to the Mississippi Transportation Commission. (See attached Form MND-562.)

#### **Chapter 11007 Final Certificate and Conveyance, Form MND-200**

##### Purpose

- 100 To provide for compliance with the appropriate statutes in transferring maintenance responsibilities from a county to the Mississippi Transportation Commission.
- 101 This form provides for all information necessary to transfer of maintenance and also certifies that the County has complied with all statutory requirements for transfer of Maintenance to the MTC. (See attached Form MND-200.)

#### **Chapter 17001 Operation and Maintenance of Wastewater Treatment Plants**

##### Purpose

- 100 To establish a policy to standardize procedures governing the operation and maintenance of all wastewater treatment plants maintained by the Mississippi Department of Transportation in order to comply with guidelines set forth by the Federal Environmental Protection Agency.

- 101 This rule sets the requirements necessary for the Mississippi Department of Transportation to comply with guidelines set forth by the Federal Environmental Protection Agency for all wastewater treatment plants maintained by the Department of Transportation.

## GENERAL

- 200 All highway roadside parks, rest areas, weigh stations, or welcome centers with wastewater treatment facilities shall hold a valid permit issued by the Mississippi Department of Environmental Quality, hereinafter the “DEQ”, in accordance with guidelines set forth by the Federal Environmental Protection Agency. The Roadway Design Division is responsible for obtaining the initial permit(s) for the construction or reconstruction of a wastewater treatment facility. The Maintenance Division is responsible for permit renewals for all wastewater treatment facilities. All permit renewals must be kept on file in the Maintenance Division with copies made available to the District Wastewater Treatment Operators. No treated or untreated wastewater shall be discharged into any public stream, named or unnamed, without a valid permit. The wastewater treatment plants shall be operated at all times in strict accordance with permit requirements.
- 201 District Wastewater Treatment Operator
1. This person will insure that the Department complies with the rules and regulations promulgated by DEQ.
  2. The operator shall thoroughly familiarize himself with all control tests (chemical and physical), effluent limitations, and monitoring frequencies required by applicable DEQ rules and regulations.
  3. Quarterly operational logs and DEQs’ Discharge Monitoring Reports (DMR) shall be submitted by the District Wastewater Treatment Operator to DEQ with a copy to the Departments’ Maintenance Division regarding the operation of each wastewater treatment plant. The logs and DMR’s shall be submitted at the times and places set out in DEQ rules and regulations. The quarterly operation log shall comply with all DEQ rules and regulations.
  4. Certification  
Each District Wastewater Treatment Operator shall:
    - a. Be certified by the Mississippi Water and Pollution Control Operators Association, Inc., or its equivalent,
    - b. Hold a Class II Certificate of Competency as approved by DEQ, and
    - c. Attend periodic training sessions and short courses as required to maintain a valid certificate.

## MAINTENANCE DIVISION

- 300 The State Maintenance Engineer shall appoint a representative to review the quarterly reports for all wastewater treatment plants to determine if they are in compliance with the permit requirements. Said Maintenance Division representative will advise the District Wastewater Treatment Operator of any violations.

301 The Maintenance Division shall serve as a liaison between all District Wastewater Treatment Operators. The Maintenance Division will, upon request, assist the Districts in all phases of operating and maintaining wastewater treatment plants.

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

400 Mississippi Department of Environmental Quality.

401 Federal Environmental Protection Agency.

402 Mississippi Water and Pollution Control Operators Association, Inc.

403 For Mississippi Code see [www.state.ms.us](http://www.state.ms.us)

404 For Federal Government U.S. Code see [www.gpoaccess.gov](http://www.gpoaccess.gov) or [www.dot.gov](http://www.dot.gov)

### **Chapter 17002 Operation and Maintenance of Water Treatment Systems**

#### Purpose

100 To establish a policy to standardize procedures governing the operation and maintenance of all fresh water treatment systems maintained by the Mississippi Department of Transportation in order to comply with the current editions of the Mississippi Safe Drinking Water Act and the Federal Safe Drinking Water Act.

101 This rule sets the requirements necessary for the Mississippi Department of Transportation to comply with the current editions of the Mississippi Safe Drinking Water Act and the Federal Safe Drinking Water Act a the fresh water treatment systems maintained by the Department of Transportation.

#### DISTRICT WATER TREATMENT OPERATOR

200 This person will insure that the Department complies with the rules and regulations promulgated by the Mississippi State Board of Health.

201 Monthly samples of the drinking water system must be taken to determine if the system is free of contamination by bacteria.

202 When contamination is found in the drinking water system, appropriate steps must be taken to eliminate the bacteria.

203 All operators of each water treatment system must either be certified by the Mississippi Water and Pollution Control Operators Association, Inc., or its equivalent.

1. Operators of a water treatment system involving only chlorination shall hold a Class “D” Certificate of Competency as approved by the Mississippi State Board of Health.

2. Operators of an actual water treatment plant including chlorination, aeration, pH adjustment, ion exchange, sedimentation, pressure filtration and iron removal shall hold a Class “B” Water Treatment Certificate. They shall attend periodic workshops to keep abreast of the latest developments involving fresh water treatment.

204 Each operator shall have a chemical test kit for performing such field tests as pH, residual chlorine, carbon dioxide, total hardness, total alkalinity, manganese and iron.

#### MAINTENANCE DIVISION

300 The Maintenance Division shall serve as a liaison between all Water Treatment Operators. The Maintenance Division will, upon request, assist the Districts in all phases of operating and maintaining fresh water treatment systems.

#### GENERAL INFORMATION

##### 400 MISSISSIPPI STATE BOARD OF HEALTH

1. The Mississippi State Board of Health will promulgate all rules and regulations regarding the use of our drinking water supply in the State of Mississippi.
2. Inspectors from the Board will periodically take samples of the drinking water system to determine if the system is free of contamination by bacteria.

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

500 Mississippi Safe Drinking Water Act, Current Edition.

501 Federal Safe Drinking Water Act, Current Edition.

502 Mississippi State Board of Health.

503 Mississippi Water and Pollution Control Operators Association, Inc.

504 For Mississippi Code see [www.state.ms.us](http://www.state.ms.us)

505 For Federal Government U.S. Code see [www.gpoaccess.gov](http://www.gpoaccess.gov) or [www.dot.gov](http://www.dot.gov)

### **Chapter 22001 Procedures for House Moves on State Highways**

#### Purpose

100 To provide the procedures for moving houses on the State Maintained Highway System.

101 To permit those house moves that can be accomplished within the regulations and operational procedures for house moves as established by the Department. No house



move will be permitted, which in the opinion of the Department, will conceivably cause damage to public property, adversely affect the safety or cause undue delays to the traveling public.

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REGULATION

200 The maximum width, heights, or distance moved shall be approved by the District Engineer or his representative taking into consideration the roadway geometrics, overhead obstructions, traffic volumes, etc., on the specific routes involved.

201 A multi-unit manufactured or modular home that has been installed and used as a residence may be transported as a single unit as covered in this rule.

202 The Department will require reasonable time to inspect intended haul routes.

203 The house mover shall furnish the Department with a thorough description (to include pictures of the front, two sides, and the back) of the load to be moved on the Department's House Move Information Form (MND-210). The form can be found at: [http://www.gomdot.com/Divisions/Highways/Resources/Permits/pdf/Form%20MND-210 22001.pdf](http://www.gomdot.com/Divisions/Highways/Resources/Permits/pdf/Form%20MND-210%202001.pdf).

204 The description of the load shall include an estimated weight based upon the Department's House Movers Standard Weight Chart. Refer to Section 400 of this Rule.

205 The house mover is responsible for any additional permits, notifications or clearances that are required from any City, or Municipality, or Utility Company, or any other jurisdictional agency or regulation.

206 The house mover shall provide a copy of all such additional permits, notifications and clearances along with his submission of the Department's House Move Information Form (MND-210).

207 Movements shall be made between one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset Monday through Saturday. Movements must be timed to avoid urban areas during peak traffic periods.

208 Movements will not be allowed on Sundays, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas, or after 12:00 noon on days proceeding the listed holidays.

- 209 Movements may be prohibited on other days when specific events may generate unusually heavy traffic in the vicinity of the move.
- 210 House moves shall not be made during times of rain, snow, and sleet or during other hazardous weather conditions.
- 211 House movers shall make provisions to allow passing of all emergency vehicles during the move. All necessary provisions will be made to assure that traffic will not be held up more than fifteen (15) minutes where conditions permit. Under NO conditions will traffic be held up more than thirty (30) minutes. When available, house movers shall secure the use of law enforcement officers to facilitate the safe movement of a load.
- 212 House moves will be allowed only on routes specified on the permit. House moves will not be allowed on Interstate Highways. Houses cannot be moved using farm tractors, or other non-commercial or non-licensed motor vehicles.
- 213 No Traffic control signals shall be removed or altered. Just prior to the house passing their location a bucket truck shall be required to manually raise any signal support cables and hardware. The bottom tether cable may be disconnected but shall be reconnected immediately after the house passes the location of the traffic control signal.
- 214 Other traffic control devices (signs, etc.) may be removed just prior to the house passing their location, and shall be re-erected immediately after the house passes the location of the traffic control device. Re-erecting a sign and sign post requires the house mover to drive the sign post(s) immediately adjacent to its previous location and attaching the sign(s) at the required mounting height.
- 215 Escort vehicles shall be equipped with 18" x 18" red flags mounted on 7 foot staffs on each side of the front bumper or the equivalent height mounted to the revolving light bracket on top of the escort vehicles' cab. An oversize load sign 84" x 18" with wording "OVERSIZE LOAD" in 10" black letters with 1 5/8' brush stroke on yellow or orange background will be mounted on the front of the lead escort vehicle and towing vehicle on the rear of the rear escort vehicle.
- 216 Escort vehicles also shall be equipped with an AMBER revolving or flashing light of sufficient size to be visible to all traffic within a safe distance of the vehicle or load being escorted by mounting it on top of the cab and shall operate the lights during the entire course of the movement. Escorts and towing vehicles shall both be equipped with radios such that inter-vehicle communication is possible. The escort vehicles are responsible for advising the towing of any conditions arising that may require responsive actions.
- 217 Applicants shall provide a valid Federal DOT number or a Certificate of Insurance with the Department listed as the certificate holder with no less than Five Hundred Thousand Dollars (\$500,000) single limit liability on file with the Department. Exceptions may be made when in the opinion of Department a movement is not of a nature likely to cause damage to the highway or one time personal movements. Applicant must have in force the minimum motor vehicle liability insurance coverage as required by state law.

- 218 It is noted that Section 63-5-53, Mississippi Code of 1972, places damage liability upon the permit holder. This also includes any damage to all public and private utilities involved during the house move.
- 219 The house mover shall post a performance bond at the discretion of the District Engineer to insure compliance of the terms of the permit. The Department's Bond Form (MND- 211) shall accompany the bond. Upon completion of the move and cancellation of the permit, the District Engineer will cancel and release the Bond. The Bond form can be found at:  
[http://www.gomdot.com/Divisions/Highways/Resources/Permits/pdf/House\\_Bond.pdf](http://www.gomdot.com/Divisions/Highways/Resources/Permits/pdf/House_Bond.pdf)
- 220 Applicant must abide by all Federal, State, and Local Laws.
- 221 A copy of the approved Permit and a copy of the approved HOUSE MOVE INFORMATION FORM (MND-210), shall be carried in the vehicle to which it refers at all times during the move.
- 222 Failure of a house mover to comply with the terms of the permit, these regulations or the Department's Operational Procedures may be caused for cancellation of all permits issued and a suspension period for obtaining additional permits as determined by the District Engineer. The mover may appeal penalties to the Director and/or the Transportation Commission.
- 223 Any vehicle and/or load in violation of the permitting rules or regulations, or apprehended on prohibited sections of highway may be fined \$250.00 and/or a 6-month permit suspension.

#### OPERATIONAL PROCEDURES

- 300 The house mover shall contact the District Office of the Mississippi Department of Transportation, having jurisdiction over the proposed move routes, prior to the move. The house mover shall furnish all the requested information on the Department's House Move Information Form (MND-210).
- 301 The District Permit Officer will record the required information and assign the move an authorization number. Any further reference to the house move shall include the authorization number which shall be indicated on the permit under remarks.
- 302 The District Permit Officer will submit the House Move Information Form (MND-210) to the Bridge Engineer for review and approval of the vehicle axle loads, routes and structures crossed. If the vehicle axle loads and routes are not approved by the Bridge Engineer, the House Move Information Form (MND-210) will be returned to the District Permit Officer as disapproved with applicable comments. If the house mover wishes to change the vehicle axle loads or routes, a new House Move Information Form (MND- 210) must be submitted by the house mover with the new information to the District Office.

- 303 The District Permit Officer will contact the appropriate District Maintenance Engineer and District Construction Engineer, or their designee(s) to obtain their approval for the move. Information obtained from the house mover will be faxed to the adjacent District(s) as needed.
- 304 The District will discuss or review the information furnished by the house mover. Upon completion of the review process, the District will advise the District Permit Officer of their recommendation. The review process may include inspection of the route(s), the load, and the vehicle that will be used to carry the load.
- 305 If any changes are made to the HOUSE MOVE INFORMATION FORM by the District, the District shall return the FORM to the House Mover for his signature to acknowledge the changes. The mover shall sign the FORM in the place provided and return it to the District.
- 306 Upon approval of the move by the District, the District Permit Officer will enter the information from the HOUSE MOVE INFORMATION FORM (MND-210) into the State Permit computer system. The State Permit Division will review the house move application, verify insurance coverage, verify payment, and issue the permit for the move. The permit shall be valid for fourteen days.
- 307 The District Permit Officer shall print the approved permit and forward the approved permit and the approved HOUSE MOVE INFORMATION FORM (MND-210) to the house mover.
- 308 The District will advise the District Maintenance Engineer of any damage to public property. If damage occurs to State Property, the District may recover damage costs through the maintenance repair project (MRP) process as provided in SOP MND-13-01-00-000 Repair of Damaged Highways and Recovery of Cost. The Department may take disciplinary action appropriate with the performance record of the house mover and/or the severity of actions.
- 309 If a Bond was required, upon completion of the move and complete recovery of costs for any damages caused by the house mover, the District shall cancel and release the Bond.

HOUSE MOVERS STANDARD WEIGHT CHART

- 400 Type “A” – Conventional Frame with Sheetrock (32 #/S.F.)  
 Type “B” – Conventional Frame with Plaster (41 #/S.F.)  
 Type “C” – Concrete Slab with Frame and Sheetrock (76 #/S.F.)
- 401 If the house to be moved has a brick exterior, add 193 pounds per linear foot of exterior wall to the weight indicated in the chart.
- 402 For estimating the weight of Carports use (20 #/S.F.)

TYPE “A”

TYPE “B”

TYPE “C”

<u>SQ. FT.</u>	<u>(LBS.)</u>	<u>(LBS.)</u>	<u>(LBS.)</u>
900	28,800	36,900	68,400
950	30,400	38,950	72,200
1000	32,000	41,000	76,000
1050	33,600	43,050	79,800
1100	35,200	45,100	83,600
1150	36,800	47,150	87,400
1200	38,400	49,200	91,200
1250	40,000	51,250	95,000
1300	41,600	53,300	98,800
1350	43,200	55,350	102,600
1400	44,800	57,400	106,400
1450	46,400	59,450	110,200
1500	48,000	61,500	114,000
1550	49,600	63,550	117,800
1600	51,200	65,600	121,600
1650	52,800	67,650	125,400
1700	54,400	69,700	129,200
1750	56,000	71,750	133,000
1800	57,600	73,800	136,800
1850	59,200	75,850	140,600
1900	60,800	77,900	144,400
1950	62,400	79,950	148,200
2000	64,000	82,000	152,000
2050	65,600	84,050	155,800
2100	67,200	86,100	159,600
2150	68,800	88,150	163,400
2200	70,400	90,200	167,200
2250	72,000	92,250	171,000
2300	73,600	94,350	174,800
2350	75,200	96,350	178,600
2400	76,800	98,400	182,400
2450	78,400	100,450	186,200
2500	80,000	102,500	190,000
2550	81,600	104,550	193,800
2600	83,200	106,600	197,600
2650	84,800	108,650	201,400
2700	86,400	110,700	205,200
2750	88,000	112,750	209,000
2800	89,600	114,800	212,800

HOUSE MOVING FORMS

500 **FORM MND-210**, HOUSE MOVE INFORMATION FORM.

501 **FORM MND 211, BOND FORM**

**Sub-part 7601 – Traffic Engineering Division**

**Chapter 00100 Erection and Maintenance of Signs and Signals**

Purpose

- 100 To Establish General Sign and Signal Erection and Maintenance Policy
- 101 Rule on establishing general sign and signal erection and maintenance policy.
- 102 Signs and signals will be warranted, erected, and maintained in accordance with the guidelines established in the current edition of the Manual on Uniform Traffic Control Devices adopted by the Transportation Commission, as per Mississippi Code 63-3-301 and 63-3-303 as amended which is available at [www.state.ms.us](http://www.state.ms.us).
- 103 The date of installation or total face replacement will be shown on the back of the sign.
- 104 Any variation from the requirements of the guidelines established in the Manual on Uniform Traffic Control Devices shall be accompanied by a justification study signed by the Area Traffic Engineer and approved by the State Traffic Engineer, both of whom shall be licensed professional engineers.
- 105 Sites for the Mississippi Code are available at [www.state.ms.us](http://www.state.ms.us) and MUTCD information is available at [mutcd.fhwa.dot.gov](http://mutcd.fhwa.dot.gov). Any other publications may be viewed during regular business hours at the MDOT Administration Building.

**Chapter 00200 Fiscal and Maintenance Responsibilities for Traffic Signals**

Purpose

- 100 To provide consistency in coordinating with other governmental agencies and private entities the delineation of financial participation and maintenance for traffic signals. This rule covers signal equipment, the installation and maintenance thereof, when one or more of the streets controlled by the signal is on the State Highway System. Such participation by the Department is contingent upon availability of funds for these purposes. Guidelines set forth in the current edition of the Manual on Uniform Traffic Control Devices (MUTCD), and Mississippi Code, Article 7, Annotated sections 63-3-301 through 63-3-325 as amended.
- 101 To provide consistency in coordinating with other governmental agencies and private entities the delineation of financial participation and maintenance for traffic signals. This policy covers signal equipment, the installation and maintenance thereof, when one or more of the streets controlled by the signal is on the State Highway System. Such participation by the Department is contingent upon availability of funds for these purposes. Guidelines

set forth in the current edition of the Manual on Uniform Traffic Control Devices (MUTCD), and Mississippi Code, Annotated sections 63-3-301 through 63-3-325 as amended.

## Procedure

200 For the purpose of the rule, traffic signals are classified as follows:

1. Traffic control signals (Stop – and – Go)
2. Special traffic signals:
  - a. School speed limit sign beacons
  - b. Other flashing beacons
  - c. Lane-use signals
  - d. Traffic signals at movable bridges
  - e. Emergency traffic signals
3. Railroad flashing light signals and gates

201 Definitions

1. Traffic Signals - See current edition of Manual on Uniform Traffic Control Devices.
2. Equipment - Equipment includes the controller and accessories thereto, cabinet, detectors, and signal heads.
3. Installation - Installation involves the erection of the equipment, including: poles, cables, brackets, necessary signs, electrical work, labor, equipment rental, and other necessary incidental materials.
4. Maintenance - Routine maintenance includes lamp and fuse replacement, cleaning signal heads, and minor preventative maintenance items. Major maintenance includes repairs (other than routine maintenance) of equipment as defined above.

## Traffic Control Signals (Stop – and Go)

300 Normal Installations

1. A normal traffic control signal installation includes installations other than those covered in Sections 301 and 302 below.
2. An approved traffic control signal required at an access to a private business will be the fiscal responsibility of the business for all costs involving design, equipment, installation, and electric current.
3. The following tabulation indicates the fiscal responsibility for equipment installation and maintenance of normal traffic signals within municipalities.

301 Installations Required by Construction - When an installation is required as a consequence of a Department construction project, equipment and installation will be supplied by the Department. Fiscal responsibility for maintenance in municipalities will be as indicated in section 300.

302 Network and Arterial Systems - This category includes a group of signals controlled as a system, usually including the central business district and/or major arteries in larger municipalities. The cost of equipment and installation in municipalities will be determined

by population as above. The Department shall have access to systems for purposes of monitoring timing data to assure compliance with approved timings.

#### Special Traffic Signals

- 400 Except for school speed limit signs beacons and traffic signals at movable bridges, the fiscal responsibility for special traffic signals will be indicated in the table of section 300.
1. School Speed Limit Beacons - See S.O.P. No. TED-04-02-00-00
  2. Traffic Signals at Movable Bridges - All costs relating to traffic signals at movable bridges are the responsibility of the Department.

#### Railroad Flashing Light Signals and Gates

- 500 Railroad flashing light signals and gates are financed through agreements between the Department and the Railroad and are maintained by the Railroad.

#### Equipment Replacement

- 600 Replacement of equipment resulting from damage and/or unserviceable conditions will be the responsibility of the agency designated responsible for maintaining the equipment.
- 601 Sites for the Mississippi Code are available at [www.state.ms.us](http://www.state.ms.us) and MUTCD information is available at [mutcd.fhwa.dot.gov](http://mutcd.fhwa.dot.gov). Any other publications may be viewed during regular business hours at the MDOT Administration Building.

### **Chapter 00300 Response Maintenance for Traffic Signals**

**REPEALED Effective 01/17/2024**

### **Chapter 00400 Directional Signing Policy for General Traffic Generators and Attractions**

#### Purpose

- 100 The purpose of this policy is to establish guidelines governing the installation of directional signs within highway rights-of-way for guidance to general traffic generators and attractions, as per guidelines established in the current edition of the Manual on Uniform Traffic Control Devices and as per Mississippi Code, Article 7, sections 63-3-301 through 63-3-325.
- 101 The purpose of this policy is to establish guidelines governing the installation of directional signs within highway rights-of-way for guidance to general traffic generators and attractions, as per guidelines established in the current edition of the Manual on Uniform Traffic Control Devices and as per Mississippi Code, Article 7, sections 63-3-301 through 63-3-325.

General policies for general traffic generators and attraction signing on interstate and fully-controlled access facilities



- 200 Only facilities that adequately serve the needs of the interstate motorists will be signed.
- 201 Facilities must be within 15 mile, except for major traffic generators, of the terminal of the nearest off-ramp as outlined in Categories I, II, and III.

General policies for general traffic generators and attraction signing for other highways

- 300 Signs will be installed no farther than the nearest major access highway serving the entrance to the facility.

General policies for general traffic generators and attraction signing for all highways

- 400 Signs shall conform to the design and location requirements in the Manual on Uniform Traffic Control Devices.
- 401 Priority for inclusion on directional signs will be given as follows: Cities, Towns, and Road or Street names will be given first priority. Other destinations as allowed under this Rule will be given priority on a first-come first-serve basis. In the event several legitimate requests are made, priority will be given to the facility generating the largest volume of traffic. (Road or street name signs are not installed by the Department of Transportation except on interstate and controlled-access facilities.)
- 402 The addition of this type signing will not increase the total number of destinations shown at an interchange to more than four.
- 403 Directional signs for attractions will not be considered when other directional signs exist adequately identifying the direction to the facility.
- 404 Necessary trailblazing signs must be in place from the highway to the facility before directional signs are placed on the highway.
- 405 Only the main facility or attraction will be considered for signing. Areas, attractions, or facilities within the main facility will not be considered except for allowable service signing.
- 406 Connecting roads from the state highway to the facility must be adequate to handle all types of anticipated vehicles under all weather conditions.
- 407 Approval must be obtained from the maintaining authority before directing traffic from the state highway over the connecting road to the facility.
- 408 If after installation of directional signs it is found that the criteria outlined are not being met, notification will be given to the owner or representative of the facility and reasonable time will be allowed for the deficiencies to be corrected. If after that time the criteria are still not met, then the state-installed directional signs will be removed.

409 Where attractions are extremely seasonal, such as fairgrounds, the signs will be placed only when the attraction is active. At other times, the signs will be removed.

410 Sites for the Mississippi Code are available at [www.state.ms.us](http://www.state.ms.us) and MUTCD information is available at [mutcd.fhwa.dot.gov](http://mutcd.fhwa.dot.gov). Any other publications may be viewed during regular business hours at the MDOT Administration Building.

### **Chapter 00401 – Installation and Maintenance of Pictograph Signs for Private Colleges and Universities**

#### **Purpose**

100 The purpose of this rule is to provide guidance for the installation and maintenance of Pictograph Signs for Private Colleges and Universities.

101 Pursuant to the authority granted in Section 65-1-8.2 of the Mississippi Code, the Mississippi Transportation Commission declares it to be its policy to allow the erection of signs displaying the name and emblem of the member institutions of the Mississippi Association of Independent Colleges and Universities in accordance with Standard Operating procedure TED-04-01-01-000 adopted herewith.

### **Chapter 00500 Traffic Control School Areas**

#### **Purpose**

100 Establish a policy for the erection of signs and signals for schools and school crossings as per the current edition of the Manual on Uniform Traffic Control Devices (MUTCD) and Mississippi Code Annotated, section 63-3-515.

#### **General Policies**

200 All signs and signals shall conform to the current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways.

201 School speed zone assemblies will be installed upon request at all public schools, and at all private schools that are members of the Mississippi Association of Independent Schools (MAIS) or a similarly accepted accrediting agency and have a minimum enrollment of 100 students. Also, these facilities shall either have direct access to the MDOT roadway or be the primary traffic generator for the roadway that connects to the MDOT roadway.

202 When requested, “School Traffic Turning” warning signs will be placed at schools that don’t meet the above criteria. Engineering studies will determine the need for such signs.

203 At intersections that are impacted significantly by school traffic, appropriate warning signs may be installed, pending the findings of an engineering study.

## Responsibility of the Department of Transportation

300 Ground-mounted “School”, “School Speed Limit”, “School Advance”, and “When Children are Present”, or “When Flashing” signs will be erected by the Department as applicable.

301 Where a school speed limit is posted it shall apply only “When Children are Present” or “When Flashing” as posted. At all other times, any other posted speed limit or the statutory speed limit as applicable shall apply.

302 A posted school speed limit takes precedence over any other posted speed limit.

1. School speed zone speed limits will be set 10 MPH below the posted speed limit unless indicated otherwise by an MDOT approved engineering study.

## Responsibility of the Local Jurisdiction

400 If the local jurisdiction elects to do so, MDOT will issue a permit for them to attach amber flashers to the school speed limit sign assembly provided they meet all of the following conditions.

1. The school property is immediately adjacent to state highway right of way or is the primary traffic generator for the roadway that connects to the MDOT roadway
2. The local jurisdiction obtains an approved permit from the Department, which includes maintenance, payment for electrical power, and operational requirements of the flashers and flasher accessories by the permittee.
3. The local jurisdiction must submit in writing to the District their capabilities for properly maintaining and operating the flashers and flasher accessories.

The flashers shall operate only on school days and at times of special activities during periods as follows:

1. When children are going to school
2. When children are leaving school
3. At noon, if a substantial number of the students leave the school for lunch

401 All flasher assembly permits, layouts, wiring diagrams, and proposed equipment lists shall be submitted through the District to the State Traffic Engineer for approval.

402 All flashers installed under permit shall be maintained and kept in good working condition. The permit holder is responsible for payment for electrical power and maintenance. The permit holder is responsible for such maintenance. Failure to properly maintain and operate the flashers in accordance with the requirements as stated on the permit will result in their removal by the Department.

403 Sites for the Mississippi Code are available at [www.state.ms.us](http://www.state.ms.us) and MUTCD information is available at [mutcd.fhwa.dot.gov](http://mutcd.fhwa.dot.gov). Any other publications may be viewed during regular business hours at the MDOT Administration Building.

## **Chapter 00600 Establishment of Speed Zones**

### **Purpose**

100 To establish legal speed zones in accordance with guidelines established in the current edition of the Manual on Uniform Traffic Control Devices (MUTCD) and as per Article 7, Mississippi Code Annotated, sections 63-3-501 through 63-3-521.

101 The State Traffic Engineer will prepare the “Commission Order for Speed Zoning Highways” based on engineering studies. Upon approval by the Commission, one copy will be retained in the Traffic Engineering Division files and one copy will be sent to the appropriate District for their use in making the necessary changes.

102 Sites for the Mississippi Code are available at [www.state.ms.us](http://www.state.ms.us) and MUTCD information is available at [mutcd.fhwa.dot.gov](http://mutcd.fhwa.dot.gov). Any other publications may be viewed during regular business hours at the MDOT Administration Building.

## **Chapter 00700 Highway Safety Program**

### **Purpose**

- 100 To establish a procedure for continuing a systematic program to identify, investigate, make recommendations, correct, and evaluate the effectiveness of a strategic highway safety program for the state, as per 23 U.S.C. 105(f), 152, 315, and 402; section 203 of the Highway Safety Act of 1973, as amended, 49 CFR 1.48(b).
- 101 To establish a procedure for continuing a systematic program to identify, investigate, make recommendations, correct, and evaluate the effectiveness of a strategic highway safety program for the state, as per 23 U.S.C. 105(f), 152, 315, and 402; section 203 of the Highway Safety Act of 1973, as amended, 49 CFR 1.48(b).

### **Object**

- 200 The Object of this Program is the reduction in number and severity of accidents within the State. Specific objectives are:
1. Establishment of a field reference system for determining traffic crash locations.
  2. Updating and maintenance of a traffic records system.
  3. Coordinate and lead the Statewide High Hazard Elimination Program.
  4. Coordinate and lead the yearly Statewide Work Zone Safety Review Team.
  5. A process for systematic correction of identified safety needs.
  6. A process for evaluating the effectiveness of the Safety Program.

### **Organization**

- 300 The position of Highway Safety Engineer was established within the Department to administer a Highway Safety Program. Oversight and guidance will be provided by the following:
1. State Traffic Engineer
  2. Assistant Chief Engineer – Operational Maintenance
  3. State Planning Engineer
  4. State Research Engineer
  5. District Engineers Statewide
  6. Safety Engineer – FHWA
  7. State Aid Engineer
  8. Governor's Highway Safety Program Director

- 301 The Safety Engineer will have the overall responsibility of development, maintenance, and update of a Strategic Highway Safety Plan for the Mississippi Department of Transportation.
- 302 It is also the Safety Engineer's duty to make changes in these procedures as he deems necessary to assure compliance. The Safety Engineer will monitor the Safety Program to assure the procedures are on schedule. He will be responsible for timely reports to the Chief Engineer on the progress being made and to recommend the necessary support and funding needed to implement the activities and recommendations developed under this program. The changes should be reviewed by the State Traffic Engineer.
- 303 The Safety Engineer will contact the applicable District and Divisions to carry out the specific tasks specified in the procedures below and to fulfill supplemental studies and reports as may be required by the Department and the FHWA.
- 304 The activities to develop the Strategic Highway Safety Plan will utilize guidance from the AASHTO Strategic Safety Plan, MUTCD, and the aforementioned oversight members. These will provide the necessary instruction to conduct a program which will assure the State of accomplishing all tasks necessary to develop, implement, and maintain the Strategic Highway Safety Plan.

#### Procedures

- 400 Records - The Safety Engineer will work with the Department of Public Safety to develop, implement, maintain, and update a new traffic crash records system. This system will utilize a database that will allow the Safety Engineer to access crash data and identify high crash locations that may need safety countermeasures.
- 401 Identification – The Traffic Engineering Division will be responsible for preparing all basic reports and analyses for identifying the high accident locations on a periodic basis. Special reports will also be made at the oversight members' request to identify particular locations and accident types they may desire to investigate. The reports will be developed in accordance with the above.
- 402 Recommending Improvements
1. Hazard Elimination Program  
Organize, coordinate, and lead the Statewide High Hazard Elimination Team. This includes, but is not limited to: Coordinating with District Office personnel, Traffic Engineering personnel, and FHWA personnel, candidates for High Hazard Elimination; organizing and leading meetings and site reviews of candidate projects; and follow-up reports and recommendations.
  2. Work Zone Safety Review Team  
Organize, coordinate, and lead field reviews of active construction work zone traffic control statewide. This includes, but is not limited to: Coordinating with District, Project Office, Traffic Engineer, Construction Division, Roadway Design, and

FHWA personnel active projects to be reviewed. Schedule and lead job site visits and furnish follow-up reports and recommendations.

3. Special Safety Projects

Work with personnel in Traffic Engineering Division, MDOT District Offices, other MDOT Divisions, FHWA, Department of Public Safety Planning, and other agencies as required on special safety projects that will enhance safety on MDOT maintained highways. This includes, but is not limited to: Assisting in the development, implementation, and maintenance of the aforementioned new traffic crash data records system; safety studies at intersections, interchanges, or sections of MDOT maintained highways, and working with FHWA and other agencies on legislation that will promote actions which will improve safety on Mississippi highways.

4. Public Relations

Provide assistance, as requested, to MDOT personnel, FHWA personnel, State Legislators, and personnel from other State and Federal agencies on traffic safety issues.

## Evaluation

- 500 The Safety Engineer will have the primary responsibility for before and after studies of selected safety projects constructed under this program to aid in measuring their effectiveness. The study results will be furnished to the oversight members for their use in reporting progress in highway safety, monitoring the effectiveness of the safety program, and measuring the overall effects of different types of safety improvement applications.
- 501 The Safety Engineer will prepare an annual report to show the progress being made in the Strategic Highway Safety Plan.
- 502 Sites for the Mississippi Code are available at [www.state.ms.us](http://www.state.ms.us) and MUTCD information is available at [mutcd.fhwa.dot.gov](http://mutcd.fhwa.dot.gov). Any other publications may be viewed during regular business hours at the MDOT Administration Building.

## Chapter 00800 Specific Service Signs

### Purpose

- 100 To establish polices and procedures for the installation of specific service signs within Department of Transportation right-of-way.
- 101 To establish polices and procedures for the installation of specific service signs within Department of Transportation right-of-way.

### Definitions

- 201 The following words as used in this Rule shall mean:
1. “Department” or “MDOT” means Mississippi Department of Transportation.

2. “Executive Director” means the Chief Executive Officer of MDOT or his designated representative.
3. “District” means any one of six subdivisions of MDOT responsible for construction and maintenance activities in a defined geographical area.
4. “MDOT Program Administrator” means that person assigned by MDOT to oversee and coordinate Contractor’s or MDOT Personnel’s activity.
5. “Logo Sign Program” is a simplified expression for the Specific Service Sign Program as outlined in the current Manual on Uniform Traffic Control Devices. It may also be identified as the “Program”.
6. “Eligible Highways” means those sections of controlled access highways determined by MDOT to be eligible for the Logo Sign Program.
7. “Eligible Interchange” or “Interchange” means those interchanges or intersections within the eligible sections of highways where the Logo Sign Program may be provided.
8. “Qualified Business” means those facilities providing “GAS”, “FOOD”, “LODGING”, “CAMPING”, AND “ATTRACTION” services that meet the eligibility criteria defined in this rule.
9. “Specific Service Sign” means a background panel with border and copy upon which one (1) or more separate business signs may be attached and are located adjacent to the mainline and exit ramps of the eligible highway.
10. “Business Sign” means a sign mounted on the Specific Service Sign showing the name, symbol, trademark, or combination thereof for a type service available at an interchange.
11. “Trailblazer” means a business sign with appropriate directional arrows mounted along the route leading from the interchange to the business for traffic direction purposes.
12. “Site Plan” will be the means of documenting the construction, maintenance, refurbishing, and sight clearing to be performed by Contractor or MDOT Personnel on or for specific service signs within highway right-of-way as well as the means of obtaining approval of such work from the MDOT Program Administrator.
13. “As-Built Plans” are detailed plans showing the configuration and location of specific service signs and trailblazer signs after the initial construction is completed on an interchange-by-interchange basis.
14. “Visible” means the location of the business can be readily identified by traffic approaching the termini of the highway exit ramp serving the business or approaching an intersection along the route from the exit ramp to the business.
15. “Contractor” means that person, firm, or organization selected by MDOT for the purpose of administering, marketing, construction, refurbishing, and maintaining the existing and future Specific Service Sign Program in Mississippi.
16. “Blanket Authority” will be the means by which Contractor will obtain approval from the MDOT Program Administrator to install, reposition, or remove business signs and to repair specific service background panel signs.
17. “Traffic Control Plan” will be the method and means of informing, directing, and regulating traffic when various construction or maintenance activities are being performed on highway right-of-way by Contractor, or MDOT Personnel.



18. “MDOT District Inspector” means that District person assigned the responsibility of assisting the MDOT Program Administrator in administering the Logo Sign Program.

#### Administration

- 300 Administration of the Logo Sign Program shall include planning, organizing, directing, and controlling all activities in the Logo Sign Program to assure systematic orderly program progress. All activities are to be coordinated with the MDOT Program Administrator who will inform the appropriate MDOT District Inspectors of planned activities and schedules for all phases of work.

#### Location

- 400 Eligible Highways - The routes and location of eligible sections of the fully or partially controlled access system of highways where the Logo Sign Program may be provided are listed below. All locations are subject to adequate sign spacing and MDOT approval. The Commission reserves the right to add additional eligible sections of highways and/or interchanges to the Logo Sign Program. Additional highway segments and/or interchanges may be made eligible and added to the program, but written approval in the form of a Commission Order is required before work commences on such segment or interchange.
- 401 The COMMISSION also reserves the right to require Contractor or MDOT Personnel to remove, at Contractor’s or MDOT Personnel’s expense, all or part of the specific service signs at an existing eligible interchange that becomes in conflict with highway construction, maintenance, or the intent of the Logo Sign Program.
- 402 Lateral Location - The specific service signs should be located so as to take advantage of natural terrain, to have the least impact on the scenic environment, and to avoid visual conflict with other signs within highway rights-of-way. Sign panel supports shall be of breakaway or yielding design meeting MDOT standards and specifications for breakaway and yielding sign supports.
- 403 Relative Location - In the direction of traffic, successive specific service signs shall be those for “ATTRACTION”, “CAMPING”, “LODGING”, “FOOD”, and “GAS”, in that order

#### Business Eligibility Criteria

- 500 Conformity with Laws - Each business identified on a specific service sign shall have given written assurance of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, sex, or national origin, and shall not be in breach of that assurance. This statement may be included in the participation agreement format.

- 501 Distance to Services - The maximum distance that service facilities can be located from the terminal of the nearest off ramp to qualify for a business sign shall be fifteen (15) miles in either direction. At intersections that MDOT determines are urban in nature, the maximum distance shall be two (2) miles from the terminal of the nearest off ramp. Measurements shall be from the beginning of the road connecting the ramp to the crossroad or the nose-point of a loop along normal edge of pavement of the crossroad as a vehicle must travel to reach a point opposite the main entrance to the business.
- 502 Should a business qualify for business signs at two interchanges, the business sign(s) shall be erected at the nearest eligible interchange. In no instance shall a business be signed at one interchange to exit at another interchange for access to the business.

#### Types of Services Permitted

- 600 The types of services permitted shall be limited to “GAS”, “FOOD”, “LODGING”, “CAMPING”, and “ATTRACTIONS”. To qualify for display on a specific service sign:
1. “GAS” Shall Include:
    - a. Appropriate licensing as required by law.
    - b. Vehicle services of unleaded fuel, oil, and water.
    - c. Free restroom facilities and free drinking water suitable for public use. (Outside faucet with garden hose, restroom sink, etc., are not considered suitable for drinking water.)
    - d. Year-round operation at least sixteen (16) continuous hours per day, seven (7) days a week.
    - e. Telephone available for use by the public.
  2. “FOOD” Shall Include:
    - a. Appropriate licensing and/or permitting as required by law or regulation.
    - b. Year-round operation at least eleven (11) continuous days per hour per day between 7 a.m. to 12 p.m. six (6) days a week. Restaurants which do not meet the requirement of hours may participate subject to available space.
    - c. Indoor seating for at least sixteen (16) persons or “drive-thru” or “drive-in” service.
    - d. Public restroom facilities.
    - e. Telephone available for use by the public.
  3. “LODGING” Shall Include:
    - a. Appropriate licensing as required by law.
    - b. Adequate sleeping accommodations consisting of a minimum ten (10) units with private baths, or in the case of a bed and breakfast establishment, a minimum of three (3) bedrooms with private baths. The bed and breakfast facilities will be noted as such on the individual logo signs.
    - c. Off-street vehicle parking spaces for each lodging room for rent.
    - d. Year-round operation.
    - e. Telephone available for use by the public.
  4. “CAMPING” Shall Include:

- a. Appropriate licensing as required by law.
  - b. Modern sanitary and bath facilities which are adequate for the number of campers that can be accommodated.
  - c. At least ten (10) campsites with water and electrical outlets.
  - d. Adequate parking accommodations.
  - e. Continuous operation, seven (7) days a week, twelve (12) months a year.
  - f. Telephone available for use by the public.
  - g. If space is available and they are not currently on standard guide signs, state parks with eligible campgrounds may participate at no charge. Logo panels for these will be furnished by MDOT's Traffic Engineering Sign Shop.
5. "ATTRACTIONS" Shall Include:
- To qualify for an attraction LOGO sign, a business must: (i) not be currently utilizing other traffic generator guide signs, (ii) have licensing or approval, where required, (iii) provide sanitary public restroom facilities, unless exempted by MDOT, (iv) be in continuous operation at least three (3) days per week in season, (except the requirement shall not apply to the "arena" category), (v) be located within fifteen (15) miles of the interchange and have a route than can easily be navigated by motorists, (vi) be of regional interest to the traveling public and fall into one or more of the following categories:
- a. Historical Site or District: Shall include a structure, site, or district that has definite historical significance as determined by the Mississippi Historical Society as a historical attraction and is listed on the National Register of Historic Places.
  - b. Cultural Site: Shall include any facility for the performing arts, exhibits, or concerts that is open to all age groups.
    - i. Museum: A facility open to the public in which works or artistic, historical, or scientific value are cared for and exhibited to the public.
    - ii. Sites indigenous to Mississippi.
  - c. Educational Site:
    - i. Zoological/Aquariums/Botanical Park: A facility in which living animals, insects, fish, or plants are kept and exhibited to the public.
    - ii. Facility Tour Location: A facility such as a factory, institution, or plant which conducts daily or weekly public tours on a regular scheduled basis year-round.
  - d. Area of Natural Beauty/Scenic Beauty: A natural occurring area of outstanding interest to the general public; examples include, but are not limited to, State and National Parks, wilderness areas, lakes, rivers, and similar areas.
  - e. Recreational Site:
    - i. Recreational Area: An area that includes, but is not limited to, bicycling, boating, fishing, hiking, rafting, picnicking, and water skiing.
    - ii. Amusement Parks: A permanent area, which is open to the general public for entertainment rides and food services. In operation more than three (3) months per year.

- iii. Arenas: A stadium, sports complex, auditorium, fairground, civic or convention center.
  - iv. Golf Courses: A facility open to the public and offering at least nine (9) holes of play. Miniature golf courses, driving ranges, chip and putt courses, and indoor golf shall not be eligible.
  - v. Water Oriented Tours: i.e., Riverboat, Dinner Cruises, Fishing Charters, and Swamp Tours.
6. Number of Signs Permitted:
- a. The number of specific service sign structures permitted shall not exceed a maximum of four (4) sign structures along the approach to an interchange.
  - b. Specific service signs with directional distance information shall be erected along the ramp approaching the crossroad for all participating businesses not readily visible.
7. Trailblazer Signs:
- a. Where turns are necessary after exiting an interchange onto the crossroad and the business is still not visible, trailblazer signs will be required at all turns until the business is visible.
  - b. Trailblazer signs are to be installed prior to installation of ramp or mainline specific service signs.
  - c. Trailblazer signs not on MDOT right-of-way shall not be installed until appropriate written approval has been obtained from the jurisdiction having authority for sign placement.
  - d. The business will be responsible for furnishing the business sign used on the trailblazer assemblies.
  - e. Access roads to the business must be all weather roads clear of obstructions that could damage a vehicle while traversing that route.

### Special Requirements

- 700 The selection by Contractor or MDOT of businesses to be initially displayed on the specific service signs will be made from the businesses conforming to the provisions of the eligibility criteria on a first-come first-served basis. The number of business signs permitted on a sign panel shall be as per the current edition of the MUTCD. Businesses must also meet the distance requirements from each approach independently in order to be signed on each approach. All distance criteria are to be determined in accordance with this Rule. MDOT shall in no way be held responsible or liable for removal of any business sign panel.
- 701 The priority of business sign locations on the mainline specific service sign will be established based on a first-come first-served basis with the business being assigned the highest vacant priority slot available on the date the completed application is submitted. The order of priority on mainline signs will be in vertical columns beginning at the top left and ending at the bottom right. Single row signs shall begin at the left.
- 702 The specific service signs shall be fabricated and installed by MDOT or by MDOT's Contractor. All business signs will be furnished by the business and shall be

manufactured in accordance with MDOT standards or special specifications and/or supplements thereto, for both materials and workmanship.

- 703 No business may alter in any form or fashion the layout of the business sign or the actual business signs once they have been approved by the MDOT Program Administrator. Contractor or MDOT will be responsible for reviewing business sign layouts to assure their conformance with MDOT requirements
- 704 If under contract, the Contractor may be required to submit proposed business sign layouts to the MDOT Program Administrator for approval. Upon approval of a specific business sign layout by the MDOT Program Administrator, it will not be necessary for Contractor to submit the approved business sign layout.
- 705 When one or more businesses located at an interchange meeting the eligibility requirements agree to participate in the logo signing program, the general motorist service sign shall be removed. The general services not included in the logo signing program but available at the interchange shall be signed for using an independently mounted symbolic service sign suspended beneath the advance guide sign as directed by MDOT. MDOT or MDOT's Contractor will be responsible for the relocation, mounting, and all necessary supports and hardware based upon approved by the MDOT Program Administrator. If under contract, MDOT will provide the symbolic service sign panel(s) as required at no cost to the Contractor.
- 706 If a participating business is found in non-compliance with the eligibility or other criteria, the business shall be notified by certified mail and given thirty (30) days to correct them. If a participating business is found in non-compliance on a second occasion, the business' agreement with MDOT or MDOT's Contractor is immediately terminated and the business signs shall be removed from the specific service signs and returned to the business. MDOT or MDOT's Contractor's agreement with each business must include this requirement.
- 707 MDOT or MDOT's Contractor will be required to remove, relocate, replace, or otherwise modify existing logo program signs as required by MDOT construction or maintenance operations. This will be done at MDOT's or MDOT's Contractor's expense.

## Construction and Maintenance

### 800 General

#### 1. Existing System

Specific service signs, business signs, and trailblazer signs in place and scheduled for installation, replacement, or maintenance shall continue to be the responsibility of MDOT or MDOT's Contractor after execution of the Contract. All logo program signs, except business signs, shall remain or become the property of MDOT. MDOT's approval of the construction shall constitute transfer of ownership of new signs and supports to MDOT. MDOT's Contractor shall not own any sign systems within MDOT right-of-way.

2. New Sign Construction  
Marketing efforts required of MDOT or MDOT's Contractor, new location availabilities and the allowance of Attraction signs, will require new signs to be installed and possible modifications or removal of existing signs. It is the responsibility of MDOT or MDOT's Contractor to perform necessary business and sign inventories and integrate new sign construction or modifications into the Logo Sign Inventory.
3. Inventory  
MDOT maintains records of specific service signs and business signs; however, it is MDOT's Contractor's responsibility to develop a field inventory of all existing signs showing location, size, and type of signs in place at or prior to the time of contract execution. This basic information is required to determine necessary sign modification, addition, or replacement required as a result of the marketing process. MDOT's Contractor shall maintain and update said inventory on a regular basis each quarter.
4. Sight Clearing
  - a. All existing, modified, or added specific service signs or trailblazer locations shall be cleared or provided to allow full view by an approaching motorist of total sign surfaces at the distances shown below:
  - b. MDOT or MDOT's Contractor shall flag the trees to be cut prior to submitting a site plan. An approved site plan shall be obtained from the MDOT Program Administrator prior to performing any tree, limb, brush, vegetation, or any other clearing operations. Under NO circumstances shall MDOT or MDOT's Contractor cut, trim, or alter in any form magnolia trees that exist on state right-of-way.
  - c. Because MDOT's Contractor will pay MDOT for the marketable timber cut in accordance with an approved site plan, the MDOT Program Administrator will initiate a cruise of said timber. Upon receipt of the cruise document(s), the MDOT Program Administrator shall submit the cruise document(s) to MDOT's Contractor for payment. MDOT's Contractor shall make the check payable to the MDOT Program Administrator. Approval of the site plan by the MDOT Program Administrator will be contingent upon receipt of payment for the marketable timber.
  - d. It will be the responsibility of MDOT's Contractor to dispose of the vegetation cut or trimmed in accordance with an approved site plan. The right-of-way shall be cleared of the vegetation and all stumps cut flush with the surrounding surface. MDOT's Contractor shall strictly adhere to the approved traffic control plan for such operations.
5. Site Plans  
Prior to beginning any construction or maintenance operation, site plans for proposed construction or maintenance shall be developed and submitted for approval as directed by MDOT. The site plans shall be developed by interchange for each mainline approach, exit ramp, and loop or crossroads where trailblazer signs are required. The plans may be line drawings not to scale contained on 8-1/2" x 11" sheets. The following information is to be provided as a minimum:

- a. A line drawing, showing the mainline approach and exit ramp and loop (if applicable) with sufficient space to show symbols for location of proposed and existing pertinent signs.
  - b. Relative location of all existing and proposed signs.
  - c. Distances from and to all existing non-specific service signs and proposed logo program signs.
  - d. Offset from edge of pavement to near edge of proposed program signs.
  - e. Size and type of existing and proposed logo program signs.
  - f. A title block including space for MDOT approval.
  - g. A line drawing showing the trailblazer signs and location required for businesses on that interchange approach's specific service signs.
  - h. Site clearing to be performed.
  - i. General notes required by MDOT.
- All work associated with an approved site plan must be accomplished by MDOT's Contractor within ninety (90) days of approval by the MDOT Program Administrator.

6. Blanket Authority

- a. Immediately following the execution of the contract between MDOT's Contractor AND MDOT, MDOT's Contractor shall request the MDOT Program Administrator to furnish MDOT's Contractor a blanket authority to perform such work as inventories, sign location staking, cross sectioning for support lengths, and installing, removing, or replacing business signs. The blanket authority shall include specific requirements and restrictions in addition to approved traffic control plans.
- b. Regardless of the work to be performed under a blanket authority or site plan, MDOT's Contractor shall advise the MDOT Program Administrator and/or the appropriate MDOT District Inspector at least twenty-four (24) hours prior to beginning work on the state right-of-way. In cases of emergencies, MDOT will forego the twenty-four (24) hour prior notification requirements; however, this does not relieve MDOT's Contractor from contacting the appropriate MDOT personnel as soon as possible.

7. Traffic Control

- a. Traffic control plans shall be developed by MDOT's Contractor for each preconstruction, construction, and maintenance activity, and submitted to the MDOT Program Administrator for approval. These plans shall show signs, channelizing devices, flashing lights, etc., as required for operations on and off the shoulder of the mainline approaches, ramp and loop approaches, and trailblazer location (generally two-lane and two-way).
- b. All operations requiring different traffic control shall be identified by MDOT's Contractor and specific traffic control plans developed for MDOT approval. MDOT's Contractor shall obtain input and MDOT approval for traffic control devices required for preconstruction operations.

8. Sign Support Sizes

The size of steel beams utilized for support of mainline and ramp specific information signs shall be determined by MDOT or MDOT's Contractor utilizing the design process provided by the MDOT Program Administrator. Calculations for each sign support shall be kept on record for review by MDOT as required.

9. As-Built Plans

MDOT's Contractor shall provide the MDOT Program Administrator two (2) sets of as-built plans within ninety (90) days of completion of interchanges. These plans may consist of site plans corrected to show actual sign locations and types.

801 New Construction

1. New sign or modified existing sign construction shall be determined by MDOT or MDOT's Contractor following a systematic inventory and marketing process. Estimated quantities shall be shown in Contractor's proposal, if under contract.
2. Location of signs shall conform to the longitudinal, transverse, and vertical clearances specified in the standard plans and typical layout sheets. These controls include distance between signs, offsets from edges of pavement, and vertical clearances from pavement and ground surfaces.
3. Work shall be performed in a systematic orderly process by route through the Districts. MDOT or MDOT's Contractor shall develop a proposed schedule of all work, including site plan development, showing beginning and ending dates for statewide coverage on all routes. These schedules will also be presented to the MDOT Program Administrator for approval prior to beginning of any preconstruction or construction activity.

802 Refurbishing Specific Service Signs, and Business Sign Replacement

1. Beginning on July 1, 2005, MDOT or MDOT's Contractor shall systematically refurbish the background panel sheeting of signs so that one-fifteenth (1/15<sup>th</sup>) of the existing program inventory is refurbished during each year of the Contract term. A report including this information will be provided quarterly and annually as required. It is MDOT's or MDOT's Contractor's responsibility to coordinate field determination of actual signs to be refurbished with the MDOT Program Administrator. The final determination of specific service signs and business signs to be refurbished or replaced will be made by MDOT personnel prior to beginning construction at an interchange. Contractor shall determine by marketing what type and number of signs will be required to accommodate business participation and shall provide through construction, refurbishing, or modification those specific service signs required and shall replace those business signs determined by MDOT to be replaced provided these businesses continue to participate. New business signs added by marketing or new participation shall be provided by the business and installed by MDOT or MDOT's Contractor.
2. Site plans for refurbishing, modification, or business sign replacement shall be provided as outlined and may be shown on the site plans for new construction. It is intended that only one site plan per interchange approach be provided.
3. The proposed schedule of work shall be inclusive of all refurbishing, modification, and business sign replacement work. It is intended that all construction required at an interchange and for initial statewide construction



coverage be performed as MDOT or MDOT's Contractor proceeds with work through an interchange as shown on the proposed and final approved work schedule. This does not preclude sporadic construction required as a result of participation by businesses that decide to participate at later dates.

803 Removal of Existing Specific Signs

1. As MDOT or MDOT's Contractor proceeds with marketing and determination of sign types required by anticipated business participation, certain existing specific service signs may require removal. MDOT or MDOT's Contractor shall remove these signs and all salvageable material shall be delivered to the appropriate MDOT District Office and become the property of MDOT. The MDOT District Inspector will advise where to deliver material.
2. MDOT or MDOT's Contractor shall remove all foundations and stubs to one foot below normal ground line. Holes shall be back-filled with dirt and compacted to leave a finished ground line to match existing. MDOT may require MDOT's Contractor, at his own expense, to reseed or sprig bare surfaces dependent upon size of disturbed area.

804 Maintenance

1. General

If under contract, Contractor shall after execution of the Contract continue to be responsible for the maintenance of the existing logo program sign system. Contractor shall maintain all existing signs and supports and all new signs and supports for the life of the contract.
2. Routine Maintenance
  - a. MDOT or MDOT's Contractor shall inspect all sign surfaces annually to determine adequate legibility and retro-reflective performance. These inspections may be subjective nighttime appraisals; however, in case of differences of opinion by MDOT's Contractor and MDOT personnel, final determination will be made by MDOT using a retro-reflectivity measuring instrument furnished by MDOT's Contractor and used as directed by the sheeting manufacturer. Inspections shall be documented.
  - b. Signs and supports shall be inspected annually to determine integrity of the support and hanging system. Bolts shall be re-torqued as required and any noticeable rust spots, sheeting damage, loose rivets, vandalism damage, etc., shall be repaired. Inspections shall be documented.
  - c. Sight distance as initially required and outlined in this Rule shall be maintained for the life contract. Inspections and efforts to maintain sight distance requirements shall be documented.
  - d. All logo program sign surfaces shall be cleaned as needed. Cleaning shall be performed as recommended by the manufacturer of the retro-reflective sheeting and shall be documented.
3. Emergency Maintenance
  - a. Sign damage that poses an immediate danger to the traveling public shall receive immediate attention. When MDOT or MDOT's Contractor

becomes aware of the sign damage, action shall be initiated immediately to remove the danger to the public.

- b. MDOT or MDOT's Contractor shall then initiate procurement of materials and make necessary repairs. Sign repairs requiring ordering of materials from suppliers outside the local area shall be accomplished within thirty (30) days from the date of awareness. Sign repairs requiring materials available from Contractor's stock or locally available shall be performed within five (5) days from date of awareness of need. The intent of this section is to allow reasonable time for procurement of materials; however, Contractor should make reasonable efforts to have stockpiled or readily available sources of materials for maintenance.
- c. The MDOT District Maintenance personnel will cooperate with Contractor by advising of needed sign or support maintenance that they notice. Contractor shall provide the appropriate MDOT personnel with names and emergency phone number of Contractor's maintenance personnel that will respond to maintenance requirements.

805 Sign Design and Composition

1. Sign Panels

The sign panels shall have a blue background with a white reflectorized border. The size of the sign panel shall not exceed the minimum size necessary to accommodate the maximum number of business signs permitted using the required legend height and the interline and edge spacing specified in the current edition of the MUTCD.

2. Business Signs

The principal legend should be at least equal in height to the directional legend on the sign panel. Where business identification symbols or trademarks are used alone for a business sign, the border may be omitted, the symbol trademark shall be reproduced in the colors and general shape consistent with customary use, and any integral legend shall be in proportionate size. Messages, symbols, and trademarks which resemble any official traffic control device are prohibited. The vertical and horizontal spacing between business signs on sign panels shall not exceed 8" and 12" respectively.

3. Legends

All directional arrows and all letters and numbers used in the name of the type of service and the directional legend shall be white and retro-reflectorized.

4. Single Exit Interchange

The name of the type of service followed by the exit number shall be displayed in one line above the business signs. At unnumbered interchanges, the directional legend NEXT RIGHT (LEFT) shall be substituted for the exit number. The "GAS", "FOOD", "LODGING", "CAMPING" or "ATTRACTION" specific service signs shall be limited to a maximum of six (6) business signs.

5. Double-Exit Interchanges

The specific information signs shall consist of two (2) sections, one for each exit. The top section shall display the business signs for the first exit and the lower section shall display the business signs for the second exit. The name of the type

of service followed by the exit number shall be displayed in a line above the business signs in each section. The number of business signs on the sign panel (total of both sections) shall be limited to six (6) for each type of service. At unnumbered interchanges, the legends NEXT RIGHT (LEFT) and SECOND RIGHT (LEFT) shall be substituted for the exit numbers. Where a type motorist service is to be signed for at only one (1) exit, one (1) section of the specific service sign may be omitted, or a single-exit interchange sign may be used.

## 806 Sign Size

### 1. Specific Service Signs

Sizes for specific service signs for each type service are described herein.

### 2. Business Signs

- a. Each business sign displayed on the “GAS” specific information sign shall be contained within a 48” wide and 36” high rectangular background area, including border.
- b. Each business sign on the “FOOD”, “LODGING”, “CAMPING”, and “ATTRACTION” specific information signs shall be contained within a minimum 48” wide and 36” high rectangular area, including border.
- c. Legend. All letters used in the name of the type of service and the directional legend shall be 10” capital letters. Numbers shall be 10” in height.
- d. Ramp Signs
  - i. Each business sign displayed on the ramp specific information sign shall be 24” wide and 18” high for “GAS” and a minimum of 24” wide and 18” high for “FOOD”, “LODGING”, “CAMPING”, and “ATTRACTION”. Maximum sign size shall be governed by the current edition of the MUTCD.
  - ii. The legend on the ramp business sign shall be the same only proportionately smaller.

## 807 Materials

### 1. General

- a. All materials to be used for sign fabrication, support fabrication, and foundation materials shall conform to the requirements of Section 721 of the current MDOT Standard Specifications for Road and Bridge Construction, as amended by special provisions and/or special specifications.
- b. The basis of acceptance of all materials included in this section shall conform to the requirements of Section 721 of the current MDOT Standard Specifications for Road and Bridge Construction, as amended by special provisions and/or special specifications.
- c. In addition to the above general requirements, the reflective sheeting, sign substrate, and sign supports shall conform to the specific requirements as described in this Rule.

### 2. Retro-reflective Sheeting

- a. Specific service signs background, border, and copy shall be ASTM type III sheeting.
  - b. Specific service signs border and copy may be either direct applied or demountable ASTM type III sheeting.
  - c. Business sign sheeting shall be ASTM type III sheeting.
  - d. Business sign copy, symbols, and border may be provided by silk screening with appropriate inks. This production process shall meet the requirements of the sheeting manufacturer.
3. Sign Substrate  
All signs shall be fabricated with aluminum.
4. Sign Supports
- a. Mainline and ramp specific service sign support shall be steel beams fabricated for slip base breakaway design as detailed in the standard plans.
  - b. Trailblazer sign assemblies shall be steel posts for small signs. MDOT's Contractor may submit to the MDOT Program Administrator an alternate breakaway sign support system for approval when the number of trailblazer signs dictates such a system.

#### Fees and Agreements

- 900 Annual Fees, Installation Fees, Quarterly Reporting, Annual Reporting, Termination Agreement, Appeals, Books and Records, Applicable Laws, Annual Payments to the Department, Ownership of the Specific Service Sign Program at Expiration of Termination of the Contract Assignment, Supplemental Agreements and Remedies, Indemnity and Insurance, Surety Performance Bonds, Responsibility of MDOT, Authorization, Conflict of Interest, Entire Agreement, Covenant Against Contingent Fees and Lobbying, and Employment of Commission's Personnel shall be in accordance with the current contract for the Administration of Mississippi Logo Sign Program.

#### Procedures

- 1000 MDOT or MDOT's Contractor's Representative will furnish the business with a permit application and the "Guide and Specifications for Logo Design and Fabrication". The Representative's responsibilities will include the following:
- 1. Thoroughly explain the program to the applicant.
  - 2. Advise the applicant what information must be submitted to the Representative.
  - 3. Advise the applicant not to have his business signs fabricated until the applicant receives an approved permit application.
- 1001 The applicant must complete the permit application and have prepared a sign layout of their business sign.
- 1002 The applicant must submit to the Representative the completed permit application sign layout, and a check to cover the installation fee which will be equivalent to the current installation fee times the number of business sign(s) to be installed by the Department's Contractor on Department right-of-way.

- 1003 The Representative should review the permit application, the check, and the sign in order to determine if the appropriate information is shown and correct.
- 1004 The Representative will advise the applicant as to whether the layout was approved or denied. If the layout is denied, specific reasons for the denial will be provided.
- 1005 If the layout is approved, the Representative will furnish the applicant a copy of the approved permit application.
- 1006 If the layout is denied, the applicant must resubmit a new sign layout to the Representative. This process will continue until such time the layout is approved.
- 1007 The Representative will furnish the applicant with a copy of the approved permit application and advise him that he may proceed with having his business signs fabricated.
- 1008 The sign manufacturer must fabricate the business sign(s) in accordance with the specifications and shall have them delivered to the Representative in accordance with current instructions from the Representative.
- 1009 The applicant must submit the remaining balance to the Representative within thirty (30) days after the date of the invoice. Failure to do so will result in the termination of the permit and the removal of the business signs.
- 1010 Sites for the Mississippi Code are available at [www.state.ms.us](http://www.state.ms.us) and MUTCD information is available at [mutcd.fhwa.dot.gov](http://mutcd.fhwa.dot.gov). Any other publications may be viewed during regular business hours at the MDOT Administration Building.

**Sub-Part 8101 – Administration**

**Chapter 00001 Types of Highways**

Purpose

- 100 To Define the Types of Highways Constructed
- 101 Three (3) types of highways and four (4) types of access control are defined.

**TYPE 1. FREEWAY**

- 200 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 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 controlled access highways when such location conforms with the requirements of the American Association of State Highway and Transportation Officials' Policy on the Accommodation of Utilities on Freeway Rights-of-Way and the regulations set out in the Standard Operating Procedures. Freeways may be developed by stage construction.

## TYPE 2. PARTIALLY CONTROLLED ACCESS HIGHWAYS

- 300 Partially controlled access highways or sections thereof vary in degree of control according to the traffic problems present or anticipated. They are defined as follows:
- A. Highways or sections thereof designated by the Commission as TYPE 2A may have frontage roads - constructed on one or both sides of the highway or rights of way may be or have been 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 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 road or roads, vehicular access from abutting property may be permitted into the frontage road only and then is brought into the through traffic lanes over intersecting streets and highways or over approved connections of the frontage road with the through traffic lanes. The rights 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 Standard Operating Procedures.
- B. On highways or sections thereof designated by the Commission as TYPE 2B vehicular travel from and to through traffic lanes is permitted only at established entrances and exits. The abutter's access rights between such entrances and exits has been or is to be purchased with the rights of way. Rights of way purchased so as 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 traffic lanes or ramps and comply with the Department's Standard Operating Procedures.

## TYPE 3. CONVENTIONAL HIGHWAYS

- 400 Conventional highways are those highways consisting of two traffic lanes or divided highways with two or more lanes in each direction without frontage roads on either sides, and which have 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. The rights of way conventional highways may be used for the construction and maintenance of utility lines or other approved installations in accordance with the Department's Standard Operating Procedures.
- 401 This policy is based on:

## **Chapter 00002 - Toll Facilities**

### Purpose

100 The purpose of this rule is to establish: the exemptions for certain Users of Toll Facilities, the parameters regarding the issuance of toll evasion citations, the penalties to those Users of Toll Facilities who evade tolls, a civil administration adjudication system, and a mechanism to approve the toll regime of each Toll Facility authorized by Sections 65-43-1 through 39 and Sections 65-43-71 through 85 of the Mississippi Code of 1972 (the "Code"), as amended from time to time (collectively, the "Toll Road Act").

### Definitions

200 "Department" means the Mississippi Department of Transportation.

210 "Processing Agency" means a Toll Facility Operator designated by the Department responsible for the processing of notices to be sent pursuant to the Toll Road Act and the processing of toll collections.

220 "Toll Facility" means any road or bridge for which tolls are charged for the use thereof.

230 "Toll Facility Operator" means any private company contracting with the Department to collect tolls for the use of any toll road or bridge as authorized under the Toll Road Act.

240 "User(s)" means the registered owner of a vehicle traveling on a Toll Facility or any portion thereof.

### Users Exempted from Paying Tolls

300 Pursuant to the Toll Road Act and this Rule, no persons are permitted to use any Toll Facility without the payment of tolls, except as designated in the Toll Road Act and except for the persons operating the following:

1. Marked and unmarked law enforcement vehicles;
2. Fire and rescue vehicles when responding to an emergency; and
3. Public and private ambulances when responding to an emergency.

310 The Department shall be permitted to use a Toll Facility without payment of tolls in order to fulfill the Department's duties and responsibilities pursuant to the contract governing such Toll Facility and as provided in each contract governing that particular Toll Facility. With the prior written approval of the Department, the Toll Facility Operator may

temporarily exempt Users of a Toll Facility or suspend tolls during a designated start-up period or during other promotional campaigns.

#### Issuance of a Notice of Toll Evasion

400 Pursuant to Code Section 65-43-73(2), a User is found to have evaded tolls when any of the following occur:

1. In the event a User of the Toll Facility who has established an account with the Toll Facility Operator and who uses the electronic toll lanes but fails to pay its bill within 30 days of receiving an invoice, such failure to pay shall be grounds for issuance of a Notice of Toll Evasion to the registered owner of the motor vehicle in accordance with the procedures specified in Code Section 65-43-73(2).
2. In the event a User of the Toll Facility who has not established an account with the Toll Facility Operator and who uses the electronic toll lanes and thereby fails to pay its bill the applicable toll, and who fails to pay the invoice for such toll within 30 days of the date of the invoice for such toll, such failure to pay shall be grounds for issuance of a Notice of Toll Evasion to the registered owner of the motor vehicle in accordance with the procedures specified in Code Section 65-43-73(2).
3. A User of the Toll Facility who has not established an account with the Toll Facility Operator, who uses the cash toll lanes and who does not have sufficient cash to pay the toll will be allowed to use the Toll Facility upon such User providing its information, which includes name, address and license plate number, to the Toll Facility Operator. The Toll Facility Operator shall cause the Department or the Processing Agency, if the Department has appointed a Processing Agency, to send an invoice to such User and if such User fails to pay its invoice within 30 days of the date of the invoice, such failure to pay shall be grounds for issuance of a Notice of Toll Evasion to the registered owner of the motor vehicle in accordance with the procedures specified in Code Section 65-43-73(2).

#### Schedule of Toll Evasion Penalties

500 Pursuant to Code Section 65-43-73(2), the Department, or the Processing Agency if the Department has appointed a Processing Agency, shall assess the following civil penalties to the registered owner of any vehicle driven on a Toll Facility without the payment of the toll:

1. Upon the issuance of a Notice of Toll Evasion (as defined in Section 600.1, herein), the registered owner of the vehicle shall be liable for the outstanding toll and a \$20 penalty per violation.
2. Upon the failure of a registered owner to pay the toll, penalty and administrative fee to the Department or the Processing Agency, if any, within 14 days after the conclusion and issuance of a final order of a hearing officer pursuant to the



procedures established in Section 600 of this rule, the Department or the Processing Agency, if any, shall assess the registered owner an additional penalty of \$30 for each violation.

3. Upon failure of a registered owner of a vehicle to satisfy any toll, penalty or administrative fee resulting from a final order or orders of liability relating to five (5) or more toll violations within a calendar year, the Department or the Processing Agency, if any, shall assess the registered owner an additional penalty of \$50 to the fifth violation and to each subsequent violation within that one calendar year.

510 All criminal penalties for failure or refusal to pay any toll shall be governed by Section 65-43-6 and not by this Rule.

#### Civil Administrative Adjudication System

600 Pursuant to Code Section 65-43-77, the Department is establishing a system of civil administrative adjudication for the contesting of toll violations. This section describes the administrative appeal process when a registered vehicle owner chooses to contest a Notice of Toll Evasion. The intent of the administrative adjudication process is to secure a just and final administrative decision.

1. Notice of Toll Evasion - The Department or the Processing Agency if a Processing Agency has been appointed shall give a notice of toll evasion violation (the "Notice of Toll Evasion") to the registered owner in accordance with Code Section 65-43-73(2). In addition to the information prescribed by Code Section 65-43-73(2) and Section 65-43-75, the Notice of Toll Evasion shall inform the registered owner of the availability of a hearing in which the violation may be contested on its merits and the manner in which the hearing may be conducted. The Notice of Toll Evasion shall inform the registered owner that failure to contest the alleged violations in the manner and time provided shall be deemed an admission of liability and that a final order of liability may be entered on that admission. The Notice of Toll Evasion shall further state that failure to either pay the indicated toll, penalty or administrative fee or to request a hearing on the merits will result in a final order of liability in the amount of the toll, a penalty and/or administrative fee indicated. The Processing Agency may perform or execute the preparation, certification, affirmation, or mailing of the Notice of Toll Evasion.
2. Representation – A registered owner may represent himself or may choose to designate an authorized representative at any point throughout the administrative adjudication process.
3. Written Request for Administrative Hearing
  - a. The registered owner contesting a Notice of Toll Evasion must request a hearing in writing within 30 days after the date of the Notice of Toll

Evasion. The written request for a hearing must be sent within such 30 days to the Department or the Processing Agency, if the Department has appointed a Processing Agency, must include a statement of the relief being sought and the amount of the toll, penalty and/or administrative fee in dispute. The request also must include the registered owner's name, vehicle make and model, tag number and the reason the registered owner is contesting the Notice of Toll Evasion.

- b. The request must include the registered owner's mailing address and the name and address of his authorized representative, if at the time of filing the registered owner has selected such representative. If at any time thereafter the registered owner selects an authorized representative, the registered owner must submit the name and address of such authorized representative to the Department or the Processing Agency, if the Department has appointed a Processing Agency. It is the responsibility of the registered owner contesting to provide and maintain an official mailing address on file with the Processing Agency. Any change of address during the administrative adjudication process must be made in writing and addressed to the Department or the Processing Agency, if the Department has appointed a Processing Agency.

4. Notice of Hearing

- a. A registered owner or the authorized representative will be notified of the hearing by mail at the last known address. The last known address will be the mailing address provided in the written request for a hearing.
- b. The hearing notice will contain the time, place, and date of the hearing. Notice to the registered owner or registered owner's authorized representative constitutes notice to the registered owner or registered owner's authorized representative.

5. Hearing Officers – Appointment, Disqualification, Powers and Duties

- a. The Department shall appoint a hearing officer that is either (a) from the Attorney General's office, or (b) a contracted private party or individual, who may be an employee or duly authorized agent of the Processing Agency, having the appropriate expertise to properly interpret and enforce the Toll Road Act and the Department's rules and regulations.
- b. A motion to disqualify a hearing officer may be made for bias, conflict of interest or other good cause and must be made prior to the commencement of the hearing.
- c. The powers and duties of the hearing officer at the hearing include, but are not limited to:
  - i. presiding over the hearing;

- ii. explaining the procedures of the hearing to the parties;
- iii. ruling on the admissibility of evidence and permitting parties to present evidence;
- iv. permitting parties to examine and cross-examine witnesses; and
- v. issuing a final order indicating his/her findings.

6. Discovery

- a. The registered owner or its authorized representative will be permitted to schedule an appointment to review video or photo surveillance evidence pertaining to the Notice of Toll Evasion. These appointments shall be made during regular business hours and shall take place at the Toll Facility Operator's office located within the State or any other location within the State designated by the Department or the Processing Agency.
- b. Written discovery shall be limited to the production of documents and identification of witnesses that each party intends to introduce or call at the hearing. Nothing in this subsection shall impose a duty upon the Department or the Processing Agency to produce for the registered owner copies of documents that the Toll Facility Operator had previously sent to the registered owner.

7. Continuance

A request for a continuance of the hearing will be routinely granted if the request is received within 10 days after the notice of the hearing is mailed. If the request for continuance is received beyond 10 days, then the determination to continue the hearing will be decided by the Processing Agency, if one has been appointed, or the Department.

8. Hearings Format

- a. Each toll violation shall be considered a separate violation.
- b. The Department or the Toll Facility Operator may be represented by an employee or duly authorized agent at the hearing or may proceed on the Notice of Toll Evasion. The hearing officer shall not present any evidence on behalf of the Department; provided, however, that the Notice of Toll Evasion may be placed into the record by the hearing officer. A registered owner must be present at the hearing and may represent himself or herself or be represented by a duly authorized agent.
- c. The Department and the registered owner may introduce into evidence, and the hearing officer may consider, all video or photo surveillance evidence relating to the alleged violations, the evidentiary foundation for which shall be presumed valid subject to rebuttal. A Notice of Toll

Evasion or facsimile of the notice, sworn or affirmed to or certified by a duly authorized agent of the Processing Agency based upon an inspection of photographs, microphotographs, videotape, or other recorded images produced by a video or photo surveillance system, shall be admitted as prima facie evidence of the correctness of the facts contained in the Notice of Toll Evasion.

- d. Each party to the hearing may make an opening statement, call, examine and cross-examine witnesses, and offer evidence for the record. Evidence may be written or oral.
- e. Each party may make a closing argument at the conclusion of the hearing.
- f. No testimony shall be given or received at the hearing relating to discussions, offers, counter offers, rejections or admissions at any settlement conferences that may have occurred.
- g. Any written stipulations of the parties may be introduced as evidence at the hearing. These stipulations shall be introduced at the beginning of the hearing and shall become part of the record of the hearing.
- h. The Department or the Processing Agency with the Department's approval, may, at its sole discretion, establish a process in which registered owners may contest alleged violations by a telephonic hearing or mail-in hearing as opposed to an in-person hearing.
- i. The hearing officer shall have full authority to conduct and control the procedure at the hearing. The hearing officer shall not be bound by the strict rules of evidence applicable to the courts; irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Evidence not admissible under the rules of evidence may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Objections to evidentiary offers may be made, shall be ruled upon by the hearing officer, and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form. Oral testimony in in-person or telephonic hearings may be recorded by audio or electronic means, provided that, in the event of a recording loss or malfunction, the hearing officer may prepare a written summary of the oral testimony for purposes of administrative review.
- j. The hearing officer shall apply a preponderance of the evidence standard to determine registered owner's liability for the alleged violations.
- k. Upon completion of a hearing on the merits, the hearing officer shall issue a final administrative decision setting forth his or her findings as to liability or non-liability of the registered owner. If the hearing officer finds for the Department or the Toll Facility Operator, the final decision of

liability shall assess the tolls, penalties and/or administrative fees that the registered owner owes to the Department or the Processing Agency. The final decision of liability shall state that an additional penalty of \$30 per violation will be assessed if registered owner fails to pay the proper toll, penalty and fee to the Department or the Processing Agency within 14 days after the issuance of a final decision of liability. A final decision of liability shall inform the parties of their right to appeal the administrative adjudication and seek judicial review pursuant to Code Section 65-43-79 and include a statement that failure to satisfy any toll, penalty or administrative fee imposed by the final decision of liability will be collected as a civil penalty.

9. Withdrawal of a Contest of a Notice of Toll Evasion

- a. A contest of a Notice of Toll Evasion before an administrative hearing officer may be withdrawn by the registered owner or his authorized representative filing the appeal at any time prior to issuance of the final administrative decision. The withdrawal may be made voluntarily by the registered owner or may occur involuntarily under the following conditions:
  - i. An involuntary withdrawal of a contest may occur as a result of the registered owner failing to appear at a scheduled hearing, failing to timely provide a written contest in lieu of attendance at a hearing if such written contest is permitted, or by any other act or failure that the Department or the Processing Agency determines represents a failure on the part of the registered owner to pursue his contest. An involuntary withdrawal of a contest of a Notice of Toll Evasion will be documented by the Department or the Processing Agency if the Department has appointed a Processing Agency.
  - ii. A voluntary withdrawal of a contest must be received in writing and sent by the person or authorized representative to the hearing officer and the Department or the Processing Agency if the Department has appointed a Processing Agency.
- b. Following a withdrawal of a contest of a Notice of Toll Evasion, the action shall become final and not subject to further review by the Department or the Processing Agency. Thereafter, the Department or the Processing Agency on behalf of the Department shall then proceed with any action in accordance with the Toll Road Act.

10. Failure to Respond to Notice of Toll Evasion – Default

A registered vehicle owner who fails to either pay in full all outstanding tolls, penalties and/or administrative fees set forth in the Notice of Toll Evasion or to file a request for a hearing within the time permitted shall be

deemed to have admitted liability and to have waived his or her right to a hearing and the Department or the Processing Agency, if the Department has appointed a Processing Agency, may enter a final decision of liability against the registered vehicle owner.

#### Administrative Fees

700 The following administrative fees shall be assessed to the registered owner and collected by the Department or Processing Agency, if one has been appointed by the Department:

1. Xerographic Reproductions
  - 8½X11” \$0.25 per page
  - 8½X14” \$0.35 per page
  - 11X17” \$0.75 per page
2. Microfilm Reproductions
  - 8½X11” \$0.50 per page
  - Minimum charge of \$2.00 per request
3. Computer Printouts \$1.00 per page of report data
4. Certification of Documents
  - \$3.00 first copy or cover letter
  - \$1.00 each additional page
5. Video Reproductions
  - \$10.00 first copy
  - \$2.00 each additional copy

710 Additional administrative fees incidental to document production may include personnel charges for time expended in the actual searching, reviewing and/or duplicating of documents and if applicable, the mailing of copies of said documents and the mailing of any and all notices. In no event will the personnel charges exceed \$20.00.

#### Establishment of Toll Regime and Toll Schedule

800 The Mississippi Transportation Commission (the “Commission”) is responsible for establishing the toll regime (which shall include a schedule of tolls), charging and collecting tolls for each Toll Facility. Alternatively, during the term of any concession ontract with the prior written approval of the Commission, in the Commission’s sole discretion, the Toll Facility Operator may establish the toll regime and toll schedule, charge and collect tolls for the applicable Toll Facility in accordance with this Rule and the terms of such concession contract approved by the Commission in its sole discretion. Such toll regime must include the following:

1. User classifications;
2. Toll collection methods;
3. The initial amount of such tolls by classification and method;
4. Time of day pricing, if any, and/or dynamic (congestion) pricing, if any; and
5. Toll escalation method.

810 Pursuant to Section 65-43-3(4), the Commission shall, in any case, give notice and hold a public hearing on the toll regime for each Toll Facility and shall give notice and hold a public hearing on any change or amendment to a previously approved toll regime. The notice for the public hearing shall be published twice, specifically once a week for two successive weeks in a newspaper having a general circulation throughout the State, and no hearing shall be held less than 14 days or more than 60 days after the publication of the first notice of such public hearing.

### **Chapter 00003 Access Rules**

#### **Purpose**

100 The purpose of this rule is to establish: the purpose of the District Offices, maintenance offices, project offices, and other facilities owned by the Mississippi Transportation Commission and maintained by the Mississippi Department of Transportation under the provisions of Section 65-1-8 of the Mississippi Code of 1972 is to provide office space and space for maintenance facilities for agency representatives responsible for planning, constructing, and maintaining transportation infrastructure and related tasks. MDOT encourages input from the public; however, these offices are not public forums and unrestricted access by persons from outside the agency cannot be allowed due to concerns over the safety of its employees. Due to recent events, MDOT has determined that it is necessary to establish rules governing access to the agency's facilities.

#### **Access Restrictions**

200 The reception area at each District Office or any other MDOT facility having a receptionist may be accessed by any person who has legitimate business with MDOT during normal office hours, between 8:00 a.m. and 5:00 p.m. Monday through Friday. The District Engineer may direct that access to the reception area be restricted by a locking system, operated by the receptionist, who can deny entry to any person who can state no such legitimate business.

210 Employees' offices and other areas of these facilities are open to the public only by appointment.

220 A visitor will be required to show a valid photo ID before being allowed into any MDOT facility.

230 Any person having business to conduct with any MDOT employee located in an office with a receptionist may identify the employee to the receptionist, by name or function. The receptionist will call that employee, who will have the option of setting an appointment with the visitor. At the appointed time the employee will come to the

- reception area and escort the person to the proper facility within the office. At the conclusion of business, the employee will escort the visitor back to the reception area.
- 240 Facilities which do not have a receptionist may be locked at all times. MDOT employees will be issued key cards. A visitor wishing to conduct legitimate business with any employee located in that facility may make an appointment with the employee, who will escort that visitor into the facility, then out of the facility at the conclusion of business.
- 250 Under the authority contained in Section 65-1-8(c) of the Mississippi Code of 1972 entry to restricted areas without permission or other violation of these requirements shall constitute a misdemeanor.

### **Sub-Part 8120 – Consulting Services Unit**

#### **Chapter 00001 Process for advertising for, selecting, retaining, negotiating, and otherwise administering contracts for professional services**

##### **Purpose**

- 100 The purpose of this rule is to continue to allow MDOT and MTC the maximum flexibility allowed by law in handling negotiated contractual matters relating to professional services. At the same time, the community of potential contracting consultants will be apprised of the existence of SOPs that will guide the staff as it performs this discretionary function.
- 101 MDOT's Consulting Services Unit, supported by other MDOT personnel and with the sanction of FHWA, when appropriate, is primarily responsible for administering the processes related to securing professional services contracts.
- 102 Contracts for professional services shall be advertised, selected, retained, negotiated and otherwise administered, according to MDOT standard Operating Procedures for the Consulting Services Unit of MDOT, and shall be subject to the final negotiated terms of the contracts entered into between the Mississippi Transportation Commission and the contracting parties providing professional services.

### **Sub-part 8301 – Roadway Design**

#### **Chapter 00001 Highway Design Standards**

##### **Purpose**

- 100 To ensure the plans for each proposed highway project will be designed in accordance with criteria best suited to serve the existing and future traffic of the highway in a safe, effective, cost efficient and environmentally sensitive manner.
- 101 The Roadway Design Manual incorporates in one document safety criteria and design standards or references to such standards recommended for use in highway design.



- 102 The design of all highways and related facilities must conform to the design standards contained in the Department's Roadway Design Manual, as adopted by the Mississippi Transportation Commission, latest edition.
- 103 This policy is based on:  
The most recent version of 23 USC 109, (c), as amended  
[www.gpoaccess.gov/uscode/](http://www.gpoaccess.gov/uscode/)

## **Chapter 00002 Access Across Sight Flares at Intersections**

### Purpose

- 100 To ensure specified areas along intersection approach legs and across their radii shall be clear of obstructions that might block a driver's view of potentially conflicting vehicles.
- 101 A policy restricting access at intersections to provide adequate sight distance.
- 102 Access shall not be permitted (a) across Right-Of-Way acquired for sight distance at the intersection of roadways or (b) within the limits of the radii of intersecting roadways.
- 103 This policy is based on:  
The most recent version of Section 65-5-7 of the Mississippi Code of 1972, Annotated, [www.sos.state.ms.us/ed\\_pubs/mscode/](http://www.sos.state.ms.us/ed_pubs/mscode/), Mississippi Department of Transportation Roadway Design Manual, latest edition.  
[www.gomdot.com/business/](http://www.gomdot.com/business/)

## **Sub-part 8401 – Right of Way**

### **Chapter 01000 Division Administration**

#### Purpose

- 100 Designate requirements for Right of Way Division Administration
- 101 Sets out what Right of Way Division general reporting requirements are to the Federal Highway Administration.

#### Federal Participation and Reporting Requirements:

- 200 In all projects, in which federal funds participate in the cost, the MDOT Right of Way Division shall comply with the requirements of Title 23 of the Code of Federal Regulations, as amended, and with Federal Highway Administration (FHWA) policy directives, insofar as those policy directives direct the phases of the right of way acquisition process.

- 201 So long as required by FHWA, an annual report shall be submitted to FHWA. This annual report shall provide such statistical data as is required by the FHWA regulations in effect for the date of the report.
- 202 Information on CFR may be found at [www.gpoaccess.gov](http://www.gpoaccess.gov) and information on FHWA may be found at [www.fhwa.dot.gov](http://www.fhwa.dot.gov).

## **Chapter 02000 Appraisal**

### Purpose

- 100 Regulations for appraisers on an MDOT/ROW project
- 101 Procedures for appraisers in addition to current regulations and laws..

### Notice of Owner

- 200 Within a reasonable time after receipt of an appraisal assignment, the property owner shall be notified by reasonable means of MDOT's interest in acquiring the real property. A reasonable effort to contact the property owner(s) and to make an appointment to inspect the subject property with the property owner(s) shall be made. The property owner(s) may designate a representative to meet with the appraiser.

### Initial Property Owner Contact

- 300 The appraiser shall offer the property owner(s) or the property owner(s) representative a reasonable opportunity to accompany the appraiser during the appraiser's inspection of the property.
- 301 MDOT appraisers shall appraise in accordance with state law and appraisal standards and shall comply with Title 23 of CFR, as amended (available at [www.gpoaccess.gov](http://www.gpoaccess.gov)).
- 302 Appraisal reports shall not be disclosed to any person or entity not authorized by MDOT.

## **Chapter 03000 Acquisition**

### Purpose

- 100 Designate rules for acquisition agents

### Rules for acquisition

- 200 MDOT shall conduct its acquisition functions in compliance with Section 43-37-1, et seq., of the Mississippi Code of 1972, as amended, and with 49CFR Part 24, as amended.

### Conflict of Interest

300 Acquisition agents shall not have any interest, direct or indirect, in the real property being acquired that would in any way conflict with the acquisition. The Miss Dept of Transportation shall comply with 49CFR Part 24, as amended, and with 49-37-1, et seq., of the Mississippi Code of 1972, in the acquisition of property.

#### Initial Contact and Offer

400 MDOT shall make reasonable efforts to contact the property owner(s) or the authorized representative(s) to discuss: (1) MDOT's Fair Market Value Offer (FMVO) to purchase the property, including the basis for the amount of just compensation; and (2) MDOT's acquisition policies and procedures.

#### Value Determination Acquisitions

500 MDOT may determine that an appraisal is unnecessary because the valuation problem is uncomplicated and the fair market value is estimated at low value, based on a review of available data. Low value is defined as not exceeding \$10,000. A Value Determination acts as the offer of just compensation. When the acquisition agent provides a Value Determination offer of just compensation, the property owner is advised of their right to an appraisal.

501 An offer to buy an uneconomic remnant property shall expire in ninety (90) days, unless extended by MDOT.

502 All cites to the Mississippi Code are available at [www.state.ms.us](http://www.state.ms.us) and all cites to the CFR are available at [www.gpoaccess.gov](http://www.gpoaccess.gov).

### **Chapter 03500 Relocation**

#### Purpose

100 Establish rules for providing relocation assistance to those persons or businesses displaced by a MDOT project.

101 Rules provide basis for MDOT to provide services to displacees in accordance with federal and state law.

#### Relocation Requirements and Policies

200 The Right of Way Division of MDOT shall provide relocation assistance services to those persons or businesses displaced by a MDOT project in accordance with federal and state laws as amended.

#### General Notification

300 MDOT shall provide general information about MDOT projects and the relocation program to persons who might be displaced. Distributing the Relocation Assistance Guide at all related public meetings shall be to any possible displaced person or business.

#### Relocation Eligibility and Ninety Day Notice

400 MDOT issues a Relocation Eligibility and Ninety Day Notice on the same day, or as soon thereafter as possible, as the provision of the FMVO or other offer of just compensation to the property owner. If delivery on the same day is not possible, the Relocation Eligibility and Ninety Day Notice is delivered within seven (7) days.

401 A residential displace shall not be required to move until at least ninety (90) days after receipt of a notice of replacement housing that is available. Upon acquisition of the dwelling, a thirty (30) day notice shall be issued to the displacee, but the thirty (30) day notice shall not shorten the original ninety (90) day time allowed.

#### Eligibility for Relocation Assistance

500 MDOT shall comply with the eligibility requirements set forth in 49 CFR Part 24, as amended, and with 43-30-1. et seq., of the Mississippi Code of 1972, as amended.

#### Relocation Assistance Advisory Services

600 MDOT shall provide a relocation assistance advisory program, which satisfies the requirements of Title VI of the Civil Rights Act of 1964 (42 USC 2000d, et seq.), Title VIII of the Civil Rights Act of 1968 (43 USC 3601, et seq.), and Executive Order 11063 (27 CFR 11527, November 24, 1962), and offers the services described in 49 CFR 24.205(c)(2), as amended. Relocation Agents shall provide advisory services that comply with the regulations set forth in 49 CFR Part 24, and with Section 43-39-1 et seq. of the Mississippi Code, as amended.

#### Appeals

700 A person or business may appeal the determination of eligibility on the services offered. The appeal shall be in writing and addressed to Division Administration of Right of Way Division of MDOT. The appeal shall set forth specific matters to be considered. A written response shall be issued within 30 days from receipt of the appeal. The appealing party may then request a hearing within 30 days of notice of the decision by the Right of Way Administrator. The hearing officer shall be selected by the Office of the Attorney General. The Hearing Officer shall issue a written opinion within 30 days of the date of the hearing. An appeal of that decision shall be as prescribed by Section 43-39-25, of the Mississippi Code of 1972, as amended.

#### Relocation Moving Payments

800 Displaced parties may qualify for actual reasonable moving expenses or scheduled expenses in accordance with regulations set forth in 49 CFR Part 24, as amended, or by federal policy directives.

#### Replacement Housing Payment

900 A tenant or owner-occupant that meets occupancy and other eligibility requirements may be entitled to a replacement housing payment in accordance with regulations set forth in 49 CFR Part 24, as amended, and with federal policy directives, and with Section 43-39-1, et seq., of the Mississippi Code of 1972, as amended.

901 All cites to the Mississippi Code are available at [www.state.ms.us](http://www.state.ms.us) and all cites to the CFR and US Code are available at [www.gpoaccess.gov](http://www.gpoaccess.gov).

### **Chapter 04000 Legal**

#### Purpose

100 The purpose of this document is for the Mississippi Department of Transportation to establish regulations for implementing the responsibility and authorities of the Right of Way Division's eminent domain function and other legal functions.

101 Eminent Domain rules that may impact the public not covered by current law or regulation.

102 MDOT shall comply with 11-27-1, et seq. of the Mississippi Code of 1972, 49CFR Part 24, each as amended, and with other applicable statutes and case law of the State of Mississippi, and with the Mississippi Rules of Civil Procedures, as amended.

103 All cites to the Mississippi Code are available at [www.state.ms.us](http://www.state.ms.us) and all cites to the CFR are available at [www.gpoaccess.gov](http://www.gpoaccess.gov).

### **Chapter 05000 Property Management**

#### Purpose

100 Describe rules for property management.

101 Rules for property management

102 The MDOT - Right of Way Division, in coordination with or as requested by the MDOT - Environmental Division, shall identify and assess potentially contaminated properties which may be purchased as part of roadway improvement projects in accordance with the National Environmental Policy Act of 1969 (NEPA), 42 U. S. C. 4321 et seq. and any other applicable state and federal laws and regulations as amended.

- 103 The Right of Way Division shall establish an inventory of all improvements acquired as a part of the right of way, manage a rodent control program, and clear the right of way in accordance with 23 CFR Part 713, 40 CFR Part 61.145 National Emission Standards for Hazardous Air Pollutants (NESHAP), Mississippi Statute 65-1-123, MCA, 1972, and any other applicable state and federal laws and regulations as amended.
- 104 All cites to the Mississippi Code are available at [www.state.ms.us](http://www.state.ms.us) and all cites to the CFR are available at [www.gpoaccess.gov](http://www.gpoaccess.gov).

## **Chapter 07100 Sale of Surplus Right of Way and Uneconomic Remnant Property**

### **Purpose**

- 100 Establish rules for sale of surplus property and uneconomic remnant property.
- 101 Rules for the sale of surplus right of way and uneconomic remnant (x-deed) property.
- 102 The sale of surplus right of way and uneconomic remnant (x-deed) property is subject to the requirements as set forth in Section 65-1-123 of the Mississippi Code Annotated (1972), as amended.
- 103 A transaction fee shall be added to the amount accepted by the Mississippi Transportation Commission for the sale of surplus property or uneconomic remnant property. The transaction fee shall be ten percent (10%) of the amount accepted. The transaction fee shall apply to each request for surplus property or for uneconomic remnant property, except for those transactions defined as "pre-Whitworth" transactions.
- 104 Pre-Whitworth easements are defined as all those interests in property acquired by the State Highway Commission of Mississippi through Warranty Deed, Special Warranty Deed, Quitclaim Deed or other monument of title prior to September 14, 1949. The interest of the Mississippi Transportation Commission in any pre-Whitworth property is valued as an easement; therefore, title to the underlying fee interest of the subject property must be confirmed. The requestor must file suit to quiet and confirm title of the underlying fee interest.
- 105 According to an ORDER dated November 12, 2002 and recorded in Minute Book 19 at Page 1222 and 1223 of the official minutes of said Commission, any pre-Whitworth easement when released at the request of the adjoining landowner or underlying fee title holder, an amount equal to thirty percent (30%) of the fair market value of the property shall be paid by the person making such request.
- 106 All cites to the Mississippi Code are available at [www.state.ms.us](http://www.state.ms.us).

## **Sub-Part 8501 – Planning**

## **Chapter 02020 Surface Transportation Program Funds for Small Urban Cities**

### **Purpose**

- 100 To establish the Department's policy and procedures for the administration of Federal Surface Transportation Program Funds to small urban cities
- 101 The MTC makes funds available to cities with a population of 5000 and greater. This rule will set forth the procedures that cities must follow to receive these funds.
- 102 It will be the policy of the Mississippi Dept of Transportation, upon Mississippi Transportation Commission approval, to provide Federal Surface Transportation (STP) funds to cities with a population of 5,000 or greater as determined by the U.S. Census.
- 103 Upon Commission approval, the Planning Division will inform the eligible cities of funds available and will provide assistance to the cities in the administration of their program as required.
- 104 It will be the policy of the MDOT, that eligible cities follow program guidelines as set forth in the Local Surface Transportation Program Project Development Manual as amended. The current version of which is available from the MDOT website.  
<http://www.gomdot.com>

## **Chapter 02030 Transportation Enhancement Program**

### **Purpose**

- 100 To establish the Department's policy and procedures for the administration of Federal Surface Transportation Program Transportation Enhancement Funds to Local Public Agencies
- 101 The Mississippi Transportation Commission makes Transportation Enhancement funds available to other state and local governments for use on eligible TE activities. This rule will set forth the procedures that cities must follow to receive these funds.
- 102 It will be the policy of the Mississippi Dept of Transportation, upon Mississippi Transportation Commission approval, to provide Federal Transportation Enhancement funds to other State and local governments for eligible TE activities. The amount will be at the Mississippi Transportation Commission's discretion.
- 103 Upon Commission approval, the Planning Division will inform all local governments of MDOT's intent to accept applications for Transportation Enhancement funds. All projects will be evaluated for eligibility under federal guidelines established in Federal transportation legislation. The current eligibility guidelines can be found at <http://www.fhwa.dot.gov>.

- 104 A committee designated by the Executive Director will review and prioritize project applications for submittal to the Mississippi Transportation Commission. The Mississippi Transportation Commission will make the final project selection as recorded in their minutes.
- 105 It will be the policy of the MDOT, that the Local Public Agencies whose projects are selected will follow program guidelines as set forth in the Local Surface Transportation Program Project Development Manual as amended. The current version of which is available from the MDOT website ( <http://www.gomdot.com>).

## **Chapter 02040 Urban Youth Corps Program Administration**

### Purpose

- 100 To establish the Department's policy and procedures for the administration of Federal Surface Transportation Program (STP) - Transportation Enhancement (TE) Funds for an Urban Youth Corps Project to cities meeting the population requirement of 10,000 or above as enumerated by the official United States Census and successfully completing the application process for the Program.
- 101 The Mississippi Transportation Commission invites any city government with a population of 10,000 or greater as enumerated by the official United State Census to apply for funding approval of an Urban Youth Corps Program Project. This rule will set forth the procedures that cities must follow to complete the application process for TE funds through the Urban Youth Corps Program.
- 102 It will be the policy of the Mississippi Department of Transportation (MDOT), upon Mississippi Transportation Commission (MTC) approval, to solicit for Urban Youth Corps Program project applications within the Transportation Enhancement (TE) Program established by the section 1108 (g) of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21)( <http://www.fhwa.dot.gov/tea21/h240suba.htm#1108> ) and subsequent acts. The MDOT implements the Urban Youth Corps Program under the provision of the National and Community Service Act of 1993, Section 106(d) which establishes the Urban Youth Corps Program with the U.S. Department of Transportation. TEA-21 requires the U.S. DOT to encourage the use of youth conservation or service corps in the implementation of TE activities where appropriate.
- 103 Applications for the Urban Youth Corps Program will be mailed annually to the mayors of all eligible cities prior to the submission deadline set by the MDOT. All applications submitted to the MDOT by the deadline will be reviewed by a committee selected by the Executive Director of MDOT. This committee will recommend projects for funding to the MTC. The MTC will make the final awards. Each successful applicant must provide local matching funds or payment-in-kind of at least 20%. The Urban Youth Corps Program utilizes federal funds that contribute up to 80% of the total project cost.



- 104 An Urban Youth Corps project is a youth employment and training service program, established to: (1) offer meaningful full-time or productive summer work for individuals between the ages of 16 and 25, inclusive, in urban public works or transportation settings; (2) give the participants a mix of work experience and on-the-job training that includes a minimum of 10% of the participants' time for basic life skills, education, training, safety, etc.; and (3) provide the youths with an opportunity to develop citizenship values and skills through service to their communities and the State of Mississippi.
- 105 The TEA-21 specifies activities that are eligible for the Transportation Enhancement Program. Potential Urban Youth Corps Program projects should meet the criteria of a further restricted transportation enhancement activity, specific to the needs of the Urban Youth Corps Program. The further restricted activities include:
- providing facilities for pedestrians and bicycles;
  - landscaping and scenic beautification within highway rights-of-way or in proximity to transportation facilities;
  - preservation or rehabilitation of historic markers, buildings, structures, or facilities having significance to transportation; and
  - preservation of abandoned railway corridors.
- 106 A municipality may also establish a summer/part-time work program wherein the youths work for the municipality, such as in the Public Works Department, on non-specific projects.
- 107 Each city awarded funding through the Urban Youth Corps Program will submit only a final invoice for payment, upon completion of the project, along with all necessary documentation to establish proper payment by the MDOT. From this final payment, the MDOT will deduct the city's share of not less than 20% of the funds originally granted to the city. For payment-in-kind which the city wishes to apply to their share, all necessary documentation must be included with the final invoice.

## **Chapter 02050 Intermodal Connector Improvement Program Administration**

### Purpose

- 100 To establish the Department's policy and procedures for the administration of Federal National Highway System funds to eligible intermodal facilities.
- 101 A field inspection of Mississippi's intermodal connectors, conducted by the Mississippi Department of Transportation (MDOT) in 1998 resulted in the determination that intermodal facilities across the state needed improvements. The Mississippi Transportation Commission then made National Highway System Funds available for these improvements.
- 102 An intermodal connector is defined as a roadway connecting intermodal facilities to a roadway that is part of the National Highway System.

- 103 The Mississippi Transportation Commission may at their discretion make available National Highway System Funds to eligible intermodal facilities.
- 104 Eligibility will be reviewed on a case-by-case basis when a proposed project involves relocation, new construction, two or more intermodal connectors, or other unique features.
- 105 The MDOT will inform eligible facilities of funds availability and solicit applications from them to be due on a date designated each year.
- 106 After applications have been received and screened for general acceptability by the MDOT, they will be distributed to a selection committee of intermodal facility representatives for review and analysis. Once review and prioritization is complete, the projects, along with their respective rationale, will be submitted to the Mississippi Transportation Commission for final approval.
- 107 The Transportation Commission will announce the selected projects once the project review and selection process is complete and official Commission approval has been given.
- 108 Once applicants have been notified that their project has been approved, the project may be initiated by following the procedures found in the Project Development Manual for Local Public Agencies (PDM).
- 109 The applicant should submit their Project Activation Request (PAR) form to the MDOT Planning Division within three (3) months of the date of the award notification.

### **Chapter 02060 Mississippi State Scenic Byways Administration**

#### Purpose

- 100 To define a policy on how the MDOT will administer the Mississippi Scenic Byways Program
- 101 The Mississippi Department of Transportation will administer the Mississippi Scenic Byways Program in accordance to the procedures outlined in Section 65-41-1 et seq., of the Mississippi Code of 1972, Annotated, which can be located at [www.state.ms.us](http://www.state.ms.us).

### **Sub-Part 8501 – Planning**

### **Chapter 02070 - Emergency Road and Bridge Repair Fund Program**

#### Purpose

- 100 The purpose of this rule is to provide guidance on the Emergency Road and Bridge Repair Fund.

101 This rule describes eligibility requirements, application procedures, administrative and approval requirements for public transportation projects funded from the Emergency Road and Bridge Repair Fund.

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

301 200 Section 65-1-179 of the Mississippi Code of 1972 requires the Mississippi Department of Transportation to promulgate rules and regulations in accordance with the Mississippi Administrative Procedures Law, necessary to implement the requirements of the Act with respect to the Emergency Road and Bridge Repair Fund (ERBRF).

302

300 MDOT will review and recommend awards, by way of a competitive application process, for emergency repairs of public roads and bridges in accordance with the Act.

303 400 MDOT will notify eligible governmental entities of the availability of the funds and solicit applications in a manner established by the department. Applicants are responsible for complying with all application requirements. Current application guidelines can be found at <http://www.gomdot.com>.

304 500 All projects meeting the application guidelines will be evaluated and selections will be submitted to the Mississippi Transportation Commission. The Mississippi Transportation Commission will approve the selected projects as recorded in its minutes.

305 600 Terms and conditions for completing the project will be set forth in an Emergency Road and Bridge Repair Fund Program Memorandum of Agreement between the Mississippi Transportation Commission and the recipient governmental entity. This agreement must be fully executed prior to the transfer of funds.

101 This rule describes eligibility requirements, application procedures, administrative and approval requirements for public transportation projects funded from the Emergency Road and Bridge Repair Fund.

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

200 The Infrastructure Modernization Act of 2018 (the “Act”), Section 8, House Bill 1 from the 2018 First Extraordinary Session, requires the Mississippi Department of Transportation to promulgate rules and regulations in accordance with the Mississippi Administrative Procedures Law, necessary to implement the requirements of the Act with respect to the Emergency Road and Bridge Repair Fund (ERBRF).

300 MDOT will review and recommend awards, by way of a competitive application process, for emergency repairs of public roads and bridges in accordance with the Act.

400 MDOT will notify eligible governmental entities of the availability of the funds and solicit applications in a manner established by the department. Applicants are responsible for

complying with all application requirements. Current application guidelines can be found at <http://www.gomdot.com>.

500 All projects meeting the application guidelines will be evaluated and selections will be submitted to the Mississippi Transportation Commission. The Mississippi Transportation Commission, by unanimous vote, will approve the selected projects as recorded in its minutes.

600 Terms and conditions for completing the project will be set forth in an Emergency Road and Bridge Repair Fund Program Memorandum of Agreement between the Mississippi Transportation Commission and the recipient governmental entity. This agreement must be fully executed prior to the transfer of funds.

## **Chapter 03010 Highway Noise Studies**

### Purpose

100 Provides policies and procedures to implement the Mississippi Department of Transportation (MDOT) **Highway Traffic Noise Policy**, which was approved by the Federal Highway Administration, *23 Code of Federal Regulations Part 772 (23 CFR 772)*, on November 25, 1996.

101 Noise considerations are a part of the planning, design, and construction of highways. The planning phase considers alternate alignments to minimize noise impacts; the design phase considers site-specific measures of noise impacts; and during construction, emphasis is on minimizing disruption from construction noise. This policy will address both phases.

### PURPOSE

200 Provides policies and procedures to implement the Mississippi Department of Transportation (MDOT) **Highway Traffic Noise Policy** which was approved by the Federal Highway Administration, *23 Code of Federal Regulations Part 772 (23 CFR 772)* ([http://www.access.gpo.gov/nara/cfr/waisidx\\_03/23cfr772\\_03.html](http://www.access.gpo.gov/nara/cfr/waisidx_03/23cfr772_03.html) or [www.dot.gov](http://www.dot.gov)) on November 25, 1996. This policy was developed to serve as a guide in the consideration of highway traffic noise and highway traffic noise abatement in the planning, design, and construction of highways.

201 Noise considerations are a part of the planning, design, and construction of highways. The planning phase considers alternate alignments to minimize noise impacts; the design phase considers site-specific measures of noise impacts; and during construction, emphasis is on minimizing disruption from construction noise.

202 Two project types are specified in 23 CFR 772 as follows: Type I - defined as “a proposed Federal or Federalaid highway project for the construction of a highway on new location or the physical alteration of an existing highway which significantly changes either the horizontal or vertical alignment or increases the number of through-traffic

lanes”; Type II - defined as “a proposed Federal or Federal-aid highway project for noise abatement on an existing highway”. A Highway Traffic Noise Impact Study must be conducted for all Type I projects. The MDOT does not develop or implement Type II projects.

- 203 If during highway project construction noise impact is expected to occur, abatement measures to be considered include traffic management measures; alteration of horizontal and vertical alignments; acquisition of property rights for construction of noise barriers; construction of noise barriers; acquisition of property or interest therein to serve as buffer zones; and noise insulation of public use or nonprofit institutional structures to meet interior standards.
- 204 The option presently given the most frequent consideration by MDOT and FHWA for abating noise impacts is the construction of noise barriers on highway rights-of-way in the area between the shoulder and the right-of-way limits. 23 CFR 772.11(e) requires that “before adoption of a final environmental impact statement or finding of no significant impact, the highway agency shall identify noise abatement measures which are reasonable and feasible and which are likely to be incorporated in the project”. MDOT considers the detailed policies and procedures contained in SECTION V of this document to be consistent with FHWA guidance and with 23 CFR 772.
- 205 Proper planning, design, and construction of highways can help reduce the impact of highway traffic noise; however, much of the burden for reducing highway traffic noise impact should involve control of vehicular noise at the source and proper land use planning and development to minimize noise sensitive development near highways. Since MDOT does not have any authority over vehicular noise or land use planning and development, MDOT can only encourage local, state, and Federal agencies having authority over vehicular noise, land use planning, and development to help reduce highway noise impact.

## I. HIGHWAY TRAFFIC NOISE IMPACT STUDY

- 300 MDOT will conduct a Highway Traffic Noise Impact Study for each alternative of Type I projects under detailed study. This study will be re-evaluated and updated during each subsequent phase of project development. The study will include the following:
1. **Identification of existing and planned noise sensitive land uses.** An inventory will be made of all existing activities, developed lands, and undeveloped lands for which development is planned, designed, and programmed, which may be affected by noise from the proposed highway. Proposed development will be considered planned, designed, and programmed on the date of issuance of building permits.
  2. **Determination of existing noise levels.** The determination of existing noise levels at the existing and planned noise sensitive land uses will be made by measuring and/or predicting Leq noise levels for the traffic characteristics which yield the worst hourly traffic noise impact on a regular basis. Normally at least one measurement will be made for every 20 noise sensitive land uses identified. Each house, church, school,

apartment building, etc, will normally be considered to be a separate noise sensitive land use; however, several trailer houses in a trailer park or several businesses in the same building may be considered to be a single noise sensitive land use. Each measurement will be made for a period of at least fifteen minutes with an ANSI-Type 2 or better sound level meter or analyzer. Predictions will be made using a prediction method approved by the FHWA.

3. **Prediction of design year noise levels.** The Leq noise levels will be predicted at existing and planned noise sensitive land uses for each alternative under detailed consideration including the no build alternative. The predictions will be made using a prediction method approved by the FHWA. The predictions will be made for the traffic characteristics which yield the worst hourly traffic noise impact on a regular basis.
4. **Determination of traffic noise impacts.** Traffic noise impact will be determined at each existing and planned noise sensitive land use by comparing the predicted design year noise level with the Noise Abatement Criteria (NAC) of 23 CFR 772 and with the existing noise level. If the predicted design year noise level approaches (comes within 1 dBA) or exceeds the NAC noise impact will occur. Noise impact will also occur if the predicted design year noise level substantially exceeds the existing noise level (15 dBA or greater).
5. **Examination and evaluation of alternative noise abatement measures for reducing or eliminating noise impacts.** Noise abatement measures such as traffic management measures, changes in horizontal and vertical alignments, acquisition of property for buffer zones, noise insulation of public use or nonprofit institutional structures and construction of noise barriers will be considered. The feasibility and reasonableness of noise barriers is covered in detail in Section V.
6. **Preparation of noise study report.** A detailed noise study report will be prepared if noise impact is expected to occur at any locations along the route of the proposed project. If noise impact is not expected to occur in the vicinity of the proposed project, a short summary type noise study report will be prepared. The following will normally be included in a detailed noise study report:
  - INTRODUCTION
  - SUMMARY OF RESULTS
  - FUNDAMENTALS OF SOUND AND NOISE
  - NOISE IMPACT CRITERIA
  - NOISE LEVEL MEASUREMENTS
  - NOISE LEVEL ESTIMATES
  - TRAFFIC
  - EXISTING NOISE ENVIRONMENT
  - DESIGN YEAR NO-BUILD ALTERNATIVE NOISE ENVIRONMENT
  - DESIGN YEAR BUILD ALTERNATIVE NOISE ENVIRONMENT
  - TRAFFIC NOISE ABATEMENT
  - CONSTRUCTION NOISE ABATEMENT
  - FHWA POLICY REGARDING LAND USE DEVELOPMENT AND FUTURE NOISE ABATEMENT
  - TABLE NO. 1 EXTERIOR NOISE LEVELS

- □□TABLE NO. 2 TRAFFIC DATA AND Leq CONTOURS
- □□MAP PROPOSED PROJECT

## II. COORDINATION WITH LOCAL OFFICIALS

- 400 The lack of consideration of highway traffic noise in land use planning and development at the local level has added to the highway traffic noise problem. Many developments now experiencing high noise levels were constructed adjacent to major highways long after these highways were proposed and constructed. Since MDOT does not have authority over land use planning and development, MDOT can only encourage local officials and developers to consider highway traffic noise in the planning, zoning, and development of property near existing and proposed highways.
- 401 In order to help local officials and developers consider highway traffic noise in the vicinity of proposed Type I projects, MDOT will include a copy of the noise study report in the Categorical Exclusion (CE), Environmental Assessment (EA), Finding of No Significant Impact (FONSI), or environmental Impact Statement (EIS) for the proposed project.

## III. FEASIBILITY AND REASONABLENESS OF NOISE BARRIERS FOR TYPE I HIGHWAY CONSTRUCTION PROJECTS FEASIBILITY

- 500 Feasibility deals with engineering considerations -- that is, can a substantial noise reduction be achieved given the conditions of a specific location. Is the ability to achieve noise reduction limited by: (1) topography; (2) access requirements for driveways, ramps, etc.; (3) the presence of local cross streets; or (4) other noise sources in the area, such as aircraft overflights? All these considerations affect the ability of noise barriers to achieve an actual noise reduction.
- 501 It is state policy that construction of a noise barrier is **NOT FEASIBLE** if a noise reduction of a least 5 dBA cannot be achieved.

## REASONABLENESS

- 502 Reasonableness is a more subjective criterion than feasibility. It implies that common sense and good judgment have been applied in arriving at a decision. Reasonableness should be based on a number of factors, with regard for all of the individual, specific circumstances of a particular project. It is state policy that the final determination of reasonableness will be made only after a careful and thorough consideration of a wide range of criteria. However, noise barriers will definitely not be built if a majority of affected residents do not want them.
- 503 The following criteria will normally be used to determine the reasonableness of a noise barrier:

1. Each barrier should reduce the noise level by at least 5 dBA at 4 or more residences that are expected to receive noise impact. It is state policy that construction of a noise barrier is **NOT REASONABLE** unless the noise barrier will reduce the noise level by at least 5 dBA at 4 or more residences that are expected to receive noise impact.
2. The residences were constructed or the building permits were issued before the date of public knowledge of the proposed highway project. It is state policy that construction of a noise barrier is **NOT REASONABLE** if the residences were not constructed or the building permits were not issued before the date of public knowledge of the project. The date of public knowledge is the date the public is officially notified of the adoption of the location of a proposed highway project. This date is considered to be the date of approval of CEs, FONSI, or RODs when considering highway traffic noise and highway traffic noise abatement.
3. A majority of impacted residents who will benefit from the noise barrier want a noise barrier (conduct a public meeting for impacted residents who would benefit from a noise barrier, then conduct a survey or obtain a letter from local officials or a community group stating residents' desire; also, encourage local officials to include highway traffic noise in the land use planning process for added noise abatement consideration). It is state policy that construction of a noise barrier is **NOT REASONABLE** unless a majority of impacted residents who will benefit (a noise reduction of 5 dBA or more) from the noise barrier want a noise barrier even if all other criteria indicate that a noise barrier is reasonable.
4. The barrier cost is no more than \$20,000/residence. All residences with noise reductions of 5 dBA or more will be counted. Each apartment unit will be counted as 1 residence. The barrier cost will include the cost of construction (material and labor), the cost of additional right-of-way, the additional cost of relocating utilities, and any other costs associated with the barrier.
5. The housing development predated initial highway construction -- "most" impacted homes were built before construction of the present highway.
6. The future build noise levels are at least 66 dBA. Even if the noise levels are expected to increase by more than 15 dBA noise barriers should normally not be constructed unless the future build noise levels are at least 66 dBA.
7. The future build noise levels are at least 5 dBA greater than the existing noise levels.
8. The future build noise levels are at least 3 dBA greater than the future no-build noise levels.
9. Additional factors which can not be anticipated may also be considered in determining the reasonableness of a noise barrier, for example: (1) animal migratory paths; (2) existing zoning; (3) the potential for land use change in the area; (4) controls put in place by local officials to control incompatible development adjacent to highways; and (5) cultural resources such as historic places.

#### IV. EXTENUATING CIRCUMSTANCES



- 600 There may be extenuating circumstances where unique or unusual conditions warrant special consideration of highway traffic noise impacts and/or implementation of noise abatement measures. These circumstances could involve areas such as (1) those that are extremely noise-sensitive, (2) those where severe traffic noise impacts are anticipated, or (3) those containing Section 4(f) resources. Extenuating circumstances will be considered on an individual basis.
- 601 On June 18, 1996, the MDOT adopted a Highway Noise Policy. Also adopted within this policy is a Noise Barrier Evaluation form, which is the standard utilized by the Department. This form may be obtained by contacting the State Planning Engineer at Post Office Box 1850, Jackson, MS 39215.

### **Chapter 04010 Procedures for the sale and distribution of maps**

#### Purpose

- 100 To define the policy on the sale of maps.
- 101 The Planning Division's primary purpose for producing maps is for use in transportation planning processes. Special maps are produced as planning tools for legislative use, management decisions, and other divisions. Other general State, county and city maps produced by the Division are available to the Department and the Federal Highway Administration employees for use in accomplishing their work assignments. They are offered for sale as a public service. The prices charged are primarily the cost of reproduction and distribution and do not include development costs. These maps are accurate for planning purposes only. Also, general highway maps and traffic count maps at the city, county, and state level may be viewed and downloaded free of charge in Adobe Acrobat (pdf) format via MDOT's internet web site <http://www.goMDOT.com>
- 102 The Department will provide State, county and city planning maps to Department employees in carrying out their official duties at no cost. The employees of the U.S. Department of Transportation and the State and Local Public Agency employees funded under U.S. DOT programs are also provided planning maps for carrying out their official duties at no charge.
- 103 The Department will participate in a mutual exchange arrangement with Federal agencies that prepare and/or distribute maps and aerial photographs. The Department will also participate in a mutual exchange arrangement with State and Local agencies when there is a written agreement between the Department and the agency which identifies the products exchanged and the time period.
- 104 Other maps are offered for sale as a public service. The prices charged are primarily the cost of reproduction and distribution and do not include development costs. These maps are accurate for planning purposes only. Also, general highway maps and traffic count maps at the city, county, and state level may be viewed and downloaded free of charge in Adobe Acrobat (pdf) format via MDOT's internet web site <http://www.goMDOT.com>

## ORDERING INSTRUCTIONS

200 Maps may be examined and purchased at the MDOT Administration Building, 401 N. West Street, Room 1067 from 8:00 AM to 5:00 PM, Monday through Friday except holidays. The Maps are available by mail and may be ordered from the following address:

Map Sales  
Mississippi Department of Transportation  
P O Box 1850  
Jackson, MS 39215-1850

201 A booklet describing the maps and prices is available and can be obtained from the above sources. This booklet, “A Policy on the Sale of Maps”, contains concise information and is periodically updated so that it contains current information. For your convenience, order forms are available. If you desire to send a letter or invoice, it is important that you indicate the quantity, map description and scale desired along with a check or money order for the total amount plus \$4.00 mailing charge.

202 Note: Make check or money order payable to Mississippi Department of Transportation (not Map Sales).

203 Map Sales Telephone Number: (601) 359-7045.

### **Chapter 05010 Traffic Count Requests**

#### Purpose

100 To establish the Department’s policy and procedures for the administration of traffic counts in accordance with requests from the general public and government officials

101 Administration of traffic counts (i.e. – volume, classification, etc) in accordance with requests from the general public and government officials will be based on the Mississippi Department of Transportation’s resource availability (i.e. – budget, personnel and time) and available traffic data.

102 Based on the availability of budget, personnel and time, the Mississippi Department of Transportation will determine the administration of traffic counts by the following categories of requestors:

- Public –Traffic count requests will be directed towards either the online traffic volume maps on goMDOT.com which are based on the published traffic volume books or the statistics books if further information is needed. If the requests involve large amounts of data from the publication, the requests will be directed to map sales where the publications can be purchased. No traffic data for the

current year will be provided to the requestors, since data analysis will be done at the beginning of the following year. This is to ensure that the most accurate information based on statistical analysis is provided to the requestors. In addition, requests for sites to be counted will not be adhered due to the loss of efficiency and functionality of the established traffic counting program as a result of resource divergence.

- Local Government (City, County, etc) and Other State Governmental Agencies - Traffic count requests will be directed towards either the online traffic volume maps on goMDOT.com which are based on the published traffic volume books or the statistics books if further information is needed. If the requests involve large amounts of data from the publication, the requests will be directed to map sales where the publications can be purchased. Current year traffic data will only be provided with the disclaimer stating that the traffic data was derived from statistical factors from previous years. Requests for sites to be counted will have to be part of projects or studies involving but not limited to economic developments, environmental impacts and traffic modeling.

## **Chapter 06010 Highway System and Urban Area Boundary Revisions**

### **Purpose**

- 100 To document the procedure by which highways, roads, and streets are grouped into urban area boundaries in Mississippi.

### **RURAL AND URBAN AREA DEFINITIONS**

- 101 A. The urban boundary shall, as a minimum, encompass the entire urban place or urbanized area designated by the Bureau of the Census. All urban development contiguous to the designated urban place shall be included. Urban development shall be considered as dense residential, commercial, and governmental land use. Examples of development that shall be included are: airports, subdivisions, commercial areas, shopping areas, sewage treatment facilities, schools, parks, etc. Urban areas shall not include large tracts of undeveloped land; however, small areas of undeveloped land may be included in order to eliminate excessive offsets or jags in the urban boundary. Urban areas are divided into two categories:
1. Small Urban Areas which are those urban places as designated by the Bureau of the Census having a census population of 5,000 or more that are not within any urbanized area.
  2. Urbanized Areas as designated by the Bureau of the Census with a census population of 50,000 or more.
- 102 B. Rural areas comprise the areas outside the urban boundaries of small urban and urbanized areas.

### **FUNCTIONAL CLASSIFICATION**

- 103 Highway functional classification is the procedure by which highways, roads, and streets are grouped into classes or systems according to their usage by the public. Recognition that individual roads do not serve traffic independently, that most traffic involves movement through a network of roads, is basic to the functional classification process. Access to abutting land at the beginning or end of travel are characteristics of road networks. Functional classification defines the part each road plays in a rural or urban network. Three broad classes of rural and urban road systems are defined: Arterials, Collectors, and Locals.
- 200 This directive is issued to provide guidance in meeting the requirements of the Transportation Equity Act for the 21st Century (TEA-21) enacted June 9, 1998 and additional Federal transportation legislation. For additional details refer to “Highway Functional Classification Concepts, Criteria and Procedures”, revised March 1989, U.S. Department of Transportation, Federal Highway Administration as amended. ( [http://www.fhwa.dot.gov/planning/fcsec1\\_1.htm](http://www.fhwa.dot.gov/planning/fcsec1_1.htm) )
- 201 The MDOT computer database records and the Official Urban Boundary and Highway Functional Classification Map Atlas shall be maintained by PLD. Copies of the latest maps are available by request

#### URBAN BOUNDARY REVISION PROCEDURE

- 300 A. Requests for urban boundary revisions may be submitted to PLD by responsible local officials or be initiated by PLD. All requests to PLD for urban boundary revisions (and related changes in functional classifications at the proposed boundary relocation) must include adequate maps showing existing population density or other urban criteria. All requests must be accompanied by supporting documentation and must have the approval of the chief elected official of each incorporated municipality affected by the proposed revision and the County Board of Supervisors. In urbanized areas all requests must be submitted through the MPO.
- 301 B. Upon receipt of a request with complete documentation, PLD will forward the request to the appropriate District for their concurrence. PLD will then forward the request with all documentation to the Executive Director for approval and submission to FHWA.
- 302 C. Upon receipt of FHWA approval, PLD will revise the official map(s) and databases. Copies of revised maps will then be distributed when prints are available.

#### FUNCTIONAL CLASSIFICATION REVISION PROCEDURE

- 400 A. Requests for functional classification revisions may be submitted to PLD by responsible local officials or be initiated by PLD. All requests to PLD for functional classification revisions must include adequate maps showing proposed changes in compliance with the requirements herein and must be accompanied by supporting

documentation. Proposed rural changes must have the approval of the County Board of Supervisors and the concurrence of the Office of State Aid. Proposed urban changes must have the approval of the chief elected official of each incorporated municipality affected by the requested revision. In urbanized areas all requests must be submitted through the MPO. Supporting documentation must include current and/or projected traffic volumes, land access service, and vehicle miles of travel or any other criteria used to establish functional classification.

- 401 B. Upon receipt of a request with complete documentation, PLD will forward the request to the appropriate District for their concurrence. PLD will then forward the request with all documentation to the Executive Director for approval and submission the FHWA.
- 402 C. Upon receipt of FHWA approval, PLD will revise the official map(s) and databases. Copies of revised maps will then be distributed when prints are available.

#### EXTENT OF FUNCTIONAL CLASSIFICATION SYSTEMS

- 500 A. Rural Functional Classifications Systems:  
Table II-2 of the FHWA Highway Functional Classification Manual shall be used as a general quantitative guideline to classify roads. The mileage guidelines shall have precedence over VMT percentages. Each county shall be considered separately in using the guidelines. For each county, the total mileage of the rural Arterial and Collector Systems shall not exceed 37 percent of the county's total rural mileage.
- 501 B. Urban Functional Classifications Systems:  
Table II-3 of the FHWA Highway Functional Classification Manual shall be used as a general quantitative guideline to classify roads. The mileage guidelines shall have precedence over VMT percentages. Each small urban or urbanized area shall be considered separately in using the guidelines. For each small urban or urbanized area, the total mileage of the Urban Arterial and Collector Systems shall not exceed 35 percent of the total urban mileage.

### **Sub-part 8601 – Research**

#### **Chapter 01001 Collection of Pavement Condition Data by a Contractor**

##### Purpose

- 100 To outline a procedure for securing a contract for collection of condition data by a contractor.
- 101 MDOT's pavement management system (PMS) condition data is collected once every two years. The contract is secured according to the rules for engineering services contracts, through MDOT's Consultant Services Division.

- 102 MDOT collects pavement management system (PMS) condition data on the entire state-maintained highway system using a data collection contractor. The data is used to support MDOT's PMS, which is guided by 23 CFR Section 500.106 (available at [www.gpoaccess.gov](http://www.gpoaccess.gov)) and the American Association of Highway and Transportation Officials (AASHTO) *Pavement Management Guide* (2001, which can be purchased from AASHTO, 444 N. Capitol St. NW, Suite 249, Washington, D.C. 20001 or may be reviewed at the MDOT Administration Building). This data collection contract is considered to be an engineering services contract. Research Division drafts a contract complete with a Scope of Work, to be used as guidelines for interested vendors. The vendor is selected and the contract payments are made through the Consultant Services Division according to Rule No. 37.I.8120.00001.

### **Chapter 01002 Provision of Pavement Condition Data to Parties Outside MDOT**

#### Purpose

- 100 To outline a procedure for providing information regarding pavement condition to interested parties.
- 101 An entity outside MDOT who wishes to obtain pavement condition data from MDOT's Pavement Management System (PMS) needs to contact MDOT's Legal Division, who will then request the information from Research Division's pavement management unit.
- 102 On occasion entities outside MDOT request pavement condition information in the form of reports and/or video. The interested party must contact MDOT's Legal Division and state the reason for obtaining the information. Legal Division will then contact the Research Engineer, who will then have the pavement management unit furnish the report and/or video to the interested party. A fee of \$36.00 will be charged for recording VHS tapes, DVDs or other electronic media, and a fee of \$0.25 per page will be charged for copying paper reports. MDOT reserves the right to charge additional fees if personnel time, mailing, and other duties involved in procuring the information become prohibitive.

### **Chapter 01003 Collection of Friction Data**

#### Purpose

- 100 To establish a rule for the collection of pavement skid/friction data.
- 101 Pavement friction tests are required on Federal-Aid projects having a minimum of 1000 feet of newly constructed hot-mix asphalt (HMA) pavement surfacing. Skid tests are also done upon request to the State Research Engineer.
- 102 Skid tests are part of MDOT's overall obligation to provide safe roads for the traveling public. Pavement friction tests are required on all MDOT Federal-Aid projects having a minimum length of 1000 ft. of newly constructed hot-mix asphalt (HMA) pavement surfacing. Friction tests are also performed upon written request to the State Research

Engineer. Exceptions include the following: a project with an overall posted speed limit below 40 mph, projects wherein the roadway layout does not allow for a minimum of two individual readings, and a situation hazardous to life or property. Skid testing will be performed and reported in accordance with the American Society of Testing & Materials (ASTM) E274 (available at [www.astm.org](http://www.astm.org)).

## **Chapter 02003 Strategic Highway Research Program (SHRP)**

### Purpose

- 100 Explanation of MDOT's involvement in the Strategic Highway Research Program (SHRP).
- 101 According to the Federal Highway Administration's (FHWA) A Guide to Federal-Aid Highway Programs and Projects (FHWA Publication FHWA-IF-99-006, May 1999, referred to as "Guide" in this document), SHRP "provided for the FHWA, in consultation with the American Association of State Highway and Transportation Officials (AASHTO), to carry out research, development, and technology transfer activities determined to be strategically important to the national highway transportation system.
- 102 According to the Guide, SHRP was created by Section 128 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) and is provided for in 23 U.S.C. 503 (a)(6). SHRP was continued under ISTEA 1991 (Intermodal Surface Transportation Efficiency Act), and TEA-21 (Transportation Act for the 21<sup>st</sup> Century) authorized additional funding for SHRP implementation and the long-term pavement performance (LTPP) study. Mississippi, Texas, and Pennsylvania were the lead states at the outset of the program. The study included General Pavement Study (GPS) sites and Specific Pavement Study (SPS) sites. Beginning in 1987 as a 20-year study, LTPP consisted of collecting data on these sites: traffic, climatic, material, construction history, and distress data. Some sites are still being studied, while others have been overlaid and are out of the study. The research activities carried out by SHRP benefits every state DOT by sharing resources, information, and technological developments. Further information can be found at <http://www.tfhr.gov/pavement/ltp/ppt/23>.
- 103 Cites to US Code are available at [www.gpoaccess.gov](http://www.gpoaccess.gov) and cites to FHWA regulations are available at [www.fhwa.dot.gov](http://www.fhwa.dot.gov).

## **Chapter 02004 Pavement Smoothness Acceptance**

### Purpose

- 100 To outline the procedure for acceptance of new construction and pavement overlays based on pavement smoothness.

- 101 This rule summarizes MDOT's use of profiling equipment (profilograph and inertial profilers) to measure pavement smoothness for new pavement construction and overlay acceptance.
- 102 Pavement smoothness acceptance criteria for new pavement construction are outlined in the *Mississippi Standard Specifications for Road and Bridge Construction*. These specifications refer to acceptance procedures with a profilograph. Alternatively, contractors may choose to measure smoothness with an inertial profiler (lightweight or high-speed) to simulate Profile Index data. Contractors electing to utilize an inertial profiler are required to perform Departmental certification procedures for inertial profiling equipment. Any inertial profiling equipment that fails to meet the Departmental standards for data reproducibility and repeatability will not be certified and cannot be used for pavement smoothness acceptance testing on MDOT projects. Previously certified inertial profilers are required to recertify periodically in accordance with Departmental certification procedures for inertial profiling equipment. Contractors should contact the Research Division to perform this certification and for any further information.

## **Chapter 02005 Maintained Pavements**

### Purpose

- 100 Delineation of procedures for contractor-maintained pavements.
- 101 Maintained pavements, also known as warranty or warranted pavements, are subject to certain guidelines. Contractors must perform remediation work if the pavement distresses get above certain thresholds.
- 102 Maintained pavement projects are projects wherein a contractor must construct and maintain the pavement to certain pavement distress level thresholds. Remedial actions are required whenever distress levels are not met. The pavement is maintained by the contractor for an agreed-upon period (generally 5, 7, or 10 years). The *Code of Federal Regulations*, Title 23, Section 635.413 (which is available at [www.gpoaccess.gov](http://www.gpoaccess.gov)), allows for warranty provisions in construction contracts.
- 103 Each maintained pavement project will be inspected once a year by MDOT Research Division personnel. The inspection will consist of profile sensor data collection and video images. Distress analysis will be done on a minimum of two 500-ft samples per mile of the pavement to determine if the distress thresholds have been exceeded and remedial action is needed by the contractor. Distress analysis will adhere to the guidelines delineated in the Strategic Highway Research Program's *Distress Identification Manual*. A conflict resolution team will be named for each project and will consist of MDOT personnel, contractor representatives, and a mutually agreed-upon third party to resolve any disagreements whenever necessary. The guidelines, thresholds, and procedures are fully detailed in Special Provision 907-403 (for hot-mix asphalt) or Special Provision 907-501 (for Portland cement concrete) to the latest edition of the



*Mississippi Standard Specifications for Road and Bridge Construction* as amended (manual adopted by MDOT Commission Order on February 24, 2004).

104 All documents are available for review at the MDOT Administration Building.

### **Chapter 02007 Research Functions**

#### Purpose

100 To outline the functions of MDOT's research program

101 MDOT evaluates research proposals, awards research contracts, and administers the studies under the guidelines of Federal Highway Administration (FHWA).

102 Section 420.107, paragraph (a) of the *Code of Federal Regulations* states that:

A State DOT must expend no less than 25 percent of its annual SPR funds on RD&T activities relating to highway, public transportation, and intermodal transportation systems in accordance with the provisions of 23 U.S.C. 505(b) . . .

103 Each state must develop its own plan, or work program, to manage State Planning & Research (SP&R) funds, and the plan must be approved by the FHWA Division Administrator. Progress, including performance and expenditures, will be reported to FHWA.

104 Other research functions regulated by FHWA through 23CFR Sections 420.205 and 420.207 include peer exchanges, technology transfer, RD&T (research, development and technology) activities, pooled fund studies, RAC (Research Advisory Committee), and NCHRP (National Cooperative Highway Research Program).

105 Cites are available at [www.gpoaccess.gov](http://www.gpoaccess.gov).

### **Chapter 02008 Research Division Information on MDOT Website**

#### Purpose

100 To enumerate information posted on [www.gomdot.com](http://www.gomdot.com) by the Research Division.

101 Research Division posts division information on the website, [www.gomdot.com](http://www.gomdot.com), including state study reports research progress reports, and work programs.

102 MDOT's website, [www.gomdot.com](http://www.gomdot.com), contains links to division web pages. Research Division's webpage contains information such as the research work program, progress reports, pipe/culvert subcommittee information, and interim and final state study reports. Research Division will add to or delete from this information as the need arises.

## **Sub-Part 8701 – Environmental**

### **Chapter 01000 Scoping Meetings**

#### Purpose

- 100 To outline procedures for the scoping review process.
- 101 Early coordination with appropriate state and federal agencies, federally-recognized American Indian Tribes and land management entities aids in determining the type and scope of an environmental study.
- 102 The Mississippi Department of Transportation (MDOT) shall perform scoping meetings in compliance with the Code of Federal Regulations (CFR), Title 23, Volume 1, Chapter 1, Subchapter H, Parts 771.111(a), (d) and (e) and Part 771.119(b), or current amendment(s) to said Code(s).
- 103 Access to said Code may be obtained at: <http://ecfr.gpoaccess.gov>.

### **Chapter 02000 Public Involvement / Public Hearings**

#### Purpose

- 100 To establish procedures for coordinating and conducting public hearings.
- 101 Public hearings promote public involvement during project development.
- 102 The Public Involvement / Public Hearing program of the Mississippi Department of Transportation (MDOT) shall be conducted in compliance with the Code of Federal Regulations (CFR), Title 23, Volume 1, Chapter 1, Subchapter H, Part 771.111(h) and Part 771.119, or current amendment(s) to said Code(s) which is available at [www.gpoaccess.gov](http://www.gpoaccess.gov).
- 103 Access to said Code may be obtained at: <http://ecfr.gpoaccess.gov>.
- 104 In addition, the program shall include the following rules and/or procedures:
  - 1. Requirement for Public Hearing  
As is stated in the above referenced CFR, one or more public hearings or the opportunity for public hearing(s) shall be provided by MDOT for any Federal-aid project which requires:
    - a) Significant amounts of right-of-way, or
    - b) Substantially changes the layout or functions of connecting roadways or of the facility being improved, or
    - c) Has a substantial adverse impact on abutting property, or
    - d) Has a significant social, economic, environmental or other effect, or
    - e) Federal Highway Administration (FHWA) determines that a public hearing is in the public interest.

## 2. Notice for Public Hearing

Notices for public hearing or opportunities for public hearing shall be provided by publication of at least two (2) separate advertisements in a newspaper having a circulation local to the proposed project site(s). Each notice shall indicate the location of project-related material made available for public review. A copy of each notice shall be provided to the FHWA Administrator.

- a) Public Hearing for Environmental Impact Statement (EIS) Studies: The initial notice for public hearing involving an EIS study shall be published between 30 and 40 days prior to the hearing; the second notice shall be published between 5 and 12 days prior to the hearing. Each notice shall provide the time, date and location of the hearing. Each notice shall also explain that the public may provide written statements and/or other exhibits for study consideration in addition to or in lieu of oral comments provided at the public hearing.
  - b) Public Hearing for all other studies: The initial notice for public hearing involving all other studies shall be published between 15 and 21 days prior to the hearing; the second notice shall be published between 5 and 12 days prior to the hearing. Each notice shall provide the date, time and location of the hearing. Each notice shall also explain that the public may provide written statements and/or other exhibits for study consideration in addition to or in lieu of oral comments provided at the public hearing.
  - c) Opportunity for Public Hearing: The initial notice of opportunity for public hearing shall be published at least 21 days prior to the hearing; the second notice shall be published at least 14 days prior to the hearing. Each notice shall explain the procedure for requesting a public hearing and shall provide a deadline for said request to be received by MDOT. MDOT shall respond to requests for public hearing by contacting the requesting party for further communication and/or coordination purposes.
3. Location of Public Hearing  
Public hearings shall be held in a place and during a time that is generally convenient for persons affected by the proposed project.
4. Report of Public Hearing  
A transcript of the public hearing oral proceedings shall be produced and made available for public review and/or reproduction prior to the submittal of the final environmental study document to the FHWA Division Administrator for approval. Also provided shall be copies of each written statement and/or exhibit submitted for public hearing.

### **Sub-part 8801 – Ports and Waterways**

#### **Chapter 01001 Ports Multi-Modal Transportation Improvement Program**

##### Purpose

100 Provides port owners with the guidance for applying for MMTIP Funds

- 101 Application, approval and administrative requirements for port improvement projects in accordance with the Multi-Modal Transportation Improvement Program (MMTIP), Sections 65-1-701 through 65-1-711 of the Mississippi Code of 1972, as amended. The Mississippi Code is available at [www.state.ms.us](http://www.state.ms.us).
- 102 When funds are approved for the MMTIP, the Ports & Waterways Division will notify port owners of the availability of funds and solicit applications for projects to compete for the available funds. Application forms prepared by the Ports & Waterways Division will be provided with the letter of notification and submit a deadline date for receipt of applications.
- 103 Applications will be reviewed and approved by a ten (10) member Ports Multi-Modal Fund Committee comprised of the President of the Mississippi Water Resources Association President who will appoint seven (7) state port directors, three (3) of whom must be from the coastal ports and four (4) from the inland river ports, the Executive Director of the Mississippi Development Authority (MDA), or his designee, and the Executive Director of the Mississippi Department of Transportation (MDOT), or his designee.
- 104 Upon approval of the projects by the Ports Multi-Modal Committee, the projects will be presented to the Mississippi Transportation Commission for their approval. After Commission approval, the Ports & Waterways Division will issue a Multi-Modal Port Grant Agreement for acceptance by the respective port owners obligating funds for the project and establishing the terms and conditions for accomplishing the project.
- 105 After the Grant Agreement has been executed, the Ports & Waterways will administer the project in accordance with Sections 65-1-701 through 65-1-711 of the Mississippi Code of 1972, as amended.

### **Sub-part 9001 – Professional Development**

#### **Chapter 01000 MDOT Transportation and Civil Engineering (TRAC) Program**

##### **Purpose**

- 100 To describe the process for prospective Middle and High Schools to become involved in the MDOT Transportation and Civil Engineering (TRAC) program.
- 101 The Mississippi Department of Transportation provides the Transportation and Civil Engineering (TRAC) program to Middle and High School classrooms in the State of Mississippi. The TRAC program is an educational outreach program that uses hands-on activities to expose students to Civil Engineering and other transportation related careers. This rule explains the process for participation in the TRAC program.
- 102 The Mississippi Department of Transportation provides the TRAC program to Middle and High School classrooms in the State of Mississippi. The TRAC program is an

educational outreach program that uses hands-on activities to get students interested in Civil Engineering and other transportation related careers.

- 103 Schools interested in participating in the TRAC program should contact MDOT's Professional Development Division or visit [www.gomdot.com/TRAC](http://www.gomdot.com/TRAC) for a copy of the program application. Applications will be accepted through April 1 for the upcoming school year. Any application received after April 1 will be considered for the following school year. Each application must be submitted and signed by the principal/school administrator.
- 104 Once a school has been accepted into the TRAC program all participating teachers must attend a required 1-2 day TRAC training session. Each attending teacher then must sign a TRAC participation agreement during the training session. Each participating teacher must complete a utilization report once a school semester for the duration of the agreement. Participation applications must be renewed annually.

### **Chapter 01500 MDOT Roadways into the Development of Elementary Students (RIDES) Program**

#### Purpose

- 100 To describe the process for prospective Elementary Schools to become involved in the MDOT Roadways into the Development of Elementary Students (RIDES) program.
- 101 The Mississippi Department of Transportation provides the Roadways into the Development of Elementary Students (RIDES) program to Elementary School classrooms in the state of Mississippi. The RIDES program is an educational outreach program that uses hands-on activities to expose students to Civil Engineering and other transportation related careers. This rule explains the process for participation in the RIDES program.
- 102 The Mississippi Department of Transportation provides the RIDES program to Elementary School classrooms in the state of Mississippi. The RIDES program is an educational outreach program that uses hands-on activities to expose students to Civil Engineering and other transportation related careers.
- 103 Schools interested in participating in the RIDES program should contact MDOT's Professional Development Division or visit [www.gomdot.com/RIDES](http://www.gomdot.com/RIDES) for a copy of the program application. Applications will be accepted through April 1 for the upcoming school year. Each application must be submitted and signed by the principal/school administrator.
- 104 Once a school has been accepted into the RIDES program all participating teachers must attend a required 1-2 day RIDES training session. Each attending teacher then must sign a RIDES participation agreement during the training session. Each participating teacher

must also complete a utilization report once a school semester for the duration of the agreement. Participation application must be renewed annually.

## **Chapter 02000 MDOT Litter Prevention Educational Program**

### Purpose

- 100 The purpose is to describe the process for entities such as prospective schools, Head Start Centers, daycares, libraries, community organizations, civic clubs, local governments, and businesses to request a litter prevention presentation.
- 101 The Mississippi Department of Transportation has litter prevention program representatives to provide educational presentations to schools, Head Start Centers, daycares, libraries, community organizations, civic clubs, local government entities, and businesses. This rule explains the process of requesting a presentation.
- 102 The Mississippi Department of Transportation (MDOT) has litter prevention program representatives to provide educational presentations to schools, Head Start Centers, daycares, libraries, community organizations, civic clubs, local government entities, and businesses.
- 103 Those interested in scheduling a litter prevention presentation should contact the MDOT office in their area. Contact information is available on the MDOT internet, [www.gomdot.com/antilitter](http://www.gomdot.com/antilitter).

## **Chapter 02100 MDOT Inmate Litter Removal Program**

### Purpose

- 100 The purpose is to describe to prospective county and city governments the process of becoming involved with the MDOT Inmate Litter Removal Program.
- 101 The Mississippi Department of Transportation (MDOT) provides the Inmate Litter Removal Program to county and city governments interested in partnering with MDOT to remove litter from the State's rights-of-way in the participating county or city. This rule explains the process of how to obtain a Memorandum of Understanding with the Mississippi Transportation Commission in order to participate in the program.
- 102 The Mississippi Department of Transportation (MDOT) provides the Inmate Litter Removal Program to county and city governments to remove litter from the State's rights-of-way in the participating county or city.
- 103 Those county and city governments interested in obtaining a Memorandum of Understanding with the Mississippi Transportation Commission in order to participate in the program should contact the MDOT office in their area. Contact information is available on the MDOT internet, [www.gomdot.com/antilitter](http://www.gomdot.com/antilitter).

## **Chapter 02200 MDOT Adopt-A-Highway Program**

### **Purpose**

- 100 The purpose is to describe the process for prospective citizens, groups, organizations and businesses of how to become involved with the MDOT Adopt-A-Highway Program.
- 101 The Mississippi Department of Transportation (MDOT) provides the Adopt-A-Highway Program to citizens, groups, organizations, and businesses to remove litter from the State's rights-of-ways. This rule explains the process of how to obtain an agreement with the Mississippi Transportation Commission in order to participate in the program.
- 102 The Mississippi Department of Transportation (MDOT) provides the Adopt-A-Highway Program to citizens, groups, organizations, and businesses to remove litter from the State's rights-of-ways.
- 103 Those interested in obtaining an agreement with the Mississippi Transportation Commission to participate in the program should contact the MDOT office in their area. Contact information is available on the MDOT internet, [www.gomdot.com/antilitter](http://www.gomdot.com/antilitter).

## **Chapter 02300 Adopt-An-Interchange Program**

### **Purpose**

- 100 The purpose is to describe the process for prospective county and city governments of how to become involved with the MDOT Adopt-An-Interchange Program.
- 101 The Mississippi Department of Transportation (MDOT) provides the Adopt-An-Interchange Program to county and city governments to beautify the interchanges, intersections, and related area. The rule explains the process of how to obtain an agreement with the Mississippi Transportation Commission in order to participate in the program.
- 102 The Mississippi Department of Transportation (MDOT) provides the Adopt-An-Interchange Program to county and city governments to beautify the interchanges, intersections, and related area.
- 103 Those county and city governments interested in obtaining an agreement with the Mississippi Transportation Commission in order to participate in the program should contact the MDOT office in their area. Contact information is available on the MDOT internet, [www.gomdot.com/antilitter](http://www.gomdot.com/antilitter).

## **Sub-Part 9201 – Financial Management**

### **Chapter 01000 Vendor Payment Processing**

## Purpose

- 100 To define vendor payment processing.
- 102 The Mississippi Department of Transportation incurs expenditures when it accepts goods or services from a vendor and arranges for payment to be made at a later date. MDOT follows the procedures for processing payments according to guidelines set by the Department of Finance and Administration and as mandated by Mississippi Law.
- 103 The processing of vendor payments are governed by the provisions of the most current version of the Mississippi Agency and Accounting Policies and Procedures Manual, Sections 11.10 through 11.40, as amended, and Section 31-7-303 (1) & (2) of the Mississippi Code of 1972, as amended.
- 104 This information can be located at [www.mississippi.gov](http://www.mississippi.gov).

## **Chapter 02000 Intergovernmental Transfers**

### Purpose

- 100 To define Intergovernmental Transfers.
- 101 Intergovernmental transfers are payments made to other Mississippi state agencies as reimbursements for goods and / or services provided to the Mississippi Department of Transportation.
- 102 The processing of all intergovernmental transfers is governed by the provisions of the most current version of the Mississippi Agency and Accounting Policies and Procedures Manual, Section 11.20.30, as amended. This information can be located at [www.mississippi.gov](http://www.mississippi.gov).

## **Chapter 03000 Accounting for Infrastructure**

### Purpose

- 100 Accounting for Infrastructure
- 102 The Mississippi Department of Transportation will record and report depreciation of major infrastructure assets as defined by the Governmental Accounting Standards Board, under Statement 34, as amended.
- 103 The Governmental Accounting Standards Board (GASB) is responsible for developing standards of state and local governmental accounting and financial reporting that guide and educate the public.
- 104 GASB Statement 34, (Basic Financial Statements – and Management’s Discussion and Analysis - For State and Local Governments) establishes financial reporting standards for



state and local governments, including providing information which states the amount the State of Mississippi has invested in capital assets.

- 105 The Mississippi Department of Transportation has assisted the Department of Finance and Administration by providing the method in which infrastructure assets will be depreciated based on historical cost.
- 106 MDOT has established a policy to record, depreciate and report financial information of infrastructure assets in compliance with the guidelines of the most current version of the Governmental Accounting Standards Board (GASB) Statement 34, as amended. This information can be located at [www.gasb.org](http://www.gasb.org).

### **Chapter 04000 Electronic Transactions**

#### **Purpose**

- 100 To set forth the statutory basis for electronic payments made and received by the Mississippi Department of Transportation.
- 101 This rule gives statutory guidance for electronic payments allowed under the Uniform Electronic Transactions Act (UETA) codified at the most recent version of sections 75-12-1, et seq., Mississippi Code of 1972, Annotated, as amended.
- 102 MDOT, pursuant to Section 75-12-35, Mississippi Code of 1972, Annotated, as amended, and available at [www.mississippi.gov](http://www.mississippi.gov), in order to promote more efficient operations, may accept payments for various fees, permits and services in electronic form in accordance with the UETA and the Department of Finance and Administration Official Policy for State Agencies Acceptance of Electronic Payments as issued August 22, 2001, or as may be amended (the DFA policy). Both current and new applications deployed by MDOT for acceptance of electronic payment must be consistent with the DFA policy and must be approved by DFA in advance of deployment. Electronic authorizations for transactions initiated under MDOT applications for payment of fees, services and permits are valid, and the electronic approval is considered an electronic signature and is valid and enforceable under the terms of the UETA. MDOT, pursuant to Section 75-12-35, in order to promote more efficient contractual arrangements, may contractually agree to make or accept electronic payments for goods or services. MDOT will also, pursuant to Section 75-12-35, in order to promote more efficient internal operations, accept electronic records and signatures of employees and contract workers in accordance with this policy and the UETA.

### **Sub-Part 9301 – Asset Management**

#### **Chapter 00601 Disposal of Surplus Property**

#### **Purpose**

- 100 This rule provides information concerning disposal of MDOT surplus property. MDOT Surplus property is disposed of in accordance with the State of Mississippi, Department of Finance and Administration, Office of Purchasing and Travel Procurement Manual.
- 101 MDOT Surplus property is disposed of in accordance with the current edition of the State of Mississippi, Department of Finance and Administration (DFA), Office of Purchasing and Travel Procurement Manual, Chapter 8, as amended. This information can be reviewed at the DFA website (<http://www.dfa.state.ms.us>). Select “Statewide Purchasing”, then “Procurement Manual”.
- 102 In association with the disposal of vehicles, there is a processing fee for **replacement** titles. The fee is \$25.00 plus the fee charged by the State Tax Commission as set forth in Section 63-21-63(2) of the Mississippi Code of 1972, Annotated, as Amended.

### **Chapter 01901 Equipment Rental Rates**

#### Purpose

- 100 To disclose MDOT’s procedure for determining rental rates of real and personal property of the Department. Rental rates for MDOT vehicles and equipment are established by the Asset Management Division in close cooperation with the Federal Highway Administration.
- 101 Rental rates for MDOT vehicles and equipment are established by the Asset Management Division in close cooperation with the Federal Highway Administration (FHWA). Rental rates are approved by the FHWA, and must be in accordance with Federal cost principles and FHWA policy (23 CFR 635), as amended. The website for FHWA is <http://www.fhwa.dot.gov>. Rental rates are a means of distributing costs to projects, maintenance schedules, and work orders.

### **Chapter 02001 Equipment Specifications**

#### Purpose

- 100 To set guidelines for writing specifications and the types of specifications to be used. The Mississippi Department of Transportation Asset Management Division establishes guidelines regarding the writing of specifications and the types of specifications to be used in accordance with the Mississippi Procurement Manual and the Mississippi Code of 1972.
- 101 The Mississippi Department of Transportation Asset Management Division establishes guidelines regarding the writing of specifications and the types of specifications to be used as set forth in the most current version of the State of Mississippi, Department of Finance and Administration (DFA), Office of Purchasing and Travel Procurement Manual, Sections 4.101 through 4.206, as amended and Title 31, Chapter 7, Mississippi Code of 1972, as amended. This information can be reviewed at the DFA website

(<http://www.dfa.state.ms.us>) under the statewide purchasing section and at the Secretary of State website ([www.sos.state.ms.us/pubs/MSCode/](http://www.sos.state.ms.us/pubs/MSCode/)).

## **Sub-Part 9401 – Human Resources**

### **Chapter 02010 Public Request for Organization Information**

#### **Purpose**

- 100 Description of organization and how the public may obtain this information.
- 101 This rule establishes a description of MDOT’s organization which states the general course and method of its operations, including how the public may obtain information or make submissions/requests as required by Mississippi Code.
- 102 The public may obtain a description of MDOT’s organization from MDOT’s website (<http://www.gomdot.com>). This website contains the most current organizational chart as well as other organizational information.
- 103 The public may also obtain information or make submissions/requests as required by Mississippi Code by writing to:

Mississippi Department of Transportation  
Human Resources Division  
P.O. Box 1850  
Jackson, Mississippi 39215-1850

Or calling (601)359-7350.

### **Chapter 03060 Experience and Training Record**

#### **Purpose**

- 100 Verification of education and experience.
- 101 This rule states that an applicant must fill out an Experience and Training Record and the information is subject to verification.
- 102 Each applicant of the State of Mississippi must complete and sign an official “Experience and Training Record” in order to qualify for a position. In doing so, the applicant has verified, by signature, that all information is “true and complete.” As well, the applicant acknowledges that misrepresentation may lead to rejection of application and removal from the list of eligibles.
- 103 During the interview with an applicant, the Division/District must notify the applicant that the information on his/her application is subject to verification.

## **Chapter 04010 Recruitment**

### **Purpose**

- 100 Recruitment and selection of employees.
- 101 This rule explains the process of recruitment and selection by MDOT.
- 102 It is the responsibility of the State Personnel Board and/or Human Resources Division to recruit and retain qualified applicants for employment with the Mississippi Department of Transportation.
- 103 To ensure that this responsibility is effectively carried out, all applicants interested in employment with the Department must submit a completed State of Mississippi Experience and Training Record. The Experience and Training Record is evaluated by the State Personnel Board.
- 104 If an applicant meets the minimum requirements for the position for which they are applying, the State Personnel Board will administer skill, aptitude and/or other examinations, as required. If an applicant does not pass an examination on their first attempt, he/she may request to take the exam a second time. An applicant may retest three (3) times within six (6) months from the date of the first test.
- 105 In order to fill a vacant position exempt from the Selection Process of the State Personnel Board, the District/Division will accept completed Experience and Training Records from applicants, select a qualified applicant, and forward all required documents to the Human Resources Division.

## **Chapter 09020 Cooperative Education Program**

### **Purpose**

- 100 Define policy and procedures for co-op program applicants
- 101 This rule establishes guidelines for applicants to the Cooperative Education Program.
- 102 Applicants for this program must be accepted by and registered with the Co-Op office of the Cooperative Education Program at the university with which the Mississippi Department of Transportation has a sponsored Cooperative Education Program in Civil Engineering.
- 103 Applicants/Employees in this status will be hired and terminated in accordance with the dates agreed upon between the Human Resources Division and the applicant's/employee's sponsoring Co-Op office.

## **Chapter 09030 Pilot Program**

## Purpose

- 100 Define policy and procedures for pilot program applicants
- 101 This rule explains how students are selected for the MDOT Pilot Program.
- 102 Applicants for this program shall fill out an application through the Civil Engineering Department at the participating universities. These applications shall be submitted to the Mississippi Department of Transportation from the participating universities after being evaluated by the university professors.
- 103 After accepting the qualified applications, MDOT's selection committee will choose the most qualified applicants to fill the positions they have based on their budget for the upcoming fiscal year.

## **Sub-part 9501 – Procurement**

### **Chapter 00505 Performance Bond Requirements for Equipment and Commodities**

#### Purpose

- 100 Performance Bond Requirement for the purchase of equipment and commodities.
- 101 Mississippi Department of Transportation Commission Order dated 08-22-89, found at Minute Book 107, Page 599 of the Official Minutes of the Mississippi Department of Transportation Commission (Performance Bond requirements).
- 102 Performance Bonds will be required in accordance with Mississippi Transportation Order dated August 22, 1989 found in Minute Book 107, Page 599 of the Official Minutes of the Mississippi Department of Transportation Commission as amended. This Commission Order may be viewed at 401 North West Street in the Secretary to the Commission's Office.

### **Chapter 00510 Bid Bond Requirements for Equipment**

#### Purpose

- 100 Bid Bond Requirement for the purchase of equipment.
- 101 Mississippi Department of Transportation Commission Order dated 02-27-73, found at Minute Book 97, Page 405 of the Official Minutes of the Mississippi Department of Transportation Commission (Bid Bond requirements).
- 102 Bid Bonds for equipment purchases will be required in accordance with Mississippi Transportation Order dated February 27, 1973 found in Minute Book 97, Page 405 of the Official Minutes of the Mississippi Department of Transportation Commission as

amended. This Commission Order may be viewed at 401 North West Street in the Secretary to the Commission's Office.

### **Chapter 00515 Legal basis for MDOT Procurement Actions**

#### Purpose

- 100 Define the legal basis for Mississippi Department of Transportation procurement actions.
- 101 The laws and regulations mandated by The Office of Purchasing and Travel, under the Department of Finance and Administration, for use by the Mississippi Department of Transportation Procurement Division.
- 102 Mississippi Department of Transportation Procurement Division will follow purchasing regulations established by the Office of Purchasing and Travel as mandated by the most current version of Title 31, Chapter 7, Mississippi Code of 1972, as amended. The Office of Purchasing and Travel Procurement Manual can be located at [www.dfa.state.ms.us](http://www.dfa.state.ms.us) under statewide purchasing section and The Mississippi Code of 1972 can be located at [www.sos.state.ms.us/pubs/MScode/](http://www.sos.state.ms.us/pubs/MScode/) .

### **Chapter 01000 Public Access to Procurement Information**

#### Purpose

- 100 To set guidelines for public access to Mississippi Department of Transportation's procurement information.
- 101 The Mississippi Department of Transportation Procurement Division will follow the rules, guidelines and procedures as set forth in the most current version of the Mississippi Procurement Manual, Section 1.301, as amended, and as mandated by the most current version of section 31-7-1 et. seq. of the Mississippi Code of 1972 as amended.
- 102 Mississippi Department of Transportation Procurement Division will provide public access to all procurement information as set forth in the most current version of the Mississippi Procurement Manual, Section 1.301 as amended, and in Section 25-61-1 et seq., Mississippi Code of 1972, as amended, except as noted in the Mississippi Procurement Manual, Section 1.301.01 as amended. The Mississippi Procurement Manual can be located at [www.dfa.state.ms.us](http://www.dfa.state.ms.us) under statewide purchasing section and the Mississippi Code of 1972 can be located at [www.sos.state.ms.us/pubs/MScode/](http://www.sos.state.ms.us/pubs/MScode/).

### **Chapter 02000 Established Contracts; Open-Market Purchases; Rental, Lease, and Lease-Purchase of Equipment and Furniture; and Printing, Binding, Engraving and Lithographing.**

#### Purpose

- 100 To set guidelines for purchasing from established contracts; open-market purchases; rental, lease, and lease-purchase of equipment and furniture; and printing, binding, engraving and lithographing.
- 101 The Mississippi Department of Transportation Procurement Division will follow guidelines for purchasing from established contracts; open-market purchases; rental; lease, and lease-purchase of equipment and furniture; and printing, binding, engraving and lithographing as set forth by the most current version of the Mississippi Procurement Manual, section 2.103.01 through 2.103.06 as amended and as mandated by the most current version of section 31-7-1 et. seq. of the Mississippi Code of 1972 as amended.
- 102 Mississippi Department of Transportation Procurement Division will follow guidelines for purchasing from established contracts such as competitive bid contracts, negotiated contracts, and agency contracts as set forth from the most current version of the Mississippi Procurement Manual, Section 2.103.01 as amended and Section 31-7-13, Mississippi Code of 1972, as amended.
- 103 Mississippi Department of Transportation Procurement Division will follow guidelines for purchasing from open-market purchases as set forth from the most current version of the Mississippi Procurement Manual Section 2.103.02 as amended and Section 31-7-13 et. seq., Mississippi Code of 1972, as amended.
- 104 Mississippi Department of Transportation Procurement Division will follow guidelines for purchasing regarding rental, lease, lease-purchase of equipment and furniture as set forth from the most current version of the Mississippi Procurement Manual Section 2.103.03 as amended and the most current version of Sections 31-7-10 and/or 31-7-13, Mississippi Code of 1972, as amended.
- 105 Mississippi Department of Transportation Procurement Division will follow guidelines for purchasing commodities and equipment per standards as set forth from the most current version of the Mississippi Procurement Manual Section 2.103.04 and Section 2.103.05 as amended and the most current version of Section 31-7-13, Mississippi Code of 1972, as amended.
- 106 Mississippi Department of Transportation Procurement Division will follow guidelines for printing, binding, engraving and lithographing as set forth from the most current version of the Mississippi Procurement Manual Section 2.103.06 as amended and the most current version of Section 31-7-13 and 31-7-15, Mississippi Code of 1972, as amended.
- 107 The Mississippi Procurement Manual can be located at [www.dfa.state.ms.us](http://www.dfa.state.ms.us) under statewide purchasing section and the Mississippi Code of 1972 can be located at [www.sos.state.ms.us/pubs/MScod/](http://www.sos.state.ms.us/pubs/MScod/)

## **Chapter 03000 Source Selection and Contract Formation**

## Purpose

- 100 To set guidelines for Source Selection and Contract Formation.
- 101 The Mississippi Department of Transportation Procurement Division will follow guidelines regarding source selection and contract formation processes in accordance with the most current version of Mississippi Procurement Manual, Section 3.101 through 3.203.17 as amended, and as mandated by the most current version of section 31-7-1 et. seq. of the Mississippi Code of 1972 as amended
- 102 Mississippi Department of Transportation Procurement Division will follow guidelines regarding source selection and contract formation processes in the most current version of the Mississippi Procurement Manual, Section 3.101 through 3.203.17 as amended and the most current version of Title 31, Chapter 7, Mississippi Code of 1972, as amended. The Mississippi Procurement Manual can be located at [www.dfa.state.ms.us](http://www.dfa.state.ms.us) under statewide purchasing section and the Mississippi Code of 1972 can be located at [www.sos.state.ms.us/pubs/MSCode/](http://www.sos.state.ms.us/pubs/MSCode/).

## **Chapter 03001 Small Purchases**

### Purpose

- 100 To set guidelines for procuring small purchases.
- 101 The Mississippi Department of Transportation Procurement Division will follow guidelines regarding small purchases in accordance with the most current version of the Mississippi Procurement Manual, Section 3.204 as amended, and as mandated by the most current version of section 31-7-1 et. seq. of the Mississippi Code of 1972 as amended.
- 102 Mississippi Department of Transportation Procurement Division will follow guidelines regarding small purchases as set forth in the most current version of the Mississippi Procurement Manual Section 3.204 as amended and the most current version of Title 31, Chapter 7, Mississippi Code of 1972, as amended. The Mississippi Procurement Manual can be located at [www.dfa.state.ms.us](http://www.dfa.state.ms.us) under statewide purchasing section and the Mississippi Code of 1972 can be located at [www.sos.state.ms.us/pubs/MSCode/](http://www.sos.state.ms.us/pubs/MSCode/).

## **Chapter 03002 Sole Source Purchases**

### Purpose

- 100 To set guidelines for sole source purchases.
- 101 The Mississippi Department of Transportation Procurement Division will follow guidelines regarding sole source purchases in accordance with the most current version of the Mississippi Procurement Manual, Section 3.205 as amended, and as mandated by the



most current version of section 31-7-1 et. seq. of the Mississippi Code of 1972 as amended.

- 102 Mississippi Department of Transportation Procurement Division will follow guidelines regarding sole source purchases as set forth in the most current version of the Mississippi Procurement Manual Section 3.205 as amended and the most current version of Title 31, Chapter 7, Mississippi Code of 1972, as amended. The Mississippi Procurement Manual can be located at [www.dfa.state.ms.us](http://www.dfa.state.ms.us) under statewide purchasing section and the Mississippi Code of 1972 can be located at [www.sos.state.ms.us/pubs/MScod/](http://www.sos.state.ms.us/pubs/MScod/).

### **Chapter 03003 Emergency Purchases**

#### Purpose

- 100 To set guidelines for emergency purchases.
- 101 The Mississippi Department of Transportation Procurement Division will follow guidelines regarding emergency purchases in accordance with the most current version of the Mississippi Procurement Manual, Section 3.206 as amended, and as mandated by the most current version of section 31-7-1 et. seq. of the Mississippi Code of 1972 as amended.
- 102 Mississippi Department of Transportation Procurement Division will follow guidelines regarding emergency purchases as set forth in the most current version of the Mississippi Procurement Manual Section 3.206 as amended and the most current version of Title 31, Chapter 7, Mississippi Code of 1972, as amended. The Mississippi Procurement Manual can be located at [www.dfa.state.ms.us](http://www.dfa.state.ms.us) under statewide purchasing section and the Mississippi Code of 1972 can be located at [www.sos.state.ms.us/pubs/MScod/](http://www.sos.state.ms.us/pubs/MScod/).

### **Chapter 03004 Invitations for Bids or Requests for Proposals**

#### Purpose

- 100 To set guidelines for cancellation of invitations for bids (IFB) or requests for proposals (RFP).
- 101 The Mississippi Department of Transportation Procurement Division will follow guidelines regarding the cancellation of invitations for bids or requests for proposals in accordance with the most current version of the Mississippi Procurement Manual, Section 3.301 as amended, and as mandated by the most current version of section 31-7-1 et. seq. of the Mississippi Code of 1972 as amended.
- 102 Mississippi Department of Transportation Procurement Division will follow guidelines regarding the cancellation of invitations for bids or requests for proposals as set forth in the most current version of the Mississippi Procurement Manual Section 3.301 as amended and the most current version of Title 31, Chapter 7, Mississippi Code of 1972,

as amended. The Mississippi Procurement Manual can be located at [www.dfa.state.ms.us](http://www.dfa.state.ms.us) under statewide purchasing section and the Mississippi Code of 1972 can be located at [www.sos.state.ms.us/pubs/MScode/](http://www.sos.state.ms.us/pubs/MScode/).

### **Chapter 03005 Prequalification of Suppliers**

#### Purpose

- 100 To set guidelines for prequalification of suppliers.
- 101 The Mississippi Department of Transportation Procurement Division will follow guidelines regarding prequalification of suppliers in accordance with the most current version of the Mississippi Procurement Manual, Section 3.402 as amended, and as mandated by the most current version of section 31-7-1 et. seq. of the Mississippi Code of 1972 as amended.
- 102 Mississippi Department of Transportation Procurement Division will follow guidelines regarding prequalification of suppliers as set forth in the most current version of the Mississippi Procurement Manual Section 3.402 as amended and Title 31, Chapter 7, Mississippi Code of 1972, as amended. The Mississippi Procurement Manual can be located at [www.dfa.state.ms.us](http://www.dfa.state.ms.us) under statewide purchasing section and the Mississippi Code of 1972 can be located at [www.sos.state.ms.us/pubs/MScode/](http://www.sos.state.ms.us/pubs/MScode/) .

### **Chapter 03006 Contracts**

#### Purpose

- 100 To set guidelines for types of contracts.
- 101 The Mississippi Department of Transportation Procurement Division will follow guidelines regarding the use of the different types of contracts in accordance with the most current version of the Mississippi Procurement Manual, Section 3.501 through Section 3.701 as amended, and as mandated by the most current version of section 31-7-1 et. seq. of the Mississippi Code of 1972 as amended and as approved by the Mississippi Department of Transportation Commission.
- 102 Mississippi Department of Transportation Procurement Division will follow guidelines regarding the use of the different types of contracts as set forth in the most current version of the Mississippi Procurement Manual, Section 3.501 through Section 3.701 as amended; the most current version of Title 31, Chapter 7, Mississippi Code of 1972, as amended; and as approved by the Mississippi Department of Transportation Commission. The Mississippi Procurement Manual can be located at [www.dfa.state.ms.us](http://www.dfa.state.ms.us) under statewide purchasing section and the Mississippi Code of 1972 can be located at [www.sos.state.ms.us/pubs/MScode/](http://www.sos.state.ms.us/pubs/MScode/).

### **Chapter 03007 Forms**

#### Purpose

- 100 To set guidelines for use of forms as directed by Office of Purchasing and Travel.
- 101 The Mississippi Department of Transportation Procurement Division will follow guidelines regarding the use of forms required by the Office of Purchasing and Travel in accordance with the most current version of the Mississippi Procurement Manual, Section 3.801 as amended and as mandated by the most current version of section 31-7-1 et. seq. of the Mississippi Code of 1972 as amended.
- 102 The Mississippi Department of Transportation Procurement Division will follow guidelines regarding the use forms required by the Office of Purchasing and Travel in accordance with the most current version of the Mississippi Procurement Manual, Section 3.801 as amended. The Mississippi Procurement Manual can be located at [www.dfa.state.ms.us](http://www.dfa.state.ms.us) under statewide purchasing section and the Mississippi Code of 1972 can be located at [www.sos.state.ms.us/pubs/MScode/](http://www.sos.state.ms.us/pubs/MScode/).

### **Chapter 05000 Modifying or Terminating Contracts for Commodities**

#### Purpose

- 100 To set guidelines for modifying or terminating a contract for commodities.
- 101 The Mississippi Department of Transportation Procurement Division will follow guidelines regarding the modification or termination of a commodities contract in accordance with the most current version of the Mississippi Procurement Manual, Section 5.101 as amended, and as mandated by the most current version of section 31-7-1 et. seq. of the Mississippi Code of 1972 as amended.
- 102 Mississippi Department of Transportation Procurement Division will follow guidelines regarding the modification or termination of a commodities contract as set forth in the most current version of the Mississippi Procurement Manual Section 5.101 as amended and the most current version of Title 31, Chapter 7, Mississippi Code of 1972, as amended. The Mississippi Procurement Manual can be located at [www.dfa.state.ms.us](http://www.dfa.state.ms.us) under statewide purchasing section and the Mississippi Code of 1972 can be located at [www.sos.state.ms.us/pubs/MScode/](http://www.sos.state.ms.us/pubs/MScode/).

### **Chapter 06000 Legal and Contractual Remedies**

#### Purpose

- 100 To set guidelines for legal and contractual remedies.
- 101 The Mississippi Department of Transportation Procurement Division will follow guidelines for legal and contractual remedies in accordance with the most current version

of the Mississippi Procurement Manual, Section 6.101 through Section 6.209 as amended and as mandated by the most current version of section 31-7-1 et. seq. of the Mississippi Code of 1972 as amended; and approved by the Mississippi Department of Transportation Commission.

- 102 Mississippi Department of Transportation Procurement Division will follow guidelines for legal and contractual remedies as set forth in the most current version of the Mississippi Procurement Manual Section 6.101 through Section 6.209 as amended and the most current version of Title 31, Chapter 7, Mississippi Code of 1972, as amended; and as approved by the Mississippi Department of Transportation Commission. The Mississippi Procurement Manual can be located at [www.dfa.state.ms.us](http://www.dfa.state.ms.us) under statewide purchasing section and the Mississippi Code of 1972 can be located at [www.sos.state.ms.us/pubs/MScode/](http://www.sos.state.ms.us/pubs/MScode/).

## **Chapter 10000 Purchasing**

### **Purpose**

- 100 To set guidelines for procuring certain items (i.e., petroleum products) or when using specialized techniques.
- 101 The Mississippi Department of Transportation Procurement Division will follow guidelines regarding the procurement of certain items or using specialized techniques in accordance with the most current version of the Mississippi Procurement Manual, Section 10.101 through Section 10.106 as amended; as mandated by the most current version of section 31-7-1 et. seq. of the Mississippi Code of 1972 as amended; and approved by the Mississippi Department of Transportation Commission.
- 102 Mississippi Department of Transportation Procurement Division will follow guidelines regarding the procurement of certain items or using specialized techniques as set forth in the most current version of the Mississippi Procurement Manual Section 10.101 through Section 10.106 as amended; the most current version of Title 31, Chapter 7, Mississippi Code of 1972, as amended; and approved by the Mississippi Department of Transportation Commission. The Mississippi Procurement Manual can be located at [www.dfa.state.ms.us](http://www.dfa.state.ms.us) under statewide purchasing section and the Mississippi Code of 1972 can be located at [www.sos.state.ms.us/pubs/MScode/](http://www.sos.state.ms.us/pubs/MScode/).

## **Chapter 10500 Information Technology Hardware, Software and Services Procurement**

### **Purpose**

- 100 To set guidelines for procuring information technology hardware, software and services.
- 101 The Mississippi Department of Transportation Procurement Division will follow guidelines regarding the procurement of information technology hardware, software and services in accordance with the most current version of the Mississippi Department of

Information Technology Services Procurement Manual, as amended, and as mandated by the most current version of section 31-7-1 et. seq. of the Mississippi Code of 1972 as amended.

- 102 Mississippi Department of Transportation Procurement Division will follow written guidelines regarding the procurement of information technology hardware, software and services as set forth in the most current version of the Mississippi Department of Information Technology Services Procurement Manual, as amended and the most current version of Title 31, Chapter 7, Mississippi Code of 1972, as amended. The Mississippi Information Technology Services Manual can be located at [www.its.state.ms.us](http://www.its.state.ms.us) and the Mississippi Code of 1972 can be located at [www.sos.state.ms.us/pubs/MScode/](http://www.sos.state.ms.us/pubs/MScode/).