

Mississippi Secretary of State

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Department of Transportation		CONTACT PERSON Ray Goodman	TELEPHONE NUMBER 601-939-7105	
ADDRESS 401 N. West St.		CITY Jackson	STATE MS	ZIP 39201
EMAIL rules@mdot.state.ms.us	SUBMIT DATE 4-27-21	Name or number of rule(s): 37.1.7501.03005		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: minor changes and clarifications

Specific legal authority authorizing the promulgation of rule: Section 65-1-8 (2)(cl. et. seq. of the Mississippi Code of 1972

Annotated as amended)

List all rules repealed, amended, or suspended by the proposed rule: 37.1.7501.03005

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

☒ Presently, an oral proceeding is not scheduled on this rule.

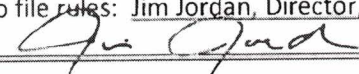
If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

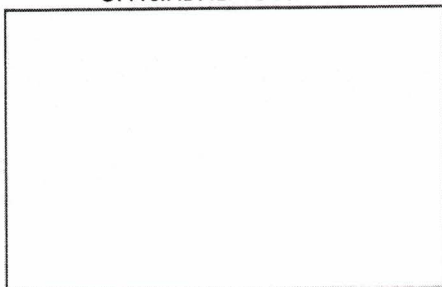
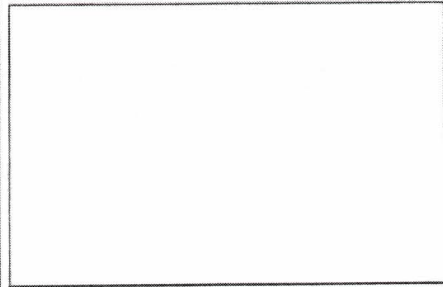
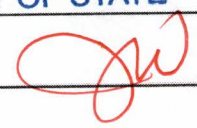
ECONOMIC IMPACT STATEMENT:

☐ Economic impact statement not required for this rule. ☒ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) _____ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: _____ 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: 3-24-21 Action taken: ☒ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: ☒ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Jim Jordan, Director, Central Services Division

Signature of person authorized to file rules: 

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
 Accepted for filing by	 Accepted for filing by	 Accepted for filing by #25503 

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



Michael Watson
SECRETARY OF STATE

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

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DESCRIPTIVE TITLE OF PROPOSED RULE Clearing and Pruning of Trees and Other Vegetation for Utility Lines		
Specific Legal Authority Authorizing the promulgation of Rule: Miss. Code Ann. § 65-1-8(2) (Rev 2006)		Reference to Rules repealed, amended or suspended by the Proposed Rule: 37.1.7501.03005

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit:

A permit is currently required for clearing and pruning of trees and other vegetation for construction of new utility lines. This regulation will benefit MDOT by requiring notification 24 hours prior to a utility company performing maintenance clearing and pruning for an existing utility line located on right-of-way. This regulation will benefit the utility by not requiring additional permits to be submitted when the utility wishes to perform maintenance operations to clear or prune trees and other vegetation which will not require traffic control or lane closures.

2. Briefly describe the need for the proposed rule:

The proposed rule will provide clarification on when additional permits may be required for the clearing and pruning of vegetation along existing utility lines on right-of-way. It also reinforces that all trees, brush, limbs and other debris must be removed from the right-of-way within the same day of the operation. The proposed rule addresses remnant patches or strips of trees and vegetation left after maintenance clearing and pruning operations completed by a utility. Additional clearing without reimbursement may be required by the District Engineer if potential safety issues exists or if removing remnant patches of timber or vegetation would reduce maintenance costs on the right-of-way.

3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:

The proposed action should enhance safety and aesthetics by ensuring that proper notification, traffic control, and removal of debris from right-of-way. It will further assist in reducing the overall maintenance costs incurred by MDOT with regard to maintaining roadsides in the vicinity of utility lines.

4. Estimated Cost of implementing proposed action:

- a. To the agency
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
- b. To other state or local government entities

☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:

c. Cost:

☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

d. Economic Benefit:

☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

6. Estimated impact on small businesses:

☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

a. Estimate of the number of small businesses subject to the proposed regulation: None

b. Projected costs for small businesses to comply: None

c. Statement of probable effect on impacted small businesses: None

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

☐ substantially less than ☐ moderately less than ☐ minimally less than

☒ the same as ☐ minimally more than ☐ moderately more than

☐ substantially more than ☐ excessively more than

8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

☐ substantially less than ☐ moderately less than ☐ minimally less than

☐ the same as ☒ minimally more than ☐ moderately more than

☐ substantially more than ☐ excessively more than

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?

☐ yes

☒ no

2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form. Professional experience and judgment was used in estimating any minimal impacts associated with the proposed revisions.

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled? Questions and comments can be submitted and oral proceedings can be scheduled virtually on an as needed basis if necessary.

SIGNATURE

TITLE

Director, Central Services Division

DATE

4-27-21

PROPOSED EFFECTIVE DATE OF
RULE

5-27-21