

Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation Commission  
Chapter 6—Outdoor Advertising

PROPOSED AMENDMENT

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SEP 08 2017

SECRETARY OF STATE  
ADMINISTRATIVE RULES

**7 CSR 10-6.085 Cutting and Trimming of Vegetation on Right-of-Way.** The Missouri Highways and Transportation Commission is amending sections (1), (1)(A), (1)(C), (3), (3)(B) through (3)(D), (4)(A), and (4)(B); deleting section (1)(B); and renumbering section (1)(C).

*PURPOSE: This amendment removes unnecessary restrictive language and modifies provisions relating to the cutting and trimming of vegetation on right of way to clear a billboard's visibility zone.*

(1) Permits. To promote highway safety, a permit issued by the department's authorized representative is required to cut or trim any vegetation in front of any lawful sign. *[Permits to cut vegetation will be issued only for lawful signs which are at least five (5) years old. Permits to trim trees will be issued only after a lawful sign is at least two (2) years old.]* A vegetation permit may be denied or limited if the plan is deemed to be detrimental to the stability of the state right-of-way as determined by the department's authorized representative.

(A) *[Fee]* **Performance Bond.** *[The cost of a permit for trimming and cutting is determined on the basis of the vegetation to be removed. All diameter measurements contained in this rule shall be measured at four and one-half feet (4 1/2') above ground level. There is no fee to trim trees or remove brush and trees with a diameter of less than six inches (6"), but a permit will still be required. The fee to remove each tree with a diameter equal to or greater than six inches (6") is one hundred dollars (\$100) plus an additional one hundred dollars (\$100) for every inch of diameter greater than six inches (6").]* A performance bond in an amount up to one thousand dollars (\$1,000) *[shall be]* **is** required to ensure restoration of highway right-of-way. *[All fees must be paid prior to the commencement of any tree trimming.]*

*[(B) Scope. Permits will only allow the cutting of vegetation necessary to clear the sign's visibility zone as determined by the department's authorized representative and the applicant at the time the permit is issued. This visibility zone is an area on the right-of-way four hundred fifty feet (450') on interstate and freeway and nonfreeway primary highways. The length is from the edge of the sign face closest to the highway pavement in a direction parallel to the pavement.]*

*[(C)B] Duration.* All permits *[shall]* expire after *[one hundred twenty]* **three hundred sixty five** *[[120] 365]* days.

(3) Conditions. To promote highway safety, the following conditions *[shall]* apply to trimming and cutting of vegetation on highway right-of-way:

(B) Damage to Right-of-Way. The applicant *[will be held]* **is** responsible for any damage to the right-of-way. Any destruction of turf *[will]* **requires** the applicant to restore the right-of-way to a like or better condition, which may require seeding, mulching or sodding of the right-of-way which has been disturbed;

(C) Herbicides. Only herbicides approved by the department's authorized representative may be used to trim or remove vegetation. The applicant *[must]* **will** comply with the Missouri Pesticide Use Act, sections 281.005 through 281.115, RSMo.

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SEP 08 2017

ADMINISTRATIVE RULES

(D) Destruction of Vegetation. A vegetation permit will be revoked if an applicant destroys desired vegetation due to excessive cutting, trimming, or inappropriate use of herbicides on vegetation. If *[the permit is]* revoked *[due to excessive cutting, trimming, or inappropriate use of herbicides]*, the department will retain and collect against any bonds filed.

(4) Informal Hearing on Denial of Permit to Cut or Trim.

(A) Request for Informal Hearing. If denied a permit to cut or trim vegetation, the applicant *[shall]* **will** have twenty (20) working days to request an informal hearing for the purpose of appealing the denial. *The applicant shall* **by** submitting its request for an informal hearing to the Outdoor Advertising Manager, Missouri Department of Transportation, PO Box 270, Jefferson City, MO 65102.

(B) Procedure. If the applicant requests an informal hearing, the department's authorized representative *[shall]* **will** advise the applicant of the time, date, and place. This is not a contested case under Chapter 536, RSMo. The rules of evidence *[shall]* **will** not apply at the hearing.

*AUTHORITY: section 226.150, RSMo 2000, and sections 226.500–226.600, RSMo 2000 and Supp. 2013. \* Original rule filed June 15, 1993, effective Jan. 31, 1994. Amended: Filed Aug. 31, 1999, effective March 30, 2000. Amended: Filed April 15, 2003, effective Nov. 30, 2003. Amended: Filed Oct. 3, 2013, effective May 30, 2014. Amended: Filed September 8, 2017.*

*\*Original authority: 226.150, RSMo 1939, amended 1977; and 226.500–226.600, see Missouri Revised Statutes 2000 and Supp. 2013.*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately twenty one thousand dollars (\$21,000) a year in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, 105 W. Capitol Avenue, PO Box 270, Jefferson City, Missouri 65102 or [Pamela.Harlan@modot.mo.gov](mailto:Pamela.Harlan@modot.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*