

**OKLAHOMA DEPARTMENT OF TRANSPORTATION**

**MOWING AGREEMENT**  
(Title 69 Oklahoma Statutes § 304(I))

DIVISION NO. \_\_\_\_\_

COUNTY \_\_\_\_\_

HIGHWAY NO. \_\_\_\_\_

APPLICANT:  
NAME \_\_\_\_\_

ODOT APPROVAL BY:  
NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

ADDRESS \_\_\_\_\_

TELEPHONE NO. \_\_\_\_\_

DATE OF APPROVAL \_\_\_\_\_

APPLICANT REQUESTS PERMISSION TO MOW STATE HIGHWAY RIGHT-OF-WAY AND TO KEEP CLIPPINGS FROM SUCH MOWING AS THE SOLE COMPENSATION THEREFOR. THE MOWING SHALL BE ACCOMPLISHED IN THE AREAS AND WITHIN THE PERIOD DESCRIBED BELOW:

Mowing to Begin: \_\_\_\_\_  
Date

And end: \_\_\_\_\_  
Date

**DESCRIPTION** (List each area separately)

1. Area begins \_\_\_\_\_ miles. (N-S-E-W) \_\_\_\_\_ of Jct. \_\_\_\_\_ and extends  
(N-S-E-W) \_\_\_\_\_ miles Control Section \_\_\_\_\_

2. Area begins \_\_\_\_\_ miles. (N-S-E-W) \_\_\_\_\_ of Jct. \_\_\_\_\_ and extends  
(N-S-E-W) \_\_\_\_\_ miles Control Section \_\_\_\_\_

3. Area begins \_\_\_\_\_ miles. (N-S-E-W) \_\_\_\_\_ of Jct. \_\_\_\_\_ and extends  
(N-S-E-W) \_\_\_\_\_ miles Control Section \_\_\_\_\_

**LIABILITY INSURANCE**

(A certificate of insurance or copy of insurance policy is attached)

Name of Policy Holder \_\_\_\_\_

Policy Number \_\_\_\_\_

Company Assuming Insurance \_\_\_\_\_

Expiration Date of Policy \_\_\_\_\_

Bodily Injury Amount \_\_\_\_\_

Property Damage Amount \_\_\_\_\_

**OKLAHOMA TRANSPORTATION COMMISSION RULES  
OKLAHOMA ADMINISTRATIVE CODE  
Title 730: Chapter 35: Subchapter 17  
MOWING AGREEMENT**

Section 1 Purpose: It is the purpose of this subchapter to establish regulations which enable the Department to enter into written agreements with private citizens to allow such citizens to mow state highway rights-of-way and to keep the clippings from such mowing as the sole compensation.

Section 2 Application: The regulations of this subchapter are applicable to any person, firm or corporation who intend to mow state highway rights-of-way and keep the clippings from such mowing as sole compensation therefor.

Section 3 Definitions: The following words or terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

- (a) "Department" means the Oklahoma Department of Transportation.
- (b) "Mowing Guide" means the Oklahoma Department of Transportation Mowing Guide dated July 1, 1993.
- (c) "Permittee" means a person, firm or corporation who has applied for and received a permit from the Department for the express purpose of mowing the state highway rights-of-way.

Section 4 Mowing Permits:

- (a) No person, firm or corporation shall mow any portion of the state highway rights-of-way and keep the clippings from such mowing without first obtaining a written permit from the Department.
- (b) Application for a permit shall be submitted to the appropriate Field Division Engineer using forms provided by the Department.
- (c) Permits shall be for a duration of one year or for a specific mowing season.
- (d) Consideration for permit applications to mow a given area of rights-of-way will be granted to the adjacent land owner. All others approved on a first come first served basis.
- (e) There shall be no fee for the permit.
- (f) A copy of the approved permit shall be available on the worksite for inspection at all times.

Section 5 Responsibility for Damage Claims:

- (a) The permittee shall indemnify, save and hold harmless the Department, its officers and employees thereof against all suits, actions or claims of any character arising from any injuries or damage received or sustained by any person, persons, or property which may arise as a result of the mowing and baling operations of the said permittee, or on account of, or in consequence of any negligence on the part of the applicant in safeguarding his operations.
- (b) The permittee shall carry and keep in force liability insurance during the permit period in the following minimum amount:

Bodily Injury	\$ 300,000 Each Claim
Property Damage	\$ 100,000 Each Claim
Total Liability	\$400,000 For any number of claims arising out of a single occurrence or accident.

- (c) The permittee shall be held responsible for any damage to fences, signs, guardrail, landscape plantings or other highway features resulting from his operations.
- (d) The Department is not liable for the quality of the hay or clippings obtained through this agreement and the applicant assumes all risk of injury or damage to himself, his property or to others, or to the property of others which may result from debris, foreign objects or chemical contamination of such hay or clippings.
- (e) Mowing of state highway rights-of-way by the applicant will be done with the full knowledge that the vegetation may contain chemical residue of automotive emissions and chemical herbicides used for vegetative control.

Section 6 Mowing Operations: All operations upon the highway right-of-way must be in accordance with the guidelines established in the Department's current Mowing Guide and meet the approval of the Division Engineer. Failure to comply with the Mowing Guide or the provisions of this subchapter shall be cause for immediate cancellation of the permit.

- (1) Special attention is directed to the General Policy statements contained in the Mowing Guide.
  - (A) Permittee is required to erect and maintain standard warning signs in advance of his operations. All mowing and baling equipment shall have the standard "Slow Moving" vehicle emblems.
  - (B) Normal mowing limits will be as outlined in the Mowing Guide.
    - (i) No mowing will be allowed on newly constructed or planted rights-of-way for a period of two (2) years.
    - (ii) The permittee will confined his operation to daylight hours and no work will be performed on Saturday, Sunday, or on State Observed Holidays.
    - (iii) When soil conditions are such that damage to the slopes is caused by mowing and baling equipment, operations will be discontinued.
  - (C) The Department is cooperating with the Wildlife Conservation Department, Garden Clubs and other civic organization in the propagation and maintenance of native wildflowers, wildlife and the establishment of wildlife habitats. Mowing will be deferred in those areas where there is a predominance of the wildflowers and no mowing will be permitted in areas designated as "Wildflower Plots" or "Acres of Wildlife".
  - (D) The minimum mowing height shall be five (5) inches.
- (2) All mowing shall be done in a workman-like manner and the mowed area shall be left in a neat condition upon completion of the work. Mowing will be continuous within the designated area and selective mowing of vegetation will not be permitted; however, the permittee will be allowed to bale only those areas of vegetation he chooses.
- (3) Equipment necessary for this operation will not be left unattended on the rights-of-way within thirty (30) feet of the roadway shoulder.
- (4) Round bales or roll bales will not be permitted and all hay must be removed from the highway right-of-way within ten (10) days after baling. Any bales not so removed may be removed by the Department without compensation to the permittee.

I have read the above rules and regulations and agree to abide by them as stated.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date of Application

STATE OF OKLAHOMA        )  
  ) SS  
COUNTY OF \_\_\_\_\_)

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public / Commission Number

*Original Copy to Field Division  
2nd & 3rd Copies to Applicant  
4th Copy to Maintenance Division  
5th Copy to County Foreman*

My Commission Expires: \_\_\_\_\_