

**Title 69: Roads, Bridges and Ferries**  
**Chapter 1 - Oklahoma Highway Code of 1968**  
**Article 3 - State Highway Administration**  
**Section 304 - State Highway System - Construction and Maintenance - Powers of Commission**

(a) The construction and maintenance of the State Highway System, and all work incidental thereto, shall be under the general supervision and control of the Transportation Commission.

(b) The Commission shall have power to make all final decisions affecting the work provided for herein, and all reasonable rules and regulations it may deem necessary, not inconsistent with this code, for the proper management and conduct of such work, and for carrying out the provisions of this article, in such manner as shall be to the best interest and advantage of the people of this state.

(c) The Commission shall have power and authority to contract for and purchase, lease or otherwise acquire any tools, machinery, supplies, material or labor needed or to be needed for such work, having the deliveries of such articles made as actually needed, and to pay for engineering, preparation of plans and specifications, costs of advertising, engineering supervision and inspection and all expenses and contingencies in connection with the construction and maintenance of the State Highway System. When quality and prices are equal, preference shall be given materials produced within the State of Oklahoma and highway construction companies domiciled, having and maintaining offices in and being citizen taxpayers of the State of Oklahoma.

(d) The Commission shall have authority to make all contracts and do all things necessary to cooperate with the United States Government in matters relating to the cooperative construction, improvement and maintenance of the State Highway System, or any road or street of any political or governmental subdivision or any municipal or public corporation of this state, for which federal funds or aid are secured. Such contracts or acts shall be carried out in the manner required by the provisions of the Acts of Congress and rules and regulations made by an agency of the United States in pursuance of such acts.

(e) Any political or governmental subdivision or any public or municipal corporation of this state shall have the authority to enter into contracts through or with the Commission to enable them to participate in all the benefits to be secured from federal aid funds, or funds

made available from the federal government to be used on roads and streets. The Commission may negotiate and enter into contracts with the federal government, or any of its constituted agencies, and take all steps and proceedings necessary in order to secure such benefits for such political or governmental subdivisions or public or municipal corporations.

(f) The Commission, on behalf of the state, and any political or governmental subdivision or public or municipal corporation of this state shall have the authority to enter into agreements with each other respecting the planning, designating, financing, establishing, constructing, improving, maintaining, using, altering, relocating, regulating or vacating of highways, roads, streets or connecting links.

(g) The Commission shall have authority to act in an advisory capacity, upon request, to any political or governmental subdivision or public or municipal corporation of this state in matters pertaining to the planning, locating, constructing and maintaining of roads, highways and streets and other related matters. The Commission, in such instances, may provide services and may cooperate with such subdivisions and corporations on such terms as may be mutually agreed upon.

(h) The Commission may purchase out of the State Highway Construction and Maintenance Fund such commercial vehicles and passenger automobiles as may be necessary for the use of the Department and its employees in the construction and maintenance of the State Highway System and all work incidental thereto, and in carrying out the duties now or hereafter imposed upon the Department by the laws of this state.

(i) The Commission may enter into written agreements with private citizens to allow such citizens to mow state highway rights-of-way and keep the clippings from such mowing as the sole compensation therefor.

**730:35-17-1. 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.

[Source: Amended at 17 Ok Reg 1384, eff 5-11-00]

**730:35-17-2. Application**

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

[Source: Amended at 17 Ok Reg 1384, eff 5-11-00]

**730:35-17-3. Definitions**

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

**"Department"** means the Oklahoma Department of Transportation.

**"Mowing Guide"** means the Oklahoma Department of Transportation Mowing Guide, dated July 1, 1993.

**"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.

[Source: Amended at 17 Ok Reg 1384, eff 5-11-00]

**730:35-17-4. 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 right-of-way will be granted first to the adjacent land owner. All others will be considered 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.

[Source: Amended at 17 Ok Reg 1384, eff 5-11-00]

**730:35-17-5. 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 amounts:

- (1) Bodily Injury, \$300,000 each occurrence; and
- (2) Property Damage, \$100,000 each occurrence; and
- (3) Total Liability, \$400,000

(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 for 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.

[Source: Amended at 17 Ok Reg 1384, eff 5-11-00]

**730:35-17-6. Mowing operations**

All operations upon the highway rights-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 provision 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 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 confine 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 organizations in the propagation and maintenance of native wildflowers, wildlife and the establishments 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 for 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 rights-of-way within ten (10) days after baling. Any bales not so removed may be removed by the Department without compensation to the permittee.

[Source: Amended at 17 Ok Reg 1384, eff 5-11-00]