
Rules of
Department of Transportation
Division 10—Missouri Highways and Transportation
Commission
Chapter 13—Plant Collection from Right-of-Way

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**Title 7—DEPARTMENT OF
TRANSPORTATION**
**Division 10—Missouri Highways and
Transportation Commission**
**Chapter 13—Plant Collection from
Right-of-Way**

**7 CSR 10-13.010 Permit Specifications for
Removal of Plants**

PURPOSE: This rule provides guidelines for issuing special permits covering the digging or removal of plants and plant parts from highway right of way established in 229.475 through 229.479, RSMo.

(1) Permits.

(A) Permits are required for the digging of removal of any plants or plant parts from any real property of the commission, or right-of-way of any highway or roadway. The decision to approve or deny a permit shall be in the discretion of the commission or its designated representative after consideration of relevant factors which shall include, but not be limited to, the following:

1. Number of plants to be dug or removed;
2. Type of plant to be dug or removed;
3. Proposed method of digging or removal;
4. Purpose of digging or removal;
5. Erosion control;
6. Aesthetics of the property;
7. Interference with activities of the commission; and
8. The requirements and intent of sections 229.475 through 229.481, RSMo

(B) Permits shall specify the time period and location for the digging or removal of the plant or plant parts. Permits shall also specify the species of plant, the portions of the plant and the amount of material or plant parts which may be dug or removed.

(C) Permits will be issued by the district offices which are open Monday through Friday, 7:30 a.m.–4:00 p.m., except for holidays.

(2) Agreements and Conditions.

(A) The applicant and permittee agree to certain conditions when a permit is issued. These conditions, attached to the permit, are as follows:

1. The applicant for permit and the permittee named in the application agree to assume full responsibility for injury to persons or damage to the public or private property, include highway facilities, caused by removal procedures;

2. The applicant or permittee shall be responsible for injury or damages as a result

of any acts performed under the terms and conditions of the permit. In addition to the liability imposed upon the applicant or permittee on the account of personal injury and/or bodily injury, including death or property damage suffered as a result of the applicant's or permittee's performance under the permit, the applicant or permittee assumes the obligation to save harmless the commission, including its agents, employees and assigns, and to indemnify the commission, including its agents, employees and assigns from every expense, liability or payment arising out of such act, including legal fees. The applicant and permittee also agree to hold harmless the commission, including its agents, employees and assigns, from any act or omission committed by applicant or permittee or other person employed by or under the supervision of the applicant or permittee for any purpose under this permit;

3. Any misrepresentation in the application for a permit or any operation not made in strict compliance with the permit and not in compliance with the laws of Missouri or the United State, except as specifically exempted, is unlawful and renders the permit void;

4. Permits voided by a violation shall be surrendered to any law enforcement officer of to any employee of the Department of Transportation. Permits so surrendered shall be returned to the Department of Transportation, Division, P.O. Box 270, Jefferson City, MO 65102; and

5. The permit granted in only for the time period, plant species, plant portions, plant amounts and location(s) specified.

(B) All violation or misrepresentations will be recorded in the file of the applicant and permittee. The applicants and/or permittee may be requested to submit a written explanation for the violation or misrepresentation involved. Flagrant or repeated violations are not in the interest of the public. If, in the opinion of the chief engineer of the Department of Transportation, the applicant's or permittee's record is such that future permits should not be granted because it would not be in the public interest, the applicant or permittee will be advised in writing.

(3) Permit Applicants, Permit Transmissions, Permit Fees.

(A) Applications for permit should be filed ten (10) working days prior to the anticipated date of digging or removal of plants or plant parts.

(B) Applications for all permits are accepted in person, by mail, by telephone, by facsimile machine, or by telegraph where a local telegraph office is located.

(C) Application shall be submitted by completing a standardized application for permit available from the district offices. Each application shall show all information requested in regard to applicant and plant collection.

(D) There are no fees associated with this permit application.

(E) Permits are transmitted by all permit offices by mail or permits may be picked up at all permit offices.

AUTHORITY: sections 227.030 and 229.475–229.479, RSMo 1994. Original rule filed June 11, 1996, effective Dec. 30, 1996.*

**Original authority: 227.030, RSMo 1939 and 229.475–229.479, RSMo 1993.*