

# Application to Harvest Hay

Date: \_\_\_\_\_

**Submit completed application form in person to the nearest Department of Roads' area maintenance office along with:**

- Required certificate of insurance or copy of insurance policy
- Check or money order for \$40.00, made payable to Nebraska Department of Roads

United States Citizenship Attestation Form, DR Form 289 attached.

## APPLICANT

_____ (Name)		_____ (County)	
_____ (Address)		_____ (Phone – include Area Code)	
_____ (City, State, Zip)		_____ (Email Address)	

## LOCATION

Highway No.	Beginning Reference Point	Ending Reference Point	Side(s)	Miles

### Release of Liability:

**The applicant hereby acknowledges that:**

I will assume all risk and liability for hay quality, including any contaminants, which may be contained in the harvested hay.

I will assume all risk and liability for any accidents and damages that may occur as a result of the work.

I acknowledge that the State of Nebraska is not liable for work performed by the permittee.

I understand that all risk of injury or damage to the permittee, property of the permittee or his or her employees or sub-contractors which may result from debris, foreign objects, or chemical contamination resulting from handling or feeding hay is assumed by the permittee.

I shall assume all risk and liability for accidents and damages that may occur to persons or property as a result of a permit to harvest hay on the right-of-way.

I shall indemnify and hold the Department harmless from any and all costs, liabilities, expenses, suits, judgments, or damages to persons or property, or claims of any nature arising out of or in connection with a permit to harvest hay on the right-of-way or the operation and performance by the permittee, his or her employees or subcontractors.

I shall be liable for any damage to Department right-of-way, culverts, bridges, drainage channels, slopes, right-of-way markers, pavement, shoulders, inlets, fences, signs, guardrail, trees and shrubs or appurtenances or any other thing or device located on the highway right-of-way by permit as a result of work associated with a permit to harvest hay on the right-of-way.

### Insurance Certification:

**Please check appropriate box, initial in the space provided, and sign below:**

\_\_\_\_\_ I (Applicant) am performing the mowing and harvesting operations for this permit and have provided to the Department an ACORD certificate of insurance, a substantially equivalent certificate, or a copy of my insurance policy showing the type and amount of liability insurance carried, and I certify that this insurance meets the coverage limits and activities described.

**OR**

\_\_\_\_\_ I (Applicant) do hereby attest that the mowing and harvesting operations in the highway right-of-way for this permit is being performed by \_\_\_\_\_ and the aforementioned person is providing the required insurance documentation to the Department of Roads.

## ACKNOWLEDGEMENT

\_\_\_\_\_ I have read and agree to follow Chapter 1-Hay Harvesting Permits Rules and Regulations Nebraska Administrative Code, Title 408.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Requirements:**

To assure compliance with Neb.Rev.Stat. 2-945.01 to 2-966, Noxious Weed Control Act, the permittee shall obtain noxious weed identification, location, and demarcation from the County Weed Superintendent prior to harvesting hay on the highway right-of-way. Noxious weeds shall be mowed but not windrowed or baled. ■ The permittee shall have a copy of the permit on site during all harvesting activities. ■ Vegetation shall be mowed no lower than 5 inches. ■ No selective mowing will be allowed. All vegetation including grasses, weeds, sunflowers, or volunteer growth, excluding landscaping, must be mowed even if not harvested. ■ All windrowed vegetation shall be baled within 3 days, weather permitting. ■ Bales of vegetation shall not at any time be located closer than 30 feet from the near edge of pavement.

**All baled vegetation shall be removed from the right-of-way within 10 days after being baled or by September 15, whichever comes first, except during conditions described in section 005.08. Bales not removed within this time limit may be removed and/or disposed of by the Department at a cost chargeable to the permit holder. No baling of mowed hay will be allowed after the expiration date of September 15.**

■ The permit holder shall not engage in harvesting operations during periods when resultant wheel ruts would cause possible drainage or erosion problems. Costs for repair by the Department of damage to the right-of-way caused by such operations will be chargeable to the permit holder.

No mowing or harvesting shall be allowed on any of the following non-exclusive listed areas: ■ On the right-of-way of any interstate or freeway ■ Within 15 feet from the edge of the pavement. ■ On slopes steeper than three (3) feet horizontal to one (1) foot vertical. ■ On newly seeded areas where adequate vegetation is not established. ■ On areas with sparse or marginal vegetative cover as determined by the Department. ■ On medians, interchange quadrants, rest areas, and construction zones. ■ Within corporate limits. ■ On other areas excluded by the Department.

Harvesting operations by the permittee shall be completed in a workmanlike manner in a way that meets all requirements of these regulations. All hay harvested from the right-of-way shall be for the private use of the permittee. Hay harvesting operations within the right-of-way shall be confined to the hours between one hour after sunrise to one hour before sunset. ■ Right-of-way markers, land monuments, fences, signs, landscape plantings or other highway features or structures shall not be removed, altered or damaged. The permittee shall be financially responsible for any damages. Equipment shall be parked at the right-of-way line. In no case shall equipment be parked closer than thirty (30) feet from the near edge of the pavement. In the event that the right-of-way line is too close to allow the equipment to be greater than 30 feet from the traveled way, the permittee shall park the equipment off the right-of-way. ■ When on foot, all persons shall be required to wear high-visibility safety apparel that meets the performance Class 2 or Class 3 requirements of the ANSI/ISEA 107-2004 publication entitled "American National Standard for High-Visibility Safety Apparel and Headwear." One Class 2 vest shall be provided per permit. Additional vests may be purchased at cost from the Department.

**Criteria:**

Abutting landowners can begin harvesting on July 15. All others are restricted to harvesting between July 30 and September 15. Only one cutting per permit will be allowed.

The abutting landowner or the owner's assignee shall have priority to receive a permit for such land during normal business hours before 4:30 p.m. until July 29.

All applicants who are not abutting owners or owners' assignees shall not be eligible to apply and receive a permit until July 30 of each year.

Applicants who are not abutting owners or owners' assignees shall be limited to a permit for a distance not to exceed a total of five (5) miles per year. These miles may be on either side of the highway as long as the combined distance on both sides does not exceed five (5) miles. These five (5) miles need not be continuous. Distance will be measured to the nearest tenth (0.1) of a mile and will be referenced to the nearest milepost.

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**Please check the appropriate box and sign.**

Applicant – Owner(s) of Record **or** Owner's Designation of Assignee. (Use this if the applicant is the owner(s) of record. Signature of all owners is required.)

The undersigned hereby designates \_\_\_\_\_ as the assignee. (Use this line only if Assignee designation is used.)

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Signature

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Date

Applicant – Assignee. (Only use this when the applicant is the assignee of the owner(s) of record.)

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Signature

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Date

Applicant – Other. (Only use this after July 30. Area mowed is limited to five (5) miles. See criteria above.)

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Signature

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Date