

**STATE**

**OF**

**TENNESSEE**

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January 1, 2015

**SPECIAL PROVISION**

**REGARDING**

**RIGHTS-OF-WAY MOWING**

**Description.** This work shall consist of mowing of the rights-of-way for vegetation control in accordance with the Plans, Specifications and as directed by the Engineer. A mowing cycle shall be one complete mowing of the areas along state highways and interstates designated within this contract and shall be completed within twenty (20) days suitable for mowing.

**Definitions.**

**Mowing.** The work associated with cutting or trimming vegetation primarily consisting of, but not limited to, grasses and invasive weeds to provide a consistent and aesthetically pleasing standing vegetation height as directed by the Engineer.

**Mechanical Mower.** A piece of equipment which is capable of mowing vegetation in excess of 2 acres per hour at least five (5) hours per day.

**Continuous Mowing Operation.** A Continuous Mowing Operation is an operation conducted for a minimum of five (5) hours per day over a twenty (20) Work Day cycle which consists of one or more mechanical mowers working independently or in coordination to cut vegetation on state right-of-way deemed Mowable Acres by the Engineer.

**Hand Trimming.** The work associated with cutting or trimming vegetation in close proximity to objects or in areas not accessible to conventional mowers in an attempt to prevent damage and provide a consistent vegetation height by means other than a mechanical mower.

**Work Day.** A calendar day, exclusive of Sundays and State recognized holidays, which weather or other conditions not under the control of the Contractor, will permit mowing operations to proceed for at least five (5) hours of the day with the normal working force engaged in performing the controlling item or items of work which are normal to progress at the time, as determined by the Engineer.

**General.** All mowing shall be performed to the satisfaction of the Engineer. Standing vegetation shall be cut to a height of 4 inches while maintaining a consistent vegetation profile within all mowing limits adjacent to the roadway. The Contractor shall mow only those areas that are designated as mowable acres, including, if present, a minimum of 5 feet up the back slope from the bottom of the ditch, and 5 feet behind all guardrails as shown in The Typical Mowing Diagram on sheet 7. Vegetation including small trees, shrubs, and bushes with a stem diameter of up to 1 inch which are inside of and encroaching upon the established mowing limits shall be cut by the contractor using a mower or hand trimming methods as directed by the Engineer. Extreme care shall be taken not to damage the trees, plants and shrubs, which are designated by the Engineer to remain. Hand Trimming may be required as directed by the Engineer for areas of vegetation inside the designated mowing limits which are not accessible to mechanical mowers. As work progresses mowing and trimming shall be conducted in such a manner to provide a consistent standing vegetation height in all mowing limits adjacent to the roadway (see sheet 7 for Typical Mowing Diagram). The Contractor shall mow as close as practicable to all fixed objects. Hand trimming is required atop earth berms, within all rip rap areas, and around all fixed objects, including but not limited to earth berms, guardrails, cablerail, utility installations, utility poles, mailboxes, delineators, sign posts, wildflower plots, bridge abutments and bridge piers. The Contractor shall not apply chemicals, unless otherwise specified in the special notes. See the Special Notes regarding the special types of mowing, the number of cycles and incidentals. See sheet 7 for a typical mowing diagram detailing the required mowing limits. Actual dimensions & mowing limits shall be discussed at the Preconstruction Conference.

The Department reserves the right to perform spot mowing with its own forces on all State right-of-way as necessary. Minor quantity adjustments may be made due to the Tennessee Department of Transportation's Wildflower Program, Adopt a Plot Program, designated research areas, environmental no-mow areas, and Adopt A Highway Program.

**Time and Frequency Mowing.** The number of mowing cycles will be indicated in the Special Notes, but may be decreased by one mowing cycle. In addition, the Engineer may require a partial mowing cycle at certain locations. A notice to begin work will be issued to the Contractor at least five (5) days prior to the date the mowing cycle is to begin. Work shall begin on the date specified in the notice. A failure to begin mowing operations on the date specified in the notice will result in the assessment of liquidated damages (See SP108B). The mowing cycle shall be 20 working days suitable for mowing unless otherwise documented in the Special Notes.

Mowing shall be performed only during the hours of daylight Monday through Friday, or as directed by the Engineer. If work is performed on Saturday the Contractor will be charged a Working Day. No work shall be conducted on Sunday. Any day the Contractor maintains a continuous mowing operation will be charged as a working day.

**Mowing Operations.** Work shall begin for each mowing cycle on the date specified in the Notice to begin work. Once a mowing cycle begins the contractor shall maintain a Continuous Mowing Operation until the mowing is complete. A mowing cycle will be considered complete when all mowing and hand trimming is complete to the satisfaction of the Engineer.

Hand Trimming shall be performed in advance of the continuous mowing operation or as close to said operation as practically possible and completed within five (5) working days if no other work remains for the cycle. Failure to complete hand trimming within five (5) working days of the termination of mechanical mowing represents a failure to maintain a continuous mowing operation.

When mowing within twelve (12) feet of the edge of pavement, mechanical mowers shall not discharge vegetation and debris toward the roadway. When mowing is required in close proximity to the roadway any vegetation or debris deposited on the roadway as a result of the mowing operation will be removed before leaving the area. Any cost associated with the removal of vegetation clippings, foreign objects, or gravel that is deposited on the roadway, the shoulder, or in a curb and gutter section as a result of the mowing operation shall be included in the unit price bid for mowing (item no. 806-01).

**Equipment.** Prior to beginning work, the Contractor shall provide the Engineer a schedule of equipment which will be used to accomplish work under the terms of the contract. The Contractor shall certify to the Engineer that the equipment to be used on this project is suitable for mowing along public highways at all locations designated herein to be mowed as per the equipment manufacturer's recommendations, and further that all equipment used in the work will be maintained in safe operating condition at all times. Any equipment that the Engineer determines to be unsuitable for use or hazardous to highway users shall not be used in the work. The Contractor shall provide sufficient equipment and accessory items necessary for an efficient operation and the completion of the mowing cycle in the designated time. Any special equipment requirements will be noted in the Special Notes.

All rotary mowers must be equipped with safety chains to prevent damage to property caused by flying debris propelled out from under the mower. Chains shall be a minimum of 5/16 inch in size and links spaced side by side around the mower's front, sides and rear. Chains shall be spaced at no less than twelve (12) strands of chain per foot and shall be laced horizontally one row from the bottom with 1/4" steel cable secured by cable clamps on each end. When sitting on level ground, at a level cutting height of seven (7) inches, the chains shall be long enough to drag the ground. Flaps or semi-rigid guards will not be allowed as a substitute for chains. Maximum cutting widths for rigid frame rotary mowers shall be 120 inches (10 ft.). Maximum cutting widths for all other mower types shall not exceed 180 inches (15 ft.) without the approval of the Engineer.

Tractors shall be equipped so as to conform to prevailing Occupational Safety Health Act Standards, including flashing amber lights and slow moving equipment emblems. While equipment is not in use, it shall be parked or stored off the pavement or shoulder of the highway in an inconspicuous place more than 30 feet from edge of pavement or as directed by the Engineer. Under no circumstances shall mowers be parked or stored on medians less than 100 feet wide. When batwing mowers are being moved from one site to another under their own power with the mowers raised, the mower shall be disengaged.

Handheld, pushed, or riding trimmers using string or blades are not considered mechanical mowers under the terms of this special provision.

The Contractor shall be required to have the company name and phone number on all tractors and work zone support vehicles on the left and right sides in a location that is visible to the public. The lettering for the company name and phone number shall consist of a reflectorized material with a minimum height of three inches (3”) or five inches (5”) in height if non-reflectorized.

**Equipment Cleaning.** The Contractor will be required to clean any piece of equipment moved into Tennessee if the equipment is moving from an area infested with invasive species of concern listed below:

1. Cogon Grass

Prior to moving equipment into Tennessee the Contractor shall notify the Engineer of the location of the equipment’s most recent operation. The Contractor shall not move any equipment that last operated in an area infested with an invasive species of concern into Tennessee without having cleaned such equipment of seeds, soil, vegetative matter, and other debris that could contain or hold seeds. If the Contractor cannot verify the location of its most recent operation, then the Contractor shall assume that the location is infested with invasive species of concern.

Prior to moving from an area identified as infested with invasive species of concern to, or through Tennessee, the Contractor shall clean such equipment of seeds, soil, vegetative matter, and other debris that could contain or hold seeds, and shall notify TDOT prior to moving any equipment subject to the cleaning requirements set forth above. The Contractor shall advise TDOT of its cleaning measures and make the equipment available for inspection. TDOT shall have 2 days, excluding weekends and state holidays, to inspect and approve for use equipment after it has been made available. After satisfactory inspection, the Contractor may move the equipment as planned. Equipment shall be considered clean when a visual inspection does not disclose seeds, soil, vegetative matter, and other debris that could contain or hold seeds. The Contractor shall not be required to disassemble equipment.

**Traffic Control.** The Contractor shall maintain traffic and all traffic control devices for mobile mowing operations according to the requirements contained herein, the State of Tennessee’s currently adopted edition of the Manual on Uniform Traffic Control Devices (MUTCD) defined under the Rules of Tennessee Department of Transportation Chapter 1680-3-1, and the Standard Specifications.

**Warning Signs.** The Contractor shall furnish portable signs in accordance with the “Manual on Uniform Traffic Control Devices” to notify the traveling public of the operations of mowing equipment. The Contractor shall place these signs on the highway during the operation of mowers and remove them immediately after the operation ceases. Signs at the beginning point shall be 48” by 48” in size, diamond shaped with black letters on an orange background with a black border with eight inch high letters. These signs shall be dual mounted, one on each shoulder, for both directions of travel.

**Damage to Property.** The Contractor shall carry on his operation in such a manner that he does not damage the existing ground areas, trees, shrubs, guardrail, utilities, delineators or other structures. The Contractor shall not mow during wet conditions where turf damage or ruts would occur. In the event damage occurs to the right-of-way by reason of mowing operations, the Contractor shall replace or repair same, at his own expense, in like kind, and as directed by the Engineer. If damaged property resulting from the Contractor's operations has to be repaired or replaced by the Department, the cost of such work shall be deducted from monies due the Contractor.

The Contractor shall take all necessary precautions to prevent damage to passing vehicles and to both public and private property. This shall include, but is not limited to trees, shrubs, fences, mail boxes, structures, delineators, utility poles, guardrail, cablerail, signs, vehicles and any other property which may be damaged by the mowing operation. Payment for work may be withheld until damaged property has been repaired or replaced.

The Contractor shall respond to all claims of damage from the public within 72 hours after notification of damage. Failure to settle claims for damages in a timely manner may result in actions by the Department to preclude the Contractor from performing work on future projects.

**Additional Work.** The Contractor may be required to mow in areas not specifically detailed in the Special Notes under the direction of the Engineer. Additional work shall be limited to the counties and systems which are designated in the Special Notes. Payment for additional work will be made at the contract unit price for mowing (item no. 806-01)

**Mobilization.** One (1) mobilization (Item No. 717-01.04) payment will be made each time the Contractor is called out for a mowing cycle or partial cycle.

**Method of Measurement.** Mowing shall be measured by the acre based on the quantities shown in the Special Notes for each mowable area. Each mowing cycle or partial cycle will be measured separately. A mowing cycle includes the mowing of all tabulated areas shown in the Special Notes one time.

**Basis of Payment.** The accepted quantities of mowing will be paid for at the contract unit price per acre. All costs for traffic control as defined above shall be included in the unit bid price for mowing Item No. 806-01.

