

**19A NCAC 02D .0202    CONDITIONAL COOPERATION**

- (a) The extent of participation of the Department in eradication or control work shall be determined by the severity of damage to abutting property, the possibility of roadside erosion and drainage problems resulting from eradication, and the degree of responsibility for the plant infestation that is traceable to the department.
- (b) The property owner, or owners, and the department shall agree in writing to the degree of eradication or control of such undesirable vegetation. The Department shall perform only the work on highway right of way and the property owner shall perform the work on his property, according to the methods and additional conditions outlined in the written agreement.
- (c) There shall be a stipulation in the written agreement indemnifying the department from damage on private property to crops, grasses, trees, shrubs, etc. resulting from any herbicides which are applied on highway right of way, with all reasonable and customary precautions for the eradication or control of the undesirable vegetation.
- (d) All reasonable precautions shall be taken to prevent damage to desirable vegetation on highway right of way during eradication or control operations on private property.

*History Note:    Authority G.S. 136-18(9); 136-93; 143B-350(f),(g);  
                  Eff. July 1, 1978;  
                  Amended Eff. December 1, 1993;  
                  Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September  
                  6, 2016.*