

**STATE OF MONTANA – DEPARTMENT OF TRANSPORTATION  
HELENA, MONTANA 59620-1001  
DRIVEWAY APPROACH APPLICATION AND PERMIT**

<b>– To be filled in by Department of Transportation Personnel –</b>			
F.A. Route No.: _____		Approach Station: _____	
District: _____	No.: _____	Milepost: _____	
County: _____		Project: _____	
Drainage As Determined By Dept. Of Transportation:			
Type: _____	Size: _____	Length: _____	
Access Control: <input checked="" type="radio"/> Yes <input type="radio"/> No			
Approach Recommended By District Traffic Engineer Or Traffic Unit	Date _____	Approach Application Approved By District Administrator	Date _____
If Access Control Is Yes: Approach Recommended By Access Manager, R/W Bureau		Date _____	

**APPLICANT (Property Owner)**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

herein termed the applicant, requests permission to construct approach(es) described and shown on attached plot plan or plan and profile and hereby made a part of this application.

Please indicate if permits or approaches are required from units of government other than the Department of Transportation. Write the number of permits required in the box:

Federal Government     State     County     City     N/A

Private: \_\_\_\_\_ Public: \_\_\_\_\_

Use of Property or Facility:  
(Residence, Trailer Court, Gas Station, Field  
Access, Type of Business, etc.) \_\_\_\_\_

**LOCATION:**

City or Town:  
(If rural, direction & approx. distance  
from nearest city or town) \_\_\_\_\_

Street Name, if any: \_\_\_\_\_

**ROADWAY OR HIGHWAY:**

Sight Distance:    Left: \_\_\_\_\_    Right: \_\_\_\_\_

Surfacing: \_\_\_\_\_    Width: \_\_\_\_\_

**APPROACH:**

Estimated number of trips per day: \_\_\_\_\_

Width: \_\_\_\_\_ Flare: \_\_\_\_\_ Side of Roadway:  
(N, E, S, W) \_\_\_\_\_

**DRAINAGE:**    See above as determined by Department of Transportation.

**INSTRUCTION CONCERNING USE OF THIS FORM**

**Applicant will complete and deliver this form in duplicate to the District Administrator serving the area in which the Approach Permit is requested.**

The District Administrator, in conjunction with the District Traffic Engineer, is delegated authority to approve curb cuts, public and private approaches serving businesses, residences and agricultural uses in rural or urban areas without further consultation if the traffic conditions are not congested. In congested areas, usually urban situations, the District Administrator and District Traffic Engineer can request the Manager, Traffic Unit in Helena for additional technical assistance. If this is necessary, the approach should be scaled onto existing plan and profile sheets showing the highway right-of-way and sent to Helena.

**- APPROACH PERMIT -**

Subject to the following terms and conditions, the permit applied for upon the reverse side hereof, is hereby granted:

- 1) **TERM.** This permit shall be in full force and effect from the date hereof until revoked as herein provided.
- 2) **RENTAL.** Rental shall be [Click here to enter text.](#)
- 3) **REVOCAATION.** This permit may be revoked by State upon giving thirty (30) days notice to Permittee by ordinary mail, directed to the address shown in the application hereto attached, but the State reserves the right to revoke this permit without giving said notice in the event Permittee breaks any of the conditions or terms set forth herein.
- 4) **COMMENCEMENT OF WORK.** No work shall be commenced until Permittee notifies the District Administrator, shown in application, when he proposes to commence work.
- 5) **CHANGES IN HIGHWAY.** If the State changes the highway, or there are other changes to adjoining streets, alleys, etc., which necessitate alterations in structures or installations installed under this permit, Permittee shall make the necessary alterations at Permittee's sole expense or in accordance with a separate agreement.
- 6) **STATE SAVED HARMLESS FROM CLAIMS.** In accepting this permit the Permittee, its/his successors or assigns, agree to protect the State and save it harmless from all claims, actions or damage of every kind and description which may accrue to, or be suffered by, any person or persons, corporations or property by reason of the performance of any such work, character of materials used, or manner of installations, maintenance and operation, or by the improper occupancy of said highway right of way, and in case any suit or action is brought against the State and arising out of, or by reason of, any of the above causes, the Permittee, its/his successors or assigns, will upon notice to it/him of the commencement of such action, defend the same at its/his sole cost and expense and satisfy any judgment which may be rendered against the State in any such suit or action.
- 7) **PROTECTION OF TRAFFIC.** Insofar as the interests of the State and the travelling public are concerned, all work performed under this permit shall be done under the supervision of the District Administrator of the Department of Transportation and his authorized representatives, and he/they shall indicate barriers to be erected, the lighting thereof at night, placing of flagmen and watchmen, manner in which traffic is to be handled, and shall specify to Permittee how road surface is to be replaced if it is disturbed during operations, but said supervision shall in no way operate to relieve or discharge Permittee from any of the obligations assumed by acceptance of this permit, and especially those set forth under Section 6 thereof.
- 8) **HIGHWAY DRAINAGE.** If the work done under this permit interferes in any way with the drainage of the State Highway affected, Permittee shall, at its/his own expense, make such provisions as the State may direct to take care of said drainage.
- 9) **RUBBISH AND DEBRIS.** Upon completion of work contemplated under this permit, all rubbish and debris shall be immediately removed and the roadway and the roadside left in a neat and presentable condition satisfactory to the State.
- 10) **WORK TO BE SUPERVISED BY STATE.** All work contemplated under this permit shall be done under the supervision of and to the satisfaction of the authorized representative of the State, and the State hereby reserves the right to order the change of location or removal of any structure or installation authorized by this permit at any time, said changes or removal to be made at the sole expense of the permittee.
- 11) **STATE'S RIGHT NOT TO BE INTERFERED WITH.** All such changes, reconstructing or relocation shall be done by Permittee, in such a manner as will cause the least interference with any of the State's work, and the State shall in no way be liable for any damage to the Permittee by reason of any such work by the State, its agents, contractors or representatives, or by the exercise of any rights by the State upon the highways by the installations or structures placed under this permit.
- 12) **REMOVAL OF INSTALLATIONS OR STRUCTURES.** Unless waived by the State, upon termination of this permit, the Permittee shall remove the installations or structures contemplated by this permit and restore the premises to the condition existing at the time of entering upon the same under this permit, reasonable and ordinary wear and tear and damage by the elements, or by circumstances over which the Permittee has no control, excepted.
- 13) **MAINTENANCE AT EXPENSE OF PERMITTEE.** Permittee shall maintain, at its/his sole expense the installations and structures for which this permit is granted, in a condition satisfactory to the State.
- 14) **STATE NOT LIABLE FOR DAMAGE TO INSTALLATIONS.** In accepting this permit the Permittee agrees that any damage or injury done to said installations or structures by a contractor working for the State, or by any State employee engaged in construction, alteration, repair, maintenance or improvement of the State Highway, shall be at the sole expense of the Permittee.
- 15) **STATE TO BE REIMBURSED FOR REPAIRING ROADWAY.** Upon being billed therefor Permittee agrees to promptly reimburse State for any expense incurred in repairing surface or roadway due to settlement at installation, or for any other damage to roadway as a result of the work performed under this permit.
- 16) **OTHER CONDITIONS AND/OR REMARKS.**
  - a. All approach side slopes will be constructed on not less than 6 to 1 slope, unless otherwise approved.
  - b. No private signs or devices etc., will be constructed or installed within the highway right-of-way limits.
  - c. This permit is valid only if approach construction is completed within [Click here to enter text.](#) months from date of issue.
  - d. See attached addendum.

Dated at \_\_\_\_\_, Montana, this Day day of Month, 20Year

The undersigned, the "Permittee" mentioned in the foregoing instrument, hereby accepts this permit, together with all of the terms and conditions set forth therein.

DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
Completed Approach Inspected by:

\_\_\_\_\_  
Permittee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

- One copy of permit to District Administrator for file
- One copy of permit to Applicant
- If Access Control is Yes, one copy of permit to Access Manager, R/W Bureau

Control Number	Project Identification Number	Name/ Location Description	Route/Corr.	Fed Funds Involved? Yes <input type="checkbox"/> No <input type="checkbox"/>
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(↑ For MDT Use Only↑)

**ENVIRONMENTAL CHECKLIST** for:

- Approach Permit**
 **Encroachment/Occupancy (incl. Utility)**  
 **Maintenance Projects (with No Right-Of-Way Acquisition, Sale or Transfer)**

**Location:** Highway or Route: \_\_\_\_\_ Milepost(s): \_\_\_\_\_

Physical Address: \_\_\_\_\_ City: \_\_\_\_\_

Legal Description: County: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_ Section(s): \_\_\_\_\_

**Applicant Information:** Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Company/Utility \_\_\_\_\_ Business Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Impact Questions		Yes	No	Comment, Explanation, and/or Information Source (Attach supporting information, as necessary.)
Actions that qualify for Categorical Exclusion under MEPA and/or NEPA (See ARM 18.2.261 and 23 CFR 771.117)				
1.	Will the proposed action impact any known historical or archaeological site(s)?	<input type="checkbox"/>	<input type="checkbox"/>	
2.	Will the proposed action impact any publicly owned parkland(s), recreation area(s), wildlife or waterfowl refuge(s)?	<input type="checkbox"/>	<input type="checkbox"/>	
3.	Will the proposed action impact prime farmlands? (If yes, attach a completed Farmland Conversion Impact Rating Ad-1006.)	<input type="checkbox"/>	<input type="checkbox"/>	
4.	a. Will the proposed action have an impact on the human environment that may result from relocations of persons or businesses, changes in traffic patterns, changes in grade, or other types of changes?	<input type="checkbox"/>	<input type="checkbox"/>	
	b. Has the proposed action received any preliminary or final approval from the local land use authority?	<input type="checkbox"/>	<input type="checkbox"/>	
5.	For the proposed action, is there documented controversy on environmental grounds? (For example, has the applicant received a letter of petition from an environmental organization?)	<input type="checkbox"/>	<input type="checkbox"/>	
6.	Will the proposed action require work in, across or adjacent to a listed or proposed Wild or Scenic River?	<input type="checkbox"/>	<input type="checkbox"/>	
7.	Will the proposed action require work in a Class I Air Shed or nonattainment area?	<input type="checkbox"/>	<input type="checkbox"/>	
8.	Will the proposed action impact air quality or increase noise, even temporarily?	<input type="checkbox"/>	<input type="checkbox"/>	
9.	Will the proposed action have potential to affect water quality, wetlands, streams or other water bodies? If the answer is YES, an environment-related permit or authorization may be required.	<input type="checkbox"/>	<input type="checkbox"/>	
10.	Are solid or hazardous wastes or petroleum products likely to be encountered? (For example, project occurs in or adjacent to Superfund sites, known spill areas, underground storage tanks, or abandoned mines.)	<input type="checkbox"/>	<input type="checkbox"/>	
11.	a. Are there any listed or candidate threatened or endangered species, or critical habitat in the vicinity of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
	b. Will the proposed action adversely affect listed or candidate threatened or endangered species, or adversely modify critical habitat?	<input type="checkbox"/>	<input type="checkbox"/>	
12.	Will the proposed action require an environmental-related permit or authorization? If the answer is "yes," please list the specific permits or authorizations.	<input type="checkbox"/>	<input type="checkbox"/>	
13.	a. Is the proposed action on or within approximately 1 mile of an Indian Reservation?	<input type="checkbox"/>	<input type="checkbox"/>	
	b. If "Yes", will a Tribal Water Permit be required	<input type="checkbox"/>	<input type="checkbox"/>	N/A <input type="checkbox"/>
14.	Will the proposed action result in increased traffic volumes, increased wait or delays on state highways, or have adverse impacts on other forms of transportation (rail, transit or air movements)?	<input type="checkbox"/>	<input type="checkbox"/>	
15.	Is the proposed action part of a project that may require other governmental permits, licenses or easements? If "Yes", describe the full extent of the project and any other permits, licenses or easements that may be necessary for the applicant to acquire.	<input type="checkbox"/>	<input type="checkbox"/>	

- 16.  Attach a brief description of the work to be performed, including any subsurface work.
- 17.  Attach representative photos of the site(s) where the proposed action would be implemented. Photos are to include any structures, streams, irrigation canals, and/or potential wetlands in the project area.
- 18.  Attach map(s) showing the location(s) of the proposed action(s); Section, Township, Range; highway or route number and approximate route post(s).

**Checklist preparer:**

Applicant	Title	Date
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**Reviewed for completeness by:**

MDT District Representative	Title	Date
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**Checklist Approved by:**

Environmental Services Bureau (When any of the items 1 through 15 are checked "Yes")	Title	Date
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Transportation Planning (When items 14 or 15 are checked "Yes")	Title	Date
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**Checklist Conditions and Required Approvals**

- A. The Applicant is **not** authorized to proceed with the proposed work until the checklist has been reviewed and approved, as necessary, and any requested conditions of approval have been incorporated.
- B. Complete the checklist items 1 through 15, indicating "Yes" or "No" for each item. Include comments, explanations, information sources, and a description of the magnitude/importance of potential impacts in the right hand column. Attach additional and supporting information as needed. Ensure that information required for items 16, 17, and 18, is attached. The checklist preparer, by signing, certifies the accuracy of the information provided.
- C. If "Yes" is indicated on any of the items, the Applicant must explain the impacts as applicable. Appropriate mitigation measures that will be taken to avoid, minimize, and/or mitigate adverse impacts must also be described. **Any proposed mitigation measures will become a condition of approval.** Use attachments if necessary. If the applicant checks "No" and the District concludes there may in fact be potential impacts, the Environmental Checklist must be forwarded to Environmental Services Bureau for review and approval.
- D. If "Yes" is indicated in item 11 a. (threatened or endangered species), the Applicant should provide information naming the particular species and the expected location, distribution and habitat use in the proposed action area, i.e. within the immediate area of the proposed action; or, in the general area on occasion (seasonally passes through) but does not nest, den or occupy the area for more than a few days.
- E. If the applicant checks "Yes" for any item, the approach permit, occupancy agreement or permit, along with the checklist and supporting information, including the Applicant's mitigation proposal, documentation, evaluation and/or permits must be submitted to MDT Environmental Services Bureau. Electronic format is preferred.
- F. When the applicant checks "Yes" to any item, the Applicant cannot be authorized to proceed with the proposed work until the MDT Environmental Services Bureau and/or Transportation Planning, as appropriate, reviews the information and signs the checklist.
- G. Applicant must obtain all necessary permits or authorizations from other entities with jurisdiction prior to beginning the proposed action or activity. The Applicant is solely responsible for any environmental impacts incurred as a result of the project; obtaining any necessary environmental permits, notifications, and/or clearances; and ensuring compliance with environmental laws and regulations.

which has 60 days from the time the application is accepted to approve, modify, or deny the permit. Local rules apply. There is no charge for a 310 permit.

For more information, contact your local conservation district or the Conservation Districts Bureau – MT Department of Natural Resources and Conservation at (406) 444-6667, or the Montana Association of Conservation Districts (406) 443-5711

### **Montana Stream Protection Act (SPA 124 Permit)**

**Any agency or subdivision of federal, state, county, or city government** proposing a project that may affect the natural existing shape and form of **any stream** or its banks or tributaries must obtain a SPA 124 permit before beginning work.

Any agency or unit of government planning a project must submit a Notice of Construction (application) to the Department of Fish, Wildlife and Parks, which has up to 60 days to review the application, perform an on-site investigation, and approve, modify, or deny the application. There is no application fee.

For more information contact the Habitat Protection Bureau – MT Fish, Wildlife and Parks (406) 444-2449.

### **Montana Floodplain and Floodway Management Act (Floodplain Development Permit)**

**Anyone** planning new construction **within a designated 100 year floodplain** must obtain a floodplain development permit before beginning work. New construction includes, but is not limited to, placement of fill, roads, bridges, culverts, transmission lines, irrigation facilities, storage of equipment or materials, and excavation; new construction, placement, or replacement of manufactured homes; and new construction, additions, or substantial improvements to residential and commercial buildings. Check with local planning officials or the Floodplain Management Section of the Department of Natural Resources and Conservation to determine whether a 100-year floodplain has been designated for the stream of interest.

Floodplain Development Permits are available from the local floodplain administrator, who may be the city/county planner, sanitarian, building inspector, town clerk, or county commissioner.

Permit applications are available from the local floodplain administrator or from the Department of Natural Resources and Conservation. Application fees are established by the local government and vary widely throughout the state. The application process may take up to 60 days. Joint application participant-see Permitting Tips section.

For more information contact the Floodplain Management Section – MT Department of Natural Resources and Conservation (406) 444-0860.

### **Federal Clean Water Act (404 Authorization or Permit)**

**Anyone** proposing a project that will result in the **discharge or placement of dredged or fill material into waters of the United States** must obtain a 404 authorization or permit before beginning work. "Waters of the United States" include lakes, rivers, streams (including perennial, intermittent, and ephemeral channels with an ordinary high water mark), wetlands, and other aquatic sites.

Anyone planning a project must submit an application to the U.S. Army Corps of Engineers (Corps). The U.S. Environmental Protection Agency also has regulatory review and enforcement functions under the law. Permit authorization varies depending on the size and scope of the intended project.

Activities that meet the conditions for a Nationwide or Regional General Permit may be approved in 10 to 45 days. Individual Permits require more extensive review and require a public notice period. Permit approval may take 90 to 120 days. Application fees for Individual Permits may vary from \$10 for private individuals to \$100 for commercial applicants. Do not send money with the application. Applicants will be notified if a fee applies.

For more information contact the U.S. Army Corps of Engineers, 10 West 15th Street, Suite 2200, Helena, MT 59626, Phone (406) 441-1375.

### **Short-term Water Quality Standard for Turbidity (318 Authorization)**

**Anyone** initiating construction activity that will cause **short term or temporary violations of state surface water quality standards for turbidity in any "State water"** must obtain a 318 Authorization before beginning work. "State water" includes any body of water, irrigation system, or drainage system, either surface or underground, including wetlands, except for irrigation water where the water is used up within the irrigation system and the water is not returned to other state water.

A 318 Authorization must be obtained prior to initiating a project. The authorization may be obtained from the Department of Environmental Quality, or may be waived by the Department of Fish, Wildlife and Parks during its review process under the Natural Streambed and Land Preservation Act (310 Permit) or the Stream Protection Act (SPA 124 Permit).

Individual applications submitted to the Department of Environmental Quality are normally processed within 30 to 60

days. Authorizations waived under the 310 or SPA 124 permit processes correspond to the time frame under each permit system, usually 30 to 60 days. There is an application fee of \$150.00 (make check or money order payable to Water Protection Bureau, Department of Environmental Quality).

For more information contact the Water Protection Bureau – MT Department of Environmental Quality (406) 444-3080.

### **Storm Water Discharge General Permits**

**Anyone** proposing a construction **activity that will disturb one or more acres**, a defined industrial activity; a mining or oil and gas activity in which storm water will come into contact with overburden, raw material, intermediate products, finished products, or waste products located on the site of such operations (including active and inactive mine sites); or other defined activity that **has a discharge of storm water into surface waters**. Permit authorization is typically obtained under a Montana Pollutant Discharge Elimination System (MPDES) "General Permit".

For storm water discharges associated with construction activity, permit authorization is effective upon Department receipt of a complete Notice of Intent (NOI), Storm Water Pollution Prevention Plan (SWPPP), and fee. This must be received no later than the construction activity start date. For other regulated storm water discharges, a complete Application Form, SWPPP (except for Small MS4s), and fee must be received for review at least 30 days prior to the discharge of storm water from the facility or activity. Fees vary depending on the type of permit. Contact the Department or visit the website listed below for various storm water discharge "General Permits," Application/NOI Forms, fee schedule, and other permitting forms/information.

For more information contact the Water Protection Bureau – MT Department of Environmental Quality, (406) 444-3080, <http://www.deq.mt.gov>.