

CHAPTER 6

Agreements and Permits

6.0 Introduction

This chapter includes agreements and permits that may be required for the maintenance of, access to, and use of MDT roadways. The agreements or permits may include:

- Access to non-MDT land
- Encroachments to MDT Rights-of-Way
- Approach permits to MDT roadways
- Outdoor advertising
- Special use of MDT roadway/rights-of-way
- Maintenance agreements and MOU's
- Environmental permits

6.1 Access to non-MDT land

Prior to entering non-MDT owned land for any activity, landowner permission is required. A written agreement is required prior to beginning any maintenance activity on private land such as:

- Placement and maintenance of snow fence
- Snow Berming
- Slope work
- Culvert maintenance

Refer to Appendix Part 4 for a Landowner Use Agreement form and a Stockpile Lease Agreement form.

6.2 Encroachments to MDT Rights-of-Way

Encroachments are allowed on MDT Rights-of-way by permit only. An encroachment is considered anything privately owned on, under, or over MDT rights-of-way. An encroachment may be:

- Fences
- Buildings
- Structures
- Signs or markers
- Privately owned water lines
- Utilities

Mailboxes are an allowed encroachment as long as the design and post system meets design standards. Underground and overhead utilities regulated by the Public Service Commission are allowed through a utility agreement.

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MDT can require the removal of non-permitted encroachments, but there are specific legal requirements that must be met. If removal of an encroachment is desired, contact MDT Legal Services for necessary steps to be followed.

Refer to Appendix Part 4 for a RW-20 Encroachment Application and Permit.

Refer to Appendix Part 3 for A Guide to Mailbox Safety in Montana.

6.3 Approach Permits to MDT Roadways

Any new access or reconstruction of an old access to a MDT roadway requires a written approach permit. Approaches are permitted encroachments as long as they are in an approved location, and are constructed to meet current design standards.

All newly constructed approaches are to be inspected after completion to ensure they are constructed to meet the design standards. MDT does not have maintenance responsibilities for approaches unless identified in a right-of-way agreement. Maintenance operations that impact an approach will be addressed on a case-by-case basis.

Refer to Appendix Part 4 for MTCE112-A Approach Application and Permit form.

6.4 Outdoor Advertising

Outdoor advertisement is not allowed on the right-of-way. Law regulates the erection, maintenance and control of outdoor advertising signs and devices adjacent to and visible from interstate and primary highways in the State of Montana.

The law gives the responsibility for the control of outdoor advertising to MDT through its District offices. Any questions pertaining to outdoor advertising should be directed to the Area Maintenance Bureau Chief or the District Right-of-Way Supervisor.

6.5 Special use of MDT Roadways/Rights-of-Way

There are a number of allowable uses of roadways and rights-of-way. Some uses require prior approval through permits; others are allowed by statute or by agreement with MDT. Uses may include:

- American Legion White Cross Program – An agreement between MDT and The American Legion allows these crosses, and identifies the rules for their erection. White crosses are not allowed on Interstate roadways. For specific information access the American Legion web site at www.mtleion.org/whitecross.
- Forage removal – Forage removal (haying) is allowed by permit on MDT right-of-way. Refer to Appendix Part 4 for a Right-of-Way Forage Removal Agreement form.
- Parades and Festivals – Roadway closures for parades or festival events may be allowed, and must be permitted if allowed. Refer to Appendix Part 4 for a Special Events Street Closure Permit form.
- Special Events – MDT roadways are often used for special events such as bicycle or pedestrian events that do not require roadway closures, but may require traffic control considerations for the safety of the participants and the traveling public.

- Aircraft Use – In accordance with State Law 67-1-204, use of public roads by private aircraft is allowed provided they abide with MDT regulations and guidelines. Any request or questions about aircraft use of MDT roadways should be directed to the Area Maintenance Bureau Chief.
- Oversize Vehicle Permits – Loads in excess of 8 feet 6 inches wide or 14 feet high require an oversize vehicle permit, and may require signing, lighting or pilot vehicles. Loads of extreme size will require a 32-J application and route approval by the Area Maintenance Bureau Chief. Routes should be reviewed prior to and after the load travels through an area to detect any damage.
- Tourist-Oriented Directional Signing (TODS) – The TODS signing program allows motorist information signs within the right-of-way to provide identification and directional information for businesses, services and activities of interest to tourists. These signs are provided through a contracted service paid for by the advertiser, and MDT has no responsibility for installation, repair or replacement of the signs. For further information contact your Area Maintenance Bureau Chief.

6.6 Maintenance Agreements and Memoranda of Understanding (MOU's)

MDT has a variety of agreements and MOU's that define the roles and responsibilities of Maintenance for roadways and rights-of-way within the jurisdiction of other agencies. MDT has MOU's or agreements with agencies such as:

- Federal Highway Administration (FHWA)
- U.S. Forest Service (USFS)
- National Park Service (NPS)
- Montana Department of Fish, Wildlife and Parks (MFWP)
- Tribal Governments
- Local Governments
- Other States

6.7 Environmental Permits

Maintenance activities in or near water or wetlands or that disturb native ground may require environmental permits and/or use of BMP's. Specific activities identified in Section C detail BMP's or permit requirements for the individual activities.

The MDT Maintenance Environmental Best Management Practices Manual included in Section E will provide specific guidance in the use of BMP's.

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