HIGHWAYS - TRANSPORTATION

HIGHWAY ADVERTISING

1. Types of Activities Regulated

A permit is required from the Montana Department of Transportation (MDT) for placing outdoor advertising signs visible to the traveling public along interstate, primary, and NHS (National Highway System) highways. Standards for maintenance of permitted advertising are outlined in the statutes and rules.

On the interstate highway system, advertising is allowed for FOOD, GAS, and LODGING through the LOGO SIGNS program and on primary routes for FOOD, GAS, LODGING, CAMPING, RECREATION, and TOURIST SERVICES through the Tourist Oriented Directional Sign (TODS) Program.

Statute: 75-15-101, *et seq.*, MCA (Outdoor Advertising Act)
60-5-501 through 527, MCA (LOGO and TODS Programs)

Rule: ARM 18.7.301-18.7.336

Contact: DEPARTMENT OF TRANSPORTATION
Engineering Division
Right of Way Bureau

2. Application Requirements

Applications for outdoor advertising permits are available from the MDT Helena office and at the department website at http://mdt.mt.gov/publications/forms.shtml. The owner of the land affected must agree to the erection or maintenance of the advertising sign. Also, some cities, towns, and counties have local sign ordinances or regulations so written approval from the local zoning authority should be received before applying for a permit. Each sign is given a designated permit number and a permanent identification plate that must be attached to the structure. A permit is required for each sign site.

Statute: 75-15-101 through 75-15-336, MCA

Rule: ARM 18.6.201-18.6.271

3. Fees

The MDT requires a non-refundable initial inspection fee and an initial permit fee based on the square footage of the sign. Permits may be renewed every three years.

Statute: 75-15-122, MCA

Rule: ARM 18.6.211 and 18.6.214

HIGHWAY APPROACH PERMITS

1. Types of Activities Regulated

Permits are required from the Montana Department of Transportation (MDT) for the construction of driveways and other approaches intersecting public streets and highways.

Statute: 60-2-201, MCA

Rule: ARM 18.5.104, 18.5.105

Contact: DEPARTMENT OF TRANSPORTATION
District and Area Offices (see APPENDIX 2)

2. Application Requirements

Applications and Environmental Checklist Forms are available at the MDT District Offices and at the department website at http://mdt.mt.gov/publications/forms.shtml. An application must be made by the owner of the property. A detailed site plan drawing of the proposed work and an Environmental Checklist Form must be included with the permit application.

Rule: ARM 18.5.104

3. Permitting Procedures

1) Any person wishing to construct a new approach, or modify or propose a change in use for an existing approach must obtain a permit from the department. The permit application must submitted to the appropriate district office. A detailed site plan drawing, including the location of the work, and an Environmental Checklist Form must be included with the application.

2) The department will not review or approve a permit application until all necessary information has been provided.

3) The decision to grant, deny, or cancel an approach permit is solely within the discretion of the department. The department may make any changes, additions, repairs, or relocations to any approach within the highway right-of-way.

Rule: ARM 18.5.104 and 18.5.105

HIGHWAY ENCROACHMENTS - OCCUPANCY PERMITS

1. Types of Activities Regulated

Occupancy agreement, common use agreement or encroachment permit are the terms the Montana Department of Transportation (MDT) uses for the documents an owner must secure prior to occupying a highway right-of-way, whether overhead, underground or on the surface. Encroachment permits are issued by the MDT for construction or maintenance of encroachments on or under highway rights-of-way. Agreements for occupancy or common use showing the conditions of the right-of-way occupancy may also be obtained from the MDT for encroachments on or across state highway rights-of-way. Encroachments include all private structures, devices, and facilities placed on, over, or under the right-of-way, including ditches, dikes, flumes, canals, or bridges. Encroachment permits are also required for landscaping on highway property by a private individual or agency. Public utility facilities such as water, sewer, electric, natural gas, and communications lines may occupy highway rights-of-way by occupancy agreement with the MDT.

Similar permission is required from the Board of County Commissioners for any work on county roads or rights-of-way.

2. Permitting Procedures

Permits may be obtained from one of the MDT division offices (see APPENDIX 2) or at the department website at http://mdt.mt.gov.

Statute: 7-14-2139, MCA (county roads and rights-of-way)

Rule: ARM 18.7.101-18.7.108 (private occupancy of highway rights-of-way)
ARM 18.7.201-18.7.206, 18.7.211, and 18.7.221-18.7.232 (utility occupancy of highway rights-of-way)

Contact: DEPARTMENT OF TRANSPORTATION
Helena Office; or
District and Area Offices (see APPENDIX 2)

BOARD OF COUNTY COMMISSIONERS

See also HIGHWAY UTILITY EASEMENTS, p. 179.

OVER SIZE AND WEIGHT PERMITS

1. Types of Activities Regulated

A person may apply for a special use permit from the Montana Department of Transportation, its agent, or the local governing body for the movement of vehicles, loads, or objects with either width, height, length, or weight or a combination of width, height, length, or weight in excess of the statutory limits on a roadway for which the permitting entity is responsible.

Statute: 61-10-121, 61-10-124, and 61-10-125, MCA

Rule: ARM 18.8.101, 18.8.504, 18.8.512, 18.8.513, 18.8.517, 18.8.601, and 18.8.603

Contact: DEPARTMENT OF TRANSPORTATION
Motor Carrier Services Division
District and Area Offices (see APPENDIX 2)

2. Application Requirements

The applicant for a special permit must specifically describe the powered or towing vehicle and generally describe the type of vehicle, combination of vehicles, load, or object to be operated or moved, and the roadways over which the operation or movement will take place. A special permit is a written or electronic document and may be granted for either a single trip or on a term basis.

ROADSIDE JUNKYARDS

1. Types of Activities Regulated

The Montana Department of Transportation (MDT) may issue a license for a junkyard situated within 1,000 feet of a primary or interstate highway if the facility is screened from view or not visible from a main traveled course, located within an area zoned for industrial use or located within an unzoned area the MDT has defined as industrial based on actual uses. Junk includes scrap metals, rags, debris, etc. MOTOR VEHICLE WRECKING FACILITIES (see p. 162) and garbage dumps or sanitary landfills (see SOLID WASTE DISPOSAL, p. 164) are licensed by the Montana Department of Environmental Quality.

Statute: 75-15-201, *et seq.*, MCA

Contact: DEPARTMENT OF TRANSPORTATION
Engineering Division
Right of Way Bureau