

# HIGHWAYS - TRANSPORTATION

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## 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, and 18.5.113

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

### 2. Application Requirements

Applications 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 being served, the contract purchaser, or the owner of a long term lease with more than five years remaining on the lease or their authorized agents. A brief description of the proposed work, location, and a plot plan must be included in the permit application. If the Division Maintenance Chief determines that the approach will have a significant impact, the applicant may be required to include an Environmental Impact Statement (see MONTANA ENVIRONMENTAL POLICY ACT, p. 131) or traffic study with the approach application. No more than two approaches will be approved for any single property tract or business establishment. Exceptions may be made where the frontage exceeds 500 feet or special conditions exist that may benefit the traveling public.

Rule: ARM 18.5.104 and 18.5.105

### **3. Permitting Procedures**

- 1) A request for a permit to construct or reconstruct a residential, commercial, industrial, public street or road approach should be made to the Division Maintenance Chief having jurisdiction in the area. A brief description of the proposed work must be included in the request together with a plot plan and the location of the work.
- 2) Upon receipt of the request, the Division Maintenance Chief will arrange for a meeting with the applicant in order to discuss the proposed approach.
- 3) The Division Maintenance Chief and/or the District Traffic Engineer have authority to approve curb cuts and public and private approaches, subject to all access control resolutions and/or MDT ownership.

Rule: ARM 18.5.104

## **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. 180.

## **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. 163) and garbage dumps or sanitary landfills (see SOLID WASTE DISPOSAL, p. 165) 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*