

MDT Non-Standard Encroachment Requirements

NON-BREAKAWAY WITHIN THE CLEAR ZONE

Purpose: The intent of this list is to provide for more predictability in the encroachment process and an expedited review for encroachment types that are on this list, meet the baseline and additional requirements provided in this document, and receive design exception approval. Items not appearing on this list may still be allowed in MDT’s right-of-way but require review through MDT’s typical process (or System Impact Process).

While a clear-zone corridor that is free of obstacles is an important consideration to the safety of a transportation facility, flexibility in design practices and context sensitivity are also important considerations in urban settings.

In this context, “urban setting” is defined as a facility that has curb and gutter and a posted speed limit of 45 mph or less. “Non-standard above ground features (obstacles)” are generally defined as non-breakaway and non-crash-tested features such as sign supports, luminaire supports, boulders, retaining walls, trees with a diameter greater than 4 inches (at present or at maturity), utility poles, street furniture, etc.

If allowed, non-Standard encroachments are subject to MDT’s review and permitting process, require a maintenance agreement, an approved design exception request, and may require Montana Transportation Commission approval if impacting operations of the roadway or adding structure to the roadway.

MDT has established baseline requirements that all encroachments must meet, and additional requirements that apply to types of encroachments. The baseline requirements and additional requirements are described below the table.

MDT Non-Standard Encroachments	
Encroachment Type	Additional Requirements (in addition to baseline requirements not including breakaway requirement)
Bench & Transit Shelter	<ul style="list-style-type: none"> • Comply with outdoor advertising ARM §18.6.236
Bike rack, Planter, Parking meter, Monument*	<ul style="list-style-type: none"> • N/A
Landscaping & Bicycle/Pedestrian Counters	<ul style="list-style-type: none"> • N/A
Decorative Lighting	<ul style="list-style-type: none"> • Provide lighting calculations which verify light levels are not too bright/distracting to drivers
Retaining Wall	<ul style="list-style-type: none"> • Follow MDT’s Geotechnical Manual
Trees*	<ul style="list-style-type: none"> • Trees: Species allowed within the city or other area under the jurisdiction of the local government • Tree grates, if used, must be ADA compliant • Tree canopy must be at least 7’ above the sidewalk and 9’ above roadway

	<ul style="list-style-type: none"> • Maintain line of sight to lighting, signing and signals for life of tree • Include root barrier panels when sidewalks and/or curbs are present.
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Requirements for all Non-Standard Encroachments

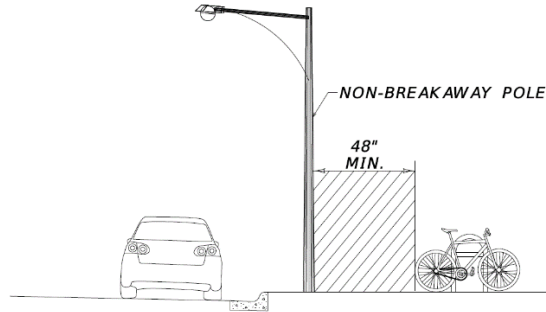
Process

1. Initial request:

- a. For Non-MDT designed projects: Applicant must submit:
 - i. Encroachment permit application,
 - ii. Environmental checklist, and
 - iii. Design exception request form.
 - 1. If encroachment is part of a larger plan (multiple encroachments or corridor improvements) submit information/permits for entire project as a package.
 - 2. Application should include any associated analysis/study/design materials described in the plan/design submittal section below.
- b. For inclusion in an MDT-designed project: Request should be provided through the project development process.
 - i. Initial request should include:
 - 1. Commitment of cost participation and maintenance responsibility, and
 - 2. Design exception request form
 - 3. An executed agreement must be in place before design of features commences.
 - ii. MDT project development process will define analysis/study/design needed.

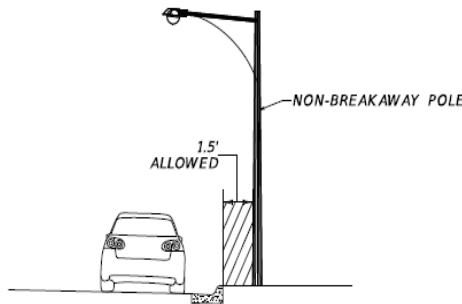
2. Non-MDT Submittals: plans/designs:

- a. Design plans and analysis must include and/or address:
 - i. ADA and PROWAG compliance (common items below)
 - 1. Include dimensions, grades, elevations and slopes,
 - 2. Refer to MDT Detailed Drawings 608 series,
 - 3. Use cast iron detectible warning devices,
 - 4. Maintain 48" clear path of travel. This includes when bike racks, benches, etc. are in use. (See diagram for clarification)

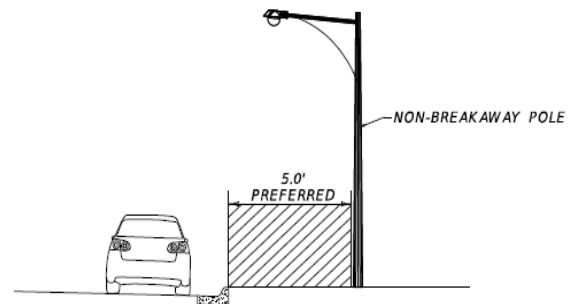


48" PATH OF TRAVEL

- ii. Follow MDT Standards and Specifications compliance, use MDT Detailed Drawings (link below).
- iii. Identify the clear zone to verify the encroachment is non-standard,
- iv. Intersection sight distance must not be reduced or must meet MDT geometric design standards; and
- v. Must have a lateral offset of at least 5-feet from the travel lane; and
- vi. Must have a lateral offset of at least 18-inches from the face of curb. If practical, a minimum offset of 5-feet is preferred.



ALLOWED LATERAL OFFSET



PREFERRED LATERAL OFFSET

3. Prior to MDT permit issuance/approval to work in MDT R/W:

- a. Applicant Must Submit:
 - i. Other agency permits/approvals/authorizations, as necessary (indicated on environmental checklist)
 - ii. Design Exception Request Form
 - iii. Traffic Control Plan – submitted to MDT district for review/approval
- b. Design Exception form must be approved by MDT

- c. Executed Maintenance Agreement – between MDT and local gov’t for new features placed in MDT R/W
 - i. Includes responsibility for any electrical power/charges (if applicable) and maintenance costs
 - ii. If encroachment is covered in an existing maintenance agreement (city or corridor wide) with the local government, no additional agreement is necessary

4. MDT District issues permit

5. MDT acceptance of work within MDT R/W

- a. Applicant notifies MDT Maintenance Chief when work is completed
- b. MDT Maintenance Chief inspects work, and either:
 - i. Notifies applicant of any deficiencies that need correction, or
 - ii. Accepts work

MDT Encroachment Approval Process

The following provides guidance regarding installation of certain facilities within right-of-way (R/W) maintained and/or permitted by the Montana Department of Transportation (MDT). MDT will allow and permit requests that meet these guidelines, pending review and approval of appropriate MDT staff. Landowner may apply for the Encroachment Permit through this process with a maintenance agreement from the local government.

MDT’s Review Process

1. MDT District staff will determine whether request is reviewed in the district/area office or forwarded to headquarters, per the Guide to the System Impact Action Process (SIAP). (Flow Chart #2). If the request remains in the District, the review/approval process is as follows:
2. MDT District staff will review information provided and request additional information from applicant if necessary. (Flow Chart #3)
3. MDT District staff will forward design exception form to preconstruction engineer for review/approval. (Flow Chart #4)
4. MDT Headquarters staff will review design exceptions for approval. (Flow Chart #4)
 - a. If approved, design exception request is final
 - b. If not approved, request is returned to applicant for additional information
5. MDT Headquarters staff will request approval/concurrence from the Transportation Commission when the proposed feature changes the operations of the roadway or adds structure to the roadway (e.g. bulb out, pull out), if necessary. (Flow Chart #4)
6. MDT District staff will complete maintenance agreement process (concurrent with design/analysis review) (Flow Chart #5)
7. MDT District staff will review and approve traffic control plan. (Flow Chart #3 & 5)
8. Upon Transportation Commission approval, design & design exception approval, agreement execution & traffic control plan approval, MDT District staff will:
 - a. Issue permit with any additional conditions MDT deems necessary. (Flow Chart #6)
 - b. Grant permission to enter R/W

- c. Provide district oversight of project
- d. Conduct final inspection, note any deficiencies needing correction before accepting work

Resources

1. **Encroachment Application**

mdt.mt.gov/other/webdata/external/maint/forms/MDT-MAI-007-ENCROACHMENT_PERMIT.PDF

2. **Environmental Checklist**

mdt.mt.gov/other/webdata/external/planning/forms/MDT-ENV-006-ENVIRONMENTAL_CHECKLIST.PDF

3. **MDT Standards and Specifications compliance**

mdt.mt.gov/business/contracting/standard_specs.shtml

4. **MDT Detailed Drawings reference**

mdt.mt.gov/business/contracting/detailed_drawings.shtml

5. **The Guide to the System Impact Action Process**

mdt.mt.gov/other/webdata/external/planning/SIAP-DEVELOPERS-GUIDE/siap_guide.pdf

6. **Right-of-Way Encroachments Administrative Rules**

<http://mtrules.org/gateway/ChapterHome.asp?Chapter=18%2E7>

7. **Outdoor Advertising Administrative Rule**

<http://mtrules.org/gateway/ruleno.asp?RN=18%2E6%2E236>

8. **MDT Design Exception Report – Local Agency Encroachments**

<https://www.mdt.mt.gov/publications/forms.shtml#con>

9. **MDT Road Design Manual**

<https://www.mdt.mt.gov/publications/manuals.shtml#rdm>