

MDT Standard Encroachment Requirements

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 and that meet the baseline and additional requirements provided in this document. 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).

MDT’s standard encroachments are allowed to be placed within highway right of way, provided the proposals meet MDT’s requirements for these installations.

Standard encroachments are subject to MDT’s review and permitting process, require a maintenance agreement, 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 standard encroachments must meet, and additional requirements that apply to types of encroachments. The baseline requirements and additional requirements are described below the table.

MDT Standard Encroachments	
Encroachment Type	Additional Requirements (in addition to baseline requirements)
Sidewalks	<ul style="list-style-type: none"> • Concrete surface material • Location consistent with local transportation plan
Bulb outs/pull outs	<ul style="list-style-type: none"> • Maintain existing turning movements • Address and accommodate existing bike lane and/or pedestrian movements • Identify and address any drainage issues
Water & sewer (perpendicular crossings)	<ul style="list-style-type: none"> • Comply with MT Public Works Standards • Any manhole associated with new water and sewer must be located outside of vehicle wheel path • Manhole must be concrete • Borings must begin and end outside of MDT Right-of-Way
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"> • Baseline Requirements below
Landscaping* & Bicycle/Pedestrian Counters *	<ul style="list-style-type: none"> • Baseline Requirements below
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 • Maintain line of sight to lighting, signing and signals for life of tree • Include root barrier panels when sidewalks and/or curbs are present.
Irrigation Equipment/Cisterns	<ul style="list-style-type: none"> • Baseline Requirement for Standard conditions

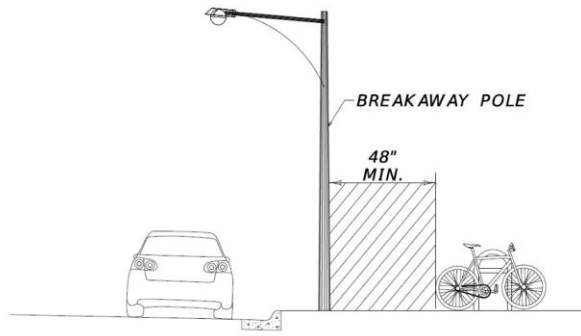
* Considered an Above Ground Feature and subject to Baseline Requirements

Baseline Requirements for all Standard Encroachments

Process

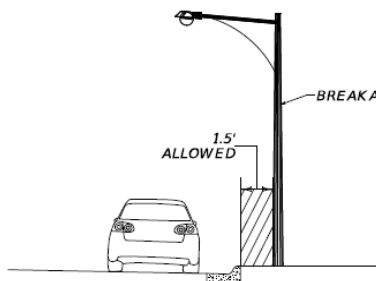
- 1. Initial request:**
 - a. For Non-MDT designed projects: Applicant must submit an encroachment permit application and environmental checklist.
 - i. If encroachment is part of a larger plan (multiple encroachments or corridor improvements) submit information/permits for entire project as a package.
 - ii. 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 commitment of cost participation and maintenance responsibility. 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. Maintain 48” clear path of travel. This includes when bike racks, benches, etc. are in use (See diagram for clarification), and

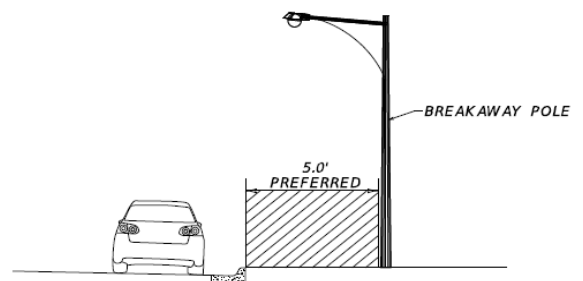


48" PATH OF TRAVEL

4. Use cast iron detectible warning devices.
- ii. Follow MDT Standards and Specifications compliance, use MDT Detailed Drawings (link below).
- iii. For Above Ground Features:
 1. Identify the clear-zone and demonstrate
 - A. fixed or non-traversable objects are placed outside of the clear zone, or
 - B. Objects within the clear zone are breakaway
 2. Intersection sight distance must not be reduced or must meet MDT geometric design standards; and
 3. Must have a lateral offset of at least 5-feet from the travel lane; and
 4. Any above ground feature must have a lateral offset of at least 18-inches from the back of curb. If practical, a minimum offset of 5-feet is preferred.



ALLOWED LATERAL OFFSET



PREFERRED LATERAL OFFSET

5. Intersection sight distance must not be reduced or must meet MDT geometric design standards; and

- iv. Include the appropriate level of hydraulic information, including if historic drainage patterns are perpetuated or changed, and if mitigation is required.
 - 1. Any change in curb-line should include a description/analysis of the impact to drainage.
- 3. **Prior to MDT permit issue/approval to work in MDT R/W:**
 - a. Applicant Must Submit:
 - i. Other agency permits/approvals/authorizations, as necessary (indicated on environmental checklist)
 - ii. Traffic Control Plan – submitted to MDT district for review/approval
 - b. Executed Maintenance Agreement – between MDT & 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/area 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 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 #3)
4. MDT District staff will complete maintenance agreement process (concurrent with design/analysis review). (Flow Chart #4)
5. MDT District staff will review and approve traffic control plan. (Flow Chart #3 & 4)

6. Upon Transportation Commission approval/design approval/agreement execution & traffic control plan approval, MDT District staff will:
 - a. Issue permit with any additional conditions MDT deems necessary (Flow Chart #5)
 - 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 Road Design Manual**

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