



ADMINISTRATIVE RULES OF MONTANA



18.7.204 OCCUPANCY OF FULL CONTROLLED-ACCESS FACILITY RIGHT-OF-WAY

- (1) Occupancy of full controlled-access facility right-of-way under right-of-way use agreements (UPAS interstate permit) may be permitted where the facility owner shows that:
 - (a) all requirements of 60-4-601, MCA, and ARM 18.7.219 are met;
 - (b) the accommodation will not adversely affect the safety, design, construction, operation, maintenance, or stability of the full controlled-access facility.
- (2) New utility installations and adjustments or relocations of existing utilities may cross the full controlled-access facility right-of-way. To the extent feasible and practicable they should cross at right angles to the full controlled-access facility right-of-way. No structures, vents, poles, manholes or other above-ground fixtures may be located within the full controlled-access facility right-of-way unless approved by the department.
- (3) Utilities may be installed within the right-of-way of a crossroad over or under the full controlled-access facility, provided such installation is in compliance with all applicable rules, and provided the installation and servicing may be accomplished without access from the through traffic facilities of the full controlled-access facility roadway or ramps.

Authorizing statute(s): 60-3-101, 60-4-402, MCA

Implementing statute(s): 60-3-101, 60-4-402, 60-4-601, MCA

History: Eff. 12/31/72; AMD, 1995 MAR p. 854, Eff. 5/12/95; AMD, 2023 MAR p. 1012, Eff. 9/9/23; AMD, 2024 MAR p. 1880, Eff. 7/27/24.