



ADMINISTRATIVE RULES OF MONTANA



18.7.203 SCOPE AND APPLICATION

- (1) These regulations apply to all portions of federal-aid highway systems in Montana and establish requirements for occupancy of highway rights-of-way by:
 - (a) Utility facilities having property rights which have not been extinguished as a result of the utility facilities having been relocated, or have not been extinguished by specifically acquiring the property rights in question. ARM 18.7.211 covers and explains the status of and actions to be taken regarding situations where both a utility company and the department have property rights in a given piece of property.
 - (b) All other utility facilities as herein defined.
- (2) Except as noted in (3), these regulations shall apply to:
 - (a) New utility facilities as herein defined. Specific regulations governing these facilities are covered in ARM Title 18, chapter 7, subchapter 2.
 - (b) Existing utility facilities presently occupying state highway right-of-way. Such facilities shall be governed by ARM 18.7.225.
 - (c) Reconstruction or major changes in existing utility facilities presently occupying state highway right-of-way.
 - (d) Existing utility facilities which must be modified, adjusted or relocated for the accommodation of new state highway construction.
 - (e) Retained facilities on new state highway projects where facility design and construction location are reasonably acceptable and not hazardous. Such facilities shall be governed by ARM 18.7.225.
 - (f) Occupancy by facilities which are not public utilities but may be allowed under utility encroachment permits granted and administered by the department.
 - (g) Occupancy of non-interstate right-of-way is subject to ARM 18.7.220.
 - (h) Longitudinal occupancy of interstate right-of-way is subject to ARM 18.7.204 and 18.7.219.
- (3) These regulations shall not apply to facilities operated and maintained by local units of government within their jurisdictional areas unless they occupy right-of-way of federal-aid highway projects.
- (4) Other uses of real property administered by the department must be requested through the department's right-of-way bureau.

Authorizing statute(s): 60-2-201, 60-3-101, 60-4-402, 60-4-601, MCA

Implementing statute(s): 60-2-201, 60-3-101, 60-4-402, 60-4-601, 60-5-101, 60-5-104, MCA

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