



ADMINISTRATIVE RULES OF MONTANA



18.7.206 PRIVATE AND PUBLIC UTILITIES – RELOCATION COSTS

- (1) All public utilities defined in ARM 18.7.202 may occupy commission-designated highway systems or state highway rights-of-way by utility occupancy agreement permits issued at the sole discretion of the department.
- (2) All utility facilities not meeting the definition in ARM 18.7.202 are private utilities and may only occupy commission-designated highway systems or state highway rights-of-way by revocable utility encroachment permits issued at the sole discretion of the department.
- (3) Public utilities granted utility occupancy agreement permits for public utilities occupying commission-designated highway systems are eligible for payment by the department for highway construction project costs of relocation in the percentages allowed pursuant to 60-4-403, MCA, and the following terms:
 - (a) for publicly owned water or sanitary sewer facilities, when the actual cost of the work performed by a state contractor, excluding engineering costs, is under \$25,000, the department will pay costs including materials, labor, traffic control, and mobilization;
 - (b) for publicly owned water or sanitary sewer facilities, when the actual cost of the work performed by a state contractor, excluding engineering costs, is over \$25,000, the public utility owner must pay the owner's proportionate share as defined in 60-4-403, MCA, of the actual costs charged by the contractor and the following costs:
 - (i) eight percent of the owner's proportionate share for traffic control;
 - (ii) eight percent of the owner's proportionate share for mobilization; and
 - (iii) the department's current indirect cost rate.
- (4) Private utility facilities granted revocable utility encroachment permits are not eligible for highway construction project relocation payment under federal or state statutes, regulations, or rules.

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

Implementing statute(s): 60-3-101, 60-4-402, 60-4-403, MCA

History: Eff. 12/31/72; AMD, 1995 MAR p. 854, Eff. 5/12/95; AMD, 2018 MAR p. 1278, Eff. 7/7/18; AMD, 2021 MAR p. 1772, Eff. 12/11/21.