

SECTION 4. APPROACHES WITHIN PUBLIC RIGHTS-OF-WAY

Approaches within any public right-of-way are subject to the following standards. Permit applications are required to be submitted electronically and may be found at:

<https://apps.missoulacounty.us/PublicPermitting/>

4.1 Approach Permits

All new approaches to public rights-of-way constructed by individuals, groups or other government agencies shall require an approach permit issued by the County. Construction work in the County right-of-way will not be allowed until an approved permit has been issued.

4.2 Permit Fees

Any person or persons making application for permission to construct an approach to a public right-of-way shall pay the current fee, as set by Resolution of the Commissioners, for each approach permit. Current fees are available from the County Public Works Department and revenue from these fees shall be credited to the road fund to help defray the cost of inspections and administration. Permit fees may be waived by the Director under special circumstances.

4.3 Construction Costs

The permittee shall do all work and pay all costs associated with the construction of the approach and their appurtenances on the public right-of-way.

4.4 Number and Arrangement of Approaches

In the interest of public safety in access management, the County has the sole discretion to determine the location, number and configuration of all approaches to public rights-of-way. Only one approach for a single family residential property will be allowed on lots with one hundred and fifty (150) feet or less frontage. The number of approaches should be the minimum number necessary to provide reasonable access to the property. The County will examine field accesses to large agricultural tracts and to commercial or industrial locations on a case-by-case basis.

4.5 Construction and Reconstruction

The construction or reconstruction of an approach is subject to the following conditions. Existing in this instance has been determined by the County as prior to 2004, with verification by aerial photography.

1. No driveway approach or other improvement constructed within the right-of-way shall be relocated or its dimensions altered without a duly executed permit.

2. In the case of an existing approach that has been constructed to the requirements of an issued approach permit, any alteration or modification of the existing approach will require an additional approach permit at no cost, subject to approval by the County.
3. In the case of an existing approach that has not been constructed to the requirements of an issued approach permit, or was constructed without obtaining an approach permit, any alteration or modification of the existing approach will require a new approach permit with the normally associated approval and fees.

4.6 Maintenance

Any maintenance and/or repairs deemed necessary by the County shall be the responsibility of the permittee. The County reserves the right to make any changes within the right-of-way that may be necessary to provide proper protection and safety for the public or maintenance of the County right-of-way.

4.7 Indemnification

The permittee shall hold harmless and indemnify the County and its duly appointed agents and employees against any action for personal injury or property damage sustained by the reason of exercise of his or her permit.

4.8 Penalty

If upon installation of the approach the County determines that:

1. an approach is not in substantial compliance with these standards; or
2. the construction activity has damaged or altered public infrastructure; or
3. the approach creates a conflict in any way,

the owner(s) of the approach will be notified and allowed to correct the deficiency. If the deficiency is not addressed within ten (10) working days, either by corrective action or by notifying the County with a proposal for corrective action, the County will determine the approach to be an encroachment and will take appropriate action to remedy the situation in accordance with Sections 7-14-2134 through 7-14-2138 MCA.

4.9 Design and Geometric Requirements

Design and geometric requirements shall be according to the following specifications as shown on Standard Drawing MCSD-202 in Appendix A.

1. All materials shall be subject to inspection and approval by the County.
2. Sight distance shall be provided as required by AASHTO and shown in Standard Drawing MCSD-408 in Appendix A.

3. The approach grade shall conform to the slope of the roadway shoulder where practical and shall not exceed plus or minus three percent (3%) for a distance of twenty (20) feet back from the County road surface.
4. The approach shall intersect the County road at a substantially right angle ($90^{\circ}\pm 10^{\circ}$).
5. The minimum residential approach width is sixteen (16) feet and the maximum is thirty (30) feet as measured at the intersection with the travel way, inclusive of any radius between the approach and the County road.
6. Residential driveways approaching gravel County roads are not required to provide concrete or asphalt surfacing within the right-of-way, but are required to provide a minimum of six (6) inches of approved crushed material over an approved sub-base material. If concrete or asphalt surfacing is provided, the following conditions shall be met:
 - (a) A minimum of six (6) inches of concrete over an approved sub-base material; or
 - (b) A minimum of two (2) inches of asphalt and a minimum of four (4) inches of crushed base material over an approved sub-base material
7. Commercial or industrial approaches to a paved County road will be reviewed on a case-by-case basis, but at a minimum shall be constructed within the right-of-way as follows:
 - (a) A minimum of eight (8) inches of concrete over an approved sub-base material, or constructed to commercial roadway standards as specified in Section 6.
 - (b) The minimum width is sixteen (16) feet and the maximum width is thirty (30) feet as measured at the throat. The approach width at the intersection of the travel way will vary based on the radius between the approach and the County road. Exceptions for reasonable access beyond the maximum width may be considered by the Public Works Department.
 - (c) The radius between the approach and the County road shall be of sufficient length to accommodate the largest AASHTO design vehicle anticipated to regularly access the facility.
8. Commercial or industrial approaches to a graveled County road will be reviewed on a case-by-case basis, but at a minimum shall be constructed within the right-of-way as follows:
 - (a) A minimum of eight (8) inches of crushed gravel over a minimum of twelve (12) inches of crushed sub-base material or constructed to gravel commercial roadway standards as specified in Section 6.
 - (b) The minimum width is sixteen (16) feet and maximum width is thirty (30) feet as measured at the throat. Exceptions for reasonable access beyond the maximum width may be considered by the Public Works Department.
 - (c) The radius between the approach and the County road shall be of sufficient length to accommodate the largest AASHTO design vehicle anticipated to regularly access the facility.
9. The minimum spacing between an approach and a street intersection shall be seventy-five (75) feet unless individual lot dimensions or excessive topographical features prohibit adequate spacing. Measurements for this minimum spacing shall be taken from the face of curb or edge of asphalt of the intersecting street to the near edge of the approach. Where approach locations are limited by such restraints, or where the County deems an

increased spacing is necessary, residential or commercial approaches shall be located as directed by the County.

10. The minimum spacing between commercial approaches shall be reviewed on a case-by-case basis.
11. For either adjacent new approaches or where a new approach may be adjacent to an existing approach, a shared access may be required by the County.
12. Existing drainage along the County road shall not be altered or impeded without specific approval on the approach permit. When drainage structures are required, the specific size of opening, length of pipe or other design features shall be as noted on the approach permit. All culverts shall have a minimum twelve (12) inch diameter and shall be either double-wall smooth interior high-density polyethylene (HDPE) or corrugated metal pipe (CMP). The minimum amount of cover material over the culvert shall be that recommended by the culvert manufacturer. Drainage from a private road or structure is not allowed to discharge onto the County road.