

**BEFORE THE BOARD OF CASCADE COUNTY COMMISSIONERS**

**IN THE MATTER OF ROAD APPROACHES,  
PERMITS, SETBACKS AND MAILBOX PLACEMENT  
AS WELL AS APPLICATIONS AND PERMITS FOR MAKING  
EXCAVATIONS ON CASCADE COUNTY ROAD RIGHT-OF-WAY**

**RETURN TO COMMISSION**

**RESOLUTION 16-90**

**WHEREAS**, the Board of Cascade County Commissioners has been vested with the management and control of the concerns of Cascade County by virtue of Section 7-4-2101 MCA; and

**WHEREAS**, the Board of Cascade County Commissioners has been vested with the discretion to do whatever may be necessary and in the best interests of the County regarding the County's roads and road districts by virtue of Section 7-14-2102 MCA; and

**WHEREAS**, the Board of Cascade County Commissioners has authority to manage the roadways within Cascade County in a safe and healthy manner by virtue of Section 60-1-101 MCA; and

**WHEREAS**, the Board of Cascade County Commissioners finds that the public safety and convenience will be best served by promulgating a uniform set of regulations governing driveway approaches, excavations on Cascade County Road Right-of-Way and miscellaneous matters associated therewith; and

**WHEREAS**, the Board of Cascade County Commissioners desires to establish Resolution 16-90 which shall replace Resolutions 94-32 (Reel 260 Doc 774) and 95-74 (Reel 272 Doc 978 and Reel 273 Doc 346) concerning road approach permits, excavation permits to perform work in the County Road Right-of-Way and regulating of mailbox types and locations.

**THEREFORE, BE IT RESOLVED** that the following rules hereby replace Resolutions 94-32 (Reel 260 Doc 774) and 95-74 (Reel 272 Doc 978 and Reel 273 Doc 346) and shall hereafter govern driveway approaches, excavations on Cascade County Road Right-of-Way, sighting of mailboxes, and miscellaneous matters associated therewith.

**R0328938 CRS**

Total Pages: 41 R 0.00 By: tmarch 09/29/2016 10:23:08 AM  
Cascade County, Rina Ft Moore - Clerk & Recorder



## I. APPROACH PROJECTS GOVERNED

All new approaches not installed as part of a State or County construction or reconstruction project shall be installed by the owner of the property being served, the contract purchaser, or the owner of a long-term lease with a remaining life greater than five years, or their authorized agents. All approaches constructed or reconstructed after the effective date of this resolution shall be constructed in conformance with the regulations herein or as approved by the Cascade County Public Works Department. The cost of construction and maintenance of all approaches and associated appurtenances shall be born by the person or entity with the responsibility for constructing the approach under the regulations herein.

## II. APPROACH PERMIT REQUIREMENT

All persons or entities with the responsibility for constructing an approach under these regulations, except Cascade County or any of its departments, or agents, shall obtain a permit prior to construction.

## III. PROCEDURE FOR OBTAINING AN APPROACH PERMIT

1. All persons or entities required to obtain a permit under these regulations for the purpose of constructing or reconstructing any residential, commercial, industrial, public street or road approach shall fill out a permit application with the Cascade County Public Works Department.
2. All applicants shall pay a non-refundable \$150 permit application fee at the time of application submittal.
3. Every application shall contain a brief description of the proposed work and shall be accompanied by a plot plan and proposed work location. Location specifications should be as specific as possible. Rural locations should be designated by the nearest rural address. Each applicant must include name of the party requesting the permit and appropriate address and telephone number.
4. Upon receipt of a completed permit application with associated fee, the Public Works Director or their designee will arrange a meeting with the applicant, in person, or by telephone for the purpose of discussing the details of the proposed work.

5. For each project, the Public Works Director or their designee has the authority and shall approve all curb cuts, public and private approaches serving businesses, residences and agricultural approaches in rural and urban areas.
6. Permits shall be effective for a period of three months from the date of issuance. Permits shall be issued upon a complete permit application, payment of the appropriate fee and the approval of the Public Works Director or their designee. Failure to complete construction on an approach for which a permit has been properly obtained within the effective period of the permit, shall subject the permittee to complete the permit process over as herein described.
7. Upon approval of the permit application, the Public Works Director or their designee shall retain the original permit on file and supply a copy to the permittee.
8. The Public Works Director or their designee shall have authority to order work or progress to cease on any project or approach governed under these regulations not approved under the foregoing permit process.

#### IV. GENERAL CONSTRUCTION GUIDELINES AND INSPECTION PROCESS FOR APPROACH PERMITS

1. NUMBER AND ARRANGEMENT OF APPROACHES. The number of approaches should be the minimum number required to provide reasonable access to property adjacent to a County Right-of-Way. Property frontages of two hundred feet or less shall have no more than one approach. Exceptions may be made for approaches with high traffic volumes or properties adjacent to roadways with directional traffic flow. The Public Works Director or their designee shall exercise discretion in the interest of safety.

Generally, no more than two approaches will be approved for any single tract of property or business establishment. Exceptions may be made where the frontage exceeds five hundred feet or if special conditions exist for which a greater number of approaches may benefit the public's safety.

2. INSPECTION. The Public Works Director or their designee shall have the authority to inspect the construction of every approach on a County Right-of-Way. Additionally, the Public Works Director or their designee shall have the authority to order compliance with these regulations. Furthermore, the Public Works Director or their designee may inspect any approach on a

County Right-of-Way. Provided, the failure of the Public Works Director or their designee to make a reasonable and timely inspection of the construction of an approach for which a permit has been obtained shall not limit the Public Works Director or their designee's authority under these regulations to order alteration of previously completed work.

3. RESERVATION OF RIGHTS. The county reserves the right to make changes within its Right-of-Way that may be necessary to provide for the protection and safety of the public or maintenance of the County road.
4. INDEMNIFICATION. Every permittee shall hold harmless the County, its officers, employees and agents against any action sounding in tort for damage allegedly sustained by any person or entity and suffered during the exercise of any project or work authorized by a permit granted under these regulations.

#### V. DESIGN AND GEOMETRIC REQUIREMENTS FOR APPROACH PERMITS

1. DESIGN DETAILS. The Public Works Director or their designee may authorize or require certain changes in the design limits herein, upon written request of a permit applicant, when such changes are necessary to preserve the normal and safe movement of traffic or to permit reasonable access. When physical factors make impractical the result of obtaining reasonable access within these requirements, variations may be authorized after review of a proposed approach design by the Public Works Director or their designee. Sight Distance, as determined by reference to the design speed of a road, shall be a controlling factor in consideration of all design proposals. Reference may be made to the Approach Sight Distance and Design attachments designated as "Exhibits A & C" to these regulations.
2. DRIVEWAY WIDTHS. Driveway widths shall be determined by application of "Exhibit B", attached to these regulations.
3. APPROACHES TO ROADS WITH ASPHALT SURFACES. Approaches to roads with asphalt surfaces shall be constructed with an asphalt surface. The asphalt surface shall extend a minimum distance of 20' from the adjacent shoulder line. If the distance from the outside shoulder line to the Right-of-Way is less than 20', the asphalt surface need not extend further than the Right-of-Way. Approach surfaces beyond the Right-of-Way or 20' beyond the shoulder line should be gravel surfaced. All commercial approaches intersecting County asphalt approaches shall be surfaced with asphalt.

4. CORNER CLEARANCE. Clearance for corners at the intersection of any County road with another road shall provide a sufficient distance from the intersection to provide a safe movement of traffic. If a driveway is to be located adjacent to a road or street in an intersection, the following will apply:
  - a. When an intersecting roadway is curbed, the end point of curvature of the driveway radius shall be a minimum distance of 20' from the end point of curvature of the intersecting roadway radius, or a minimum distance of 10' inside the abutting property frontage, whichever will provide the greater clearance.
  - b. When an intersecting roadway is uncurbed, the end point of curvature of the driveway radius shall be a minimum distance of 50' from the edge of the pavement of the intersecting road.
5. DRAINAGE. Drainage in County road ditches shall not be altered or impeded except when a culvert flow line is lower than the bottom of the ditch. The transition from the ditch flow line to the culvert flow line shall occur in a distance of 15' at the culvert inlet. The transition from the culvert outlet to the ditch flow line shall occur at a grade of not less than 0.5%. Where drainage structures are required, the size of opening, the length of pipe and other design features shall be approved by the Public Works Director or their designee.

All approaches shall either drain away from the traveled way or have sufficient crown to cause all drainage to run to the sides of the approach rather than draining onto any County road. Approaches shall be constructed so as not to impair drainage within the County Right-of-Way, alter the stability of the roadway sub-grade, or materially alter that areas adjacent to the County Right-of-Way. Culverts and drop inlets shall be installed where required and shall be the type and size specified by the Public Works Director or their designee. Where the border area is regraded and/or landscaped, it shall have sufficient slope and culverts for adequate drainage.

6. APPROACH GRADE. The approach grade or slope of the approach shall be so constructed as to conform to the slope of the roadway shoulder from the edge of the traffic lane to shoulder line and thence shall be sloped upward or downward with the range of 0.2' to 0.8' for a distance necessary to place the low point or grade change of the driveway approximately eight inches above or below the shoulder elevation. Where approaches have side slopes, these slopes should be constructed at a 4:1 ratio or flatter.

7. **SETBACK DISTANCE.** The setback distance from the Right-of-Way line to the near edge of any gas pump island, vendor stand, tank, water hydrant, or the like, should be at least 15'. The greater distance is recommended for rural areas where free movement of large vehicles may be anticipated.

Sufficient storage area off the Right-of-Way shall be provided by the landowner of commercial property to prevent the servicing, stopping and destroying of vehicles on the approach and to prevent a vehicle from backing out of an approach onto the traveled way. This requirement shall be applied to all parking lots, gas stations, garages, drive-in cafés, truck terminals or other road side businesses where a large number of vehicles enter and leave the property in a short period of time.

Poles, signs, displays, etc., which may restrict the sight distance of a vehicle entering or leaving a commercial property should not be installed closer to 15' of the traveled way.

8. **MAILBOX LOCATIONS.** Mail boxes placed along non-controlled access roads may serve a potential hazard to out-of-control vehicles. This hazard can be minimized by following the guidelines herein. Reference "Exhibit D". Contact your local postmaster for more information or view online at [www.usps.com/manage/mailboxes](http://www.usps.com/manage/mailboxes).
  - a. All manufactured mailboxes must meet the internal and external dimension requirements of the USPS.
  - b. Curbside mailboxes must be placed on the right-hand side of the road and facing outward so that mail carriers can access it easily without leaving their vehicle.
  - c. The box or house number on a mailbox must be represented in numbers that are at least 1 inch tall, and they must be positioned on the front or flag side of the box.
  - d. Mailboxes must be placed 6 to 8 inches away from the curb; the slot or door must be 41 to 45 inches from the ground.
  - e. Curbside mailbox posts should be buried less than 24 inches deep and made from wood no larger than 4 inches high by 4 inches wide. Steel or aluminum pipes with a 2-inch diameter are also acceptable.
  - f. Newspaper receptacles may be mounted on the same post as the mailbox, but they must not contact it directly or be supported by it.

VI. PROVISIONS FOR MAKING EXCAVATIONS ON CASCADE COUNTY  
ROAD RIGHT-OF-WAY

1. The permit application shall state in detail the locations, dimensions, purposes and estimated time of obstruction.
2. A plat must be filed with application showing locations and dimensions of excavations except when excavation is done for maintenance of existing utilities.
3. The Public Works Director or their designee may make such changes in the application as, in their opinion, are necessary for the protection of County Road Right-of-Ways.
4. Every application shall contain a statement signed by the applicant that if any tank, pipe, conduit, duct or tunnel is placed in the excavation for which a permit is granted interferes with the future use of the County Road Right-of-Way, then the Applicant will, at his own expense, remove such tank, pipe, conduit and tunnel placed in the excavation.
5. A non-refundable permit application fee of \$150 will be charged at the time the application is submitted for consideration to the Cascade County Public Works Department. A fee of 50¢ per linear foot will be charged for excavations running LONGITUDINALLY along the county right-of-way. If the new road excavation encounters an existing culvert, the proposed utility shall be laid below the existing culvert. All utility lines, etc., that run LONGITUDINALLY within the county Right-of-Way will not be allowed inside the county typical road section. A surety deposit equal to the estimated cost of repairing the County road Right-of-Way which may be damaged by the proposed excavation may be required by the Public Works Director or their designee before the permit is approved.
6. Immediately upon completion of the work in any excavation, the Permittee shall promptly refill the excavation in the manner which the Public Works Director or their designee determines necessary to restore the County Road Right-of-Way to a condition equivalent to that in which it was prior to the excavation.
7. If any Permittee fails or refuses to refill any excavation which they have made, or remove any obstruction which has been placed on the County Road Right-of-Way, the Public Works Director or their designee may have it removed and charge the cost to the Permittee.

8. Upon completion of the refilling of the excavation, the Public Works Director or their designee, may require the Permittee to resurface that portion of the County Road Right-of-Way surface damaged by the Permittee's excavation, or the Public Works Director or their designee may elect to have the resurfacing done by the Public Works Department personnel and charge the cost to the Permittee. Where the pavement or asphalt surface had been removed, the Permittee shall replace it to a thickness one inch greater than that of the surrounding pavement or asphalt surface, and in no event, to a thickness less than two inches.
9. If, after the refilling of the excavation, the Permittee fails or refuses to resurface that portion of the County Road Right-of-Way damaged by said Permittee, the Public Works Director or their designee may have such resurfacing done; the cost of such resurfacing shall be recovered from the Permittee as provided by law except in those instances where the Permittee's excavation is within the area of pavement to be immediately reconstructed by the County and the resurfacing of the excavation is an integral part of the general County improvement.
10. The Public Works Director or their designee may deduct from any Surety Deposit the cost of the County refilling any excavation or removing any obstruction; the cost to the County of resurfacing the County Road Right-of-Way; and/or the cost of any inspections by the Public Works Director or their designee.
11. After making the deductions specified in paragraph 10, the Public Works Director or their designee shall refund to the Permittee any amount still remaining in the Surety Deposit.
12. If any Surety Deposit made is less than sufficient to pay all fees and costs provided in paragraph 10, the Permittee shall, upon demand, pay to Cascade County an amount equal to the deficiency. If the Permittee fails or refuses to pay such deficiency upon demand, Cascade County may recover the same by action in any Court of competent jurisdiction.
13. If at any time within 24 months subsequent to the first repair of a surface of a County Right-of-Way damaged or destroyed by any excavation or obstruction on such County road Right-of-Way, it becomes necessary again to repair such surface due to settling, or any other cause directly attributable to such excavation or obstruction, the Permittee shall repair such damage to the satisfaction of the Public Works Director or their designee, or pay to Cascade County the cost of such repairs. If the Permittee fails or refuses to pay such additional costs upon demand, Cascade County may recover such additional costs by action in any Court of competent jurisdiction.

14. Nothing in the Resolution prohibits any person from making an excavation of any tank, pipe, conduit, duct or tunnel in any County Road Right-of-Way, or from making such excavation as may be necessary for the preservation of life or property when necessity arises during hours when the office of the Public Works Department is closed, provided the person making said excavation obtains a permit within one day after the office of the Public Works Department is first opened subsequent to making said excavation.
15. Every permit for an excavation in or under the surface of any County Road Right-of-Way shall be granted subject to the right of the County or any other person entitled thereto, to use that part of said County Road Right-of-Way for any purpose for which County Road Right-of-Way may be lawfully used.
16. Permittee shall, for public safety, install and maintain construction signs according to MUTCD and State Law. Permittee shall use all reasonable safety precautions involved in excavation work, and shall save Cascade County free and harmless from responsibility from accidents or injury to any person or persons stemming from said excavation. Any work which may limit traffic will require a traffic plan to be submitted, reviewed and approved by the Public Works Director or their designee.

## VII. WEED MANAGEMENT AND REVEGETATION REQUIREMENTS FOR DISTURBED AREAS IN CASCADE COUNTY, MONTANA

### 1. PRIOR TO DISTURBANCE

- a. Provide the Public Works Director or their designee with a description of the present use and condition of the area.
- b. Arrange a joint inspection of the area with the Public Works Director or their designee to provide baseline information on noxious weeds present.
- c. If possible, provide a list of locations from which equipment will be moved, in coming to the proposed site.
- d. Provide to the Public Works Director or their designee, for approval, a plan of operation and reclamation procedures to be used in the control and prevention of noxious weeds on the site during and after the disturbance.

## 2. DURING OPERATION

- a. The entire area of operation, including any stockpiles of topsoil, overburden, gravel, and access routes, etc., shall be maintained in a noxious weed free condition.
- b. Prevention of the development of seed or other propagation parts by a method approved in the Public Works Department's Noxious Weed Management Criteria, will constitute noxious weed free.

## 3. RECLAMATION

- a. The area shall be revegetated in accordance with 7-22-2152 MCA. Whenever possible and economically feasible, the disturbed area should be revegetated with the same type of desirable vegetation as the surrounding area. The landowner should also be contacted for his approval of species to be planted.
- b. Noxious weeds on the site shall be managed according to the most effective control method approved in the Public Works Department's Noxious Weed Management Criteria for a period of two years after the date of reclamation completion. After two years, the weed control responsibility reverts to the deeded landowner.

## APPROACH SITE DISTANCE

### INTERSECTION AT-GRADE

**Height of Eye/Object.** The height of eye for passenger cars is assumed to be 3.5' (1080mm) above the surface of the minor road. The height of object (approaching vehicle on the major road) is also assumed to be 3.5' (1080mm). An object height of 3.5' (1080mm) assumes that a sufficient portion of the oncoming vehicle must be visible to identify it as an object of concern by the minor road driver.

Design Speed ( $V_{major}$ ) (mph)	ASD (ft.)
20	225
25	280
30	335
35	390
40	445
45	500
50	555
55	610
60	665
65	720
70	775

EXHIBIT A

# TYPICAL APPROACH SECTION

## AT RIGHT-OF-WAY LINE

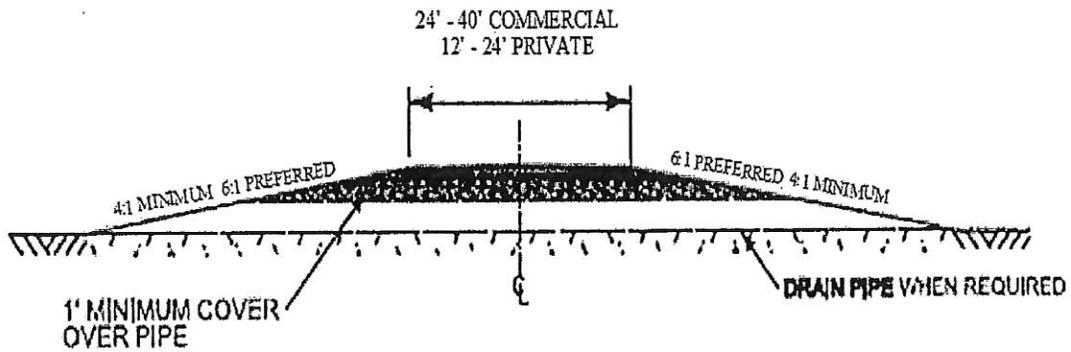
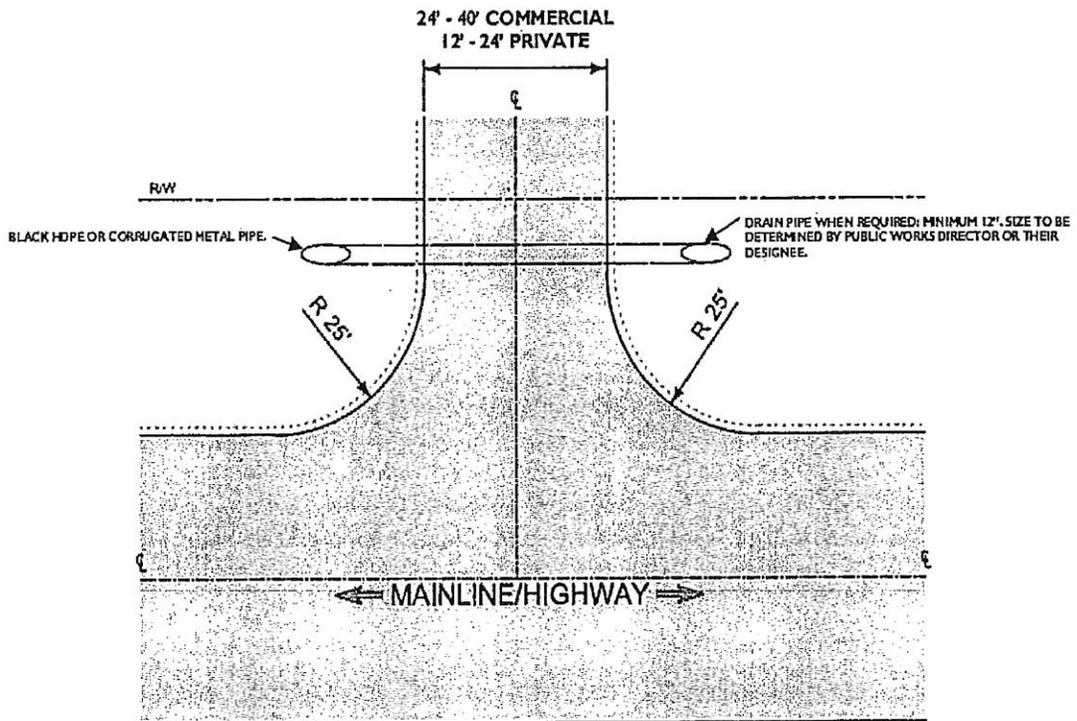
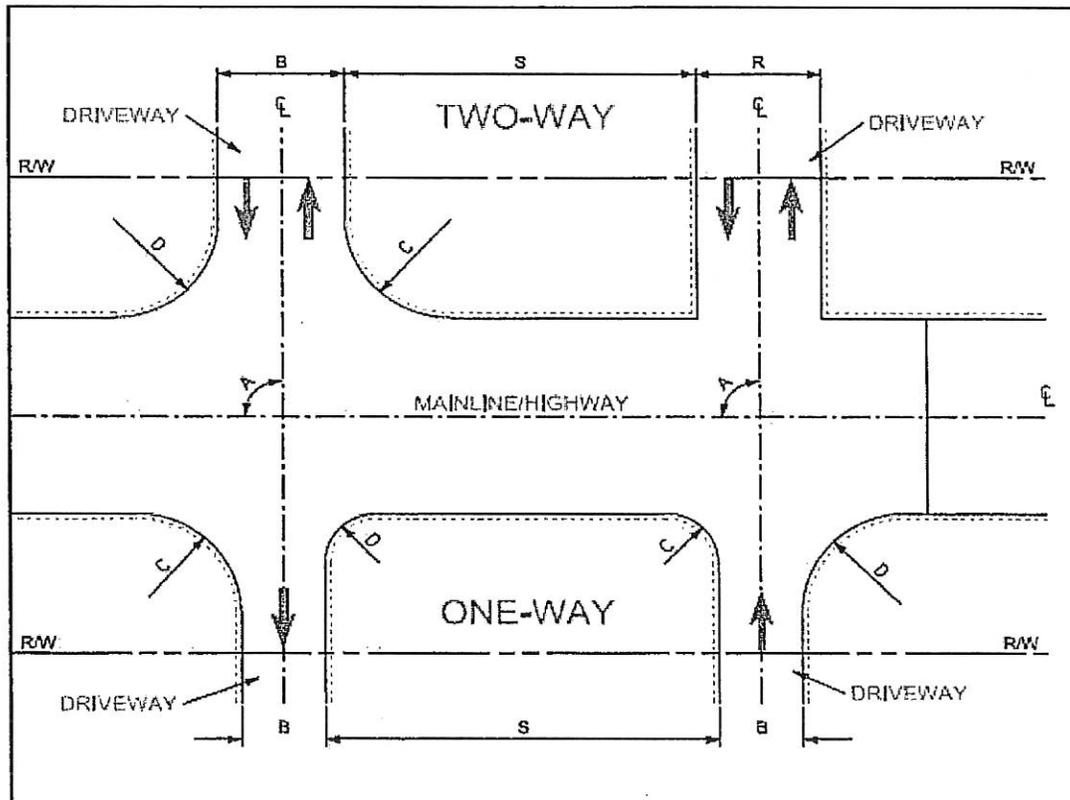


EXHIBIT B

## APPROACH DESIGN CRITERIA



		Distance between Approaches (S)	Intersecting Angle (A)	Approach Width (B)	Entering Radius (C)	Exiting Radius (D)	Curb Cut (R)
		Recommended (Range)	Recommended (Range)	Recommended (Range)	Recommended (Range)	Recommended (Range)	Recommended (Range)
Curbed	Two-Way	400 ft (25-500+)	90° (75-105°)	24 ft (24-40 ft)	20 ft (5-50 ft)	15 ft (5-50 ft)	40 ft (20-50 ft)
	One-Way In	400 ft (25-500+)	90° (75-105°)	16 ft (16-30 ft)	20 ft (15-50 ft)	10 ft (5-15 ft)	
	One-Way Out	400 ft (25-500+)	90° (75-105°)	16 ft (16-30 ft)	10 ft (5-15 ft)	20 ft (15-50 ft)	
Uncurbed	Two-Way	400 ft (25-500+)	90° (75-105°)	24 ft (24-40 ft)	25 ft (5-50 ft)	25 ft (5-50 ft)	N/A
	One-Way In	400 ft (25-500+)	90° (75-105°)	16 ft (16-30 ft)	20 ft (15-50 ft)	10 ft (5-15 ft)	
	One-Way Out	400 ft (25-500+)	90° (75-105°)	16 ft (16-30 ft)	10 ft (5-15 ft)	20 ft (15-50 ft)	

EXHIBIT C

## MAILBOX SAFETY AND PLACEMENT

### 1. Standard Guidelines For Placement of Mailboxes

- a. Mailbox Height: A height of 41" – 45" is required. This height is measured from the road surface to the bottom of the mailbox. It allows the carrier to see inside the mailbox to determine if mail has cancelled or uncanceled stamps on it.
- b. Placement of Boxes on Individual Posts: Mailboxes should be placed at the end of and on the far side of the driveway in a position so that the carrier can use the driveway as a turnout to serve the box. This also accommodates the carrier when it is necessary to deliver parcels to the door. I.e. Parcel can be left in a designated place when no one is home and mail can be placed in the mailbox as the carrier exits the driveway.

A height of 41" to 45". Front of the box should be 6" to 8" away from the curb.

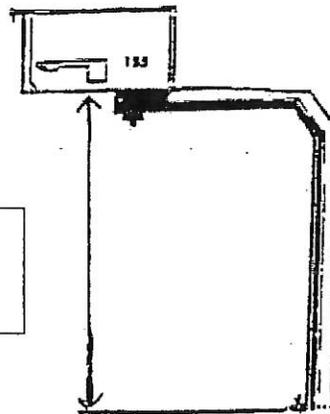


EXHIBIT D

- c. Placement of Boxes on Roadways: On roadways where the speed limit is greater than 35 mph, attempt to place the box/boxes in turnouts where available so carrier is safely out of the flow of traffic. Ensure there is a clear line of sight so carrier can judge when it is safe to merge into traffic lane. If no turnout is available, place boxes on a side road a minimum of 50 feet from the intersection with the heavier traveled road. Place boxes in accordance with postal guidelines. This should provide a safe zone in which the carrier/customer may have access to the boxes. In inclement weather and/or snowy/icy road conditions, cars may be less likely to slide/skid into the boxes.

## A GUIDE FOR ERECTING A SAFE MAILBOX

### **The Law:**

On October 1, 1991, Montana law on Highway encroachments (60-6-101, MCA) became effective which regulates the placement of mailboxes and newspaper delivery boxes. This law defines mailboxes and newspaper delivery boxes on public-owned Rights-of-Way as encroachments subject to removal. The law applies to roadways that are under the jurisdiction of the Montana Transportation Commission. However, many counties have passed a resolution to require safe installations on county roads.

### **The Risk:**

Why should we be concerned about mailboxes? Public road agencies spend a lot of public money to make roadways safe by removing or shielding hazardous fixed objects. An unsafe mailbox installation diminishes this effort to make roadsides safer. The owners of the road (taxpayers) risk a liability problem by not removing hazardous mailboxes. In addition, the owner of the mailbox can be sued for damages resulting from a collision with a mailbox.

### **The Cost:**

Crash records of the Montana Transportation Information System for the four years (1996 through 1999) show there were 422 crashes in which the first harmful event or the most harmful event was a mailbox. Among these 422 crashes, there were three fatalities and 136 persons injured. The economic loss in Montana based on these crashes alone exceeds one million dollars.

**EXHIBIT D (cont.)**

**The Solution:**

These fatalities and injuries largely are preventable if we (the public) insist that only safe mailbox installations be allowed on public-owned Rights-of-Way. A mailbox installation that appears to be hazardous should be reported to the local Postmaster. The Postmaster then will contact the Department of Transportation or county road supervisor and work jointly with the appropriate official to have the mailbox removed and replaced with an approved design. The cost is borne by the mailbox owner.

**REMOVAL OF NONCONFORMING OR UNSAFE MAILBOXES**

Any mailbox that is found to violate the requirements referenced or described herein shall be removed by the postal customer upon notification by the U.S. Postal Service, Montana Department of Transportation or Cascade County Public Works Department. At the discretion of the Agency, based on an assessment of hazard to the public, the customer will be granted not less than 24 hours nor more than 30 days to remove an unacceptable mailbox. After the specified removal period has expired, the unacceptable mailbox will be removed by the Agency at the postal customer's expense. If the encroachment obstructs and prevents the use of the highway for vehicles, the Agency may immediately move the same without the notice required by Montana Code Annotated 60-6-102.

Contact your local postmaster for more information or view *Montana Guide to Mailbox Safety and Placement* online at [www.mdt.mt.gov/publications/docs/brochures/safety/mailbox\\_safety.pdf](http://www.mdt.mt.gov/publications/docs/brochures/safety/mailbox_safety.pdf)

**EXHIBIT D (cont.)**

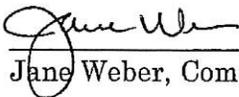
Resolution 16-90

Dated this 27th day of September, 2016

BOARD OF COUNTY COMMISSIONERS  
CASCADE COUNTY, MONTANA

  
\_\_\_\_\_  
Joe Briggs, Chairman

  
\_\_\_\_\_  
James Larson, Commissioner

  
\_\_\_\_\_  
Jane Weber, Commissioner

ATTEST

On this 27<sup>th</sup> day of September, 2016, I hereby attest the above-written signatures of the Cascade County Commissioners.

  
\_\_\_\_\_  
Rina Fontana Moore,  
Cascade County Clerk and Recorder  
by deputy  
