



Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

Memorandum

To: Distribution

From: Dwane E. Kailey P.E, Chief Engineer [Signed by Dwane Kailey on 4/25/2014](#)

Date: April 25, 2014

Subject: Right-Of-Entry Procedure

After reviewing the appropriate statutes, case law and various procedures and forms used within the agency it was decided that a consistent statewide Right-of-Entry procedure needed to be implemented. The intent of this procedure is to minimize conflicts with landowners while conforming to state law. If in doubt, be respectful and considerate of the landowner's rights. If you have any questions regarding this procedure, please feel free to contact the Right-of-Way Bureau Chief or Legal.

1. For the purposes of this document, if a specific individual is not identified for a task the District Preconstruction Engineer and the Project Design Manager will designate who will perform the respective task.
2. Send letter to landowner requesting permission to enter at least 30 days prior to entry. Request for entry letters typically should be sent out as soon as the Project Design Manager is named. For MDT designed projects, the District Preconstruction Engineer or his designee is responsible for sending, receiving and filing right-of-entry letters. For Consultant design projects, the Consultant will be responsible for sending, receiving and filing right-of-entry letters.
3. If response a letter is received, the letter is to be scanned and stored on the Document Management System. Original is retained in the District's preliminary engineering file. Consultants will provide the original signed form to the District. Consultant will scan and submit to Consultant Design to store on DMS and send the original to the District.
4. If no response is received in 30 days, send person to door. If after due diligence you are unable to contact the landowner or the landowner denies right of entry, contact legal services.
5. If the entry occurs more than 1 year after receiving permission from the landowner, 30 days prior to re-entry send a courtesy letter to the landowner thanking them for granting permission and advising them a crew will be on their property in the near future.

6. MDT employees entering private property must carry their MDT identification card and shall present the identification upon request. Consultants shall carry and present valid identification upon request.
7. Vehicular access is limited to established roads and trails unless specific permission to leave established roads is received from the landowner.
8. Approval of the landowner is required for the clearing of trees, brush or other vegetation.
9. A landowner may request that vehicles be washed prior to entry in order to remove mud and debris that might carry noxious weeds or seeds.
10. The Right-of-Entry form may be edited to include project specific information. Project specific information may include information such as; location, limits, scope of work, websites or other locations of additional information and future public meetings.

Attached to this memo is the Right-of-Entry form that must be used when seeking access to private land for surveying or other activities.

Attachment: rightofentryform

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