

August 10, 2007

Subject: FT requirements for “Open to Public Travel” routes

Each year the Montana Department of Transportation (MDT) is required to determine fuel tax allocations distributed to Montana’s cities, counties, and consolidated city-county governments set forth in 15-70-101 MCA, as amended.

One of the factors used to calculate the amount allocated to each local entity is “open to public travel” road mileage.

MDT conducts field inventories yearly to collect spatial representations (using GPS) and to ensure newly added roads truly are “open to public travel”.

Open to Public Travel is defined as a segment of road available for public use except during periods of extreme weather or emergency conditions, passable by a 2-wheel drive passenger car and open to the general public.

Restrictions:

- Not passable by two-wheel-drive passenger car
- Primitive trails
- Driveway to a single residence
- Field access roads
- Parking lot
- Restrictive gates
- Roads in Cemetery
- Orange markings on post (MCA: 45-6-201)
- “No Trespassing” sign (MCA 45-6-201)

Under criminal trespass in MCA 45-6-201, a no trespassing notice “must be placed on a post structure or natural object by marking it with a written notice or with not less than 50 square inches of fluorescent orange paint” and if property has been posted as stated above “it is considered closed to public access unless explicit permission to enter is given by the landowner or his authorized agent.”



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