

Highway Occupancy Permit (HOP) Engineering District 12

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DISTRICT EXECUTIVE

www.dot.state.pa.us



Permit References

Regulatory Reference:

Chapter 441 – Driveway Access

Chapter 459 – Utility Occupancy

General Reference:

Pub. 170/282 – HOP Manual

www.dot.state.pa.us / More links/HOP's



Permit Unit

- **Highway Occupancy Permits**
 - **Driveways**
 - **Minimum Use** **2 – 50 ADT**
 - **Low Volume** **51 – 1500 ADT**
 - **Medium Volume** **1501 – 3000 ADT**
 - **High Volume** **>3000 ADT**
 - **Local Roads - Access serving more than 3 properties**
 - **Utility**
- **Posted and Bonded Roads**
 - **Permit to haul on posted roads (does not include posted bridges)**
 - **Local Delivery (emergency vehicles, school buses, residential deliveries, governmental agencies)**
- **Hauling Permits**
 - **Weight over 80,000 (standard)**
 - **Length over 90 feet**
 - **Height over 13 feet 6 inches**
 - **Width over 8 feet 6 inches**



Other Types of Permits/Agreements

- **Right of Entry – Monitoring Wells – Maintenance Unit**
- **Bikeways – Design Unit**
- **Bridge Occupancy License (BOL) - Bridge Unit**
- **Highway Occupancy Agreement – Right-of-Way Unit**
- **Parades (Temporary Road Closures) – Traffic Unit**
- **Overhead Banners – Traffic Unit**
- **Advertising Signs – Right-of-Way Unit**

Scoping Meeting

- **Required for all TIS Projects**
- **Recommended for any significant impact**
- **Make request to PennDOT for a meeting date**
- **Submit Scoping Meeting Application (Located in TIS)**
- **Applicant Responsibility**
 - **Invite Planning Agency, Municipality, and Engineers**
 - **Record meeting notes and distribute within 7 business days to all in attendance.**

Scoping Meeting Agenda Topics

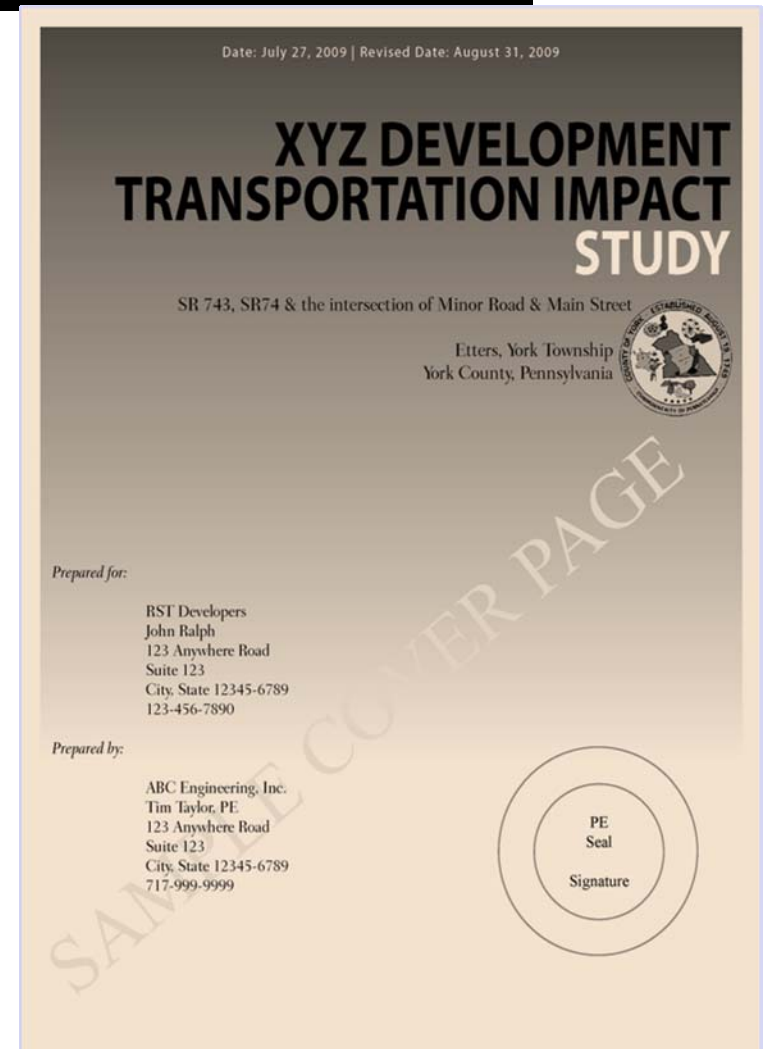
- **Background of Project**
 - **Location and Description**
 - **Status of Land Development Process**
 - **Site Plan Discussion**
 - **Proposed access**
 - **Other road impacts**
 - **Land uses: retail, commercial, residential**
 - **Adjacent properties**
 - **Affected property owners**
 - **Release procedures**

Scoping Meeting Agenda Topics

- Known Congestion
- Safety Issues
- Environmental Issues
- Pedestrian/Bike/ADA
- Intersections to be studied
 - Intersections adjacent and in closed proximity to the site
 - Intersections of major concerns
 - Intersections with historical issues
 - Crashes
 - Congestion

Transportation Impact Study (T.I.S.)

- A traffic study will be required:
 - ADT of 3000 or more (1500 vpd)
 - 100 new vehicle trips entering or exiting in any one hour
 - Redeveloped Sites generate 100 or more additional trips during any one hour time period
 - Significant impact on highway safety or traffic flow
- Traffic Impact Assessment
 - Recommended for any significant impact



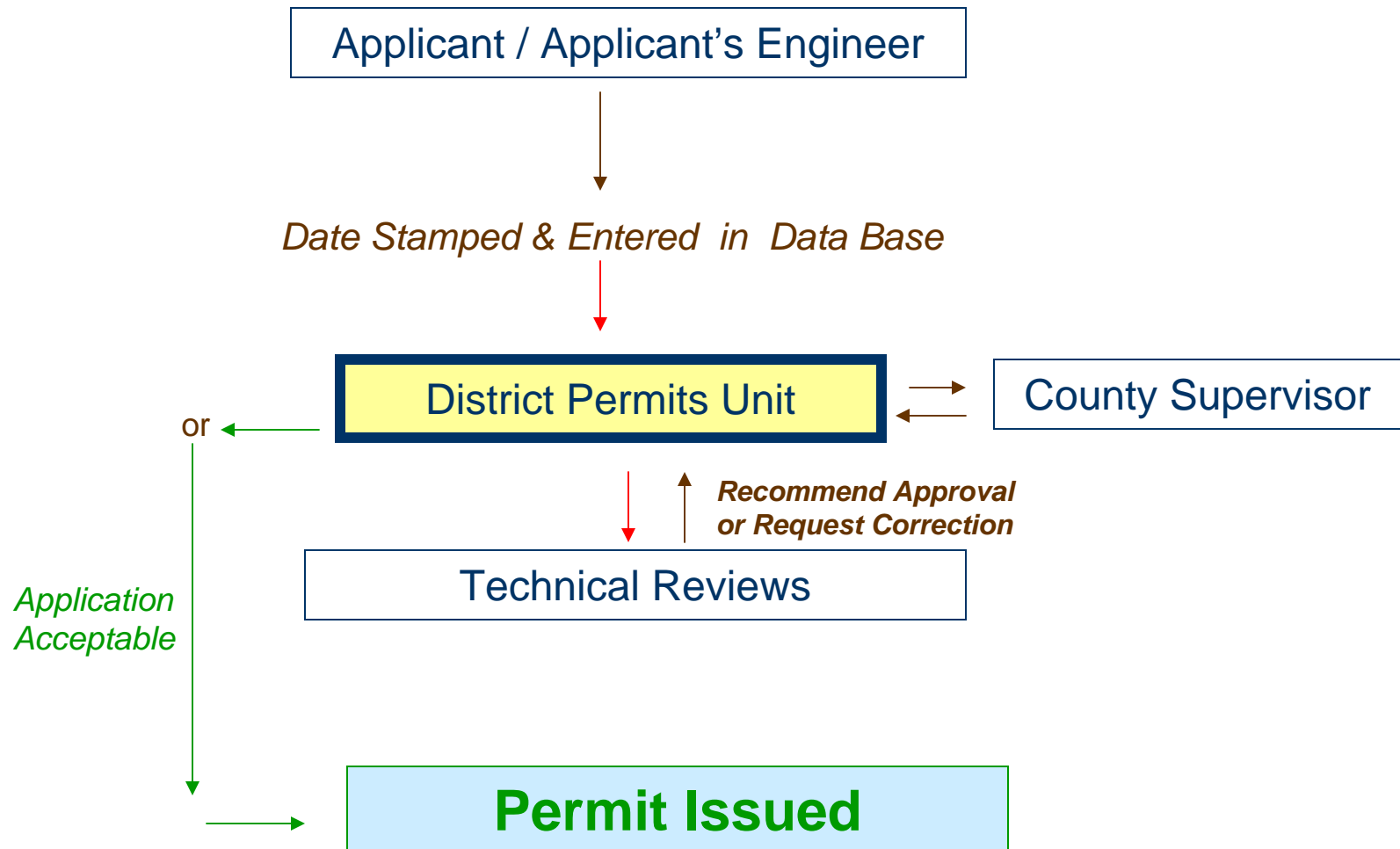
H.O.P. Submission Package

- **The submission package must include:**
 - Application – M-945A
 - Approved Transportation Impact Study (if required)
 - Proof of ownership (i.e. copy of deed or lease agreement)
 - Land Use Development Plan
 - 4 Sets of plans, no larger than 22” x 34”
 - Copies of the drainage/storm water management report
 - Copies of the Geotechnical Report
 - Property Releases (where applicable)
 - Right-of-Way Plan (where applicable)

Recommended Submission Practices

1. Mitigations identified in TIS are on the plan.
2. Ensure the submitted package is complete: plans, reports, Right-of-Way documentation, signatures, etc
3. Plan Accuracy
 - plan reflects existing conditions
 - scope of work is clearly identified
 - Utilities
4. Internal Driveway design must be shown – potential internal conflicts must be identifiable.
5. Resubmit revised HOP packages in a timely manner.
6. Address all comments fully
7. Document all correspondence between submissions and submit along with the revised package.

Submission & Review Process



PennDOT Organizational Structure

- **Other Units involved in HOP Process**
 - **Traffic Unit**
 - **Traffic Impact Study**
 - **Signal Plan Review**
 - **Traffic Control Plan Review**
 - **Sign and Pave Marking Plan Review**
 - **Design Review**
 - **Highway Plan Review**
 - **Drainage Review**
 - **Right of Way Plan Review**
 - **Bridge/Structure Plan Review**
 - **Construction Review**
 - **Geotechnical Plan Review**
 - **Materials (Material Sources, Mix Design, QC Plans)**



Permit Recording

- **Permit restricts access**
- **Permit authorizes a drainage connector to existing State drainage facilities of any type**
- **Permit requires construction and/or maintenance of drainage facilities**
- **Permit contains an Access Covenant, Form M-946**
- **Permit contains a Drainage Release, Form M-947**
- **Permit contains an Agreement**
- **Permit contains an Indemnification Agreement**
- **Permit requires the installation and maintenance of signs or pavement markings**
- **Permit grants a modification or condition statement**
- **Alteration or closing of an existing access in conjunction with a new access**

Financial Security – Letter of Credit

- **Required when one or more of the following is applicable:**
 - **Work involves auxiliary lanes or additional thru-lanes**
 - **Substantial work is being performed requiring an agreement under Regulation 441.5(f)**
- **Cost Estimate**
 - **Itemized estimate of all improvements within the PennDOT Right-Of-Way**
 - **Estimate plus fifteen (15%) percent = the amount of the Letter of Credit**
- **Permit will not be issued until LOC is approved**
- **Letter of Credit is reduced to 80% upon completion of work and the remaining 20% held for the two-year maintenance period.**



Access Rights of Adjacent Property Owners

- **Auxiliary lanes located in front of a property of another person**
 - Applicant must secure the approval of the other person or indemnify the Commonwealth.
- **Permittee is responsible to pay all fees, costs and expenses to mistake and/or indemnify.**
- **Typical Situations**
 - Existing driveway that needs reconstructed or restricted
 - Existing driveways that are not impacted
 - Frontage with no driveway

**Into every permit managers life,
a little rain must fall....**



Drainage Impact Report

- **Drainage Control Plan and Impact Report for Low, Medium and High Volume Driveways** – required if there will be an increase in flow onto the highway or a third party's land as a result of the permit work
- **Must provide remedy if additional flow on third party's property, otherwise release is required.**
- **Utilize the design storm (frequency) specified in Design Manual, Part 2**
- **Gutter Flow and Encroachment Calculations to utilize the 10-year frequency storm per PennDOT Publication 13M**

Drainage - Detention Basins

- **Detention Basins are not permitted to be located in the State's Legal Right-of-Way.**
- **Consult the PennDOT District for additional specific requirements for berm locations, infiltration bed criteria, etc.**
- **Consult with DEP in obtaining related. permits, as necessary**

Permitting Drainage Facilities

- State Highway Law provides that: *“It is unlawful for any person to discharge sewage or **drainage**, except surface drainage, on, or within the legal limits of, any State highway.”*
- The Department has historically interpreted the surface drainage allowed under Section 421 to only be surface/sheet flow; concentrating water and directing it within a State highway has been considered illegal and should not have been allowed by permit under this interpretation.
- For purposes of drainage in connection with driveways and local roads, the Department now considers surface storm water facilities, whether connected to a highway drainage facility or not, as surface drainage under section 421. This is the basis of the Department’s Drainage Category 2.

Permitting Drainage Facilities

- The Department has long recognized an exception to Section 421 for storm water facilities only draining a proposed driveway because landowners abutting non-limited access highways have a constitutional right of access that may be impeded if drainage at a driveway could not flow onto the highway. This is the basis of the Department's Drainage Category 1.
- The Department also now recognizes an exception to Section 421 for municipalities and county governments due to their public nature and their review and approval of land development plans within their geographical boundaries. These reviews and approvals frequently include storm water management. This is the basis of the Department's Drainage Category 3 and 4.

Permitting Storm Water Facilities

- **The Department is not obligated to issue a permit for modifications to an existing highway drainage system to accommodate an abutting owner except as necessary to accommodate the constitutional right of access. The Department is only obligated to accept surface/sheet flow under the common enemy rule applicable in Pennsylvania; it is not obligated to accept water that has been collected and channeled.**
- **Ideally, every new development should retain their site development storm water runoff on their own property.**
- **Generally, local governments are responsible for storm water management within their jurisdictions.**
- **The policy is consistent with the State Highway Law, Pa Code, Title 67, Chapters 441 & 459 and the Department's general maintenance policy.**



Category # 1

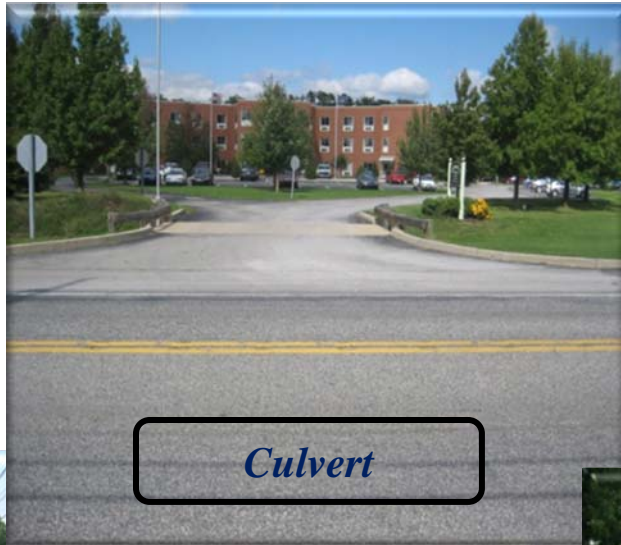


Storm water facilities draining or conveying drainage under a proposed driveway or local road.

Permittee – driveway/local road applicant.

Examples – driveway pipes, culverts, ditches, swales and/or associated surface and subsurface facilities under or directly adjacent to the driveway or local road that serve only to drain the driveway or local road or convey drainage under the driveway or local road.

Category # 1 Examples



Culvert



Cross-pipe



Swale

Category # 2



Surface storm water facilities draining more than a proposed driveway or local road, whether connected to a highway drainage facility or not.

Permittee – driveway/local road applicant.

Examples – ditches, curbing, swales and inlets servicing development of the land in general and typically not under or directly adjacent to the driveway or local road.

Local government approval is required if a local ordinance addressing storm water exists. If a local ordinance does not exist, county government should be consulted to determine if there are any county imposed requirements for which approval must be obtained from the county. [As a matter of policy for local coordination purposes.]

PennDOT is not required to allow use of its right-of-way for this general land development storm water; but may do so within its discretion for economy of maintenance as well as supporting land development.

Category #2 Examples



Swale along site frontage



Rock-lined swale along site frontage

Category # 3



Subsurface storm water facilities draining more than a proposed driveway or local road and physically or hydraulically connected to an existing or new highway drainage facility.

Permittee – local government or local government and private applicant as co-permittee. [The local government may pass responsibility onto developer through land development process.]

Examples – pipes servicing development of the land in general and typically not under or directly adjacent to the driveway or local road.

PennDOT is not required to allow the use of its right-of-way for this general land development storm water; but may do so within its discretion for economy of maintenance as well as supporting land development.

**The following conditions shall be added to the permit if there is a private co-applicant:
(Condition Code #389)**

- 1. DRAINAGE INSTALLED BY THIS PERMIT IS THE PRIMARY RESPONSIBILITY OF THE LOCAL GOVERNMENT TO CONTINUALLY MAINTAIN OR REPLACE.**
- 2. PRIVATE CO-PERMITTEE IS RESPONSIBLE FOR PROVIDING FUNDING TO THE LOCAL GOVERNMENT TO OFFSET FUTURE MAINTENANCE COSTS ASSOCIATED WITH THE PERMITTED DRAINAGE FACILITY(IES).**

Maintenance responsibilities under the permit only apply to the drainage facilities installed as part of the permit.

Category # 3 Examples



*Detention Basin draining
into existing Department
cross-pipe*



*Existing Manhole
converted to Inlet which is
part of an existing system*

Category # 4



New or modified subsurface storm water facilities draining the highway and/or adjacent properties.

Permittee – local government or local government and private applicant as co-permittee. [The local government may pass responsibility on to developer through land development process.]

Examples – subsurface drainage facilities created due to the installation of curbing along the highway. [This scenario is different from scenario three because the facility is draining the highway and/or adjacent properties rather than the applicant's property.]

PennDOT is not required to allow the use of its right-of-way for this general land development storm water; but may do so within its discretion for economy of maintenance as well as supporting land development.

**The following conditions shall be added to the permit if there is a private co-applicant:
(Condition Code #389)**

- 1.DRAINAGE INSTALLED BY THIS PERMIT IS THE PRIMARY RESPONSIBILITY OF THE LOCAL GOVERNMENT TO CONTINUALLY MAINTAIN OR REPLACE.**
- 2. PRIVATE CO-PERMITTEE IS RESPONSIBLE FOR PROVIDING FUNDING TO THE LOCAL GOVERNMENT TO OFFSET FUTURE MAINTENANCE COSTS ASSOCIATED WITH THE PERMITTED DRAINAGE FACILITY(IES).**

Maintenance responsibilities under the permit only apply to the drainage facilities installed as part of the permit.

Category # 4 Examples



Category # 5



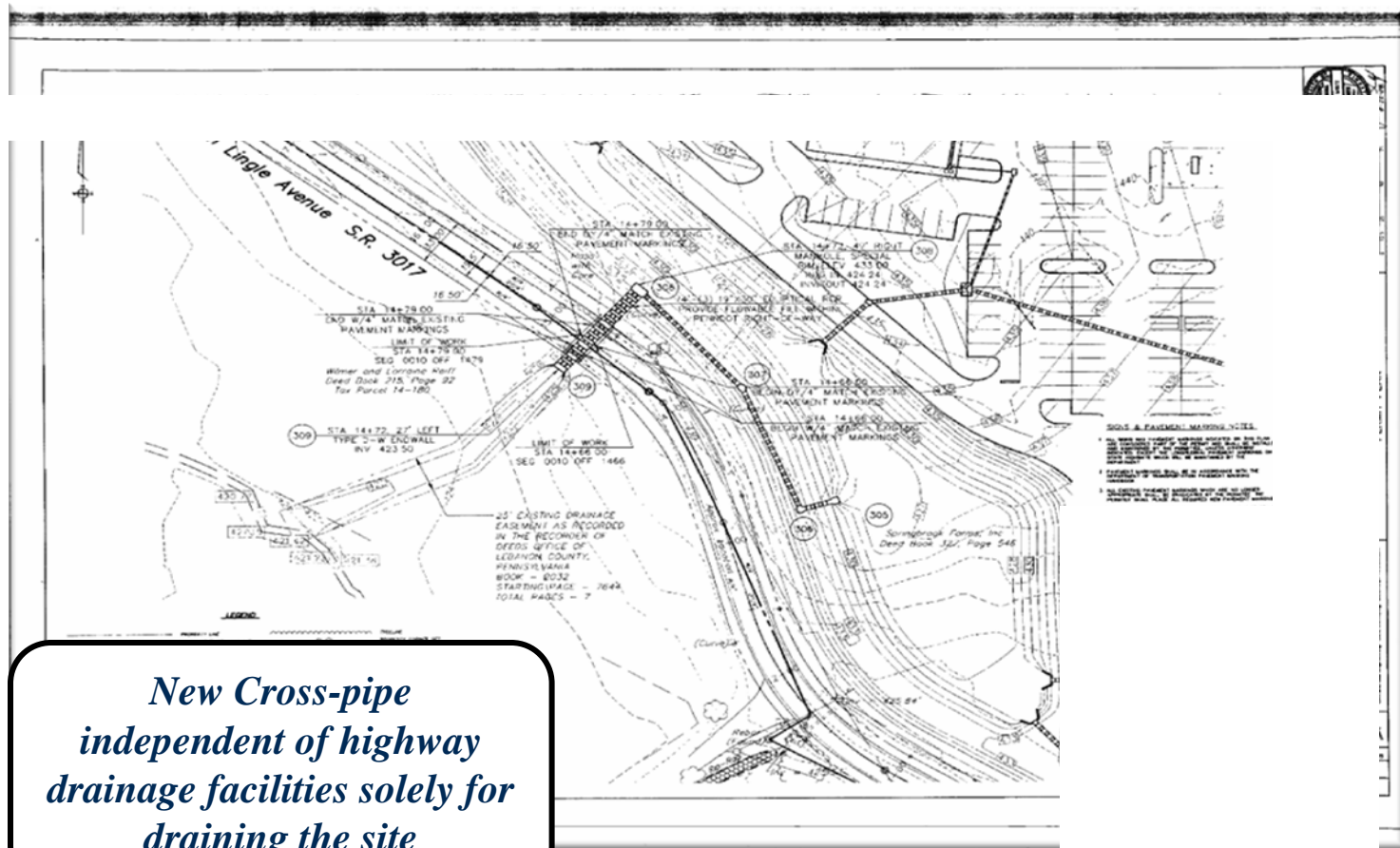
Subsurface storm water facilities not connected to a highway drainage facility.

Permittee - private applicant or local government. [These are utility facilities under Pa Code, Title 67, Chapter 459.]

Examples – pipes servicing the development of the land in general that are totally independent of highway drainage facilities.

The system must be deemed to *directly or indirectly serve the public* or any part thereof. §459.1(definition of utility facility). [This is an easier determination if the permittee is the local government.]

Category # 5 Example



*New Cross-pipe
independent of highway
drainage facilities solely for
draining the site*

Drainage Policy Summary

<i>Drainage Category</i>	<i>Scenario</i>	<i>Local Government Responsibility</i>	<i>Department Responsibility</i>	<i>Driveway/Local Road Applicant Responsibility</i>
Category 1	Storm water facilities draining or conveying drainage under a proposed driveway or local road.	None	Issue Permit to applicant	Maintain drainage facility
Category 2	Surface storm water facilities draining more than a proposed driveway or local road, whether connected to a highway drainage facility or not.	Approves	Issue Permit to applicant with local government approval	Maintain Drainage
Category 3	Subsurface storm water facilities draining more than a proposed driveway or local road and physically or hydraulically connected to an existing or new highway drainage facility.	1) Apply for permit individually, <i>or</i> 2) Apply as co-applicant with driveway/local road applicant	1) Issue permit to local government, <i>or</i> 2) Issue permit to local government & driveway/local road applicant	Financially responsible for maintenance of facility(ies)
Category 4	New or modified subsurface storm water facilities draining the highway and/or adjacent properties.	1) Apply for permit individually, <i>or</i> 2) Apply as co-applicant with driveway/local road applicant	1) Issue permit to local government, <i>or</i> 2) Issue permit to local government & driveway/local road applicant	Financially responsible for maintenance of facilities
Category 5	Subsurface storm water facilities not connected to a highway drainage facility	Option to apply for permit	Issue permit to applicant or local government	Apply for permit if deemed to serve the public & Maintain Drainage

Maintenance Responsibility

- Cities and Borough – PennDOT maintains pavement structure, inlet grates and area curb to curb. All drainage is maintained by local government.
- Townships – PennDOT maintains PennDOT installed drainage facilities.
 - A cross pipe under a local road, in PennDOT right-of-way is the responsibility of the local government.
- Maintaining sight distance from a driveway or non-state road onto state road is the responsibility of the owner.
- Trees in overhead utility lines within PennDOT right-of-way are the responsibility of the utility.
- Driveways are maintained to the white edge line by the permittee.



Marcellus Shale – Well Drilling

- District 12 Posted Roads
 - 1700 miles Posted
 - 700 miles Bonded by Marcellus Shale drilling industry
- Road User Plans
 - Identify routes, hauling needs
 - Identify need of preemptive work
- Winter Maintenance Plan
 - Hauler is restricted from hauling Nov. 1 – Apr. 30, if WMP is not accepted.
- Weekly surveys are performed on all state roads bonded by Marcellus Shale Well Drillers



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Questions!

Thank you

