Pennsylvania
Department of Transportation

494-26-06

DATE: November 6, 2026

SUBJECT: Various HOP-related Policy Updates

TO: District Executives

FROM: Kelly M. Barber, P.E., Chief Engineer
Highway Administration

Kelly M. Barber, P.E.

This time and resource neutral Strike-Off Letter (SOL) updates PennDOT's procedures for highway occupancy permit (HOP) applications in PennDOT's Publication 282 as well as updates to SOL 494-25-02 and various HOP-related forms to align with changes to 67 Pa Code, Chapter 441: Access to and Occupancy of Highways by Driveways and Local Roads.

Changes include:

- Publication 282 – Highway Occupancy Permit Operations Manual
  - Updated sight distance calculation and measurement procedures for driveways and local roads:
    - Guidance to align with PennDOT's Design Manual, Part 2 and AASHTO's A Policy on Geometric Design of Highways and Streets (Green Book).
  - Updated indemnification process:
    - Applicants no longer need to execute an indemnification form, rather they will automatically indemnify the Commonwealth under certain conditions.
  - Updated who can apply and receive an HOP.
  - Added driveway figures that were previously in 67 Pa Code, Chapter 441.
- SOL 494-25-02: Access Approval – Impacts to Access of Neighboring Owners Procedures for Highway Occupancy Permit (HOP) Projects
  - Updated indemnification process.
- PennDOT Forms:
  - M-950IA: Indemnification relating to lane in front of property (discontinued)
  - M-950IC: Declaration of Covenant (revised to remove indemnification form references)
  - M-950ID: Indemnification relating to drainage (discontinued)
  - M-950IDW: Indemnification relating to a design waiver (discontinued)
  - M-950IFO: Indemnification relating to non-fee owner applicants (discontinued)
  - M-950R: Agreement of Release relating to portions of driveways being constructed outside of the property frontage boundary line (new)
  - M-950S: Driveway Sight Distance Measurements (revised to reflect current stopping sight distance equation from AASHTO's Green Book)

- Sight Distance Tool
    - Added a standard spreadsheet tool on the Department's HOP and EPS websites available for applicants to record driveway and local road sight distance measurements.

The above-mentioned content is effective immediately and applies to all new applications as well as pending HOP applications (as deemed appropriate).

The updates will be incorporated into the next publication update in the following sections and pages, which are also attached:

- Chapter 1 – Permit Office Administration, page 11
- Chapter 2 – Application Submission, pages 19-20, 25, 29, 36, 41, 44, 52, 62-63, 68, 71, 76, 80, 99, 101, 112
- Chapter 3.4 – Application Review, pages 117-120
- Chapter 5 – Construction & Inspection of Work, page 149
- Chapter 7 – Resolution of Disputes and Complaints, page 173
- Chapter 9 – Use of Forms, pages 187, 248-250 (being deleted), 255A, 257, 258
- Appendix C1 – HOP Project Application Checklists, pages C1-9, C1-10
- SOL 494-25-02 pages 2 and 3

Forms M-950IC, M-950R, and M-950S are also attached.

Should you have any questions, please contact Michael J. Dzurko, Manager, HOP Program at (717) 783-6080 or mdzurko@pa.gov.

4943/MJD/acp

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widening, acceleration or deceleration lane).

c. Requests to install highway lighting within highway right-of-way.

d. Utility facility in limited access highway right-of-way.

e. Independent roadway improvement (e.g., auxiliary lane).

f. Hydraulics -- reviewing applications involving the flow of drainage (e.g., into or through highway right-of-way or onto adjacent property) as follows:

i. An access – normally other than Minimum Use -- where the development authorized by the permit may increase the drainage flow rate or flow velocity of water onto the property of another person.

ii. If existing drainage patterns may be altered or if additional drainage of surface water may be directed into the highway right-of-way or highway facilities as a result of the permitted work.

iii. Proposed or modified detention or retention systems.

iv. Proposed or modified drainage facilities or if an applicant proposes to connect to existing State highway drainage facilities.

v. If access or occupancy is in an area known to have drainage problems or if an existing drainage system may be unable to accommodate the additional drainage flow rate or flow velocity as a result of the permitted work.

3. Utility Relocation Unit – assists in reviewing applications involving:

a. The administration of Design Manual, Part 5, which includes the issuance of a Highway Occupancy Permit – Utility Relocation (Form D-4181-P), if a utility facility relocation or adjustment is required within the limits of a PennDOT highway construction project, or when new broadband infrastructure is proposed during a PennDOT Federal-aid highway project. See Design Manual, Part 5, Chapter 4, Section 4.1.I.1.g, for additional information. Coordination as needed with the District Permit Unit and CPO staff.

4. Safety Engineer – assists in reviewing applications involving:

a. An aboveground utility facility in a recognized accident cluster area, and any other above ground utility facility including utility poles, guide rail and other objects. A permit will not be issued to install aboveground facilities at a location the PennDOT Safety Engineer determines to have a high accident potential.

i. The District Safety Engineer will develop and supply utility pole cluster lists to the District Permit Office. Use the lists identified as hit-fixed object, utility poles (eight accidents per 3,000 feet; five accidents per 100 feet). The District Permit Office will provide these lists to CPO as required and to each respective County Permit Office. The County Permit Office, upon receipt of an application from an aboveground utility, shall use the lists to determine if the pole is within a cluster list area. If so, identify on the application that a pole is in a cluster area.

ii. After the District Permit Office review, the application shall be referred to the Safety Section in the District Traffic Unit for review.

iii. The District Safety Unit promptly reviews the proposed pole location(s) for safety.

Name of Applicant – Driveways

Driveway applications must be submitted in the name of the property owner, as defined in 441.1.

Proof of ownership must be submitted with the application. The proof must be in the form of a copy of the valid legal document or court order verifying the applicant's legal estate or interest in the property that includes the use requested in the permit. The right to access should be clearly established in the legal document submitted to verify ownership. If the right to access is not clear on the face of the document, the permit application will be denied.

The highway occupancy regulations provide: Permit applications may be submitted by the applicant or by an authorized agent on behalf of the applicant if the application is accompanied by written authorization from the applicant. An applicant shall be one of the following: (i) the owner of the property, (ii) a person with an equitable interest in property under a sales agreement or an option to purchase." See Subsection 441.3(b). The regulations further provide: "Permits will be issued only to the owners of the property. Permits for applicants under 441.3(b)(2) (relating to permit application procedure) may be preliminarily approved but will not be issued until the applicant submits proof of ownership of the property. Permits will not be issued to contractors of the property owner nor to any person other than the owner of the property." See Subsection 441.5(b). The term owner is defined as: "A person holding one of the following rights to access that is clearly established in the legal document granting the property interest: (i) fee title to property, (ii) an estate or other legal interest in property, such as an easement, a lease, or a license or subsurface rights, or (iii) an equitable interest in property under a sales agreement or an option to purchase." See Section 441.1.

<u>Driveway Applicant other than a Fee Owner</u>

If the applicant is not the fee title holder, the applicant must include the following items:

1. Proof of one of the following:
   a. The fee title holder's consent to the application. See form M-950CFO; or
   b. Applicant's written notice of the submission of the application to the fee title holder apprising the fee title holder of the administrative rights relative to the permit application under 1 Pa. Code §§ 35.23, 35.24, and 35.27 - 35.32 (relating to protests and interventions). The Department will not grant or deny the permit application until 30 days after receipt of the written notice by the fee title holder. The applicant must provide evidence that the fee title holder received the notice. The preferred evidence is in a form of a certified mail return receipt.

Title 75, Chapter 61 on exemptions from additional requirements for an HOP

§ 6103.1. Exemption from additional requirements for highway occupancy permits for agricultural purposes.

The Department shall waive all additional requirements for a highway occupancy permit in a fifth through eighth class county when all of the following conditions exist:

The State highway has an overall width of at least 33 feet.

Not more than 25 combination vehicles per week will access the highway.

The lack of sufficient land is not the result of a subdivision within ten years by the applicant.

The waiver is necessary for the expansion or creation of an agricultural operation which lacks other highway access points that could be permitted without waiver.

The applicant does not hold fee simple title to land necessary to provide access without this waiver.

The State highway has an average daily travel of less than 6,500 vehicles per day.

The highway access point has a sight distance of at least 500 feet.

PennDOT will not issue a pre-application approval or conceptual approval for planned future access.

PennDOT determined in the matter of *In Re Application for HOP SR 0019, Washington Twp, JCP Associates, Inc. no. 147 AD 1990, July 22, 1992* that Department regulations do not provide for 'conceptual approval' of HOPs.

Conceptual or pre-application approval granted by PennDOT in writing to a potential future permittee can affect future plans of PennDOT or highway improvement, as well as the access plans of abutting and adjacent property owners. Formal approval for an access must be granted consistent with PennDOT Chapter 441 only.

Section 441.3 requires a permit application including plans and submittals sufficient to meet the requirements of the Regulation before PennDOT can initiate the formal review process leading to approval of an access.

PennDOT's Authority over Local Roads.

The regulations reflect the Department's intention to regulate the location, design, construction, maintenance and drainage of local roads to provide safe and reasonable access to the State highway system. 67 Pa. Code Section 441.2 (Purpose and application). All local roads must be designed in accordance with the Department's current standards governing the design of local roads contained in Design Manual, Part 2, (pub. 13M) and all requirements of the regulations must be complied with before the local road will be allowed access onto a State highway. 67 Pa. Code Subsection 441.7(d) (Local roads).

2. Permits need to be recorded for an applicant who is a person holding an estate or other legal interest in the property, such as an easement, a lease, or a license for subsurface rights. See 441.4(g)(4).

3. For an applicant who is a person holding an estate or other legal interest in property, such as an easement, a lease, a license or subsurface rights, by submitting the permit application, the applicant agrees to indemnify, save harmless and defend, if requested, the Commonwealth against all suits, damages, claims and demands of any type whatsoever by the fee title holder or the holder of an estate or other legal interest in the property because of granting the permit to the applicant. See 441.3(c.1). A condition will be added to the permit that states:

   "PERMITTEE INDEMNIFIES THE COMMONWEALTH AGAINST ANY ACTION WHICH [FEE PROPERTY OWNER(S) NAME] MAY BRING AGAINST THE COMMONWEALTH RELATING TO THE PERMIT OR PERMIT APPLICATION."

At its discretion, the District may also require the applicant to provide additional security in a form and amount acceptable to PennDOT.

Applicants – Joint Use Driveways – Local Roads – Co-Applicants

A Joint-use driveway is a driveway shared by and constructed to provide access to two or three properties. Shared means used by all of the owners, regardless of ownership. The owners of each interest in a property served by the driveway should be applicants. Applicants must meet property ownership requirements. See 441.1, definition of 'owner'.

A Local Road is an access intended to serve more than three properties or to act as a connecting link between two or more roadways. These accesses are considered a local road for design purposes, and they are designed in accordance with PennDOT Publication 13, Design Manual, Part 2, which contains standard elements of design for local roads. If a proposed access must be designed as a local road but is or will not be a public road owned and maintained by a municipality, any or all of the owners of an interest in a property served by the local road may but are not required to be applicants. At least one owner must be an applicant.

Applicants and District staff may consider others for co-applicant status. Co-applicants are not required to meet property ownership requirements. However, every co-applicant is responsible and accountable for compliance with all applicable PennDOT regulations and all of the terms and conditions of the permit, unless otherwise provided in the permit upon issuance. When the permit is issued, co-applicants are co-permittees. Upon issuance

Pipe culverts placed under a driveway to accommodate the property owner enables safe vehicular access without adversely affecting highway storm water. If the driveway did not exist, a pipe culvert would not be necessary to maintain highway storm water. Pipe culverts can become blocked and cause more potential problems than driveways constructed to utilize drainage swales instead of pipes. Use swales, where feasible, across driveways. If swales are not feasible, pipes may be authorized.

Pipe culverts placed under a driveway benefit the property owner as well as the traveling public. A pipe culvert can reduce the property owner's cost of maintaining the driveway. Maintenance of a pipe culvert installed under an access is the property owner's responsibility (under 441.6(12)). Although PennDOT may initially install a pipe culvert under a driveway as part of a construction or maintenance project, it is primarily the property owner's responsibility to maintain the pipe culvert just as it is primarily the property owner's responsibility to maintain safe sight distance and to remove snow from the driveway. These responsibilities are not limited to "permitted" driveways; thus, whether a valid permit exists does not alter the owner's responsibility to maintain the access.

If a nonfunctioning pipe culvert is creating or has the potential to create a hazardous roadway condition, PennDOT may, after appropriate notice to the property owner, act to eliminate the hazard. District Permit Unit and Maintenance Staff should coordinate to eliminate hazardous conditions as needed and invoice the property owner for all costs under Program 612, using the applicable Object Codes.

Note: Under 441.10, PennDOT has the authority to remove, sever or block drainage facilities

constructed or altered without a permit or in violation of the regulations.

Where storm water structures (other than a pipe culvert under a minimum use driveway) are permitted in PennDOT right-of-way or are permitted to connect to PennDOT storm water facilities, the permit shall state that the permittee is responsible for future maintenance of the storm water structures being installed. See HOP Condition Code #388. Permits that allow the above types of storm water facilities must be recorded.

It is recommended that every new land development project be designed to retain the site development storm water runoff or a design that does not require storm water to be directed to the State highway right-of-way. However, this is not always possible and PennDOT is faced with site development storm water designs that are directing and discharging storm water toward and within the State highway right- of-way.

In addition, many municipalities, by ordinance and as part of the local land development process require installation of curbing along the site frontage adjacent to a State highway. When curbing is introduced, there is often a new need to manage storm water with enclosed surface storm water facilities.

PennDOT prefers open ditch/swale design for open surface storm water systems to reduce the cost of highway projects and future maintenance.

New land development should be designed to ensure that the quantity and volume of storm water

does not contain pollutants, is at a volume that can be handled within the right-of-way, and maintenance responsibility of the facilities is assumed by the Commonwealth administrative department including a covenant running with the land where appropriate.

For additional guidance on who should be the applicant for storm water installation as part of HOP work, alternative storm water designs for landowners and local governments to consider, and how to prepare an agreement between developer and local government should the local government be an applicant, Refer to the "Highway Occupancy Permit Storm Water Facility Guidebook" in Appendix B2 of this manual.

Asset Management of Pipes

Storm water maintenance responsibilities will be recorded by District staff in the Roadway Management System (RMS) along with other Systematic Techniques to Analyze and Manage Pennsylvania Pavements (STAMPP) inventory and condition data as defined in Publication 73, the Drainage Condition Survey Field Manual. Use a "0" for non-PennDOT maintained, and a "1" for PennDOT maintained pipes. This will allow the facility to be plotted on the straight-line diagrams. Field data indicating ownership of pipes can be found in the RMS database.

New pipe information will be provided to the District RMS Coordinator when other HOP pavement related data is provided.

2.3 – ADDITIONAL APPLICATION INFORMATION FOR ALL TYPES OF PERMITS: UTILITIES, DRIVEWAYS, LOCAL ROADS, HIGHWAY DRAINAGE FACILITIES AND OTHER STRUCTURES

441.3(k) and 459.3(j) of the regulations require PennDOT to determine the genuineness, regularity and legality of every application and authorize PennDOT to reject an application if not satisfied of its genuineness, regularity or legality, or the truth of any statement contained in the application.

The regulations also authorize PennDOT to make such investigations and require such additional information as PennDOT deems necessary.

Additional information includes engineering studies to help identify necessary measures to (1) protect the traveling public, (2) ensure the structural integrity of the highway system, (3) preserve proper drainage, (4) provide operational characteristics satisfactory to PennDOT, and (5) satisfy other regulatory purposes as outlined in 441.2 and 459.2.

Studies that identify available options and compare their respective advantages and disadvantages and recommend remedies may also be required from applicants in order to make a final decision on some applications.

PennDOT staff should request corroborating information whenever the reviewer is not satisfied as to the genuineness, regularity, legality or truthfulness of an application.

Applications in Slope Easements

Section 210 of the State Highway Law defines a slope easement as an easement for support or protection of the highway. It includes the right to place drainage facilities for the protection of the highway, as well as contouring the land to support the highway. *Rapetta Appeal 405 Pa. 287, 175 A2d 77 (1961)*. The interest allows the owner use of the area which is not inconsistent with support or

441.6(10) – Restoration – Guide Rail

At the end of the workday, distributed traffic control devices and guide rail systems must be replaced. Also, appropriate end treatments must be installed on guide rail systems where existing guide rail was removed to gain access. See Permit Condition Codes #330 and #331.

441.8 (j) – Auxiliary Lanes

Pavement widening is often necessary to accommodate auxiliary lanes. When this occurs, through-travel lanes must transition from old to new pavement. The longitudinal joint created between the old and new pavement crosses the through-travel lane at an angle and can cause driver confusion. To eliminate this potential hazard, the District Permit Manager should consider requiring, as a Permit Condition, a full width overlay covering both old and new lanes consistent with Publication 408, 401.3(k). Pavement markings will also need to be installed.

Minimum Use Driveways

PennDOT Form M-950A may be used for a Minimum Use Driveway submission. A properly completed Form M-950A is acceptable as both an application and plan. Applicants for Minimum Use Driveways are strongly encouraged to apply through EPS to reduce application processing time.

Access Plans (Other Than Minimum Use Driveways)

441.3(i) lists minimum plan requirements for Low, Medium and High-Volume driveways. An explanation of each plan requirement follows and is arranged by reference to the respective paragraphs in 441.3(i).

1. In addition to illustrating highway features such as pavement, right-of-way and medians, plans are to be dimensioned (e.g., widths and lengths where practical). Show existing, proposed and relocated utilities. Show highway appurtenances such as stop signs, speed limit signs, guide rail and existing highway drainage facilities.
2. Show and reference existing and proposed buildings (including outside dimensions). Label proposed use of building (e.g., a bank, service station, or office building).
3. Use arrows to denote traffic circulation. Show parking stalls to help identify internal traffic patterns and to verify that parking is not permitted in highway right-of-way (441.6(17)(ii)). For drive-in-service developments, request information listed in 441.8(f)(3). Also show disability parking spaces and signs.
4. Show design features for existing and proposed driveways, depressed curbs and dimensions, acceleration and deceleration lanes including lengths, widths, radii and tapers.
    a. More than one width dimension may be required if driveway contains tapers and/or medians.
    b. Radii must extend a full quadrant (i.e., 90 degrees) not just a segment.
    c. Grades may be either a profile or labeled with a percent of grade (e.g., one inch per foot slope is approximately an 8% grade).
    d. Driveways must be constructed at 90 degrees to centerline whenever feasible (441.8(b)(1)). The proposed driveway angle must be labeled (e.g., 90 degrees, 45 degrees, 87 degrees).

- **Preserve the functional area of intersections and interchanges** – the functional area is where motorists are responding to the intersection, decelerating, and maneuvering into the appropriate lane to stop or complete a turn;
- **Limit the number of conflict points** – drivers make more mistakes and are more likely to have collisions when they are presented with the complex driving situations created by numerous conflicts. Traffic conflicts occur when the paths of vehicles intersect and may involve merging, diverging, stopping, weaving or crossing movements;
- **Separate conflict areas** – drivers need sufficient time to address one potential set of conflicts before facing another;
- **Remove turning vehicles from through-traffic lanes** – turning lanes allow drivers to decelerate gradually out of the through lane and wait in a protected area for an opportunity to complete a turn, thereby reducing the severity and duration of conflict between turning vehicles and through traffic;
- **Use non-traversable medians to manage left-turn movements** – they minimize left turns or reduce driver workload and can be especially effective in improving roadway safety; and
- **Provide a supporting street and circulation system** – a supporting network of local and collector streets accommodate development and unify property access and circulation systems.

Access management is difficult to accomplish through access permitting or roadway improvements alone. A successful access management program also involves careful attention to access issues when land use and development decisions are made.

Chapter 441 and Access Management

Chapter 441 has traditionally included access design principles that are now also included as access management principles. For example, Transportation Impact Study reviews of major traffic generators ensure optimal access design, 441.7(c) relating to specific location restrictions, 441.8(c) relating to driveways adjacent to intersections, 441.8(e) relating to multiple driveways, 441.8(h) relating to sight distance, 441.8(j) relating to auxiliary lanes, 441.8(l) relating to driveways relative to ramps, and 441.8(m) relating to median openings all include criteria important to safe and operationally sound highway access.

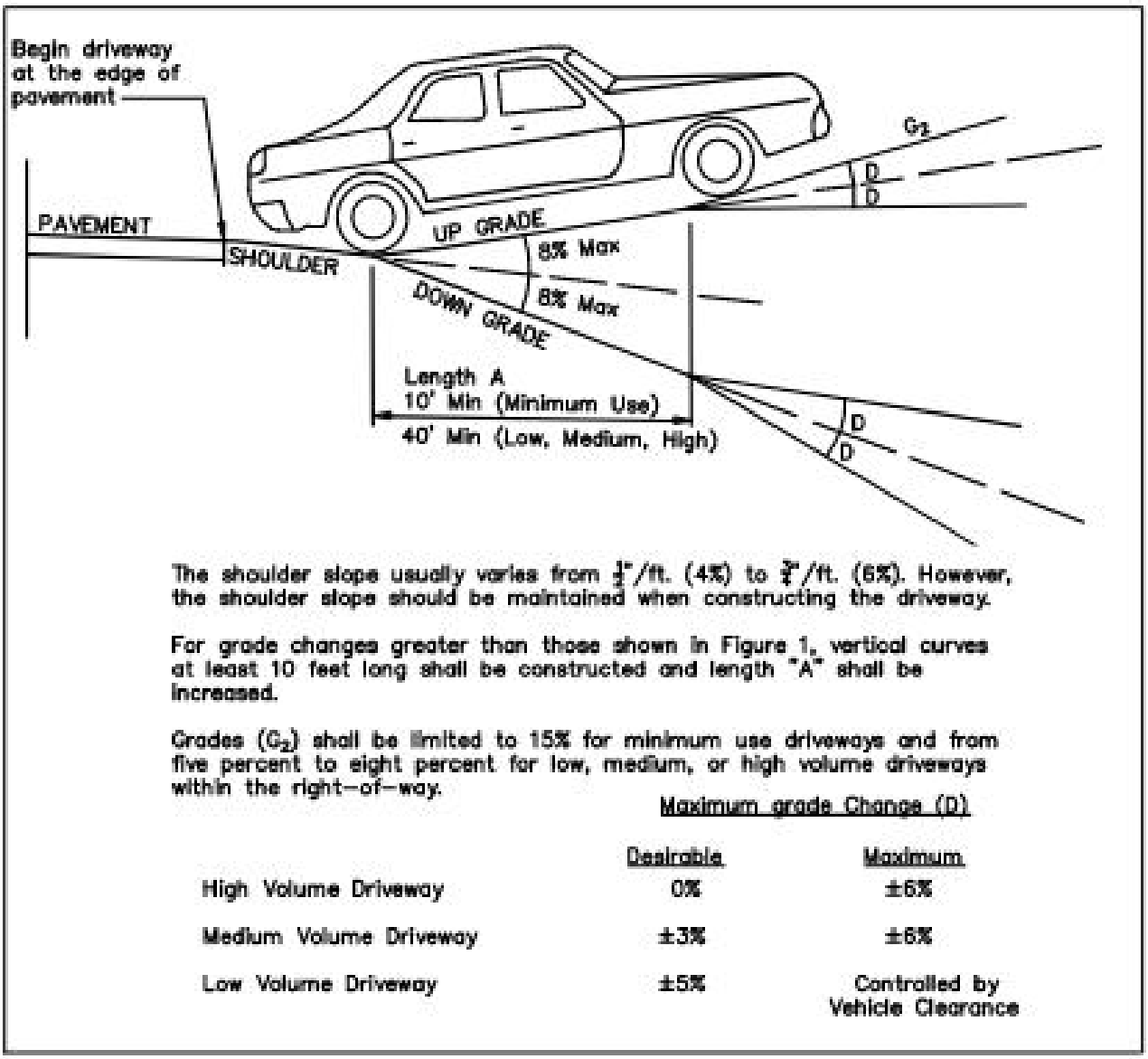
441.6(2)(i) currently stipulates that all work authorized by the permit shall be subject to all applicable laws, rules, and regulations. Thus, if a municipality enacts an ordinance which contains a safety requirement which is more stringent than Chapter 441 (e.g., driveway spacing), the permittee must comply with PennDOT's permit and the local safety ordinance and (unless a waiver/modification is granted) Chapter 441.

Some local agencies have developed ordinances to apply access management principles. PennDOT has developed a handbook to help Pennsylvania's local governments better understand access management and guide them in the development and implementation of an access management program for their community. The handbook is titled "Access Management Model Ordinances for Pennsylvania Municipalities Handbook" (PennDOT Publication 574), and is available at:

Driveway Profiles

Driveways should be graded as described in Publication 13, Design Manual, Part 2, Chapter 6.14 and the figure below. Reference RC-64M (PennDOT Publication 72M) for the use of depressed curb.

For significant grade changes, vertical curves are used to provide a transition between changes in grade. When the elevation of the site is below the roadway elevation, a crest vertical curve (where the high point is above the top of the curb) can be used to keep storm water from flowing onto an abutting property.



The shoulder slope usually varies from $\frac{1}{2}$"/ft. (4%) to $\frac{3}{4}$"/ft. (6%). However, the shoulder slope should be maintained when constructing the driveway.

For grade changes greater than those shown in Figure 1, vertical curves at least 10 feet long shall be constructed and length "A" shall be increased.

Grades (G_2) shall be limited to 15% for minimum use driveways and from five percent to eight percent for low, medium, or high volume driveways within the right-of-way.

	Maximum grade Change (D)	
	Desirable	Maximum
High Volume Driveway	0%	±6%
Medium Volume Driveway	±3%	±6%
Low Volume Driveway	±5%	Controlled by Vehicle Clearance

Islands

Various types of islands, including medians in the roadway at the intersection with the driveway, and medians or islands in the driveway itself, are sometimes incorporated into driveway designs. Benefits of channelization include separating conflicting movements; controlling the angle of conflict; reducing excessive pavement area; regulating traffic; providing pedestrian refuge/protection; and providing for protection and

storage of turning and crossing vehicles.

A restrictive median in the roadway should be utilized when there is a need to restrict movements into or out of a driveway to enhance safety and operations. In cases where left turns into a site are prohibited, alternative means of site access, such as a downstream signal, should be provided.

Restrictive medians or channelization islands in driveways may be appropriate when: the driveway has two or more entrance and/or exit lanes; the driveway operates as a right-in/right-out; the driveway serves a high volume of traffic; or the driveway will be signalized. When medians are installed in driveways, they must meet length and width criteria as defined by the AASHTO Green Book.

Channelization islands and medians should be sufficiently large to command attention, but not excessively so. For additional guidance on island size and designation. Refer to PennDOT "Design Manual, Part 2" and AASHTO's "Policy on Geometric Design of Highways and Streets".

Other Design Considerations

In urbanized settings, bicyclists and pedestrians should be given more consideration during the design process. Although adding width to a driveway may enhance traffic operations, it also increases the distance across a driveway that pedestrians and bicyclists must cross.

Wide-open, undefined driveways, such as those often seen at older gas stations, are particularly unfriendly to bicyclists and pedestrians. Because of the lack of lane definition, vehicles enter and leave such sites in random positions and are more likely to cross paths. Such designs should be avoided.

Particular land uses or situations, such as central business districts, farms, fields, or industrial parks, may require deviations from standard requirements to accommodate the types of traffic accessing sites. Refer to the driveway design illustrations below for examples of these types of driveways.

Special consideration should be given to driveways which will be constructed in the area of a roundabout. Driveways should not interfere with the operation of the roundabout, although in general, driveways may be closer to a roundabout (relative to conventional intersections) because of shorter queuing.

As described in Chapter 441.8(d), except for joint-use driveways, no portion of any access shall be located outside of the property frontage boundary line unless a release is submitted with the application. The release shall be from the affected property owner and shall release the Commonwealth from any liability resulting from the issuance of the permit. Releases must be obtained, by and at the expense of the applicant, from all the affected property owners and notarized on Form M- 950R, and recorded by and at the expense of the applicant, in the County Office of the Recorder of Deeds.

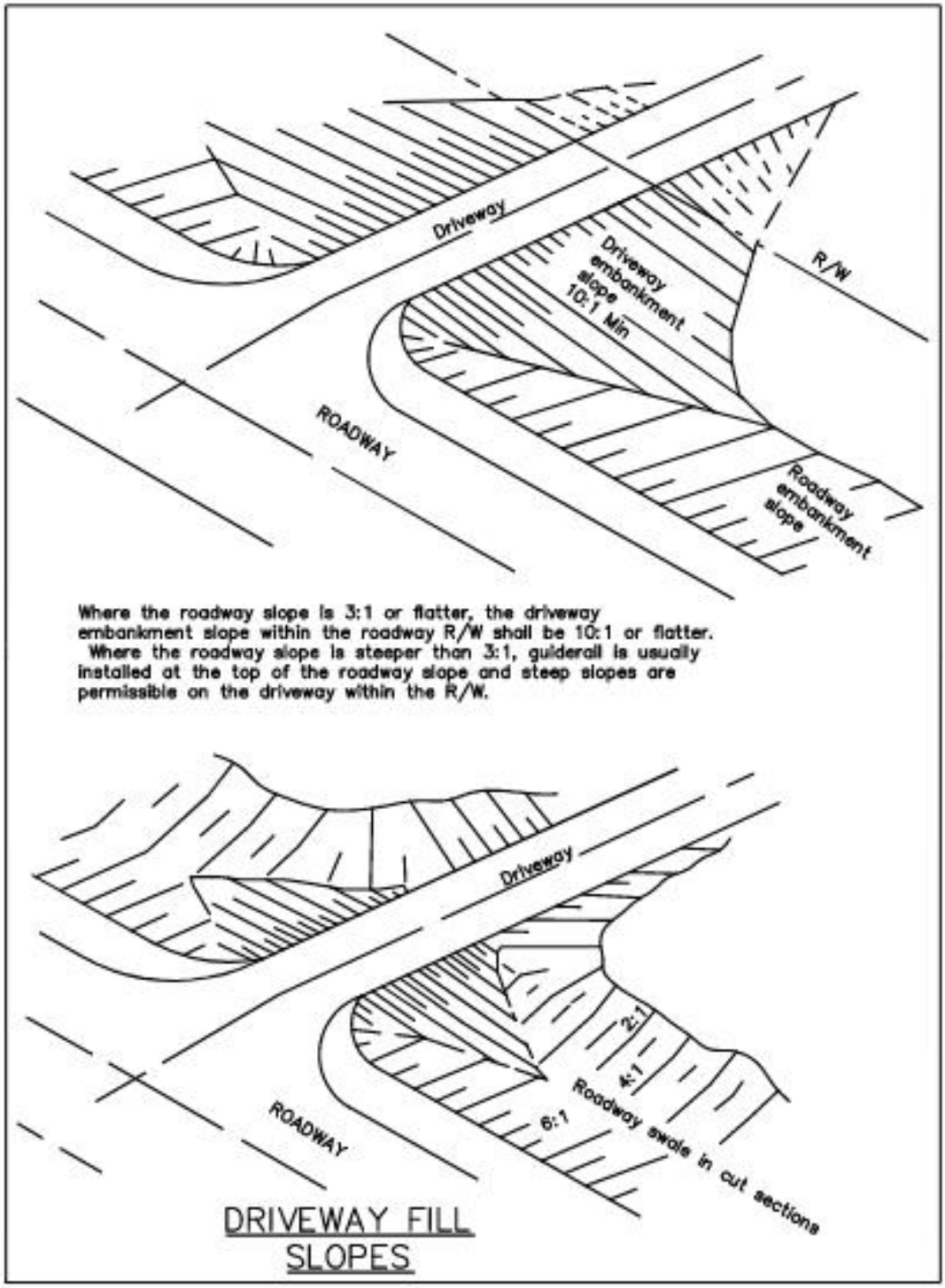
Refer to **Chapter 9 – Use of Forms** for instructions on properly completing Form M-950R.

Driveway Design Tables and Illustrations

The following tables and figures illustrate and supplement the minimum design requirements described in Chapter 441. Although site conditions may not allow strict adherence to the dimensions shown in these illustrations, every effort must be made to design and construct the safest and most efficient access onto the State highway. These tables are intended as policy guidance, not regulatory requirement, for the geometric design of driveways.

Driveway Fill Slopes

Per 441.8(i)(3) and the figure below, the side slopes for driveway embankments within the right-of-way shall not be steeper than 10:1, unless the roadway slope is steeper than 3:1 and guide rail exists at the top of the roadway slope.



2.6 – ADDITIONAL DRIVEWAY APPLICATION REQUIREMENTS

In addition to a properly completed application, certain circumstances may require the submission of additional forms or information, as discussed below.

Applications Requiring a Transportation Impact Study or Assessment

441.8(a)(1) requires that all driveways be designed to accommodate the amount and type of traffic they will serve considering the type and character of roadway the driveway will access. 441.3(k) authorizes PennDOT to make such investigations and require such additional information from applicants as it deems necessary.

Refer to "Policies and Procedures for Transportation Impact Studies or Assessments Related to Highway Occupancy Permits" in Appendix A of this manual.

The final Transportation Impact Study report must be submitted to the involved municipality and PennDOT for review. Transportation Impact Study reports which do not contain essential information, or which were not done consistent with PennDOT guidelines will be returned to the developer for correction and resubmission.

Applications Requiring an Access Covenant (Form M-946)

The Access Covenant is an access management planning tool for State highways. The Access Covenant restricts access to the currently approved locations if the property is later subdivided or if the land is sold to another person.

An applicant should be asked to execute an Access Covenant when it is determined that at a future date a property may be subdivided, resulting in an unacceptable number or location(s) of driveway(s), consistent with 441.6(16).

Subdivision is a local land use procedure adopted by a municipality through its Subdivision and Land Development Ordinance in accordance with the Pa. Municipalities Planning Code.

The decision to require an Access Covenant should consider and be consistent with municipal zoning, local access management and local safety-based permitting ordinances.

Once imposed on land as a condition of permit issuance, the Department is no longer required to consider additional or redesigned access to a property. However, the Department may consider and grant future access to the land and newly subdivided tracts on a discretionary basis, consistent with efficient operation and maintenance of the highway(s) being accessed, and local ordinances and zoning. The removal or modification of an existing access covenant should be discussed with OCC by the District prior to any approvals, and an updated Access Covenant should be prepared and recorded to reflect the changes.

Drainage Control Plan/Drainage Impact Report

A Drainage control plan (for other than Minimum Use Driveway) is required under 441.3(g) in order (1) to enable the appropriate review agencies to identify the potential impact of proposed site development, and (2) to determine if existing drainage facilities are adequate or if new or additional facilities will be required.

Not all developments will have a significant enough impact to require a Drainage control plan. The use of reasonable engineering judgment is necessary in making this determination. PennDOT should notify the applicant to submit a Drainage control plan when any of the following conditions are anticipated:

1. If it can be reasonably anticipated that there will be an increase in the flow of water onto the highway right-of-way or into PennDOT drainage facilities. This would include drainage that initially flows away from the highway but may affect the highway downstream.

2. The proposed site development may cause an increase in flow rate or flow velocity of water onto another owner's property (as a result of action authorized by the permit), either abutting the site development or across the highway.

3. In an area of known drainage or flooding problems.

If it has been determined that a Drainage control plan is required for a proposed site development, it is the responsibility of the applicant to ensure the report is developed consistent with PennDOT guidelines.

Drainage control plan/Drainage Impact Report guidelines can be found in Appendix B1 of this manual.

Design Manual, Part 2 and Publication 584 “PennDOT Drainage Manual” hydrologic and hydraulic criteria must be used if the applicant is designing for PennDOT drainage facilities, such as storm pipes or culverts. However, other recognized methods (such as the U.S. Soil Conservation Service method) are acceptable for designing other storm water management facilities, such as detention basins.

A Drainage control plan/Drainage Impact Report must be signed and sealed by a registered professional engineer (licensed by the Pennsylvania State Registration Board for Professional Engineers), except as noted below:

1. Registered Landscape Architects (registered by the State’s Board of Landscape Architects) cannot be excluded from preparing and submitting Drainage Impact Reports and storm water management plans under their own seal if they are approved to do so by the Bureau of Professional and Occupational Affairs.
2. Professional Land Surveyors cannot be excluded from preparing and submitting Drainage Impact Reports and accompanying plans under their own seal if they are approved to do so by the Bureau of Professional and Occupational Affairs.
3. Other persons authorized by law.

When PennDOT approves a Drainage Control plan/Drainage Impact Report that contains any of the following, the permit must be recorded prior to issuance:

1. Where the permittee will construct and/or maintain drainage facilities.
2. Permits authorizing drainage to connect to existing State drainage facilities of any type (e.g., pipe, ditch, inlet, outlet).
3. Permits containing Drainage Releases (Form M-947) under 441.6(16).

Applications Requiring a Drainage Release (Form M-947)

Under Subsection 441.3(h), an applicant is required to submit a Drainage Release (Form M-947) – for other than a Minimum Use driveway – if it can reasonably be anticipated that there will be an increase in the flow rate or flow velocity of water onto another property as a result of action authorized by the permit.

A Drainage Release will be required if a Drainage Impact Report confirms that an increase in flow rate or flow velocity will be generated onto another property.

If the affected property owner(s) will not execute a release, alternative solutions should be evaluated prior to indemnification. Designing for zero increase in flow is a common alternative that can usually be accomplished by detention or retention of the proposed increase in flow.

When a Drainage Release is executed, both the permit and the Drainage Release must be recorded. Instructions for completing Form M-947 are in Chapter 9.

If the applicant has not obtained a drainage release, the applicant shall fully indemnify, save harmless and defend (if requested) the Commonwealth, its agents and employees, against any action which the affected property owner may bring against the Commonwealth relating to an increase in the flow of water onto another property as a result of work performed under the permit, including any action brought pursuant to the provisions of the Eminent Domain Code, 26 Pa. C.S. § 101 et seq. A condition will be added to the permit that states:

“PERMITTEE INDEMNIFIES THE COMMONWEALTH AGAINST ANY ACTION WHICH [AFFECTED PROPERTY OWNER(S) NAME] MAY BRING AGAINST THE COMMONWEALTH RELATING TO THE INCREASE IN THE FLOW OF WATER ONTO HIS/HER/THEIR PROPERTY AS A RESULT OF THE ISSUANCE OF THIS PERMIT.”

Access Security

Section 420 of the State Highway Law (36 P.S. § 670-420) authorizes PennDOT to condition issuance of driveway and local road highway occupancy permits on the posting of appropriate security. The State Highway Law does not impose a two-year limit on security for other than "surface openings". However, the duration of all permit security should be two years after PennDOT's acknowledgment of completion of highway occupancy permit work unless special circumstances dictate otherwise. Security amounts must be based on PennDOT's anticipated cost to complete construction or to modify unpermitted construction. Such costs may include anticipated inspection costs, inflation, and attorney's fees. See 67 Pa. Code § 441.5(f).

Following are guidelines for determining when to consider security on an access permit:

1. Work involving inspection on a more than spot inspection basis. See 67 Pa. Code §441.4(d).
2. Work involving auxiliary lanes (e.g., acceleration, deceleration, left turn standby) or additional thru-lanes.
3. Substantial work requiring an agreement. See 67 Pa. Code §441.5(f).
4. Substantial work requiring a Highway Occupancy Permit condition statement.
5. Work involving a situation which requires extreme care as determined by PennDOT (e.g., work involving a design waiver).

d. Projects not involving the use of Federal or State highway funds or the possible condemnation of highway right-of-way.

Acquisitions are not required to comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) or the PennDOT Right-of-Way Manual (Publication 378), provided that the landowner is informed in writing, prior to the commencement of negotiations, that although the property may ultimately become part of a State highway, PennDOT's involvement is limited to its authority to issue highway occupancy permits (HOPs) for access to State highways. The landowner must also be advised that no entity possessing condemnation authority will exercise the power of eminent domain if negotiations are unsuccessful.

e. All projects.

The applicant must also follow the procedures set forth below.

3. When is right-of-way required and what type of interest should be required?

Whenever a proposed highway facility, highway drainage facility or other highway related structure falls outside of the existing legal right-of-way, new right-of-way will be required. The nature and interest PennDOT should require the applicant to acquire is set out in the Design Manual, Part 3 (Publication 14M). See specifically "Design Manual, Part 3", Chapter 3, Section 3.1. EE "HOP Plans" and generally "Design Manual, Part 3", Chapter 3, Section 3.1 "Interest to be Acquired".

The general policy is to have the permittee include all State highway features within required right- of-way and to have the right-of-way acquired in fee simple. If appropriate, right-of-way can be acquired as an easement for highway purposes. A highway easement may be appropriate where the municipality will require the applicant to subdivide if fee simple title is acquired. The acquisition of traffic signal easements on behalf of the municipality is also permitted on HOP projects, if the municipality has agreed to accept the easement and to apply for a signal permit See "Design Manual, Part 3", section 3.1.Y. Slope easements, drainage easements and other lesser property interests may be acquired by a permittee in contravention of the general policy to acquire required right-of-way when approved by the District Executive based on special circumstances.

Special circumstances meriting acquisition of interests other than fee right-of-way would include but not be limited to slope easements in commercial areas where a fee take would adversely impact parking and drainage easements for ditches other than parallel ditches. Other considerations would be impacts to the remainder, possible environmental issues, open space and setback requirements of a municipality, and minor cuts and fills that will not jeopardize the integrity of the road. The District Executive should make these determinations with the advice of their supporting units based on the administrative risks.

If land has been previously dedicated to public use but not accepted, PennDOT may be able to accept that dedication as part of the HOP acquisition process. In other situations, the dedication would need to be accepted by the local government and transferred to PennDOT. The appropriate approach depends on the nature of the previous dedication. PennDOT will only accept dedications of areas required to maintain the State highway system. A complete discussion of this topic is set

Please also note that consultants often show dedicated and ultimate right-of-way areas as legal right-of-way. This is not correct because until properly accepted by some government entity, the property owner still owns these areas subject to the offer of dedication. See "Right-of-Way Manual", Appendix C, Article 10 "Dedications and Ordainments" and Subsection c above on plans accepting the dedication of right-of-way.

a) Conveyance of right-of-way to PennDOT

Amicable conveyance by Applicant to PennDOT - Needed State highway right-of-way should be conveyed to PennDOT from the applicant, usually in a single deed. That is, the applicant must purchase any areas not owned by it and then deed it to PennDOT. The main reason for this requirement is to have the warranty of title be from the applicant rather than an unrelated third party. Exceptions to this requirement have been made when the land is under the control of other government entities. For example, jurisdiction of Commonwealth-owned land can be transferred to PennDOT directly from other Commonwealth agencies by memorandum of understanding.

The right-of-way plan should be used to ensure the correct areas are included in the conveyance. The plan will contain a numbered list of property parcels, identified by a circle (indicating that land is required from that parcel) or a circle inside a triangle (indicating no land is required). There will also be a right-of-way information block for each parcel for each property from which land is required, containing a tabulation of required areas.

It is recommended that the Permit Manager meet with the District Right-of-Way Administrator or other appropriate District real estate expert to review the proposed deed in conjunction with the right-of-way plan. This review would include ensuring that all required deeds have been provided and that each deed is properly executed and suitable for recording at the County Recorder of Deeds Office. It may be appropriate to have the applicant's attorney present at this review to answer questions where the conveyance is significant.

Form of deed - Use Deed M-950D1 (Deed, Fee Simple) if required right-of-way is being acquired in fee simple and Deed M-950D2 (Deed of Easement) if required right-of-way is only being acquired as a highway easement or the acquisition of a drainage or other easement has been approved. The Right-of-Way Plan will reflect the nature of the title to be acquired.

The deeds are interactive and may not otherwise be altered without review and approval of the District Right-of-Way Administrator or other District personnel with real estate expertise. Permit personnel should consult with the District Right-of-Way Administrator or other District personnel with real estate expertise when completing the deeds. They are much like deeds used when PennDOT is acquiring right-of-way for a highway project.

The District can consult with the Office of Chief Counsel as appropriate. The deeds do not need to be approved as to form and legality because they are not being executed by PennDOT. If the District would like a deed approved as to form and legality, the deed should be forwarded to the Office of Chief Counsel.

If a design requirement for a driveway/local road cannot be met, the requirement may be waived only if the five conditions mandated by 67 Pa. Code §441.5(e) are met. Those conditions are:

a. No other reasonable access is available to or from the property;
b. The applicant has done all that can reasonably be done to satisfy the design requirements;
c. If additional land is required, the applicant provides satisfactory evidence that it cannot be purchased at a reasonable price;
d. No traffic problem (i.e., no unacceptable operational or safety problem) will be created; and
e. The applicant indemnifies, saves harmless and defends, if requested, the Commonwealth, its agents and employees against any action which may be brought against the Commonwealth relating to the waiver of design requirements. A condition will be added to the permit that states:

"PERMITTEE INDEMNIFIES THE COMMONWEALTH AGAINST ANY ACTION WHICH MAY BE BROUGHT AGAINST THE COMMONWEALTH RELATING TO THE WAIVER OF DESIGN REQUIREMENTS ASSOCIATED WITH THIS PERMIT AND SHALL CONTINUE IN FULL FORCE AND EFFECT UNTIL THE COMMONWEALTH RELEASES THE PERMITTEE IN WRITING FROM THE OBLIGATION OF THIS INDEMNIFICATION BECAUSE THE SUBJECT FOR WHICH THE PERMIT HAS BEEN ISSUED HAS BEEN REMOVED, CLOSED, OR OTHERWISE EXTINGUISHED IN ACCORDANCE WITH THE THEN EXISTING REGULATIONS OF THE COMMONWEALTH OR THE CONDITION FOR WHICH THE DESIGN WAIVER WAS GRANTED IS CORRECTED TO MEET COMMONWEALTH REQUIREMENTS."

3. Field View Procedures

An applicant that intends to request a design waiver must first request a Design Waiver Scoping Field View (Field View). The request for a Field View must be in writing to the District Executive. It must identify the design requirement(s) that cannot be met and provide sufficient details for the District to determine what disciplines are necessary for review of the possible request. Design waiver requests may not be submitted until after a Field View has been conducted by the District Design Waiver Review Team, discussed below, the applicant and/or the applicant's consulting engineer. The District Design Waiver Review Team has the option to waive the Field View after review of the Scoping Field View request.

The District Executive will determine the appropriate personnel to be included on the District Design Waiver Review Team (Review Team). The Review Team may include staff from the District Permit Unit, District Traffic Unit, District Design Unit, and/or other appropriate units based on the request being made. The design waiver review should be a collaborative effort of key personnel who are knowledgeable in the field. At least one person must have considerable traffic engineering experience. For design waivers relating to LOS, the District Traffic Engineer shall be a part of the Review Team.

The Review Team will generally attend the scoping field view. The Review Team will review the submission request and provide the District Executive with a recommendation and all relevant information needed to determine an appropriate action on the request.

Minutes of the Field View shall be prepared by the applicant's consulting engineer and submitted for review and approval by the Review Team prior to the submission of a design waiver request.

4. Design Waiver Submission and Review Process

After the field view, a formal request for a design waiver may be submitted by the applicant. The request shall be a stand-alone document. The applicant shall ensure that the five conditions

mandated by 67 Pa. Code §441.5(e) are addressed in the request. The submission shall be submitted concurrent with the HOP application.

Design waiver requests must address matters as determined applicable by the Review Team at the Field View. When a design waiver relating to Level of Service (LOS) is requested, the TIS shall be included with the waiver request as well as documentation regarding the attempts pursued to comply with Conditions 1 or 2 as outlined in the TIS Guidelines. Compliance with these procedures may eliminate the need for a Design Waiver relating to LOS.

length of time the highway will function under an acceptable level of service. Full justification must be provided for the retention, limited improvement, or partial mitigation of substandard features.

Access Indemnification

Applicants automatically indemnify the Commonwealth under:

1. 441.3(c.1) relating to an applicant who is a person holding an estate or other legal interest in property, such as an easement, a lease, a license or subsurface rights. Refer to Subchapter 2.2, Name of Applicant – Driveways section, for additional information.
2. 441.3(h) relating to inability to obtain a drainage release, where a drainage release or satisfactory drainage controls are not feasible. Refer to Applications Requiring a Drainage Release (Form M-947) section of this Subchapter for additional information.
3. 441.5(e)(1)(v) relating to applicants requesting a waiver of design requirements. Refer to Waiver of Design Requirements that cannot be met for Driveways/Local Roads section of this Subchapter for more information.
4. 441.8(j)(5) relating to placing an auxiliary lane in front of another person's property. Refer to Access Approval Procedures – Impacts to Access of Neighboring Owners section of this Subchapter for more information.
5. 441.6(13) relating to any failure to comply with the permit or Chapter 441 and from failure of the highway in the immediate area of the work performed under the permit for a period of two years after completion of permitted work.

Median Openings

Under limited circumstances, median openings may be considered in association with a driveway or local road application along a divided highway to provide access to and from traffic in both directions.

Much like the granting of a design waiver, approving a median opening should be a rare and unusual occurrence. It should be granted only if the District Executive or higher Departmental authority (if necessary) determines that the operating characteristics of the highway system will be improved by such action.

Section 441.8(m) of the regulations allow median openings only if the operating characteristics of the highway system will be improved by the median opening and, where median openings are allowed, requires the installation of a left turn standby lane to separate and protect left turning vehicles.

A median break may be warranted if traffic impacts associated with the applicant's use cannot be resolved by reasonable improvements made to the existing intersections. A median break analysis separate from any other required study should be submitted to PennDOT describing how the operating characteristics of the highway system will be improved by opening the median. Factors that influence the safety and operational performance of median openings should be investigated and discussed in the median break analysis. Such influences include but are not limited to roadway environment (degree of urbanization, operating speed, access point density), existing and future traffic volume (major and minor road volume, left-turn volume, U-turn volume), operational demands, physical constraints (sight distance, right-of-way width, building setback), roadway geometrics (number of lanes, median width), and nearby features (proximity to driveways, traffic signals, adjacent median openings, unsignalized intersections).

commitment from the applicant and municipality that they will commit the appropriate funds to construct the signal installation and a traffic signal will be installed when the volume of traffic from the access justifies its need.

If work involves a change to drainage facilities, embankment, curb, sidewalk, highway geometry, pavement, or installation of auxiliary lane(s) in conjunction with a Traffic Signal Permit (Form TE-964), the applicable Municipality will apply for the HOP at the same time. Emergency and preventive maintenance to existing traffic signal installations would not normally require an HOP. Signalization is to be designed and placed consistent with TC-7800 series standards (PennDOT Publication Nos. 148 and 149M).

Turnpike Permits

Under Act No. 61 of 1985, Section 19(b), PennDOT is required to approve the Pennsylvania Turnpike Commission's plans and specifications for construction on the Pennsylvania Turnpike. These items are approved by the Bureau of Design and Delivery (BODD) as well as affected Districts.

Pennsylvania Turnpike Commission (PTC) related work within State highway right-of-way is authorized by an HOP, issued by the affected District. Initial project coordination should begin at project scoping for projects with federal involvement and at preliminary design on projects with no federal involvement. Coordination between the District and the PTC occurs through the District Turnpike Coordinator or assigned Project Manager. The District Turnpike Coordinator or assigned Project Manager will be involved with the design of the project from scoping and preliminary engineering through Final PS& E. (An HOP is not required for any signing as part of an MPT plan. However, coordination with the District is required.)

Once the PTC design plans are finalized and ready for bidding, the BODD is responsible for review and approval of the PTC project (FHWA approval of HOPs for Interstate facilities will be in accordance with the PennDOT/FHWA Stewardship and Oversight Agreement). The BODD will verify with the appropriate District Turnpike Coordinator that the project has been coordinated with the District and the District is satisfied with the project. After receiving confirmation from the District Turnpike Coordinator, the BODD will provide a letter to the PTC indicating the project has been coordinated with the District and is satisfactory along with the approval of the HOP. The approval letter will include:

1. Specific reference to the contract numbers which are being approved.
2. Information as to whether the HOP must be recorded by the County Recorder of Deeds.
3. Information as to whether required right-of-way for the project has been acquired. The PTC will provide to the District copies of the right-of-way clearance certificates for the acquired properties.

This approval letter will be sent to the PTC and copied to the affected District Turnpike Coordinator.

Upon receipt of the approval letter, the District Turnpike Coordinator shall place the letter in a pending PTC file.

Once the PTC receives the BODD approval letter, the PTC will submit a formal application through EPS requesting an HOP for the subject work. Upon receipt of the application, the District permit staff

After construction is complete and the two-year guarantee period expires under the HOP, the permit will be transferred to PennDOT. In agreeing to this transfer, PennDOT is not in any way waiving any of the provisions contained in the HOP regulations (441.6(12)) with regard to the HOP permittee's maintenance responsibilities. However, from the DEP's point of view, PennDOT is the point person if future maintenance issues arise within the right-of-way. It is PennDOT's responsibility to have the HOP permittee fix the problem if PennDOT determines under its HOP regulations that it is the HOP permittee's responsibility.

b. For activities within PennDOT's right-of-way that (1) involve the placement of fill material in wetlands or other waters of the Commonwealth and/or (2) involve the construction of a new bridge, culvert, or pipe within a water of the Commonwealth, the Chapter 105 permit will be issued to the developer. The HOP permittee will be responsible for constructing the proposed roadway improvements consistent with the permit. The HOP permittee will also be responsible for any required mitigation under the permit and any maintenance required under 25 Pa. Code §105.171 following construction. PennDOT will not be a co-permittee on the HOP permittee's Chapter 105 permit.

2. NPDES Permits

For any activities proposed by an entity other than PennDOT within PennDOT's right-of-way regardless of whether or not the activity involves the extension of an existing bridge, culvert, or pipe, the entity proposing or completing the activity (usually the HOP permittee or its contractor) will be the permittee for purposes of the NPDES permit process. PennDOT will not be a co- permittee on the HOP permittee's NPDES permit.

The drainage control plan shall contain all post construction stormwater management plans, riparian buffer management plans, or any other erosion and sediment control measures required by 25 Pa. Code Chapter 102 for the source property, or a written and signed statement confirming no such plans exist.

A permit will not be issued if any of the documents provide for the location of any post construction stormwater management controls or Best Management Practices (BMPs) (e.g., infiltration basins/trenches, rain gardens, sand or organic filters, wet ponds, dry detention ponds, wetlands, underground storage, bioswales, etc.), or riparian buffer improvements within the State highway right-of-way. See 441.3(g).

Highway Lighting

HOPs are required (under both Sections 411 and 420 of the State Highway Law and 459.1) for highway lighting occupying State highway right-of-way if such lighting is not owned by PennDOT. Lighting facility applications may only be made by a political subdivision or a public utility.

Highway lighting shall be designed and placed consistent with the RC-80 series standards contained in PennDOT Publication No. 72M. See Publication 13, Design Manual, Part 2, Section 6.15.5. Highway lighting applications also require review by the District Design Unit and Central Office Highway Lighting section.

Applications to erect and maintain lighting facilities within limited access right-of-way may require an agreement or condition statement.

Refund of Fees

441.4(e) and 459.4(e) authorize PennDOT to refund the general permit inspection fees on unused HOPs. In order to be eligible to receive such a refund, the permittee shall deliver a written request to the issuing District Permit Office on or before the permit's expiration date.

1. A refund processing fee of $10 will be deducted from the general permit inspection fees.
2. The permit application/issuance fee is not refundable on unused permits.
3. Supplement fees are not refundable.

If the permittee qualifies for a refund on an unused permit, a refund request will be processed by the District Permit Office through a request submitted through SAP.

Fee for Uncollectible Check(s)

A check or money order is deemed to be uncollectible once it has been returned to PennDOT via the State Treasury without payment.

Any permittee who has submitted an uncollectible check as payment for the HOP shall be notified (by certified mail) by the District Permit Office to replace the uncollectible check immediately with a certified check, cashier's check or money order for the amount of the HOP(s) plus an additional $20 penalty fee per check as authorized under Section 619-A (2)(I) of the Administrative Code.

If the permittee does not replace the uncollectible check within one week after the mailing date of the letter, the District shall revoke the permit(s), under authority of 441.10(b)(2) and 441.10(c) as well as 459.11(b)(2) and 459.11(c). The Notice of Revocation letter may be used to revoke a permit for nonpayment by deleting the highway safety paragraph. See "Form Letters" Folder (posted in the PennDOT "permits shared" folder).

Township Fees

Under authority of 53 P.S. Section 67322, second class townships are required to assess permit fees for utility facilities occupying Township roads as outlined in 459.4. PennDOT has a duty to determine utility permit fees to be assessed by second class townships in accordance with this law (53 P.S. Section 67322). In 1979, PennDOT determined that all second-class townships would use PennDOT's regulatory fee schedule, consistent with legislative intent to promote statewide uniformity:

"The township shall collect a fee as determined by Department of Transportation for processing the application and another fee for making the inspection."

It is the responsibility of the District Permit Manager to answer township inquiries on PennDOT's fees. However, refer inquiries relating to administration to Pennsylvania State Association of Township Supervisors, 4855 Woodland Drive, Enola, PA 17025, (Phone: 717-763-0930)

3.4 –DRIVEWAY OR LOCAL ROAD APPLICATION ON-SITE REVIEWS

For all applications, the County Permit Supervisor or staff is required to perform an initial on-site review of the proposed work site. The reviewer's name and each on-site review date must be captured on the application.

Purpose

The purpose for this review is to verify the application package contains applicable information required under 441.3, to verify information depicted on the plans actually match field conditions, and to verify that measurements (e.g., sight distances, grades) are not in conflict with the regulations, when measured consistent with statewide policy.

Items requiring verification during the initial on-site review include the following:

1. County, Municipality, SR, Segment(s) and Offset(s) are correct.
2. The site is depicted accurately on the plan.
3. All information required by 441.3(i) is on the plan and is accurate.
4. Verify minimum sight distances:
   a) Per Publication 13, Design Manual, Part 2, use 5 miles per hour over the posted, regulatory speed limit(s) when calculating stopping sight distance (SSD). If no posted, regulatory (maximum legal) speed or if operating speeds vary by more than 10 miles per hour from posted, regulatory speed limit(s), measure safe-running speed or 85th percentile speed.
   b) Independently verify and record average grade in both directions (along measured sight distance).
   c) If access is a “local road”, verify sight distances are consistent with PennDOT Publication 13, Design Manual, Part 2.
5. If access is a “local road”, verify design is consistent with PennDOT Publication 13, Design Manual, Part 2. See 441.7(d).
6. Verify existing highway drainage is depicted accurately.
7. Verify existing curb is depicted accurately.
8. All highway appurtenances are shown (e.g., drainage, signage, guide rail) and whether any will require relocation or adjustment.
9. All existing and proposed utilities are shown and plans indicate if any utility facility will require relocation or adjustment to accommodate access.
10. Proposed development will meet all Americans with Disabilities Act (ADA) requirements (including RC-67M curb ramp designs), and PA Vehicle Code, Section 3354(d)(3)(iii) disability parking sign requirements.
11. Driveway or local road is designed with required minimum distances from other driveways and intersections. See 441.8(c) & (e).
12. Driveway or local road angle is consistent with 441.8(b) (e.g., is satisfactory justification provided if 90-degree access is not proposed at site?).

13. Driveway or local road design is consistent with Subchapter 2.4 of this manual (e.g., is justification provided if

    proposed access design is inconsistent with Subchapter 2.4).

14. A Traffic Control Plan is included (if required) and depicts actual highway conditions. See Pub. 213 "Temporary Traffic Control Guidelines".

Driveway or Local Road Sight Distance Overview

Velocity (V)

Legal Speed

The speed limit is the maximum velocity, in miles per hour, that traffic may legally travel on a section of highway as determined under 67 Pa. Code, Sections 201.6(17) and 201.31--201.35, and consistent with the Vehicle Code, 75 Pa. C.S. Sections 3361--3365.
Section 3362 of the Vehicle Code (Maximum Speed Limits) reads as follows:

General rule. -- Except when a special hazard exists that requires lower speed for compliance with Section 3361 (relating to driving vehicle at safe speed), the limits specified in this section or established under this subchapter shall be maximum lawful speeds and no person shall drive a vehicle at a speed in excess of the following maximum limits:

(1) 35 miles per hour in any urban district.

(1.1) 65 or 70 miles per hour for all vehicles on freeways where PennDOT has posted a 65 or 70-miles-per-hour speed limit.

(1.2) 25 miles per hour in a residence district if the highway:

(i) is not a numbered traffic route; and

(ii) is functionally classified by PennDOT as a local highway.

(2) 55 miles per hour in other locations.

(3) Any other maximum speed limit established under this subchapter.

Section 102 of the Vehicle Code includes the following definitions:

"**Urban district**." The territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

"**Residence district**." The territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

"**Business district**." The territory contiguous to and including a highway when within any 600 feet along the highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least

300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

Safe-Running Speed

The safe-running speed is the maximum velocity, in miles per hour, at which drivers may safely operate their vehicles on a section of highway during favorable weather conditions and prevailing traffic conditions, as determined under 67 Pa. Code, Section 212.1.

District permit staff may determine the stopping sight distance (SSD) by using the safe-running speed in the "formula" for "V", where V = Speed of vehicle (miles per hour).

The safe-running speed method, as outlined on Form M-950 SRS, may be used where the maximum legal highway speed approaching a driveway or local road is not posted. The recorded speeds and computations will be documented on Form M-950 SRS and filed with the driveway or local road application package.

85th Percentile Speed

The 85th percentile speed is the velocity, in miles per hour, which is exceeded by only 15% of the drivers traveling on a section of highway, consistent with the "Manual of Transportation Engineering Studies," Institute of Transportation Engineers, current edition, and 67 Pa. Code, Section 212.1.

District Traffic staff may determine the stopping sight distance (SSD by using the 85th percentile speed in the stopping sight distance equation for "V", where V = design speed (miles per hour). Users may reference the equation for stopping sight distance in the AASHTO publication entitled: A Policy on Geometric Design of Highways and Streets (AASHTO Green Book), section 3.2.2.3.

District Traffic staff may require sight distances greater than minimum values derived from the stopping sight distance (SSD) equation:

(A) If trucks, longer combination vehicles, buses, special mobile equipment or similar specialized vehicles will frequently use the driveway or local road, considering number of lanes, medians and roadway geometry, consistent with Chapter 9 of the AASHTO Green Book, and Publication 13, Design Manual, Part 2.

(B) If staff determines another location along the property frontage of the owner will better accommodate the amount and type of traffic that is expected to frequently use the driveway or local road and considering the type, character and 85th percentile speed of the highway which is being accessed.

(C) If a local road, consistent with PennDOT Publication 13, Design Manual, Part 2 sight distance criteria.

Measuring Sight Distances

The measurement of available sight distances for a proposed access is a critical component of the

access location decision. An applicant's sight distance measurements need to be verified by PennDOT. The County Permit Supervisor or staff verifies driveway or local road sight distances and documents these measurements consistent with Form M-950S. County staff attaches the completed copy to the driveway or local road application in EPS for District Permit Office review.

Applicants must locate driveways or local roads to achieve intersection sight distance (ISD) unless determined to be infeasible or impractical, as defined in 441.1.

Infeasible is defined in Chapter 441 as not possible to achieve due to physical, technical, or legal constraints that cannot be reasonably overcome.

Impractical is defined in Chapter 441 as not realistic to implement due to excessive cost, effort or disruption relative to the benefits, even if technically possible.

If ISD is determined to be infeasible or impractical, apply the stopping sight distance formula to determine the minimum acceptable sight distance values for a driveway or local road. SSD must be met at a minimum, regardless if SSD is larger than ISD. ISD is the sight distance along the intersecting highway to permit the driver to anticipate and avoid potential collisions (Publication 13, Design Manual, Part 2, Section 3.1.8). SSD is the length needed for a vehicle traveling at a given speed to stop before reaching an object in its path. (Publication 13, Design Manual, Part 2, Section 3.1.1).

Applicants should use ISD values and equation consistent with PennDOT Publication 13, Design Manual, Part 2 and AASHTO Green Book based on conditions. Adjustments to the ISD values should be made per the following situations identified in the AASHTO Green Book:

(A) Minor-road approach grade is an upgrade that exceeds 3 percent.

(B) Left turns onto multilane roadways or where a median is present. Medians should be converted into an equivalent number of lanes per guidelines identified in the AASHTO Green Book.

(C) Single-unit or combination truck design vehicles.

(D) Where two roadways intersect at an angle less than 75 degrees or greater than 105 degrees.

(E) Engineering judgement finds alternative values are warranted and justified based on the location context conditions.

For intersection sight distance, grade should be measured for the minor-road approach. If the approach grade is an upgrade that exceeds 3 percent, add 0.2 s for each percent grade by which the approach grade exceeds zero percent over the required minimum SSD distance in each direction. If the minor-road design vehicle is a heavy truck and the intersection is near a sag vertical curve with grades over 3 percent, then an adjustment to extend the recommended sight distance based on the major-road grade should be considered.

For stopping sight distance, grades should be measured for each major-road approach along the centerline of the roadway.

For grade measurements, the average grade should be calculated using no fewer than two measurement points and be determined using a SmartLevel or equivalent device.

Where both left and right turns are permitted, time gaps found in AASHTO Green Book Table 9-6 (*Time Gap for Case B1, Left Turn from Stop*) should be used for the sight distance looking to both the left and right. If only right turns are permitted, time gaps in Table 9-8 (*Time Gap for Case B2, Right Turn from Stop*) should be used.

If intersection sight distance (ISD) is determined to be infeasible or impractical as defined in Chapter 441 along any other part of the property frontage, PennDOT may consider accepting sight distances less than ISD values if they are at least equal to the appropriate stopping sight distance (SSD).

PennDOT has provided applicants with a sight distance tool for determining required sight distances and capturing results which can be found on the HOP and EPS website.

For the purposes of measuring sight distance, the driver's eye height and the height of the approaching vehicle shall be measured at 3.50 feet above the proposed driveway or local road surface and highway pavement surface, at the centerline of each. For Condition B on the Form M-950S, the driver's eye height shall be 3.50 feet above and the object height shall be 2.0 feet above the highway pavement surface, at the centerline of each. Per research identified in the AASHTO Green Book Section 3.2.6.2, 2.0 feet is representative of the smallest object that involves risk to drivers and is representative of the height of automobile headlights and taillights. Per AASHTO Green Book, Section 3.2.6.1, 3.50 feet is considered to be the appropriate height of driver's eye for measuring stopping sight distance. The placement of vehicles measured at the driveway or local road and on the roadway shall be consistent with the operation of the driveway or local road and roadway, as illustrated on Form M-950S.

Applicants should provide a clear sight triangle figure for a P vehicle (passenger car) at all intersections. In addition, provide a clear sight triangle figure for the SU-30 vehicle for rural highway conditions. If there is significant combination truck traffic, use the WB-67 rather than the SU-30 design vehicle, and evaluate the possible impact of elevated visual obstructions (e.g., tree branches, overhead structures, etc.). In areas where SU-30 or WB vehicles are minimal and right-of-way restrictions limit sight triangle clearing, only the P vehicle sight distance needs to be provided. Sight triangle figures should be provided for the type of sight distance applicable to the intersection or driveway. The measured line of sight distance shall be along the major road, not the direct distance along the line of sight (triangle hypotenuse).

Also consider impacts of legally parked vehicles and foliage which may not be present when the sight distance measurements are made. For each direction along the highway, the following lengths shall be the measured sight distances for that direction, as illustrated on Form M-950 S:

(A) The maximum length of roadway along which a driver at a driveway or local road location can continuously see another vehicle approaching on the roadway. Consistent with driver responsibilities contained in Sections 3112, 3114, 3323, 3344 and 3361 of the Vehicle Code (75 Pa. C.S.), the driver's eyes should be measured 14.50 feet but no less than ten feet back from the traveled portion of the roadway. The extents of the traveled portion of the

roadway should be the white edge line of the outside through lane, if present. If no edge line is present, a lane width of 12 feet should be assumed.

(B) The maximum length of roadway along which a driver on the roadway can continuously see the rear of a vehicle which is located in the driver's travel lane and which is positioned to make a left turn into a driveway or local road.

(C) The maximum length of roadway along which a driver of a vehicle intending to make a left turn into a driveway or local road can continuously see a vehicle approaching from the opposite direction. This sight distance length is measured from the location of the approaching vehicle to a point on the roadway where the left-turning vehicle crosses the path of the approaching vehicle.

Staff should not re-measure any sight distance unless highway features or proposed access location have changed (e.g., vegetation or embankment removed). Sight distance measurements need to be carefully taken initially, using accurate measuring devices.

When measuring sight distance per Form M-950S:

(A) The posted, regulatory speed plus 5 mph should be considered Design Speed.

(B) If observed operating speeds are greater than 10 mph higher or lower than posted, regulatory speed, an 85th Percentile speed study may be performed to determine the appropriate design speed. The speed study should be performed by the applicant's engineer or the Traffic Unit.

(C) If not posted, staff should obtain the operating speed by conducting the safe-running speed method (Form M-950SRS).

(D) Staff should record the posted, regulatory speed, Design Speed (posted, regulatory speed plus 5 mph), and if a study was conducted, the Operating Speed on the form.

Insufficient Sight Distance

If any measured sight distance for a proposed driveway or local road does not exceed the minimum stopping sight distance, based on the operating speeds or, if not determined, the Design Speed, the application will be denied using the sight distance denial response letter in EPS. An exception to the denial may be made if the available sight distance falls between the sight distance required for maximum legal and the maximum legal speed plus 5 mph Design Speed depending on the results of the speed study (for SSD only). If this is the case, staff should refer the application to the Traffic Unit or have the applicant's engineer perform a speed study to confirm operating speeds prior to making a decision on the application.

Vegetation on Adjacent Property

PennDOT generally has broad authority to control use of highway right-of-way for all transportation purposes.

36 P.S. Section 670-420, 71 P.S. Section 512. PennDOT "…shall have the absolute right to trim, cut and remove any…shrubs growing within the legal right-of-way of any State highway…insofar as they overhang or encroach upon the legal right-of-way of any State highway." 36 P.S. Section 670-410.

Accordingly, PennDOT may require removal of any shrub or encroachment – within the right-of- way – affecting sight distance as a condition of a Highway Occupancy Permit.

In addition, Section 6112 of the Vehicle Code reads:

6112. Removal of traffic hazards by property owner.

(a) General rule – It is the duty of the owner of real property to remove from the property any tree, plant, shrub or other similar obstruction, or part thereof, which by obstructing the view of

Inspectors represent PennDOT's interest and report to the District Permit Manager and staff for inspection operations.

Each District authorizes inspectors to conduct inspection and quality assurance operations. Inspectors are competent, skilled technical experts with State highway and local road and bridge inspection and/or construction project management experience and a thorough working knowledge of the Regulations, this manual, Publication 408, the appropriate Design Manuals, and other related PennDOT publications, standards and requirements.

Each District maintains a list of inspectors and inspection enterprises. Inspectors demonstrate competence to the District's satisfaction by performance verification, or NICET certification (Highway Construction Level 1 or higher); ACI Concrete Field-Testing Certification; NECEPT Bituminous Pavement Field Technician certification or equivalent work experience or other qualifications acceptable to the District, based on the type and amount of permitted work.

The District Executive is responsible to oversee the permit inspection program for the District and shall appoint the Assistant District Executive for Construction (ADE-C) to establish and implement the District's program and to select, approve and qualify inspectors and inspection enterprises.

Districts must plan ahead to meet anticipated inspection staffing requirements for permitted work.

Districts will make every attempt to limit the amount of reimbursable inspection costs and perform inspection in-house where practical. Utilization of on-demand consultant inspection contracts should be considered. Advance planning for seasonal inspectors, borrowing or hiring construction inspectors and consultant inspectors, and coordinating with municipalities, utilities, applicants, and permittees will minimize inspection staff shortages which may delay permit work.

On-site inspectors may be assigned by the District Permit Manager or delegate to perform:

1. Non-reimbursable spot inspections, or
2. Reimbursable continuous (full-time) inspections.

Spot Inspection

Non-reimbursable on-site inspection is conducted on a spot-inspection basis by District staff and consultant inspectors. When continuous inspection is not required, spot inspection must be performed to monitor compliance with the permit.

In addition to permit close-outs, specific instances where spot inspection should be performed are:

1. Prior to installing drainage facilities, curb, sidewalk or curb ramps.
2. Prior to final pavement or shoulder restoration.
3. Prior to paving an access, to verify compliance with the permit plans.
4. To verify proper traffic control is in place prior to and during permitted work.
5. After restoration of emergency work to verify highway is properly restored.

have been satisfactorily answered, the appropriate level of concurrence will determine whether the access may be blocked, or whether other action is appropriate, such as court action. The decision to initiate a court action requires consultation with the Office of Chief Counsel (OCC) Permit Section. If court action is pursued, District staff will likely need to provide additional background, evidence and testimony.

If approval is received from the appropriate level of concurrence to block an access, the property owner is to be notified by certified mail to immediately discontinue use of the access for ingress and egress and apply for a permit that complies with the regulation within 30 calendar days, or the access will be blocked and they will be billed for all costs incurred by PennDOT.

This statewide policy is intended to balance the conflicts that exist between access traffic and highway traffic. Its successful implementation requires not only reasonable engineering judgment, but also includes legal and administrative considerations which will collectively result in a recommended course of action for resolving problems associated with unpermitted/noncomplying access locations.

Access Storm Water Problems – Maintenance and Responsibility

If an icing, debris or drainage problem is caused by an improperly constructed or maintained access, follow this statewide policy to correct the problem.

If an unpermitted or permitted access is channeling drainage onto the roadway, the District will notify the property owner to have the problem corrected as soon as feasible. It is helpful, but not necessary to determine whether an HOP exists because:

1. State Highway Law, Section 420(e), makes it a summary offense for any person to:
   a. Violate any rule or regulation (i.e., Chapter 441) promulgated under authority of Section 420 of the State Highway Law.
   b. Willfully destroy, injure, or damage any State highway, by any method or device.
2. An HOP does not guarantee that drainage into the right-of- way is legal.

Permits are revoked before a District Justice complaint is filed

District staff should determine if an HOP exists before filing a complaint with a District Justice. If an HOP exists, the HOP will be revoked for failure to comply with its terms and conditions, regulations, and standards before the complaint is filed with the District Justice.

As a general rule, submitted forms must be complete and accurate. All forms must be completed properly by the applicant and PennDOT staff. All information, including signatures, titles and dates must be completed in the proper location for all blanks.

In some instances, the form itself contains additional instructions which must be followed. Also, additional forms that are to be attached to make a complete package are identified.

When submitting forms for execution and approval, the originally signed forms must be provided when required, for example, when a form must be recorded or an original is required by a third party.

The following forms must be submitted with original signatures:

M-945I, Indemnification (Utility)
M-945K, Highway Restoration & Maintenance Bond (Utility)
M-945L, Irrevocable Letter of Credit (Utility)
M-945R, Resolution
M-945RC, HOP Recording Copy
M-946, Access Covenant
M-947, Drainage Release
M-950CFO, Consent of Fee Owner
M-950D1, Deed, Fee Simple M-950
M-950D2, Deed of Easement
M-950IC, Declaration of Covenant
M-950K, HOP Obligation Bond (Access)
M-950K1, HOP "Blanket" Bond (Access)
M-950L, Irrevocable Letter of Credit (Access)
M-950R, Agreement of Release

The following forms may be submitted in EPS as digital images of original signatures:

M-906A, Application for Bridge Occupancy License
M-945A, HOP Application
M-945H, Acknowledgment – Reimbursement Obligation for Application Review (Utility Permit)
M-945U, Acknowledgement-Permittee's Restoration Obligations
M-945Y, Notice of Dispute
M-945Y2, Notice of Dispute – HOP Applicant
M-948, Assignment of Permit/License
M-950A, Application for Minimum Use Driveway
M-950AA, Applicant's Authorization for Agent to Apply for Highway Occupancy Permit,
M-950H, Acknowledgment – Reimbursement Obligation for Access Application Review
M-950MPC, Land Use Questionnaire

Agreement of Release; Form M-950R

Purpose

This form documents the agreement of a property owner adjacent to a proposed highway occupancy permit access or improvement and releases the Commonwealth of Pennsylvania and Pennsylvania Department of Transportation (PennDOT) from claims associated with the permitted construction that extends beyond the permittee's property frontage boundary line. The form serves as evidence that the adjoining property owner has acknowledged and accepted the proposed improvements and has released PennDOT from future claims arising from the permitted work.

Preparation

This form is to be completed and executed by the owner(s) of the property adjacent to the access or improvement being constructed under the referenced Highway Occupancy Permit application. Complete the following information on the form:

- County where the project is located.
- Municipality where the project is located.
- State Route (SR), Segment, and Offset associated with the proposed access or improvement.
- Application/Permit Number.
- Name of the Applicant/Permittee.
- Date the Agreement of Release is executed.
- Full name of the adjacent property owner(s) granting the release.
- Description of the affected property by reference to Exhibit A.
- Deed date conveying title to the adjacent property owner.
- County in which the deed is recorded.
- Deed Book and Page reference information documenting ownership of the property.
- Ensure Exhibit A is attached and contains an adequate description of the property subject to the release.
- Review the release language with the owner(s) to verify understanding that the agreement releases the Commonwealth, its agents, employees, and representatives from claims associated with the permitted access or improvement as described in the document.
- Obtain the signature(s) of all property owner(s) having an ownership interest in the property.

Driveway Sight Distance Measurements; Form M-950S

Purpose

This form provides PennDOT with a uniform method for measuring and documenting actual driveway available sight distance measurements statewide. For local roads, use PennDOT Design Manual, Part 2 sight distance criteria. Form modifications are not authorized. See PennDOT "permits shared" for Form M-950S.

Preparation

County staff are responsible for completing and uploading the Form M-950S which includes the general information section and measurement of the grades and distances.

The form is prepared by the County Permit Supervisor or other person performing the on-site HOP application review for a proposed driveway. The form includes three schematic drawings that illustrate typical vehicles on typical highways preparing to make critical turning movements out of and into a typical driveway. No standard drawing will cover every situation that may occur (e.g., longer combination vehicles, queues), but minimum sight distance measurements will be based on these typical situations.

Complete the general information section during the field view, while on-site. If the highway section has no posted, regulatory (maximum legal) speed limit, the reviewer will determine the safe-running speed and record the safe-running speed in the space provided on Form M-950SRS or an 85th percentile speed study may be completed by the applicant's engineer or the Traffic Unit. See Subchapter 3.4.

Measure the actual grade and distances consistent with established procedures in Subchapter 3.4, to ensure accuracy in determining grade. Each employee who performs on-site reviews of driveway applications must use accurate distance and grade measurement instruments. Do not re-measure any sight distance (unless the proposed driveway location or actual highway conditions have changed).

Achieving optimal sight distance along the property frontage must be considered when determining the location of the access. Therefore, intersection sight distance values should be used first to determine if optimal intersection sight distance is achievable. If intersection sight distance is not achievable, verify that stopping sight distance values can be achieved. If all measured sight distances exceed their corresponding stopping sight distance criteria on the back of the Form M-950S, the minimum sight distance requirements are met. Upload the completed form(s) to EPS so the application can be processed accordingly.

If any measured sight distance values do not meet or exceed the SSD values, note this finding on the M-950S form and promptly upload completed form to EPS so the application can be prepared for denial. Be sure to notify the District Permit Office of any other problems identified during the application on-site review, since all denial reasons must be included in the denial letter.

Safe-Running Speed Determination; Form M-950SRS

Purpose

This form is used by permit staff to determine the "V" velocity value for the Sight Distance calculation statewide if there is no posted, regulatory (maximum legal) speed to control traffic approaching the proposed driveway site or if other situations, such as roadway geometry, dictate the measurement.

A posted advisory speed or a posted minimum speed will not be used to determine the "V" value below. See PennDOT "permits shared" folder for Form M-950SRS.

Preparation

The safe-running speed is the maximum velocity, in miles per hour, at which drivers may safely operate their vehicles on a section of highway during favorable weather conditions and prevailing traffic conditions, as defined under 67 Pa. Code, Section 212.1.

District permit staff may determine the sight distance consistent with 441.8(h) and Subchapter 3.4 by using the safe-running speed in the stopping sight distance equation for "V", where:

V = Velocity of vehicle (miles per hour).

Complete the applicant, application number, highway location, tester and test date blanks at the top of the form.

Make 5 test runs in each direction through the area and record your speeds. Drive at a reasonable, safe, prudent speed considering all factors. Make each test run during favorable weather conditions and prevailing traffic conditions.

After completing the five runs in each direction, determine the average speed in each direction. Add all recorded speeds in one direction and divide by the number of speeds recorded. The value will be the average safe-running speed in that direction.

Round this average up to the next highest mph multiple of 5 (e.g., 47 mph would be rounded up to 50 mph).

The reviewer will document the recorded speeds and computations on Form M-950SRS in the spaces provided and forward the completed form with the application to the District Permit Office.

Section 2 – Plan Presentation (Continued)

C N S

☐☐☐ (4) Show the distance from each existing and proposed driveway to (*check all*):
- ☐ (a) The nearest intersecting street, road, and highway **(67 Pa. Code §441.3(i)(5))**
- ☐ (b) The nearest driveway on adjacent properties **(67 Pa. Code §441.3(i)(5))**
- ☐ (c) The street, road, highway, or driveways opposite the site **(67 Pa. Code §441.3(i)(5))**
- ☐ (d) The relevant property lines and property lines extended to the roadway **(67 Pa. Code§441.3(i)(5))**
- ☐ (e) The building and business appurtenances on the site **(67 Pa. Code §441.3(i)(5))**

☐☐☐ (5) Show the posted speed limit for the state highway **(Pub. 14M)**

☐☐☐ (6) Show required and available sight distances in each direction from each proposed driveway using the Point of View of the driver sitting in the driveway **(67 Pa. Code §441.3(i)(6), Pub. 13M, Ch. 2.17 & AASHTO Green Book, Ch. 3 & Ch. 9)**

☐☐☐ (7) Show the number of vehicles per day which are expected to utilize each proposed driveway. **(67 Pa. Code §441.3(i)(7))**

☐☐☐ (8) Ensure plans/reports are signed and sealed by PE/PLS/RLA **(49 Pa. Code, §37.59)**

☐☐☐ (9) Return red-lined plans with corresponding comment-response form **(Pub. 282, Ch. 3)**

Section 3 – Driveway/Access Configuration

C N S

☐☐☐ (1) Ensure the number of driveways are acceptable **(67 Pa. Code §441.7(e))**

☐☐☐ (2) Provide justification if additional driveways are required **(67 Pa. Code §441.7(e))**

☐☐☐ (3) Ensure the driveway angle to SR centerline is as close to 90 degrees as possible **(67 Pa. Code §441.8(b)(1))**

☐☐☐ (4) Ensure access aligns with driveways/roads/lanes across the highway if offset access will present a safety hazard **(67 Pa. Code §441.7(c)(4))**

☐☐☐ (5) Ensure driveways will not encroach on adjacent property frontage **(67 Pa. Code §441.8(d))**

☐☐☐ (6) Ensure access is classified correctly as local road or driveway according to **67 Pa. Code §441.7(d)**

☐☐☐ (7) Ensure permanent curbing when distance between multiple driveways are less than 50' **(67 Pa. Code §441.8(e))**

☐☐☐ (8) Ensure min. (*check all that apply*):
- ☐ (a) 20' between driveways serving the same property **(67 Pa. Code §441.8(e))**
- ☐ (b) 50' distance between driveways and ramp or it's speed change lane **(67 Pa. Code §441.8(l))**
- ☐ (c) 10' tangent distance between intersection radius and first driveway radius **(67 Pa. Code §441.8(c)(1))**
- ☐ (d) 20' tangent distance in curbed area between driveway radius & edge of pavement of intersecting highway **(67 Pa. Code §441.8(c)(2))**
- ☐ (e) 30' tangent distance in uncurbed area between driveway radius & edge of pavement of intersecting highway **(67 Pa. Code §441.8(c)(2))**

☐☐☐ (9) Ensure driveway width and radius returns in accordance with **(Pub 282, Ch. 2.5)**

Section 3 – Driveway/Access Configuration (Continued)

C N S

☐☐☐ (10) Ensure local road width and radius returns in accordance with **Pub. 13M**

☐☐☐ (11) Ensure returns offset meet (at minimum) 3R criteria **(Pub. 13M, Ch. 1.2)**

☐☐☐ (12) Ensure radius returns extend full quadrant **(Pub. 282, Ch. 2.4)**

☐☐☐ (13) Ensure driveway is designed to discourage wrong way movements **(67 Pa. Code §441.8(a)(2))**

☐☐☐ (14) Ensure radius return design is sufficient for trucks/large vehicles/anticipated traffic (minimum of 5') **(Pub. 282, Ch. 2)**

☐☐☐ (15) Ensure 14' min. lane width if channelization island (**Pub. 282, Ch. 2**)

☐☐☐ (16) Ensure driveway throat length min.(*check all that apply*):

- ☐ (a) 50' for low volume driveways **(Pub. 574 IB.1)**
- ☐ (b) 120' for medium volume driveways **(Pub. 574 IB.1)**
- ☐ (c) 150' for high volume driveways **(Pub. 574 IB.1)**

☐☐☐ (17) Identify and dimension PC/PT/PCC break points **(Pub. 14M, Ch. 2)**

☐☐☐ (18) Provide spot elevations along radii at 10' intervals **(Pub. 13M, Ch. 7)**

☐☐ (19) Ensure driveway design accommodates bikes and peds **(Pub. 13M, Ch. 7, Pub. 13, Ch. 14)**

☐☐☐ (20) Ensure corrugated concrete is used where applicable **(Pub. 282, Ch. 2.5)**

Section 4 – Driveway/Access Profile

C N S

☐☐☐ (1) Maintain State Route travel lane and shoulder cross slope when designing/constructing the driveway **(67 Pa. Code §441.8(i)(4) & Fig. 1)**

☐☐☐ (2) Ensure difference between cross slope of roadway shoulder and grade of driveway does not exceed 8% **(67 Pa. Code §441.8(i)(5))**

☐☐☐ (3) Ensure maximum grade of driveway within the right of way does not exceed ± (5% to 8%) for low, medium, or high volume driveways **(67 Pa. Code §441.8 Fig. 1)**

☐☐☐ (4) Show vertical curvature – AASHTO criteria (PVI Station, Elevation, VC, MO, SSD/HLSD, PVC, PVT) **(Pub. 14M, Ch. 2.6)**

Section 5 – Sight Distance for Driveway

C N S

☐☐☐ (1) Ensure intersection sight distance (ISD) minimums from **(67 Pa. Code §441.8(h), Pub. 282, Ch. 3, Design Manual, Part 2, AASHTO Green Book, Sight Distance Tool)**

☐☐☐ (2) If intersection sight distance (ISD) is infeasible or impractical, ensure stopping sight distance (SSD) minimums from (**67 Pa. Code §441.8(h), Pub. 282, Ch. 3, AASHTO Green Book, Sight Distance Tool)**

3. CASE 3 - Existing driveways (whether they have a permit or not) that must be reconstructed or have turning movements restricted due to permit work. A reconstruction is where the driveway must be physically reconfigured, modified, relocated or removed. A turning movement restriction is where there is a loss of turning movement due to permit work.

For existing driveways that must be reconstructed or restricted (CASE 3), the applicant will first be required to ask the impacted landowner to obtain a permit for the reconstructed/restricted driveway. This is consistent with 67 Pa. Code §441.3(a), which states that "no driveway…shall be constructed or altered within State highway right-of-way…without first obtaining a permit from the Department." However, if the impacted landowner is unwilling or unable to obtain a permit and all permit work will occur within the State highway right-of-way, the Department may allow the applicant to construct the alteration consistent with the indemnification procedure described in the following section if it believes the reconstruction/restriction to be reasonable.

These procedures do not apply when additional land is required, either permanently or temporarily, from the neighboring landowner. The rights of the neighboring owner are dealt with in the acquisition process in those situations. Nor do the procedures apply to frontage without an existing driveway unless an auxiliary lane is being located along the frontage. In this situation, the neighboring landowner has not yet exercised their right of access; therefore, only the very specific auxiliary lane regulation is applicable.

During the HOP process, the applicant should explore alternative designs which avoid impacts to adjacent properties, provided the revised design satisfies all mitigation requirements identified in the approved TIS, and safety and operations are not compromised. The District will assess whether the alternative design is feasible; otherwise, the applicant with the approval process or indemnifies the Commonwealth.

Indemnification should not be viewed as a substitute for sound engineering practices in the development and design of traffic mitigation solutions while preserving the access rights of abutting property owners including, but not limited to, relocating an existing access.

Approval / Indemnification Procedures

The permit applicant may choose to secure the approval of the property owner or indemnifies the Commonwealth (§441.8(j)(5)), though amicable resolutions with neighboring property owners is encouraged. Whether choosing to obtain approval from impacted property owners or indemnify the Commonwealth, the applicant must first identify all properties within the limits of the permit work that may be impacted using Form M-950R1, a worksheet for identifying impacted properties. This will include all properties along which an auxiliary lane would be located as well as those properties whose existing driveways would be: (1) reconfigured, modified, relocated or removed, or (2) operationally affected by the permitted work (e.g., loss of turning movement, limited to right in/right out, median limitations, traffic signal proximity limitations, etc.)

The District, upon receipt of the HOP plans and Form M-950R1, must review and approve the initial determination of the applicant as to impacted properties. This may result in the addition or deletion of properties to be considered. Similarly, changes to design during the HOP review process may also necessitate further review of properties to be considered.

Impacted Property Owner Approval

Consistent with §441.8(j)(5), the applicant may secure the approval of adjacent property owners by (1) having the property owner submit an HOP application (M-945A or M-950A), as appropriate; (2) obtaining an approval letter from the property owner; or (3) obtaining the property owner's signature on the HOP plan. Refer to the below flow chart for additional guidance.

Indemnification

Consistent with §441.8(j)(5), for adjacent properties with an auxiliary lane being installed along their property frontage, the applicant can also address the neighboring owner's access rights by indemnifying the Commonwealth. Indemnification will not be recognized by PennDOT until 30 days after the "Right to Intervene for Impacts to Access of Neighboring Property Owners" letter was received by the impacted property owner by certified mail.

If approval from the neighboring property owner cannot be obtained, the applicant indemnifies the Commonwealth. A condition will be added to the permit that states:

"PERMITTEE INDEMNIFIES THE COMMONWEALTH AGAINST ANY ACTION WHICH [FEE PROPERTY OWNER(S) NAME] MAY BRING AGAINST THE COMMONWEALTH RELATING TO THE PERMIT OR PERMIT APPLICATION."

Petitions to Intervene and Protest

Petitions to Intervene and Protests Interventions and protests are legal proceedings brought before PennDOT's Administrative Docket pursuant to Pennsylvania's Administrative Code. The proceedings are governed by the General Rules of Administrative Practice and Procedure, 1 Pa. Code Chapters 31-35, and PennDOT's Rules of Administrative Practice and Procedure, 67 Pa. Code Chapter 491. These rules require specific information to be included when initiating an action before the docket.

A person who wishes to intervene as a party in the HOP Application process must file a petition for leave to intervene in accordance with the rules and file it with the Administrative Docket Clerk, c/o Office of Chief Counsel, Commonwealth Keystone Building, 400 North Street, 9th floor, Harrisburg, Pennsylvania 17120-0096, along with a $100 filing fee. Electronic filings are accepted at RAPDDOTADMINDOCKET@pa.gov, but the filer must submit the filing fee by check. The District HOP manager and the HOP applicant should be served with a copy of the filing. The matter will be assigned to PennDOT Hearing Officer for disposition.

A person who does not wish to intervene in the HOP application process but objects to the approval of an application may file a protest. There is no filing fee associated with a protest and no service requirement. However, it is recommended that a copy be sent to the District HOP manager and the HOP applicant. Protests are filed solely to alert PennDOT and the HOP applicant that someone objects to the issuance of an HOP and the nature of that objection. No formal proceedings result from a protest. When timely filed, PennDOT may consider the protest in reviewing the HOP application.

M-950IC (10-26)

Pennsylvania
Department of Transportation
www.pa.gov/penndot

DECLARATION OF COVENANT RUNNING WITH LAND

FOR USE WITH INDEMNIFICATION FORM (M-945I)

WHEREAS, _____ has
(Applicant)
applied for a highway occupancy permit with the Department pursuant to 67 Pa. Code § 441.3(7); and

WHEREAS, the subject property is located in _____ City/Borough/Township, (Select One) County, Commonwealth of Pennsylvania (Tax Map Block and Lot No. _____ on the tax map for (Select One) County) by deed to, _____,
(Owner Name)
dated _____ and recorded _____ in the (Select One) County
(Date)
Recorder's Office in Deed Book Number _____, Page Number _____ (the "Property"); and,

WHEREAS, the _____ boundary of the Property runs along the
(Direction, N, NE, W, SE, etc.)
centerline of State Route ("S.R.") _____; and,

WHEREAS, the Commonwealth of Pennsylvania, acting through the Department of Transportation ("Department") maintains exclusive jurisdiction and control over S.R. _____.

NOW, THEREFORE, for and in consideration of the Department's issuance of a Highway Occupancy Permit (HOP) to _____ pursuant to 36 P.S. §670-420, the State Highway Law, said applicant
(Applicant)
covenants as follows:

1. The Department intends to issue a HOP to _____
(Applicant)
for S.R. _____, _____ City/Borough/Township, (Select One) County, under Application Number _____, incorporated herein by this reference and on file in the offices of the Department, Engineering District (Select One).

2. Any and all subsequent purchasers, heirs, assigns or transferees of any legal or beneficial interest in the Property take such interest subject to the obligations, duties, responsibilities and restrictions imposed upon _____ in the Indemnification executed
(Applicant)
by _____ on _____, 20_____.
(Name)

IN WITNESS WHEREOF, _____ has caused
(Applicant)
these presents to be duly executed on _____, 20_____.

INDIVIDUALS

_____

_____

_____

_____

_____

_____

ENTITIES*

GRANTOR:

_____
(Name of Entity)

BY: _____

BY: _____

* Use this block for a corporation, partnership, LLC, government entity, school district, church, trust, club, association, POA, attorney-in-fact, executor, administrator or any other entity. See R/W Manual Section 3.06.

INDIVIDUAL	ENTITY
STATE OF PENNSYLVANIA COUNTY OF (Select One) On this_____ day of_____, 20____, before me, _____, the undersigned officer, personally appeared _____ _____ _____, known to me (or satisfactorily proven) to be the person(s) whose name(s) _____ subscribed to the within instrument, and acknowledged that _____ executed the instrument for the purposes contained in it. In witness whereof, I hereto set my hand and official seal. _____ [Signature] _____ [Title] [Seal]	STATE OF PENNSYLVANIA COUNTY OF (Select One) On this _____ day of _____, 20____, before me, _____, the undersigned officer, personally appeared _____ _____, who acknowledged _____ self to be the _____ [title] of _____ [name of entity], and that as such _____ [title], being authorized to do so, executed the foregoing instrument for the purposes contained in it by signing on behalf of the entity as _____ [title]. In witness whereof, I hereto set my hand and official seal. _____ [Signature] _____ [Title] [Seal]

M-950R (10-26)

Pennsylvania
Department of Transportation
www.pa.gov/penndot

AGREEMENT OF RELEASE
(SECTION 441.8(D) - PROPERTY LINE CLEARANCE RELEASE)

COUNTY	APPLICATION/PERMIT NO.
MUNICIPALITY	APPLICANT/PERMITTEE
S.R.-SEGMENT-OFFSET	

THIS INDENTURE, made _____ this day of _____, 20 ,

by, _____

_____

owner(s) of property adjacent to the access or improvement being constructed at the above mentioned State Route (SR) pursuant to the above referenced application/permit, their heirs, executors, administrators, successors and/or assigns, hereinafter, whether singular or plural, called the OWNER, which property is described on Exhbit A, title to which is evidenced by a deed dated _____, and recorded in the Office of the Recorder of Deeds of _____ County in Deed Book _____, Page _____, and the Commonwealth of Pennsylvania, Department of Transportation, hereinafter, whether singular or plural, called the COMMONWEALTH,

W I T N E S S E T H:

In consideration of the benefits accruing to the above OWNER as a result of the aforesaid construction, the OWNER does hereby remise, release, quitclaim and forever discharge the COMMONWEALTH its agents, employees and representatives of and from all suits, damages, claims and demands of any type arising against it as a result of granting of the permit to permittee including any claim which the OWNER might otherwise have been entitled to assert under the provisions of the Eminent Domain Code, Act of June 22, 1964, P.L. 84 as amended (26 P.S. 1-101 et. seq. as amended), for or on account of any injury, destruction or interference with access to the aforesaid property of the OWNER through or by reason of the aforesaid access or improvement being constructed outside of the permittee's property frontage boundary line pursuant to the above referenced application/permit.

In WITNESS WHEREOF, the OWNER has executed or caused to be executed these presents, intending to be legally bound thereby.

INDIVIDUALS

_____

_____

_____

_____

_____

_____

ENTITIES*

OWNER:

_____
(Name of Entity)

By:

By:

*Use this block for a corporation, partenership, LLC, government entity, school district, church, trust, club, association, POA, attorney-in-fact, executor, administrator or any other entity. See R/W Manual Section 3.06.

INDIVIDUAL	**ENTITY**
STATE OF COUNTY of _____ On this _____ day of _____, 20____. before me, _____ , the undersigned officer, personally appeared _____ _____, known to me (or satisfactorily proven) to be the person(s) whose name(s) _____, subscribed to the within instrument, and acknowledged that _____executed the instrument for the purposes contained in it. In witness whereof, I hereto set my hand and official seal. _____ (Signature) _____ (Title) [SEAL]	STATE OF COUNTY of _____ On this _____ day of _____, 20____. before me, _____, the undersigned officer, personally appeared _____ who acknowledged _____ self to be the _____ _____ (Title) of _____ (Name of Entity,) and that as such _____ (Title) being authorized to do so, executed the foregoing instrument for the purposes contained in it by signing on behalf of the entity as _____ (Title) In witness whereof, I hereto set my hand and official seal. _____ (Signature) _____ (Title) [SEAL]

M-950S (10-26)

Pennsylvania
Department of Transportation
www.pa.gov/penndot

DRIVEWAY SIGHT DISTANCE MEASUREMENTS

APPLICANT _____ APPLICATION NO. _____

S.R. _____ SEG _____ OFFSET _____ LEGAL SPEED LIMIT _____

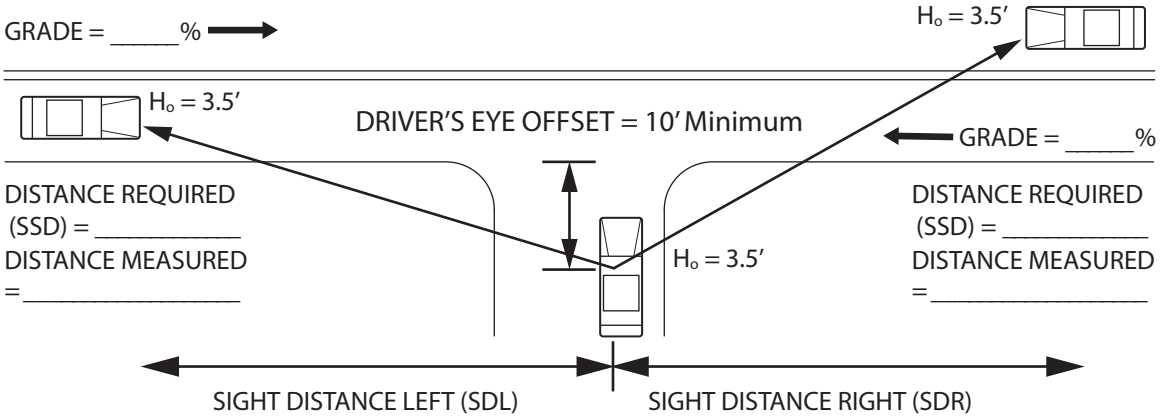
DESIGN SPEED _____

PENNDOT DISTRICT _____ COUNTY (Select One) _____ MUNICIPALITY _____

MEASURED BY _____ DATE _____

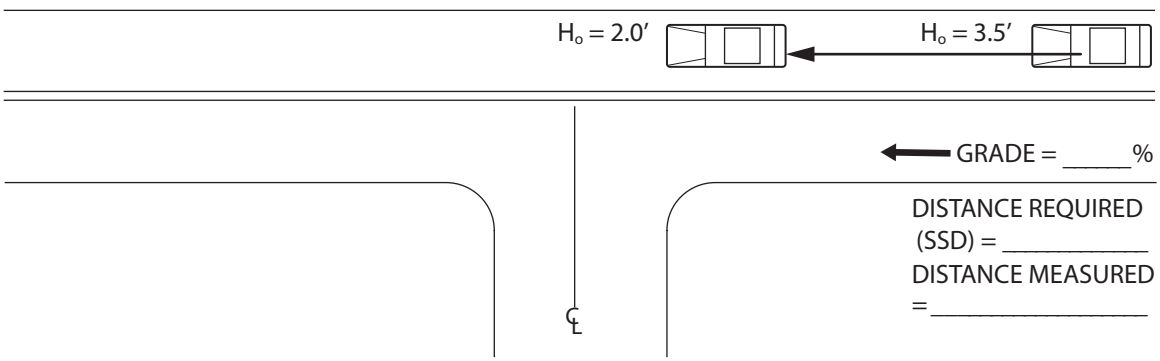
FOR DEPARTMENT USE ONLY: SAFE RUNNING SPEED 85TH PERCENTILE SPEED

A



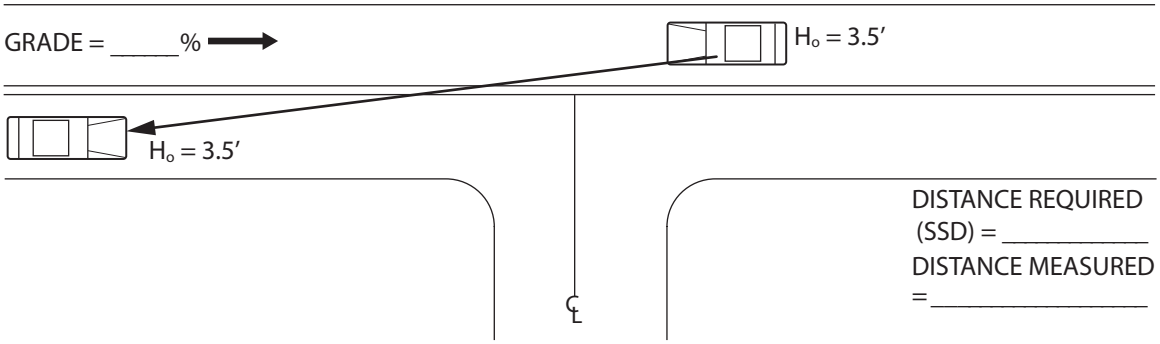
THE MAXIMUM LENGTH OF ROADWAY ALONG WHICH A DRIVER AT A DRIVEWAY LOCATION CAN CONTINUOUSLY SEE ANOTHER VEHICLE APPROACHING ON THE ROADWAY.

B



THE MAXIMUM LENGTH OF ROADWAY ALONG WHICH A DRIVER ON THE ROADWAY CAN CONTINUOUSLY SEE THE REAR OF A VEHICLE WHICH IS LOCATED IN THE DRIVER'S TRAVEL LANE AND WHICH IS POSITIONED TO MAKE A LEFT TURN INTO A DRIVEWAY.

C



THE MAXIMUM LENGTH OF ROADWAY ALONG WHICH A DRIVER OF A VEHICLE INTENDING TO MAKE A LEFT TURN INTO A DRIVEWAY CAN CONTINUOUSLY SEE A VEHICLE APPROACHING FROM THE OPPOSITE DIRECTION.

FOR STOPPING SIGHT DISTANCE VALUES, SEE TABLE ON REVERSE

Stopping Sight Distance (Feet)

Use plus grades when approaching vehicle is travelling **Upgrade**.

Design Speed (mph)	Level 0%	Upgrade									
		1%	2%	3%	4%	5%	6%	7%	8%	9%	10%
25	152	150	149	147	146	144	143	142	141	140	138
30	197	194	192	190	188	186	184	182	180	179	177
35	246	243	240	237	234	231	229	226	224	222	220
40	301	296	292	289	285	281	278	275	272	269	266
45	360	354	349	344	339	335	331	327	323	320	316
50	424	417	410	405	399	393	388	383	379	375	370
55	492	484	476	469	462	456	450	443	438	433	427
60	566	556	547	538	530	522	515	508	501	495	488

Stopping Sight Distance (Feet)

Use negative grades when approaching vehicle is travelling **Downgrade**.

Design Speed (mph)	Level 0%	Downgrade									
		-1%	-2%	-3%	-4%	-5%	-6%	-7%	-8%	-9%	-10%
25	152	154	155	158	160	162	165	167	170	173	176
30	197	199	202	205	208	211	215	218	222	227	231
35	246	249	253	257	261	266	271	276	281	287	293
40	301	305	310	315	320	326	333	339	346	354	362
45	360	365	371	378	385	392	400	408	417	427	438
50	424	430	438	446	454	464	474	484	495	507	520
55	492	501	510	520	530	541	553	565	579	593	609
60	566	576	587	598	610	623	638	652	669	686	705