



ACKNOWLEDGMENT OF ADDITIONAL REIMBURSEMENT OBLIGATION FOR PERMIT APPLICATION REVIEW

FEDERAL I.D. NO. _____

County	
Municipality	
SR-Segment-Offset(s)	
Application No.	
Project Name	

Applicant, _____

_____ has filed or will file an application with the Pennsylvania Department of Transportation for occupancy of one or more State highways and, in connection with the application, has submitted its proposed occupancy plan ("Proposed Occupancy") to the Department for review.

The Department is authorized, pursuant to Section 411 of the State Highway Law as amended, 36 P.S. § 670-411, to issue permits for the opening of the surface and occupancy of State highways and for the placing of utility facilities and other structures on terms and conditions established in Department regulations. Pursuant to Chapter 459 of Title 67 of the Pennsylvania Code ("Regulations"), the Department, with the intent to provide for the safe and efficient movement of vehicles and to protect the highway infrastructure and the public, has established the terms and conditions of permits for occupancy of State highways. The Department's review of the Proposed Occupancy within or affecting a State highway will include the location, construction, maintenance, and operation of the Applicant's Proposed Occupancy as well as the effect the Proposed Occupancy would have on the safety, preservation and efficiency of the State highway system.

The Department has estimated that its costs of reviewing the Proposed Occupancy will exceed the standard fees specified in Section 459.4 of the Regulations by a significant amount. To facilitate the Department's review and to reimburse the Department for its additional review costs, the Applicant hereby agrees to reimburse the Department for its additional application review costs.

NOW, THEREFORE, for and in consideration of the foregoing premises and the promises set forth below, the Applicant acknowledges and agrees, with the intention of being legally bound, to the following:

1. **Recitals.** The foregoing recitals are incorporated by reference as a material part of this Acknowledgment.
2. **Department obligations.** The Department will provide personnel and resources to review the Proposed Occupancy, including plans, traffic control plan, drainage impact report, traffic impact study, and all other data required to accurately and adequately describe the limits of the Proposed Occupancy and the effect on the State highway system. If deemed necessary in its sole discretion, the Department will field-view the Proposed Occupancy site and the highway system to be affected; the Department may also attend meetings scheduled with its consent relating to the Applicant's Proposed Occupancy. This review will begin upon execution of this Acknowledgment by the Applicant.
3. **Reimbursable costs.** Additional application review costs to be reimbursed to the Department by the Applicant under this Acknowledgment include the following items:
 - a. **Direct labor** -- Labor costs incurred by the Department in its review of the Proposed Occupancy, including plans, traffic control plan, and all other data related to the Proposed Occupancy and the impact of the Proposed Occupancy on the State highway system.

b. **Indirect labor** -- Overhead and administrative expenses associated with the review of the Proposed Occupancy. These charges shall be determined by applying the applicable percentage charge to the direct labor costs.

c. **Expenses** -- Travel and subsistence costs for Department personnel and representatives to field-view the site and to attend meetings concerning the Proposed Occupancy. The rates to be used will be the standard Commonwealth rates in effect at the time of the travel.

4. **Applicant obligations.** The Applicant agrees to cooperate with the Department and its representatives in the review process. The Applicant, by executing this Acknowledgment, certifies that it has on hand sufficient funds to meet all of its obligations under the terms of this Acknowledgment. The Applicant shall reimburse the Department for all actual costs incurred by the Department under this Acknowledgment, regardless of the final disposition of the review and regardless of the status of any Proposed Occupancy for which a permit application may be filed. Reimbursement shall be made within thirty days of receipt of the Department's invoice. The total additional cost of review by the Department under this Acknowledgment is estimated to be \$ _____.

5. **Termination.** Either party may terminate this Acknowledgment at any time upon ten days' written notice to the other party. If the Applicant terminates the Acknowledgment, the Applicant shall reimburse the Department for all actual costs incurred prior to the receipt of the notice of termination as well as any costs of winding up the business of the Acknowledgment. The Department may terminate this Acknowledgment at any time for cause, in the event the Applicant should fail to timely perform any of its obligations under this Acknowledgment. It is understood that the Department's review activities will cease upon termination.

6. **Other remedies.** In lieu of termination of this Acknowledgment, the Applicant's failure to make timely reimbursement may, at the Department's option, result in the Department's withholding approval of any application, revoking any permit issued in connection with any application, or any other remedy deemed appropriate by the Department.

7. **Successors and assigns.** The obligations of the parties under this Acknowledgment shall be binding on their respective successors and assigns.

8. **Access to property.** The Applicant, in connection with activities under this Acknowledgment, authorizes the Department and its representatives and employees to enter and occupy the Applicant's property to the extent reasonably required to carry out the terms of this Acknowledgment.

9. **Effective Date.** This Acknowledgment and any authorizations granted under this Acknowledgment shall be effective only after approval by the Department.

EXECUTED _____ on with the intention to be legally bound hereby.
(Date)

ATTEST:

APPLICANT

Title: Date

BY _____
*Title: Date

* If applicant signature is other than a president, vice president, or sole proprietor and owner, a Resolution authorizing the signature must be attached.

Applicant: do not write below this line -- for Department of Transportation use only

Effective Date: _____
(To be completed by Engineering District Permit Office)