



STATE OF VERMONT
AGENCY OF TRANSPORTATION

GENERAL HIGHWAY PERMIT APPLICATION INFORMATION

NOTE: It is strongly suggested that all potential permit applicants review and understand this General Highway Permit Application Information prior to submission to the Vermont Agency of Transportation. Any permit questions can be directed towards the individuals listed in Section H.

A. **GENERAL**. A State Highway Access and Work Permit must be obtained from the Vermont Agency of Transportation (Agency) before doing any work within the State Highway right-of-way or doing work on adjacent property that will affect drainage reaching the State Highway right-of-way. A State Highway Access and Work Permit is also required for access to any new subdivision of land or development which has direct access to a State Highway, even though an existing driveway will be used (Vermont Statutes Annotated, Title 19, Section 1111).

There are certain uses and types of construction that cannot be permitted within a State Highway right-of-way. A partial list of these prohibited uses is given in Section E.

Permit Application forms may be obtained from any of the nine District Transportation Administrator's offices, located around the State, or from the Permitting Services Office in Montpelier. A copy of the State Highway Access and Work Permit can be requested in Section I.

Development Review & Permitting Services Section

A completed application for a State Highway Access and Work Permit should be submitted to the appropriate District Transportation Administrator regarding one (1) lot, single family and duplex residential driveways, agricultural access or forest industry driveways as well as individual utility service connections (which do not involve the installation of an above-ground structure(s) within the right-of-way or direct storm water connections to the State drainage system). All other requests for permitted use of the State Highway right-of-way, including all subdivisions, shall be submitted to the Permitting Services Office. The application, at a minimum, shall include a State Highway Access and Work Permit and a sketch or drawing. For additional guidance, see the "Instructions" section on the front of the State Highway Access and Work Permit.

B. **PERMIT FORM**. The information needed on the State Highway Access and Work Permit consists of:

1. **Owner**. The name of the company, individual, and/or municipality which will be responsible for performing the work and maintaining the facility. If

performance and maintenance responsibilities are separate, a joint permit should be applied for by entering both names.

2. a. Town. Name of the town(s) in which the proposed work is located.
 - b. Highway. A VT, Interstate, or US route designation and number, such as VT 78, US 4, or Interstate 89.
 - c. Reference Location. Approximately (so many) feet (direction) from (a reference point). The reference point may be a bridge, an intersection with another highway (give the highway name or number), or a mile marker (list the numbers on the plaque). (Mile markers are small green roadside signs with three rows of numbers.) A route log station or highway project station would be an adequate location, if known.
3. Description of work. A brief description of all work to be done within the highway right-of-way and the reason the work is necessary. For instance, "Construct a 16-foot driveway with a 15-inch drive culvert to serve a new house."
 4. Zoning or Act 250 Requirements. Give application number, if available at time of Section 1111 permit submission.
 - ❖ Act 248 applies to only utility companies
 - ❖ Section 1111 permit will be issued after Owner/Applicant (Permit Holder) provides the Agency with copies of Act 250 and/or local development approvals
 5. Date work will begin. The date you plan to start working in the highway right-of-way. The date is used only for information as to when the work will be in progress.
 6. Signature. The applicant or their representative enters (a) the company name, (b) his/her name and signature, company position or title if applicable and (c) the date signed.

C. **SKETCH**. A sketch may be required as part of the State Highway Access and Work Permit application request. At a minimum, the sketch should show the proposed work and indicate the relationships between the highway centerline, property lines, buildings, driveways, drainage structures and the reference point mentioned in the application. The State Highway should be labeled with the next town or hamlet in each direction. A North arrow should be shown. **Applicants are encouraged to contact the Agency prior to submission of a permit application to discuss specific requirements necessary for a complete submission, including an appropriate sketch or plan.** Lack of a proper plan will delay processing of the permit request. Also, underground utility installation requests have additional specific requirements when applying for permission to bury utility facilities within the State Highway right-of-way. These requirements may include, but are not necessarily limited to the following:

Underground Plan Requirements

- Location of proposed buried utility facility with offset distances from highway centerline
- Highway right-of-way and pavement widths
- Location of major features such as highway intersections, town lines, bridges, village limits, guardrail, etc., identified by mile marker
- Location of nearby existing utility facilities such as manholes, water valves, fire hydrants, utility cabinets, utility poles, etc., with distance offsets from highway centerline and name of utility owner
- Location of pertinent natural terrain features such as ledge outcroppings, steep slopes, streams, wet lands, etc.
- Type of construction method being used to install proposed buried utility facility, i.e., bore, plow, trench, etc.
- If appropriate, details of typical trench cross-section showing depth, width, backfill materials, size of water/sewer/gas pipes, duct banks, sleeves, etc. Also concrete encasement and pavement restoration details
- Plan should be drawn to a scale equal to or great than 1"=100'

D. UTILITY PERMITTING

1. Work Requirements and Assignment

- a. **All utility work done within the right-of-way requires that a permit be in-hand (individual or annual work permit)**—this is noted in the "Restrictions and Conditions" section (back side) of the State Highway Access and Work Permit: "The Permit Holder is to have a supervisory representative present any time work is being done in or on the State Highway right-of-way. A copy of this permit and Special Conditions must be in the possession of the individual performing this work for the Permit Holder."
- b. The only exception to having a permit in-hand would be working under direct verbal authorization issued by the maintenance district.
- c. Utility contractors can work under an individual or annual work permit without direct supervision by the utility company--i.e., the "supervisory representative" referred to under item a above does not have to be a utility company employee. However, please be advised that during work the agency may want to confirm with the utility company the status of the supervisory representative.
- d. Annual work permits can, but are not required to, be issued to utility contractors for work meeting the definition of "routine maintenance and emergency repair;" see Section I.

2. Clarifications

- a. Where joint ownership of utility poles exists, both utility companies are required to sign the permit form when a pole line is extended or reconstructed. Pole attachees are NOT required to sign the permit form as co-applicant but may be required to obtain their own individual permit.
- b. THE PERMIT APPLICANT MUST PROVIDE THE COMPANY NAME AND CONTACT INFORMATION (project manager, address and phone number) FOR ALL POLE ATTACHEES WHEN A POLE LINE IS EXTENDED OR RECONSTRUCTED.
- c. Pole attachees will be copied on issued permits when a pole line is extended or reconstructed.
- d. THE PERMIT APPLICANT MUST PROVIDE THE COMPANY NAME(S) AND CONTACT INFORMATION (project manager, address and phone number) FOR THE POLE OWNER(S) WHEN ATTACHEES ARE ADDING FACILITIES TO AN EXISTING POLE LINE.
- e. Pole owner(s) will be copied on issued permits when new attachments are added to an existing pole line.
- f. Direct pole transfers are covered under the annual permit.

E. **PROHIBITED USES.** The following are examples of construction and activities which are not permitted within the State Highway right-of-way:

- 1. Construction or installation of aboveground structures, including buildings, fences, and pipelines. Utility poles and repeaters are permissible.
- 2. Construction or installation of non-official signs as prohibited by the Vermont Sign Law – especially Vermont Statutes Annotated, Title 10, Section 495(d).
- 3. Construction or installation of underground structures, including storage tanks and pumping stations. Utility manholes, vaults, pull boxes, pits and appurtenances are permissible if they are protected from errant vehicles, flush with the finish grade and/or can support vehicular loads.
- 4. Storage or parking of unregistered motor vehicles.
- 5. Filling, grading, or placing of materials in such a way as to obstruct a stream or direct the flow of water onto the highway right-of-way.
- 6. Erection of signs or other traffic control devices that are not in conformance with the MUTCD (Manual on Uniform Traffic Control Devices) and the approved traffic control plan (if required).
- 7. Installation of longitudinal utility facilities for private use without Transportation Board Certification.

8. Any utility facility within an area needed for probable highway expansion.
9. Any utility facility as may be prohibited by AASHTO (American Association of State Highway and Transportation Officials) as adopted by the Agency.

Typically, on encroachments for non-transportation purposes, a determination is made by the Agency that such encroachments do, or do not, interfere with highway safety (sight distance, clear zone, etc.). **Applicants are encouraged to contact the Agency prior to submission of a permit application to discuss specific construction and/or activities contemplated within the highway right-of-way.**

F. **ACCESS.** It is Agency policy that absent unusual circumstances, only one access point will be authorized for a single property. Property owners subdividing for any purpose should anticipate this requirement by providing for a collector facility leading to a single access/exit point. Additionally, direct access to the State Highway system may be denied when the property in question has other reasonable access or reasonable opportunity to access the general street or town highway system. To avoid delays and added engineering expenses, it is recommended that all applicants seeking a State Highway Access and Work Permit contact the Agency as early as possible before creating a design, or making other investments, based on assumptions of where access will be. Any application requesting more than one access (or direct access when other reasonable access exists) should explain in writing a clear reason based on the unusual circumstances, beyond the applicant's control, that would furnish support for a decision by the Agency to allow more than one access (or the direct access). Absent unusual circumstances, it is highly likely that the permit in question would be denied by the Agency. *Failure to identify and explain unusual circumstances that would justify a request for more than one access may result in the Agency treating the application as incomplete and denying the application or sending it back to you on the basis of incompleteness.* For subdivision of lands abutting a State Highway, Vermont Statutes Annotated, Title 19, Section 1111(k) provides that "No deed purporting to subdivide land abutting a state highway or a class 1 town highway can be recorded unless all abutting lots so created are in accord with the standards of this section, including but not limited to the requirement to provide a frontage road or roads". For additional information, please consult the Agency's "Access Management Program Guidelines."

G. **APPEAL PROCEDURES.** If during processing of a permit request by the Permitting Services office, the Applicant believes that the design of the project cannot meet all the requirements for access set forth in the "Access Management Program Guidelines" or other design documents, then the Applicant has the option of exercising the "Access Management Design Exception Procedure" (see Section I). Applicants aggrieved by the final written permit application decision of the Permitting Services Section or the District may appeal those decisions to the Agency's Hearings Unit. Appeals should be filed, in writing, with the decision-maker from whom the appeal is being taken—that is, an appeal to the Hearings Unit should be filed with the Utilities and Permits Unit or with the District, for district-issued permits. The entity with which the appeal is

filed (either Permitting Services Section or the District) is then responsible for forwarding the appeal, together with the administrative record to the Hearings Unit. The Agency's Hearings Unit can be reached at (802) 828-5324. A person aggrieved by a permit application decision of the Agency's Hearings Unit can appeal the decision to the Transportation Board (T-Board) in accordance with Vermont Statutes Annotated, Title 19, Section 5(7).

An appeal should be filed in writing with through the Agency's Hearings Unit within 30 days of the Hearings Unit's decision. The Hearings Unit is then responsible for forwarding the appeal, together with the administrative record to the T-Board. The T-Board's Executive Secretary can be reached at (802) 828-2942.

H. **CONTACT INFORMATION.** Additional information about the Highway Permit program may be obtained from any District Highway office or from the office of the Chief of Permitting Services in Montpelier.

District	DTA/Mailing Address	Telephone
1	Robert Faley 359, Bowen Road Bennington, Vermont 05201	(802) 447-2790
2	Tammy Ellis 870 US Route 5 Dummerston, Vermont 05301	(802) 254-5011
3	Robert Faley 61 Valley View, Suite #2 Mendon, Vermont 05701	(802) 786-5826
4	Tammy Ellis 221 Beswick Drive White River Junction, Vermont 05001	(802) 295-8888
5	David Blackmore P.O. Box 168 Essex Junction, Vermont 05452 189 Troy Ave Colchester, VT 05446	(802) 655-1580
7	Dale Perron 1068 US Route 5, Suite 2 St. Johnsbury, Vermont 05819	(802) 748-6670
8	Dave Blackmore 680 Lower Newton Road St. Albans, Vermont 05478	(802) 524-5926
9	Dale Perron 4611 US Route 5 Newport, Vermont 05855	(802) 334-7934
Main Office	Craig Keller Chief of Permitting Services Agency of Transportation One National Life Drive Montpelier, Vermont 05633-5001	(802) 279-1152

I. **ADDITIONAL INFORMATION AND FORMS**

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