

**DATE:** June 17, 2014

**SUBJECT:** Updates to Bridge Occupancy License (BOL) Policy

**TO:** District Executives

**FROM:** Richard N. Roman, P.E., Director  
Bureau of Maintenance and Operations

*Richard N. Roman, P.E. /s/*

This Strike-off Letter (SOL) which is time-decreasing and cost-neutral revises PennDOT's policy regarding Bridge Occupancy Licenses (BOL). The BOL program, administered by Central Permit Office, has been modernized to reflect current technology.

BOLs are now issued and maintained through the Electronic Permitting System (EPS); this has several notable impacts on workflow. Due to greater familiarity with EPS, District HOP Unit staff will now receive applications and input them into EPS if needed. The applications can then be electronically assigned to District Bridge Units, who remain responsible for performing technical reviews of the BOL application package. When the application is found acceptable and the Bridge Unit recommends approval, the District Permit Unit generates and issues the license.

EPS also allows billing accounts for prescribed license fees to be created and maintained by District staff. While Central Office will remain responsible for generating and delivering annual rental invoices to customers, fees and accounts for processing and issuing individual licenses will now be handled at the District level. Existing accounts and licenses, currently housed in the TSO mainframe system, will be moved into EPS prior to the next annual billing cycle on October 1, 2014. District HOP unit staff will be responsible for setting up new billing accounts for customers as needed.

By eliminating Central Office from the BOL application review, approval, and fee collection processes, a theoretical time savings will be realized. Technical requirements for approval of a BOL have not changed.

The attached policy is effective immediately. Publications 170 and 282 have been revised to include this update. The following sheets are to be used to update the existing Publications. Please place in the Publications:

- Pub. 170, HOP Manual- Chapter 3.11, pages 97-100A
- Pub. 282, HOP Guidelines- Chapter 3.10, pages 77-78C

Should you have any questions, please contact Timothy Johnson, Central Permit Office, at 717-214-2996.

Attachments

4943/TJJ/sej

cc: Wendy McAbee, P.E., PMP, Assistant Structural Engineer, FHWA  
Assistant District Executives – Construction  
Assistant District Executives – Design  
Assistant District Executives – Maintenance  
Scott Fletcher, P.E., Assistant District Executive – Services, Engineering District 6-0  
District Permit Managers  
District Bridge Engineers  
Bryan Kendro, Director, Policy Office  
William Cressler, Chief Counsel, Office of Chief Counsel  
Eric Jackson, Assistant Chief Counsel, Office of Chief Counsel  
Richard N. Roman, P.E., Bureau Director, BOMO  
Brian Thompson, P.E., Director, BOPD  
Michael Dzurko, HOP Program Manager, BOMO  
HOP Read File

### 3.10 – BRIDGE OCCUPANCY LICENSE (BOL) PROGRAM

#### Law

Sections 411 and 702 of the State Highway Law (36 P.S. Sections 670 – 411 and 702) authorize PennDOT to issue bridge occupancy licenses (BOLs) and collect several fees for the occupancy of a State bridge by the utility facility of a "public service company".

#### Regulation and Policy

Section 459.10a governs Bridge Occupancy. The following is a summary of the regulation and general statewide policies related to the regulation:

1. Application. Regulation 459.10a(b)(1) requires a separate License Application for each utility facility and for each bridge be submitted to the District Office Bridge Engineer. Applications may be submitted through the Electronic Permitting System (EPS), or in paper using Form M-906 A. If paper form M-906 A is submitted by the applicant, it will be entered into EPS. All applications are then processed by the District HOP Unit, and reviewed by the District Bridge Unit. For a visual representation of BOL workflow within EPS, refer to the diagram at the end of this section.

When an application for a BOL is submitted in conjunction with a PennDOT bridge construction project, the application may be entered in EPS prior to project completion; the License will not be issued until the project is completed and accepted by PennDOT (unless PennDOT authorizes occupancy during construction of the bridge through the procedure outlined in Section 459.10a(d)(5)) If the application is received by a District Utility Relocation unit, it should be forwarded to the District HOP unit for processing.

Further, if the application is from a utility facility owner "not in the business of providing utility service", the application shall identify "how the public will benefit from the occupancy" and shall furnish other information as may be required by Regulation 459.3(b)(2), governing application for a Highway Occupancy Permit submitted by a utility facility owner "not in the business of providing utility service".

The following questions will provide information to help determine if the application satisfactorily identifies "how the public will benefit from the occupancy":

- a. Will the property being serviced by the utility be used by the public? For example, is a hospital, school, shopping center, hotel, restaurant or similar business establishment being serviced by the utility?
- b. Do the application and plans coincide with the justification?

- c. Is the applicant being serviced by the utility facility? (See Regulation 459.10a(c)(2)). Is the applicant a customer of the utility? Will the applicant be invoiced by the utility for utility service?
- d. How will the utility facility be maintained?

Owners of unlicensed utility attachments must also obtain a BOL from PennDOT. Owners of such facilities should be informed of their obligation to do so pursuant to Sections 411 and 702 of the State Highway Law.

When possible, PennDOT and all of the Commonwealth's utilities should be proactive in communicating with one another when a utility facility and/or PennDOT structure are planned for replacement. This helps utilities avoid the redundancy of constructing new facilities twice within a short timeframe.

2. License. Regulation 459.10a(a) requires a BOL (Form M-906 L) in order for a person to attach a utility facility to a State bridge or modify an existing utility facility. With the incorporation of BOLs into EPS, Form M-906 L is now issued by the District HOP Units. Districts can establish accounts for new customers, issue and maintain licenses through the system, and process application fees. Central Office will continue to monitor licenses and accounts in the system at a statewide level; generate annual rental invoices; and receive and process annual rental fees required under the statute and Regulation 459.10a(b)(3).
3. Denials. Applications should be denied if one or more of the following applies. If an application package is:
  - a. not in the name of the owner of the utility facility;
  - b. from a utility facility owner not in the business of providing utility service but does not identify to PennDOT's satisfaction how the public will benefit from the occupancy;
  - c. not submitted consistent with Regulation 459.10a; or
  - d. unsatisfactory from a structural standpoint, as determined by the District Bridge Unit,

Applications will be denied by the District Bridge Engineer. The denial letter should list **all** reasons for the denial and can provide alternatives, if applicable (e.g., crossing under a stream/ravine is feasible).

4. Fees. Section 459.10a(b)(3) specifies an issuance fee, an inspection fee, an accommodation fee and an *annual* rental fee. While governmental utilities are generally exempt from these fees, governmental *authorities* are not exempt from the annual rental fee.

Before a license can be issued, applicants required to pay fees must have a billing account established through EPS; District HOP units assist with this process. Invoices are e-mailed to licensees for issuance, inspection, and accommodation fees within a month of license issuance, while invoices for annual rental fees will be delivered each October.

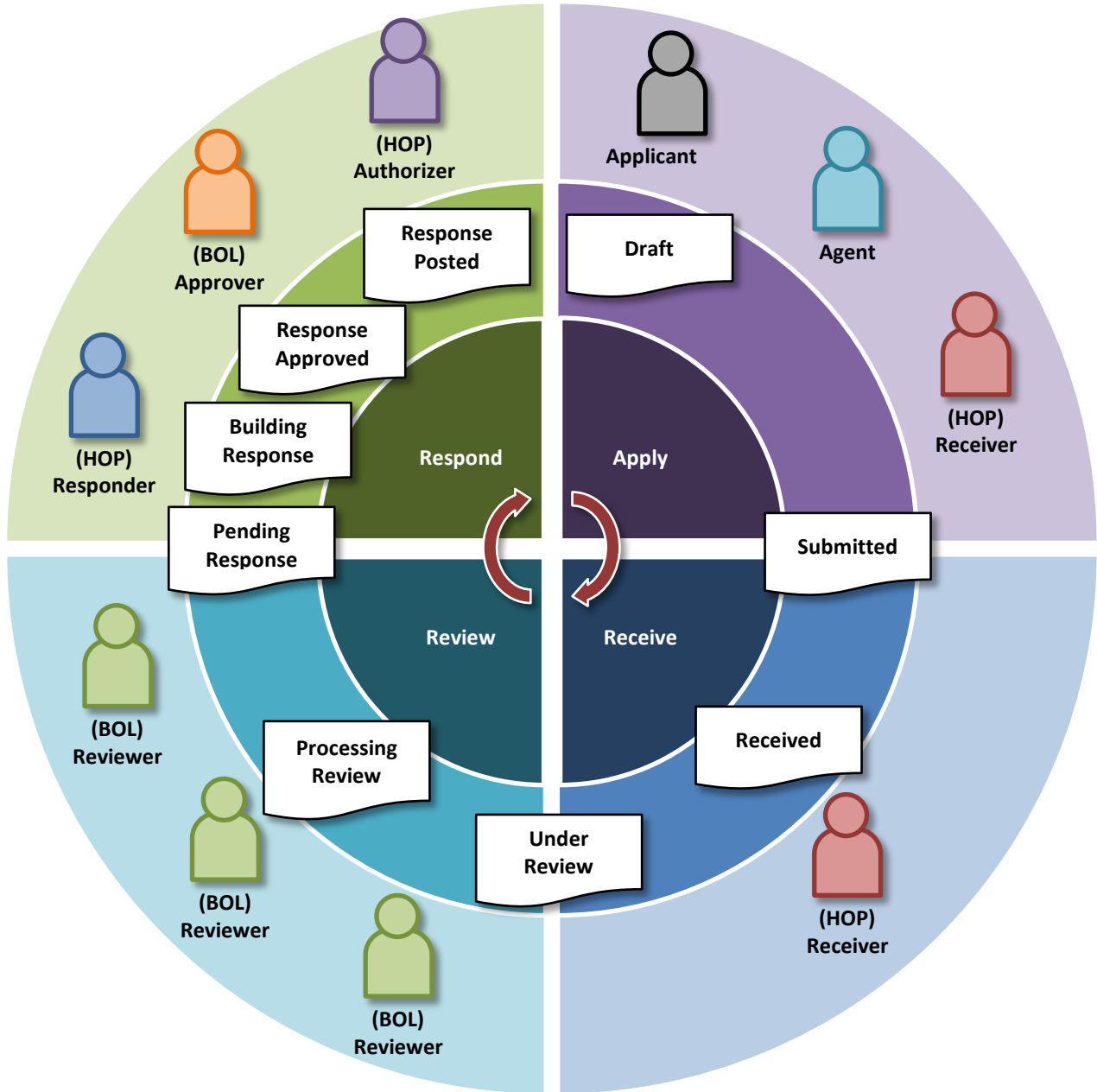
5. Amended Applications. Section 459.10a(9) allows a licensee to change, alter, or remove part or all of a utility facility belonging to it from the bridge or highway by filing an amended application if disturbed parts of the bridge or highway are restored at the expense of the licensee as directed by the District office. The procedures for amended applications are as follows:

- a. An application amending a previous license shall be received and processed in the same manner as a new BOL application. The new application should reference the original application, and include revised plans and calculations as required.
- b. It is the responsibility of the District Bridge Unit to determine fees, including annual rental fees, which account for any cost differences resulting from an amended application.
- c. When an amended application is approved and a new license is issued, the original license will be revoked.

6. General Provisions.

- a. The provisions of Chapter 459 are incorporated into Section 459.10a where technically feasible by substituting License and Licensee for Permit and Permittee respectively.
- b. The Licensee is also responsible for complying with, among other things, 25 Pa. Code, Chapter 105 (Dam Safety and Waterway Management), as noted in Regulation 459.10a(d)(2).
- c. The utility facility installation must be consistent with applicable provisions of Design Manual, Part 5, as noted in Section 459.10a(d)(11).
- d. A BOL is required, subject to the condition that the BOL does not amend/contradict anything in a PUC order for a utility to occupy a bridge over which the PUC has jurisdiction. The District Grade Crossing and Bridge Units must coordinate their activities in this regard.

Bridge Occupancy License- EPS Application Lifecycle



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## Administrative Responsibilities

### Central Permit Office

Central Permit Office staff is responsible for the following tasks:

1. Amend PennDOT License Regulations (459.10a).
2. Amend PennDOT License software and forms (EPS, M-906 A and M-906 L).
3. Invoice for and collect license application fees and annual rentals through EPS.
4. Maintain electronic file of active Licenses and accounts through EPS.

### District Bridge Units

District Bridge Unit staff is responsible for the following tasks:

1. Review each License application to verify the application is in compliance with applicable laws, regulations, statewide policies and engineering standards; and is complete and accurate.
2. Approve issuance of a license once the draft license has been generated in EPS by the District HOP Unit.
3. Notify applicant if application is denied and, upon request, participate in hearings on denied applications.
4. Inspect work performed under License authority to monitor compliance.
5. Take corrective action as required, including the identification and pursuit of owners of unlicensed utility facility attachments.
6. Maintain accurate files of active Licenses.
7. Assist Central Permit Office staff with inquiries about specific licenses or bridges.

### District HOP Units

District HOP Unit staff is responsible for the following tasks:

1. Receive each License application, upload it into EPS as necessary, verify the application is complete and accurate, and assign the appropriate Bridge Unit staff to conduct a review.
2. Generate draft licenses for approval by the District Bridge Unit and issue licenses through EPS after the application is complete and accurate, and has been approved by the District Bridge Unit.
3. Assist applicants in establishing billing accounts to pay prescribed license fees as applicable.

Bridge Occupancy License- EPS Application Lifecycle

