

DATE: August 30, 2012

SUBJECT: Insurance Verification Forms

TO: District Executives

FROM: Charles C. Goodhart, Director *for Jeffrey Mitchell /s/*
Bureau of Maintenance and Operations

Verification of insurance forms used in Department's Highway Occupancy Permit (HOP) program are being updated as part of a general review of this program. This Strike-off Letter (SOL) is intended to eliminate use of the Department M-945X and M-950X forms, and revert to use of ACORD forms, which were accepted until 2007. This SOL is time and cost neutral.

Both driveway regulations and utility regulations allow PennDOT to request verification of insurance from permittees. Prior to 2004, PennDOT accepted verification of insurance from HOP applicants using a standard ACORD form which is widely recognized in the insurance industry. In 2004, Central Office in coordination with OCC developed standard forms to provide Districts and applicants with a simple way of providing evidence of proper insurance (M-945X, M-950X) and to provide PennDOT with more assurance that the coverage required was adequate compared to an ACORD form. In 2007, use of the M-945X and M-950X was made mandatory.

PennDOT is now eliminating the M-945X and M-950X forms and reverting to accepting ACORD forms as verification of insurance. The reason for reverting to ACORD forms is to be consistent with other PennDOT programs.

Then changes are effective immediately and ACORD forms shall be utilized if the old forms have not been submitted as part of a pending application. The following sheets are to be used to update the existing publications. Please place in the publications"

- Pub. 170, HOP Manual, pp 6, 34, 71, 78, 103, 107, 157-158, 166, 249-250.
- Pub. 282, HOP Guidelines, pp 5, 26, 55, 62, 80, 82, 117, 184-185.
- Pub. 282, HOP Guidelines, Appendix B6, Sample ACORD Form with Instructions

Should you have any questions, please contact Glenn Rowe, P.E, Chief, Traffic Engineering and Permits Section, at 717-783-6479.

Attachments

4700/MJD/hmq

CC: Assistant District Executives – Maintenance
Assistant District Executives – Construction
Assistant District Executives – Design
District Permit Managers
District Traffic Engineers
Scott Fletcher, P.E., Assistant District Executive – Services, District 6-0
Bryan Kendro, Director, Policy Office
Michael Gillespie, P.E., Acting Director, BOPD
Charles C. Goodhart, Director, BOMO
BOMO Division Chiefs
Jeff Roback, Field Operations and Special Projects, Municipal Services
William Cressler, Acting Chief Counsel, Office of Chief Counsel
Thomas Haist, Assistant Counsel in Charge, Office of Chief Counsel
Michael Dzurko, HOP Program Manager, BOMO
HOP Read File

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The above requirements are mandatory if the applicant is not in the business of providing utility service (i.e., these requirements must be met.) If properly administered, these requirements are sufficient to prohibit private facilities that would be injurious to the highway, the traveling public or the Department, and to adequately protect those interests when private facilities are permitted.

The following security measures may be required within the discretion of the District Permit Manager (for a facility owner not in the business of providing utility service):

1. Indemnity agreement satisfactory to the Department, see Regulation 459.3(b)(2)(i)(A). Use Form M-945 I.
2. Insurance in a form and amount acceptable to the Department, see Regulation 459.3(b)(2)(i)(B). ACORD forms are preferred.
3. Surety bond in a form and amount acceptable to the Department to guarantee restoration of the permitted area in a manner satisfactory to the Department for at least two years after the acknowledged completion of the work, see Regulation 459.3(b)(2)(i)(C). Use Form M-945 K; however, Form M-945 L is also acceptable.
4. Surety bonds in a form and amount acceptable to the Department to guarantee necessary maintenance costs for the facility and the right of way in which it is located for a period of at least two years after the acknowledged completion of the permitted work, see Regulation 459.3(b)(2)(i)(D). Use Form M-945 K; however, Form M-945 L is also acceptable.
5. The deposit of sufficient currency in an escrow account acceptable to the Department to fully secure the obligations in 3 and 4 above as an alternative to surety bonds, see Regulation 459.3(b)(2)(i)(E). This option would require an agreement between the applicant, the Department, and an escrow agent (usually a bank).
6. The use of bonded contractors as well as consultants and engineers having professional liability insurance. See Regulation 459.3(b)(2)(i)(F).

Implementing these discretionary provisions will be appropriate if there is a question on the ability of the applicant to fulfill the construction, maintenance and financial duties imposed by the regulations. Whether to apply any of these provisions will depend upon the evidence submitted by the applicant on its ability to completely discharge those duties.

In connection with or separate from the stated security measures permitted by Regulation 459.3(b)(2), the Department could require an agreement or condition statement if the permit will authorize a substantial amount of work within the highway right-of-way. See Regulation 459.5(b). The legal agreement or condition statement could address any special construction, maintenance, future relocation, and security requirements not thought to be adequately addressed by the general and special conditions of the permit regulations. See Regulations 459.7, 459.8, and 459.9.

Insurance

If insurance is required under Regulations 441 or 459, the amount of insurance shall be at least \$250,000 per person and at least \$1,000,000 per occurrence (Minimum Use driveway Permittees may be authorized to carry lesser amounts). Insurance policies shall include coverage for public liability and property damage.

Under Regulation 441, when it is determined that evidence of insurance is required, a copy of the permittee's Certificate of Insurance must be submitted. ACORD forms are preferred Certificates of Insurance, but other forms will be considered on a case by case basis.

Under Regulation 459, when it is determined that evidence of insurance is required and the Permittee does not have a current "blanket" Certificate of Insurance on file a copy of the utility's or their contractor's (when applicable) Certificate of Insurance must be submitted.

Following are criteria to determine when evidence of insurance is required under Regulations 459.7(11), 459.7(12), 459.5(d) -- generally -- and in other sections of Regulation 459, as noted:

- a. Work involving a facility in limited access highway right-of-way.
- b. Work involving trench openings of more than 500 feet in the pavement and/or shoulder of a nonlimited access highway.
- c. Work involving an unusual situation which accentuates the need for extreme care.
- d. Work authorized under Regulation 459.12 (relating to modification of conditions).
- e. If blasting within the right-of-way as required under Regulations 459.7(12)(ii) and 459.7(13). (Note -- no blasting is permitted within 50 feet of the nearest part of a bridge, box or culvert.)
- f. If openings exist overnight, as required under Regulation 459.8(d)(2)(iii).
- g. If a Permit is issued to a facility owner who is not in the business of providing utility service (cf., Regulation 459.3(b)(2)(i)(B)).
- h. Work involving seismic surveys by the vibroseis method (see Chapter 3).

If 30 days advance written notice to cancel insurance is delivered to PENNDOT and unless a new Certificate of Insurance is received prior to the cancellation date, no further work may be performed under the Permit, and no time-extension Supplement will be issued until a new certificate is filed.

The permittee must provide evidence of insurance (if applicable) to PennDOT when seeking a time extension supplement. Verify the expiration date on individual insurance policies when issuing a time-extension Supplement. See Chapter 4.

3.8 -- MISCELLANEOUS REVIEW OF APPLICATION

Mine Entries and Strip Mining Operations

Permits may be issued authorizing mine entries to be constructed under State highway right-of-way. Such plans will be reviewed by the District's Geotechnical Engineer to verify that the highway will be adequately supported. Allow at least three weeks for processing of any agreement that may be required. General Permit inspection fees are charged consistent with Regulation 459.4(b)(4). Also see Section 419 of the State Highway Law.

DEP Regulations restrict certain blasting operations near highways open to traffic. 25 Pa. Code, Section 87.127(f)(1) requires a 1,000 ft. distance for surface mining of coal and 25 Pa. Code, Section 211.61(m) & (n) require an 800 ft. distance for use of explosives, generally. At lesser distances, traffic needs to be stopped while blasting is in progress.

Seismic Surveys

Permits may be issued authorizing seismic surveys using the vibroseis method only (see Regulation 459.9(f)).

The approved procedure utilizes a vibrator -- off the roadway -- to set up minor shock waves for the seismic survey; virtually precluding damage to the highway. Seismic surveys are not permanent in nature and do not involve the opening of the surface of the highway or any blasting. A Permit may be issued authorizing a continuous seismic survey in two or more counties in the same Engineering District. This is a slow moving operation and needs to be performed consistent with Chapter 203/212. Permit inspection fees are charged consistent with Regulation 459.4.

Require a Certificate of Insurance to address anticipated property damage complaints from citizens.

Traffic Signal Installations

The District Traffic Unit will determine the current/future need for traffic signals during the review of applications involving local roads or Medium or High Volume driveways. If a traffic signal cannot be justified initially but it is anticipated that traffic signal warrants will be met eventually, obtain a written financial 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.

A municipality shall also obtain a Highway Occupancy Permit if work involves a change to drainage structures, embankment, curb, sidewalk, highway geometry, pavement, or installation of auxiliary lane(s) in conjunction with a Traffic Signal Permit (Form TE-964). *Emergency and preventive maintenance to existing traffic signal installations would not normally require a Highway Occupancy Permit.* Signalization is to be designed and placed consistent with TC-7800 series standards (Department Publication Nos. 148 and 149).

4.2 -- MODIFICATIONS

Regulation 459.12 provides for an applicant to request, in writing, a modification to the Utility Regulations. Subsection 459.12(a) contains four criteria that must all be met in order for a term or condition of the Regulations to be modified.

Advise contractors who inquire about whether a specific Regulation may be modified to contact the Applicant/Permittee. It is risky for a contractor to assume any Permit requirement will be modified. It would be unfair to unsuccessful bidders if the successful bidder is granted cost-saving exceptions solely because they were anticipated.

Prior to issuing a Permit which contains a modification, the District Executive will determine whether to require the applicant to:

1. execute an Indemnification Agreement (Form M-945 I & M-950 IC);
2. submit new or additional security (e.g., could the modification result in damage to the highway?); and
3. provide a Certificate of Insurance for the life of the facility.

The "third parties" subsection (d) text clarifies that if a modification is granted under Regulation 459.12, abutting property owners or other interested parties do not have the right to impose additional conditions on the Permittee (although they may have a right to intervene or protest a modification of conditions, if it affects their interest adversely).

If a modification is granted, Permit Condition Code #398 may be used. The Permit must be signed by the District Executive or higher Departmental authority. The Permit shall also contain a detailed description of the modification. If the entire description of the modification cannot be placed on the Permit, issue a free Supplement to complete the description.

4.6 -- SUPPLEMENTAL HIGHWAY PERMIT (ELECTRONIC FORM M-945 S)

Issue a Supplement (electronic Form M-945 S), using the authorized Word document, to authorize an amendment to the Permit. A Supplement must be applied for by the Permittee within 30 days after the Permit expiration date. Instructions for completing this form document are in Chapter 8.

A Supplement may be issued for:

1. Changes to the Permit. Typical examples are: increase or decrease in the permitted work, changes in location of the permitted work, open cutting in lieu of boring, changes in the work zone Traffic Control Plan.
2. Time-extensions. Ideally, no time-extension Supplement will have to be issued since the initial Permit should provide sufficient time for work authorized under the Permit to be completed. If highway conditions have not changed and if satisfactory justification is provided, a time-extension Supplement may be issued for either six months or one year to allow Permit work to be completed. If a second time-extension is authorized on a Permit, include a condition that no future time-extensions will be authorized without satisfactory reasons being provided, and that all work must be completed by the revised Permit expiration date.
3. A Department error (no fee is charged to correct a Department error).

The Supplement must be issued before any changes to the original Permit may be authorized. Also, no work may be performed on an expired Permit until a Supplement is issued. However, the Permittee is responsible for performing such work as is necessary to protect the traveling public, while waiting for a Supplement to be issued.

The Supplemental Permit issuance fee is \$10.00 for each change and for each 6-month time-extension unless exempt due to a Department error or under Regulations 441.4(c) or 459.4(c). When a Supplement is issued for a change in work, collect additional inspection fees, consistent with Regulations 441.4 or 459.4.

Retain the District Office copy of all Supplements and attachments in the District Permit Office file for three years from the Permit issuance date, in an orderly, promptly retrievable manner, then digitize with the original Permit.

Insurance. The permittee must provide evidence of insurance (if applicable) to PennDOT when seeking a time extension supplement. Verify the expiration date(s) are still valid on submitted Insurance Certificates when reviewing a time-extension request.

D. Specific Duties.

The following duties are the responsibility of the on-site Permit Inspector.

1. Upon reporting to the project:
 - a. Discuss with the County Permit Manager or designated Department staff your responsibilities and authority on the project.
 - b. Obtain "contact" phone numbers for Department staff, the Permittee, its consultant and contractor, for use in event of an emergency.
 - c. Review and complete general information on your Permit Inspection Costs Form (M-371 A). Complete the appropriate row on Form M-371 A and have it signed **DAILY** by the Permittee's designated representative. Arrangements should be made to ensure that carbon copies of FIDs, payrolls and billing agreements are received promptly at the end of each payroll period by the District Office. Consultant inspectors should follow their company's procedures for submitting payrolls. Department inspectors must obtain correct coding for payroll and expense accounts.
 - d. Obtain blank Citation Forms M-945 C and instructions on when and how they are to be used.
 - e. Ensure your copy of the plans and attachments are the same as the Permittee's.
 - f. Ensure a copy of Permittee's restoration security is attached to permit, if required.
 - g. If blasting is anticipated in PENNDOT's right-of-way, a Certificate of Insurance clearly indicating that explosion, collapse and underground (XCU) insurance coverage is included in the policy is required before blasting is permitted.
 - h. Become completely familiar with all the work that will be performed by the Permittee.
 - i. Arrange to meet with the Permittee's project supervisor and explain your responsibilities and authority concerning the project construction, testing, safety, Work Zone Traffic Control, etc.
 - j. If unsure of your inspection duties, promptly notify the County Permit Manager or other Department Permit staff for assistance.
2. Before permitted work begins:
 - a. Check all bi-directional vehicles for backup alarms.
 - b. Check all construction personnel for required attire (e.g., colored vests, hard hats and safety equipment).
 - c. Review the work areas to assure the required Work Zone Traffic Control set up or attached Traffic Control Plan is being utilized.
 - d. Check to ensure Permittee's contractor has material for shoring (if required).

Section 459.8(d)(1) -- Restricting Work Hours

The District Permit Manager should consider requiring Permit Condition Code #378 to identify restricted work hours in the following situations:

- a. Highways with high A.D.T.
- b. Holiday periods.
- c. Special events.
- d. School areas.
- e. Areas of noted congestion.

Permit Condition Code #375 may be used to restrict work on highways in urbanized areas which are operating at or near full capacity during normal "rush hour" periods. Code #375 hour restrictions can be adjusted to reflect actual peak traffic hour conditions on a particular highway.

Section 459.8(d)(2)(i) -- Steel Plates

Steel plates are one of three options that may be used at the end of each workday, to protect openings which are less than six feet in either length or width, provided the plates extend a minimum of 18 inches from each edge of the opening and are secured in a safe manner. The utility owner can decide how the plates are anchored, as long as the plates are secured in a safe manner. Thus, an opening which is four feet wide and ten feet long may be covered with steel plates at the end of a workday and the steel plates may be secured by one of several methods that preclude the plates from moving and exposing the opening.

Section 459.8(d)(2)(ii) -- Protected Openings

This subparagraph provides a second option, other than steel plates, for treating an opening at the end of a workday. This option has the Permittee restore the opening up to original grade prior to the end of the workday. If any paved surface is not restored to the original surface elevation prior to the end of the workday, the work area needs to be protected consistent with Chapter 203/212.

While "flowable fill" was not an approved backfill material when Regulation 459 was amended in 1989, "flowable fill" is now acceptable backfill material which can preclude subsidence and minimize lane closure durations (see Publication 408, Section 220).

Section 459.8(d)(2)(iii) -- Protected Openings

This subparagraph provides a third option if the Permittee has an opening which has not been backfilled at the end of a workday. Under this option the Permittee is required to:

- (1) protect its opening consistent with Chapter 203/212, and
- (2) deliver a Certificate of Insurance

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| M-945 I | Indemnification Agreement – Utility (Use with M-950 IC) | |
| M-945 J | Computation Sheet for Highway Restoration Security | |
| M-945 K | Highway Restoration and Maintenance Bond | |
| M-945 L | Irrevocable Letter Of Credit – Utility | |
| M-945 M | Assignment of Cause of Action | |
| M-945 P** | Highway Occupancy Permit | 0830-4600-1120 <i>CPO assigns series</i> |
| M-945 PL | HOP Placard | 0830-4600-0020 |
| M-945 R | Resolution | |
| M-945 RC | HOP Recording Copy | |
| M-945 S | Supplement (HOPSUP) Word Document | |
| M-945 T | Refund of Monies (HOP/SHP) | |
| M-945 U | Acknowledgment – Permittee's Restoration Obligation | |
| M-945 Y | Notice of Dispute | |
| M-946 | Access Covenant | |
| M-947 | Drainage Release | |
| M-948 | Assignment of Permit/License | |
| M-949 A | Utility Sketch (Single Pole) | |
| M-949 B | Utility Sketch (Multi-pole) | |
| M-949 C | Utility Sketch (Surface Opening) | |

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| M-950 A | Application for Minimum Use Driveway | 0830-4600-1190 |
| M-950 AR | Application Return Notification (Chapter 441) | 0830-4600-1200 |
| M-950 D1 | Deed, Fee Simple | |
| M-950 D2 | Deed of Easement | |
| M-950 D3 | Deed of Easement (Drainage) | |
| M-950 H | Acknowledgment – Reimbursement Obligation For Application Review | |
| M-950 I | Indemnification Agreement (Driveway) | |
| M-950 IC | Declaration of Covenant (Use with M-945 I & M-950I) | |
| M-950 K | HOP Obligation Bond | |
| M-950 K1 | HOP “Blanket” Bond | |
| M-950 L | Letter of Credit | |
| M-950 MPC | Land Use Questionnaire | PENNDOT Web |
| M-950 R | Agreement of Release | |
| M-950 S | Driveway Formula Sight Distance Measurements | |
| M-950 SRS | Safe-Running Speed Determination | |
| OS-200*** | Certification and Attestation (HOP/SHP) | PENNDOT WAN |
| STD-420*** | Transmittal of Revenue (HOP/SHP) | 0320-0100-1430 |
| CS-4333*** | Field Inspector’s Diary (F.I.D.) | 0830-4400-0940 |

** = Controlled sequentially-numbered forms -- request through Central Permit Office.
Confirm assigned "number series" to Central Permit Office upon receipt, via email.

*** = Forms not maintained by Central Permit Office but used in Permit Programs.

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The above requirements are mandatory if the applicant is not in the business of providing utility service (i.e., these requirements must be met.) If properly administered, these requirements are sufficient to prohibit private facilities that would be injurious to the highway, the traveling public or the Department, and to adequately protect those interests when private facilities are permitted.

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6. The use of bonded contractors as well as consultants and engineers having professional liability insurance. See Regulation 459.3(b)(2)(i)(F).

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- b. Work involving trench openings of more than 500 feet in the pavement and/or shoulder of a nonlimited access highway.
- c. Work involving an unusual situation which accentuates the need for extreme care.
- d. Work authorized under Regulation 459.12 (relating to modification of conditions).
- e. If blasting within the right-of-way as required under Regulations 459.7(12)(ii) and 459.7(13). (Note -- no blasting is permitted within 50 feet of the nearest part of a bridge, box or culvert.)
- f. If openings exist overnight, as required under Regulation 459.8(d)(2)(iii).
- g. If a Permit is issued to a facility owner who is not in the business of providing utility service (cf., Regulation 459.3(b)(2)(i)(B)).
- h. Work involving seismic surveys by the vibroseis method (see Chapter 3).

If 30 days advance written notice to cancel insurance is delivered to PENNDOT and unless a new Certificate of Insurance is received prior to the cancellation date, no further work may be performed under the Permit, and no time-extension Supplement will be issued until a new certificate is filed.

The permittee must provide evidence of insurance (if applicable) to PennDOT when seeking a time extension supplement. Verify the expiration date on individual insurance policies when issuing a time-extension Supplement. See Chapter 4.

3.8 -- MISCELLANEOUS REVIEW OF APPLICATION

Mine Entries and Strip Mining Operations

Permits may be issued authorizing mine entries to be constructed under State highway right-of-way. Such plans will be reviewed by the District's Geotechnical Engineer to verify that the highway will be adequately supported. Allow at least three weeks for processing of any agreement that may be required. General Permit inspection fees are charged consistent with Regulation 459.4(b)(4). Also see Section 419 of the State Highway Law.

DEP Regulations restrict certain blasting operations near highways open to traffic. 25 Pa. Code, Section 87.127(f)(1) requires a 1,000 ft. distance for surface mining of coal and 25 Pa. Code, Section 211.61(m) & (n) require an 800 ft. distance for use of explosives, generally. At lesser distances, traffic needs to be stopped while blasting is in progress.

Seismic Surveys

Permits may be issued authorizing seismic surveys using the vibroseis method only (see Regulation 459.9(f)).

The approved procedure utilizes a vibrator -- off the roadway -- to set up minor shock waves for the seismic survey; virtually precluding damage to the highway. Seismic surveys are not permanent in nature and do not involve the opening of the surface of the highway or any blasting. A Permit may be issued authorizing a continuous seismic survey in two or more counties in the same Engineering District. This is a slow moving operation and needs to be performed consistent with Chapter 203/212. Permit inspection fees are charged consistent with Regulation 459.4.

Require a Certificate of Insurance to address anticipated property damage complaints from citizens.

Traffic Signal Installations

The District Traffic Unit will determine the current/future need for traffic signals during the review of applications involving local roads or Medium or High Volume driveways. If a traffic signal cannot be justified initially but it is anticipated that traffic signal warrants will be met eventually, obtain a written financial 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.

A municipality shall also obtain a Highway Occupancy Permit if work involves a change to drainage structures, embankment, curb, sidewalk, highway geometry, pavement, or installation of auxiliary lane(s) in conjunction with a Traffic Signal Permit (Form TE-964). *Emergency and preventive maintenance to existing traffic signal installations would not normally require a Highway Occupancy Permit.* Signalization is to be designed and placed consistent with TC-7800 series standards (Department Publication Nos. 148 and 149).

4.2 -- MODIFICATIONS

Regulation 459.12 provides for an applicant to request, in writing, a modification to the Utility Regulations. Subsection 459.12(a) contains four criteria that must all be met in order for a term or condition of the Regulations to be modified.

Advise contractors who inquire about whether a specific Regulation may be modified to contact the Applicant/Permittee. It is risky for a contractor to assume any Permit requirement will be modified. It would be unfair to unsuccessful bidders if the successful bidder is granted cost-saving exceptions solely because they were anticipated.

Prior to issuing a Permit which contains a modification, the District Executive will determine whether to require the applicant to:

1. execute an Indemnification Agreement (Form M-945 I & M-950 IC);
2. submit new or additional security (e.g., could the modification result in damage to the highway?); and
3. provide a Certificate of Insurance for the life of the facility.

The "third parties" subsection (d) text clarifies that if a modification is granted under Regulation 459.12, abutting property owners or other interested parties do not have the right to impose additional conditions on the Permittee (although they may have a right to intervene or protest a modification of conditions, if it affects their interest adversely).

If a modification is granted, Permit Condition Code #398 may be used. The Permit must be signed by the District Executive or higher Departmental authority. The Permit shall also contain a detailed description of the modification. If the entire description of the modification cannot be placed on the Permit, issue a free Supplement to complete the description.

4.6 -- SUPPLEMENTAL HIGHWAY PERMIT (ELECTRONIC FORM M-945 S)

Issue a Supplement (electronic Form M-945 S), using the authorized Word document, to authorize an amendment to the Permit. A Supplement must be applied for by the Permittee within 30 days after the Permit expiration date. Instructions for completing this form document are in Chapter 8.

A Supplement may be issued for:

1. Changes to the Permit. Typical examples are: increase or decrease in the permitted work, changes in location of the permitted work, open cutting in lieu of boring, changes in the work zone Traffic Control Plan.
2. Time-extensions. Ideally, no time-extension Supplement will have to be issued since the initial Permit should provide sufficient time for work authorized under the Permit to be completed. If highway conditions have not changed and if satisfactory justification is provided, a time-extension Supplement may be issued for either six months or one year to allow Permit work to be completed. If a second time-extension is authorized on a Permit, include a condition that no future time-extensions will be authorized without satisfactory reasons being provided, and that all work must be completed by the revised Permit expiration date.
3. A Department error (no fee is charged to correct a Department error).

The Supplement must be issued before any changes to the original Permit may be authorized. Also, no work may be performed on an expired Permit until a Supplement is issued. However, the Permittee is responsible for performing such work as is necessary to protect the traveling public, while waiting for a Supplement to be issued.

The Supplemental Permit issuance fee is \$10.00 for each change and for each 6-month time-extension unless exempt due to a Department error or under Regulations 441.4(c) or 459.4(c). When a Supplement is issued for a change in work, collect additional inspection fees, consistent with Regulations 441.4 or 459.4.

Retain the District Office copy of all Supplements and attachments in the District Permit Office file for three years from the Permit issuance date, in an orderly, promptly retrievable manner, then digitize with the original Permit.

Insurance. The permittee must provide evidence of insurance (if applicable) to PennDOT when seeking a time extension supplement. Verify the expiration date(s) are still valid on submitted Insurance Certificates when reviewing a time-extension request.

Section 459.8(d)(1) -- Restricting Work Hours

The District Permit Manager should consider requiring Permit Condition Code #378 to identify restricted work hours in the following situations:

- a. Highways with high A.D.T.
- b. Holiday periods.
- c. Special events.
- d. School areas.
- e. Areas of noted congestion.

Permit Condition Code #375 may be used to restrict work on highways in urbanized areas which are operating at or near full capacity during normal "rush hour" periods. Code #375 hour restrictions can be adjusted to reflect actual peak traffic hour conditions on a particular highway.

Section 459.8(d)(2)(i) -- Steel Plates

Steel plates are one of three options that may be used at the end of each workday, to protect openings which are less than six feet in either length or width, provided the plates extend a minimum of 18 inches from each edge of the opening and are secured in a safe manner. The utility owner can decide how the plates are anchored, as long as the plates are secured in a safe manner. Thus, an opening which is four feet wide and ten feet long may be covered with steel plates at the end of a workday and the steel plates may be secured by one of several methods that preclude the plates from moving and exposing the opening.

Section 459.8(d)(2)(ii) -- Protected Openings

This subparagraph provides a second option, other than steel plates, for treating an opening at the end of a workday. This option has the Permittee restore the opening up to original grade prior to the end of the workday. If any paved surface is not restored to the original surface elevation prior to the end of the workday, the work area needs to be protected consistent with Chapter 203/212.

While "flowable fill" was not an approved backfill material when Regulation 459 was amended in 1989, "flowable fill" is now acceptable backfill material which can preclude subsidence and minimize lane closure durations (see Publication 408, Section 220).

Section 459.8(d)(2)(iii) -- Protected Openings

This subparagraph provides a third option if the Permittee has an opening which has not been backfilled at the end of a workday. Under this option the Permittee is required to:

- (1) protect its opening consistent with Chapter 203/212, and
- (2) deliver a Certificate of Insurance

| | | |
|-----------|--|---|
| M-945 I | Indemnification Agreement – Utility (Use with M-950 IC) | |
| M-945 J | Computation Sheet for Highway Restoration Security | |
| M-945 K | Highway Restoration and Maintenance Bond | |
| M-945 L | Irrevocable Letter Of Credit – Utility | |
| M-945 M | Assignment of Cause of Action | |
| M-945 P** | Highway Occupancy Permit | 0830-4600-1120 <i>CPO assigns series</i> |
| M-945 PL | HOP Placard | 0830-4600-0020 |
| M-945 R | Resolution | |
| M-945 RC | HOP Recording Copy | |
| M-945 S | Supplement (HOPSUP) Word Document | |
| M-945 T | Refund of Monies (HOP/SHP) | |
| M-945 U | Acknowledgment – Permittee's Restoration Obligation | |
| M-945 Y | Notice of Dispute | |
| M-946 | Access Covenant | |
| M-947 | Drainage Release | |
| M-948 | Assignment of Permit/License | |
| M-949 A | Utility Sketch (Single Pole) | |
| M-949 B | Utility Sketch (Multi-pole) | |
| M-949 C | Utility Sketch (Surface Opening) | |

| | | |
|------------|---|----------------|
| M-950 A | Application for Minimum Use Driveway | 0830-4600-1190 |
| M-950 AR | Application Return Notification (Chapter 441) | 0830-4600-1200 |
| M-950 D1 | Deed, Fee Simple | |
| M-950 D2 | Deed of Easement | |
| M-950 D3 | Deed of Easement (Drainage) | |
| M-950 H | Acknowledgment – Reimbursement Obligation For Application Review | |
| M-950 I | Indemnification Agreement (Driveway) | |
| M-950 IC | Declaration of Covenant (Use with M-945 I & M-950I) | |
| M-950 K | HOP Obligation Bond | |
| M-950 K1 | HOP “Blanket” Bond | |
| M-950 L | Letter of Credit | |
| M-950 MPC | Land Use Questionnaire | PENNDOT Web |
| M-950 R | Agreement of Release | |
| M-950 S | Driveway Formula Sight Distance Measurements | |
| M-950 SRS | Safe-Running Speed Determination | |
| OS-200*** | Certification and Attestation (HOP/SHP) | PENNDOT WAN |
| STD-420*** | Transmittal of Revenue (HOP/SHP) | 0320-0100-1430 |
| CS-4333*** | Field Inspector’s Diary (F.I.D.) | 0830-4400-0940 |

** = Controlled sequentially-numbered forms -- request through Central Permit Office. Confirm assigned "number series" to Central Permit Office upon receipt, via email.

*** = Forms not maintained by Central Permit Office but used in Permit Programs.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| | | | |
|-----------------|---|---|-----------------------|
| PRODUCER | Complete all contact information for producer and insured including NAIC number(s). | CONTACT NAME: | |
| | | PHONE (A/C, No, Ext): | FAX (A/C, No): |
| | | E-MAIL ADDRESS: | |
| | | ADDRESS: | |
| | | INSURER(S) AFFORDING COVERAGE | NAIC # |
| | | INSURER A: Name(s) of Insurer(s) | |
| | | INSURER B: | |
| | | INSURER C: | |
| | | INSURER D: | |
| | | INSURER E: | |
| | | INSURER F: | |

COVERAGES**CERTIFICATE NUMBER:** 2825621**REVISION NUMBER:** See below

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS | |
|----------|--|---|----------|--|-------------------------|-------------------------|---|--------------|
| | GENERAL LIABILITY | | | General liability insurance shall be occurrence based. The amount of coverage should be \$250,000 per person and \$1,000,000 per occurrence, as seen at right. If additional amounts are required it should be so indicated. | | | EACH OCCURRENCE | \$ 1,000,000 |
| | <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY | | | | | | DAMAGE TO RENTED PREMISES (Ea occurrence) | \$ |
| | <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR | | | | | | MED EXP (Any one person) | \$ |
| | | | | | | | PERSONAL & ADV INJURY | \$ 250,000 |
| | | | | | | | GENERAL AGGREGATE | \$ |
| | GEN'L AGGREGATE LIMIT APPLIES PER: | | | | | | PRODUCTS - COMP/OP AGG | \$ |
| | <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | | | | | | | \$ |
| | AUTOMOBILE LIABILITY | | | | | | COMBINED SINGLE LIMIT (Ea accident) | \$ |
| | <input type="checkbox"/> ANY AUTO | | | | | | BODILY INJURY (Per person) | \$ |
| | <input type="checkbox"/> ALL OWNED AUTOS | <input type="checkbox"/> SCHEDULED AUTOS | | | | | BODILY INJURY (Per accident) | \$ |
| | <input type="checkbox"/> HIRED AUTOS | <input type="checkbox"/> NON-OWNED AUTOS | | | | | PROPERTY DAMAGE (Per accident) | \$ |
| | | | | | | | | \$ |
| | UMBRELLA LIAB | <input type="checkbox"/> OCCUR | | | | | EACH OCCURRENCE | \$ |
| | EXCESS LIAB | <input type="checkbox"/> CLAIMS-MADE | | | | | AGGREGATE | \$ |
| | <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$ | | | | | | | \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY | | | | | | <input type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER | |
| | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) | <input type="checkbox"/> Y <input type="checkbox"/> N | | | | | E.L. EACH ACCIDENT | \$ |
| | If yes, describe under DESCRIPTION OF OPERATIONS below | | N/A | | | | E.L. DISEASE - EA EMPLOYEE | \$ |
| | | | | | | | E.L. DISEASE - POLICY LIMIT | \$ |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Describe in detail the work you intend to do being sure to include: District, application number, state routes, and operation (i.e. construct driveway and related improvements within PennDOT right of way at SR, seg, offset). The Commonwealth of Pennsylvania, Department of Transportation is named as an additional insured. If the form is for blanket insurance, it should be so indicated here.

CERTIFICATE HOLDER**CANCELLATION**

Certificate holder is the Commonwealth of Pennsylvania, Department of Transportation.

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

The Department requires 30 days advance written notice of cancellation.

