

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS HIGHWAY DEPARTMENT
STANDARD OPERATING PROCEDURES

S.O.P. NO HMD-60-02-3-000

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SUBJECT: STATE HIGHWAY ACCESS PERMIT

DISTRIBUTION

EFFECTIVE

ISSUED

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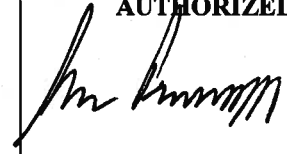
AUTHORIZED

12/12/2008

12/12/2008

S.O.P. No. Standard Operating Procedures for Review of State Highway Access Permits dated November 30, 1971 and Board vote of September 17, 1991

EFFECTIVE: September 17, 1991



PURPOSE:

To establish standard operating procedures (SOP) for review of state highway access permit applications to ensure that the process will be predictable, timely, and applied in a uniform manner throughout MassHighway.

AUTHORITY:

MassHighway is granted authority to issue state highway access permits by M.G.L. Chapter 81, Section 21. MassHighway adopted 720 CMR13.00 under the authority of M.G.L. c. 81, § 21 and M.G.L. c. 85, § 2. 720 CMR 13.00 supersedes the Standard Operating Procedures for Review of State Highway Access Permits adopted September 17, 1991. MassHighway is issuing these SOPs to implement 720 CMR 13.00. A copy of M.G.L. c. 81, § 21, M.G.L. c. 85, § 2, and 720 CMR 13.00 is attached to this SOP as Appendix A: Statues and Regulations.

RESPONSIBILITY:

The District Highway Director (DHD) within whose District boundaries access is sought, in most cases, is directly responsible for issuance and/or denial of State Highway Permit applications and, if requested by a prospective applicant, a determination of need for an access permit.

NEED FOR AN ACCESS PERMIT

Vehicular Access Permits are required for:

- (a) New residential or commercial driveways or streets intersecting the SHLO; or,
- (b) Physical modifications to existing residential or commercial driveways or streets at their intersection with the SHLO; or,
- (c) Change in use of an existing residential or commercial driveway onto SHLO that results in a Substantial Increase in or Impact on Traffic (as defined below) over the current use. or,
- (d) Construction of new, or change in use of existing, residential or commercial driveway from properties that abut the SHLO to serve a building or facility, or expansion of a building or facility, that generates a Substantial Increase in or Impact on Traffic.


Substantial Increase in, or Impact on, Traffic as referenced in (c) above is defined as:

A Project that meets or exceeds any of the following thresholds:

- (i) Generation of 2,000 or more new ADT on roadways providing access to a single location; or
- (ii) Generation of 1,000 or more new ADT on roadways providing access to a single location and construction of 150 or more new parking spaces at a single location; or
- (iii) Construction of 300 or more new parking spaces at a single location; or
- (iv) Creation of a change in the type, pattern, or timing of traffic that is determined by MassHighway to generate a significant impact on traffic flow and safety.

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Non-vehicular Access Permits are required for:

- (a) Access to the SHLO for Projects that do not involve physical modifications such as a parade or road race; or
- (b) Connection to or discharge to any MassHighway drainage system (in cases where it can be shown that no practical alternative exists); or
- (c) Construction, relocation or repair of utilities within the SHLO; or
- (d) Tree cutting or landscaping within the SHLO; or
- (e) The use of explosives to remove material from within 250 feet of the SHLO.

In cases where a particular Project or activity may seek both vehicular and non-vehicular access, separate and distinct Permit applications should be filed.

APPLICATION OF PROCEDURES:

These procedures govern the issuance of the two types of access permit applications, vehicular (issued under three categories) and non-vehicular. Appendix documents should be reviewed when applicable to ensure compliance. Please note that a distinct and separate process will occur when MassHighway requests construction, relocation, or repair of utilities within the SHLO. That process is included on page 10 of this SOP.

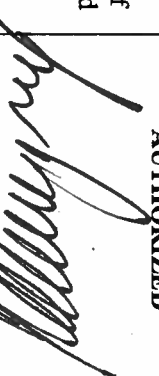
Vehicular Access Permits:

Category I - Minor Vehicular Access Permits:

Access Permits for Projects that require entry to the SHLO, require little to no non-signalized modifications, and do not significantly alter the operating characteristics of traffic. These Projects ordinarily do not exceed the Massachusetts Environmental Policy Act (MEPA) transportation thresholds beyond the filing of an Environmental Notification Form (ENF), and they will be reviewed by the DHD of the District within which the Project is located.

Category II - Major Vehicular Access Permits:

Access Permits for Projects that require significant non-signalized modification that may alter the operating characteristics of traffic at a residential or commercial driveway intersecting with the SHLO; that require significant non-signalized modifications that may alter the operating characteristics of traffic at or upon any other intersection or roadway under the jurisdiction of MassHighway; that require installation of a new traffic signal at a residential or commercial driveway intersecting with the SHLO (see Appendix B: Traffic Signal Regulation SOP) or at any other intersection or roadway under the jurisdiction of MassHighway; or that require modification of structures, equipment, or hardware at an existing traffic signal at a residential or commercial driveway and its intersection with the SHLO or at any other intersection or roadway under the jurisdiction of MassHighway. These Projects ordinarily require MEPA review, and the proposed Project will be reviewed by the DHD of the District within which the Project is located and the appropriate sections of MassHighway's Headquarters Office in Boston.

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Category III - Complex Vehicular Permits

Access Permits for Complex Projects requiring actions similar to major Projects, but which require a new or altered SHLO; that require significant non-signalized and/or signalized modifications within the SHLO over an extended distance (see Appendix B: Traffic Signal Regulation SOP) or at a number of intersections that significantly alters the operating characteristics of traffic along a corridor; or that require the construction of a new, or modifications to an existing, bridge. These Projects generally require MEPA review and may require Federal review. The proposed Projects will be reviewed by the DHD of the District within which the Project is located, the appropriate sections of MassHighway's Headquarters Office in Boston, and the Federal Highway Administration (FHWA), if necessary.

Vehicle Access Permit applications are intended to benefit from the expedited permit review features and procedures for administrative appeals contained in the associated regulations and this SOP.

Non-vehicular Access Permits:

Access Permit that require access to the SHLO that do not involve physical modifications such as a parade or road race; construction, relocation or repair of utilities within the SHLO (see Appendix C: CMR 14.00: Excavation and Trench Safety); tree cutting or landscaping with the SHLO; the use of explosives to remove material from within 250 feet of the SHLO; or connection to or discharge to any MassHighway drainage system (in cases where it can be shown that no practical alternative exists). (see Appendix D: Discharge of Storm Water and Exempt Non-Storm Water Discharge to State Highway Drainage System SOP).

Non-vehicular application will not be subject to administrative appeals, unless otherwise provided for under any applicable state law or regulation, as there is no right to conduct the activities for which such Permits are sought on the State Highway Layout (SHLO).

PROCEDURES:

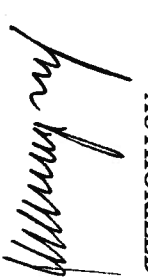
CONDUCT AN ACCESS PERMIT DETERMINATION OF NEED

Timeline – Within 10 Business Days of receipt of the necessary and appropriate information.

Upon written request from a prospective applicant, the DHD will determine if an Access Permit is required. The applicant must provide all the necessary and appropriate information needed for the DHD to make the determination. The DHD will issue the determination in writing, letter or email, within ten business days of receipt of the necessary and appropriate information.

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Steps: Determination of Need

1. Date Stamp All Materials: The District Permit Engineer must date-stamp any and all materials submitted by a potential applicant upon receipt and provide the information to the DHD or his/her designee.
2. Review Materials: The DHD or his/her designee will determine if the necessary and appropriate information has been provided from the potential applicant to make a determination.
3. Notify the Applicant of any missing documentation needed to make the determination.
4. Make the determination of need and notify potential applicant within 10 business days. If an access permit is needed the DHD must notify the potential applicant within 10 business days of the receipt of the necessary and appropriate information. Notification can be in the form of a letter or email.

CONDUCT A PRE-REVIEW OF THE APPLICATION SUBMISSION

Timeline - Within 10 Business days of the stamped date of the application or the application is considered complete and the detailed application review process begins.

Please refer to the Access Permit Checklist in Appendix E.


The DHD is responsible for issuing permits for access within their District. Applicants must file a *MassHighway Application for Permit to Access State Highway* in the District in which they are seeking access. A permit applicant will request issuance of a permit on a standard form approved by MassHighway, and made a part of this SOP as Appendix F: Permit Application Form. The application form, including its checklist, must be filed with the DHD within whose District boundaries access is sought (See Appendix G: List of Municipalities by District).

Steps: Completeness Pre-Review

1. Date Stamp All Materials: The District Permit Engineer must date-stamp any and all materials submitted by an applicant upon receipt and provide the information to the DHD or his/her designee.
2. Assign an access permit application number: The DHD or designee will assign an application number to the completed application. Such application numbers will be sequential by District and will start with the District identifying Nos. 01 - 05, followed by the year, and ending with the sequential numbering e.g., 3-2001-0001. Permit application numbers become the permit number upon permit issuance to maintain consistent numbering reference for the same project.

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3. Conduct Completeness Pre-review: The DHD or designee will stamp the permit application as complete once the following items have been received and deemed acceptable to conduct a detailed review:
 - a. *MassHighway Application for Permit to Access State Highway* with all information items, including accompanying Access Permit Application Checklist, appropriately completed including evidence certifying the consent to the application by the property Owner(s).
 - i. *If an agent is representing an Applicant, the application must include a notarized letter from the Applicant outlining the specific duties and responsibilities of the agent. Where work is proposed on a municipal utility, the utility department for the municipality must sign the application as the Applicant(s).*
 - b. All supporting data as listed on the application form;
 - c. Evidence of EOBEA certification of MEPA compliance, if necessary. This includes evidence of having been granted a waiver of or otherwise completed MEPA for a portion of the Project and any determinations, decisions or other waivers by EOBEA.
 - d. A Section 61 Finding issued by MassHighway, for those Projects where an Environmental Impact Report (EIR) was required under MEPA relative to a MassHighway Access Permit, unless waived by MassHighway;
 - e. Engineering plans in a format acceptable to the DHD or his/her designee to conduct a detailed review where work within the SHLO is required. No engineering plan will be deemed acceptable unless the State Highway record baseline and sidelines are clearly shown and the proposed work is tied into the record baseline; and
 - f. A check or money order payable to the Commonwealth of Massachusetts in the amount required by the Secretary of Administration and Finance in 801 CMR 4.02.
4. Determine if the permit category is correct: The DHD will determine whether or not the applicant has applied for the appropriate permit category: The DHD has final discretion in determining the permit category.
5. Send Incomplete or Incorrect Category Notification: Notify the applicant in writing, letter or email, within 10 business days of the date stamp that the submission is either incomplete or the vehicular category is incorrect:
 - a. Incomplete Submissions: The DHD must notify the applicant that the submission is not complete and list the missing documents. The pre-review process is followed until the DHD or designee determines that the application is complete and recorded as such on the application.
 - b. Incorrect Category: The DHD must notify the applicant that the vehicular permit category is incorrect and inform the applicant of the correct category and any additional information required as a result of this incorrect designation.

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Once the application is complete, the permit process then proceeds to the next step, the Detailed Application Review. *The date of application completeness, as recorded on the permit application by the DHD or his/her designee, is considered the first business day for the Detailed Application's maximum review times for Category I and II Permits first submission (25% Design). (See Detailed Application Review below.)*

CONDUCT A DETAILED ACCESS PERMIT APPLICATION REVIEW

Timeline - Vary by category. If the time frames are not met, the applicant can provide written notice to the DHD in the case of a Category I Permit and the Chief Engineer in cases involving Category II or III Permits that a review deadline has expired. The DHD or the Chief Engineer must then ensure that the applicable review is completed no later than five business days from receipt of this written notification.

Steps: Detailed Review

1. Date Stamp All Materials: The District Permit Engineer must date-stamp any and all materials submitted by an applicant upon receipt and provide the information to the DHD or his/her designee.
2. Ensure that the Access Permit Application, including the accompanying Access Permit Application Checklist, is complete.
3. Plan the detailed review to ensure the maximum review times will be met for the access permit:

Category I Review Schedule:

- First submission (ordinarily the 25% Design) must be completed within 20 business days of the application Completeness Notification (See Completeness Pre-Review & Notification above.)
- Second submission (ordinarily the 75%/100% Design) must be completed within 20 business days following receipt by the District Permit Engineer.
- Final submission (ordinarily final Plans, Specifications, and Estimates (PS&E)) must be reviewed within 10 business days following receipt by the District Permit Engineer.

Category II Review Schedule:

- First submission (ordinarily the 25% Design) must be completed within 35 business days of the application Completeness Notification (See Completeness Pre-Review)
- Second submission (ordinarily the 75%/100% Design) must be completed within 20 business days following receipt by the District Permit Engineer.
- Final submission (ordinarily final PS&E) must be reviewed within 20 business days following receipt by the District Permit Engineer.

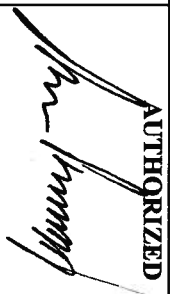
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Category III Review Schedule:

Review submissions and associated review time frames will be negotiated by the Applicant and MassHighway. Negotiations must commence within 15 business days of receipt of a written request by the Applicant to the Chief Engineer. If a mutual agreement is not reached within 40 working days following the commencement of the negotiation, non-binding arbitration by an arbiter acceptable to both parties will be used.

Non-Vehicular Access Permits Review Schedule:

Non-Vehicular Access Permits will be reviewed under Category II timelines by the DHD of the District within which the Project is located; provided, however, that the DHD may refer any such application to the Chief Engineer in Boston for review and the Chief Engineer may remove any such application from the District to Boston for review.

4. Apply the review criteria for access permit applications:

- a. Review of Engineering Plans: The DHD will require that engineering plans and specifications provide for safe and efficient access, which protects the operational integrity of the State Highway. Plan review and approval must be based on the standards in the Manual on Uniform Traffic Control Devices (MUTCD), as amended by MassHighway, the *MassHighway's Project Development & Design Guide* or its successor, MassHighway's Standard Specifications for Highway and Bridges, and any current technical policies or engineering directives issued by MassHighway.
 - i. Any permit request involving modification and/or installation of traffic signals must follow the Traffic Signal Regulation SOP (see Appendix B: Traffic Signal Regulation SOP).
 - ii. Any permit request impacting traffic on a Public Road must include a traffic management plan designed in accordance with the Road Flagger and Police Detail regulations (see Appendix H: 701 CMR 7.00).
- b. Permit Conditions: The DHD will condition an access permit to facilitate safe and efficient traffic operations, to mitigate traffic impacts, and to avoid or minimize environmental damage during the construction period and throughout the term of the permit. Such conditions may include, but not be limited to:
 - i. Necessary limitations on turning movements;
 - ii. Necessary measures to ensure the safety of pedestrians, motorists, and those engaged in the Project, work or activity contemplated under the Permit;
 - iii. Restriction on or requirements for the number and configuration of access points to serve the land parcel;


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- iv. Vehicle trip reduction techniques;
 - v. Necessary and reasonable efforts to maintain existing levels of service;
 - vi. Design and construction of necessary highway improvements by the permittee;
 - vii. Reimbursement by the permittee of MassHighway inspection costs of highway improvement work; and
 - viii. The M.G.L. Chapter 30, Section 61 Finding of MassHighway, where applicable.
 - ix. The requirements of the Section 61 Finding of MassHighway, where applicable.
- c. Design Exceptions: MassHighway recognizes 13 controlling criteria that, if not met, require formal approval of design exceptions. These criteria are listed in the Massachusetts Highway Department Project Development and Design Guide. Sufficient documentation of design exceptions is required to demonstrate that sound engineering judgment was used to design the improvements. Documentation must be prepared in accordance with the *MassHighway's Project Development & Design Guide* and must be signed by Registered Professional Engineer. All exceptions must be approved by the Chief Engineer. If a design exception is sought as part of a Permit, an additional 20 business days beyond the time allowed in 720 CMR 13.03(5) will be provided for review of the submission. In addition to design exceptions from controlling criteria, any exceptions to full compliance with 521 CMR, The Rules and Regulations of Massachusetts Architectural Access Board, must also be identified in the Access Permit. The Applicant is responsible for obtaining all necessary variances from the Access Board. MassHighway will not issue any Permit that is not in compliance with 521 CMR.
- d. Review of Related Projects: Permit applications will be reviewed in the context of the section(s) of state highway that is (are) affected by traffic to be generated by a Project for which a Permit is sought. Whenever practical, the DHD will coordinate review and issuance of Permits for multiple Projects in proximity to each other in order to facilitate safe and efficient traffic operations and to avoid or minimize adverse environmental impacts. In cases where a proposed access is to be shared by multiple development sites, the Applicant(s) will provide evidence of the rights of access between the parties involved prior to the issuance of the Access Permit. In these cases, an Access Permit must be issued for each development site under separate ownership.


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e. Section 61 Finding: For all Projects that receive EOEFA certification of a Final EIR, which was scoped for a MassHighway Access Permit, MassHighway will issue a Section 61 Finding at the Applicant's request within 25 business days of the receipt of the request for Category II Projects or 40 business days for Category III Projects. The Section 61 Finding must indicate that MassHighway has completed its review of the Project in the context of MEPA and that the proposed land use is approved by MassHighway subject to the conditions outlined in the Finding. The Finding must be incorporated by reference into any Permit to be issued by MassHighway for the Project.

The requirement to issue a Section 61 Finding and a Permit does not preclude the issuance of a Temporary Access Permit under 720 CMR 13.05(2). The Section 61 Finding will specify the driveway access and off-site mitigation measures necessary for initial occupancy of the Project. Additional mitigation measures, if any, and the construction timing of these additional measures may also be specified in the Section 61 Finding. Plan review of the measures not required for initial occupancy will not delay the issuance of the Permit for the Project for this initial occupancy.

5. Notify the Applicant of any further documentation, information, or revisions needed to make the determination to issue an access permit. Notification can be in the form of a letter or email.
6. All PS&E design submissions must be both in hard copy (one set) and electronic format. Electronic format includes PDF files transmitted to DHD or designee via USB Flash Drive, DVD or posted to a FTP site.

ISSUING NON-VEHICULAR ACCESS PERMITS FOR MASSHIGHWAY REQUESTED CONSTRUCTION, RELOCATION OR REPAIR OF UTILITIES WITHIN THE SHLO

In the case where MassHighway requests the construction, relocation or repair of utilities within the SHLO, the applicant may request a fee waiver from the DHD. In addition, unless determined otherwise by the DHD, the documentation required for the permit will consist of the permit application and reference(s) to the documents and plans already filed with MassHighway for the affected project. It is recommended that these permit applications be submitted to the District at the project's pre-construction conference. However, the DHD may request, at his/her discretion, early action utility relocation. In such cases, the DHD will notify the Applicant of this early action request.

ISSUE THE ACCESS PERMIT OR DENY THE APPLICATION

Timeline - within 5 business days of the PS&E submission approval in the case of Vehicular Permit Categories I, II and, unless negotiated otherwise, for Category III. In the case of Non-vehicular permits within 5 business days of PS&E or the completion of the application review.


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Issue the Access Permit:

When an access application is deemed complete, the DHD or designee will stamp it as completed indicating the date of completion. The DHD must issue a permit within 5 business days of the PS&E submission approval in the case of Vehicular Permit Categories I, II and unless negotiated otherwise for Category III. In the case of Non-vehicular permits, the DHD must issue a permit within 5 business days of PS&E or the completion of the application review.

If the permit is not issued within 5 days of the PS&E submission approval, the Applicant may notify the Chief Engineer in writing. The Chief Engineer must ensure that the Permit is issued within two business days of receipt of the Applicant's notice and receipt of the following documentation if not already in the permit file:

- (a) For Projects with a clear "area of potential impact" (as defined in 950 CMR 71.00) to properties listed in the State Register of Historic Places, either:
 - 1. a letter from the MHC indicating compliance with M.G.L. c. 9, §§ 26 through 27C; or
 - 2. certification from the Applicant that the MHC failed to determine adverse effect within 30 days of its receipt of an MHC Project Notification Form and/or an Environmental Notification Form (ENF);
- (b) Evidence of approvals or decisions, if necessary, from the Conservation Commission in the community in which the Project is proposed; and
- (c) A Section 61 Finding issued by MassHighway, for those Projects where an Environmental Impact Report (EIR) was required under MEPA relative to a MassHighway Access Permit, if evidence of issuance was previously waived by Mass Highway as part of the application process.

Deny the Permit Application:

The DHD may deny the issuance of a vehicular access permit for the requested use due to the failure of the applicant to provide sufficient highway improvements to facilitate safe and efficient highway operations, or when the construction and use of the access applied for would create a condition within the SHLO that is unsafe, would interfere with the free flow of traffic, or endanger the public safety and welfare.

Under M.G.L. Chapter 81, Section 21 (see Appendix A: Statute) the Board or Department in a municipality with authority over public roadways may notify MassHighway by registered mail of its objection to a driveway on State highway. If MassHighway agrees with the objection, which must be based on traffic safety concerns, MassHighway will not grant the permit.

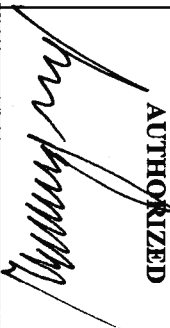
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RECEIVE NOTICE OF RECORDING FROM APPLICANT

MassHighway will issue the Permit to the Applicant named on the Permit application submitted to and reviewed by MassHighway. Unless otherwise noted, after expiration of all appeal rights, the Applicant must record any Vehicular Access Permit and plans or any Non-vehicular Access Permit and plans involving drainage at the appropriate registry of deeds. Any Permit issued by MassHighway that requires recording will not be effective until recorded at the appropriate registry of deeds and a notice of recording is submitted to the DHD. Changes may require the re-recording of permits, revised plans and related documents. In those cases, permits will not be effective until re-recorded at the registry of deeds and a notice of recording is submitted to the DHD.

ACCESS PERMIT PROVISIONS


Duration of Access Permits

Access Construction - Construction of the access within the SHLO under the terms of an access permit must be completed within one year of the date of issue, unless otherwise stated in the permit. The DHD may extend the construction time by an additional year upon written request of the permittee which must be filed prior to the expiration of the original construction period.

Use – Vehicular access permits upon issuance will allow ingress to the property served and egress to the State Highway for an indefinite period of time, but a new permit will be required when:

- More than five years has lapsed between the date of issuance of a Permit and the start of construction of the use or facility;
- Constructing, reconstructing, or expanding an existing facility on the property served, which results in a Substantial Increase in or Impact on Traffic on the State Highway;
- Constructing a new access or modifying an existing permitted access; or
- When a Permit would otherwise be required based on 720 CMR 13.00.

Access permits are not considered complete nor will be accepted until the permit and related documents are recorded at the appropriate registry of deeds if so required.

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Temporary Permits

Upon written request of the applicant, the DHD may grant a temporary permit for site access construction and/or use for: land surveying, land clearing, project preparation and related activities. Temporary permits must specify an expiration date, which must not exceed one year from the date of issuance. A temporary permit will not allow building occupancy or use of driveways by the general public prior to the issuance of a permanent access permit.

A temporary permit may be issued for construction and related activities that precede a project that requires the filing with the Secretary of EOBEA under MEPA for a MassHighway access permit. However, a temporary permit may not be issued if the site access construction and/or use itself exceeds MEPA thresholds. The issuance of a Temporary Access Permit will in no way be construed as an indication that an Access Permit for a residential or commercial driveway for the site will be granted.

Construction Under an Access Permit

Construction under an access permit may commence upon 48 hours written notice (which may be delivered by facsimile or electronic mail) or logged telephone notice to the DHD or his/her designee by the Permittee.

Suspension or Revocation of Permit

When the DHD determines that a violation of M.G.L. Ch. 81, § 21, or M.G.L. Ch. 85, § 2, has occurred, or that a permit condition has not been complied with, he/she may suspend or revoke an access permit.

Emergency Suspension. In the case of an emergency condition or imminently unsafe travel conditions within the SHLO that is due to non-compliance with conditions on a permitted facility, the DHD or his/her designee may issue a verbal warning of Permit suspension to a Permittee requiring compliance with the Permit. Within 24 hours, if the condition continues, the DHD will notify the Permittee, in writing by hand delivery or by certified mail, an emergency order immediately suspending the Permit and outlining the reason(s) for the suspension and the steps that must be taken by the Permittee in order to allow said suspension to be lifted.

Standard Suspension. The DHD will notify the Permittee in writing by certified mail a minimum of 24 hours in advance of the effective suspension of the Permit outlining the reason(s) for the suspension and the steps that must be taken by the Permittee in order to avoid or lift said suspension.

Revocation: The DHD will notify the permittee in writing by certified mail of his/her intent to revoke an access permit indicating the reason(s) for such intended revocation, measures to be taken by the permittee to avoid such revocation, and establishing a date, time, and place for a hearing, prior to revocation, as provided by M.G.L. Chapter 30A, Section 13 (See Appendix J). Prior to establishing a revocation hearing, the DHD will notify the Commissioner and send a copy to the General Counsel's Office.


COMMONWEALTH OF MASSACHUSETTS
 MASSACHUSETTS HIGHWAY DEPARTMENT
 STANDARD OPERATING PROCEDURES

S.O.P. NO. HMD-60-02-3-000

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SUBJECT: STATE HIGHWAY ACCESS PERMIT

DISTRIBUTION

EFFECTIVE	ISSUED	SUPERSEDES: Page 13 of 14	AUTHORIZED
12/12/2008	12/12/2008	S.O.P. No. Standard Operating Procedures for Review of State Highway Access Permits dated November 30, 1971 and Board vote of September 17, 1991 EFFECTIVE: September 17, 1991	

Enforcement

MassHighway may issue written orders to enforce the provisions of M.G.L. Chapter 81, Section 21, or the provisions of any permit, order, or approval issued under M.G.L. Chapter 81, Section 21. Any Person who violates any provision of 720 CMR 13.00 will be punished in accordance with M.G.L. c. 81, § 21.

Performance Bonds

The DHD will determine if a performance bond is required to be posted by the Applicant for the estimated cost of the construction within the SHLO and possible damages; provided, however, that the bond shall be not less than \$300,000 unless a lesser amount is approved in writing by the DHD or his designee. The performance bond must be posted by the Applicant or the permittee prior to the DHD granting permission to the permittee to commence construction within the SHLO, or prior to the issuance of the access permit, all as may be required by the DHD.

Upon completion of all the transportation improvements the Applicant may present a written request to the DHD for the close out of the Highway Access Permit and release of the bond(s), subject to any retainage held during the warrantee period.

Appeals

An Applicant who is aggrieved by the issuance, denial, modification, suspension, or revocation of a Vehicular Access Permit may appeal in writing to the Commissioner. Upon consultation with the Permit Applicant and appropriate MassHighway personnel, and after a hearing under the provisions of M.G.L. c. 30A, § 13, if required, the Commissioner may uphold, modify, or overturn the action or decision of the DHD.

SOP Appendix:

- A. Statutes and Regulations
- B. Traffic Signal Regulation SOP
- C. 520 CMR 14.00: Excavation and Trench Safety
- D. Discharge of Storm Water and Exempt Non-Storm Water Discharge to State Highway Drainage System SOP
- E. Access Permit Checklist
- F. Permit application Form
- G. List of municipalities by district
- H. 701 CMR 7.00: Use of Road Flaggers and Police Details on Public Works Projects.
- I. M.G.L. Chapter 30A, Section 13

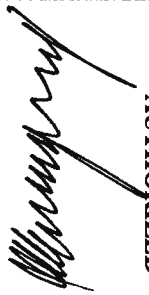
COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS HIGHWAY DEPARTMENT
STANDARD OPERATING PROCEDURES

S.O.P. NO. HMD-60-02-3-000

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Other Related Documents:

- MassHighway Access Permit Process with MEPA Review Flow Chart
- MassHighway Requirements for Blasting Adjacent to State Highways
- CMR 527, 13.09: Use of Explosive Materials (Blasting)
- Permits for Parades within State Highway Layouts SOP



Application for Permit to Access State Highway

This Access Permit Application, including the attached Access Permit Submittal Checklist, must be completed in full by the Applicant. Instructions for this page are located on page 2. Descriptions of the two types of access permits and related categories are located on page 6. MassHighway will make the final determination regarding Access Permit Application type and category.

1. Town/City: _____
2. State Highway route number and/or name: _____
3. Locus/Property Address: _____
4. Description of property and/or facility for which access is sought (attach additional sheets if necessary):

5. Description of work to be performed within State Highway Layout (attach additional sheets if necessary):

6. Dig Safe number: _____

7. Applicant Information ¹ (See footnote below.)
 Name _____
 Mailing Address _____

8. Property Owner
 Name _____
 Mailing Address _____
 Telephone _____
 Fax _____
 Email _____
 Signature _____
 Print Name _____
 Date _____

Return completed application, including Submittal Checklist, to the District Highway Director for your town/city. Refer to reverse side for appropriate address.

For office use only. Do not write below this line.

- | | |
|--|--|
| 1. Application number: _____ | 6. Section 61 Finding date: _____ |
| 2. Date received: _____ | 7. Mass. Historic Action (yes or no) _____ |
| 3. Fee amount (non-refundable): _____ | 8. Plans returned to DHD: _____ |
| 4. Completeness Pre-Review date: _____ | 9. Permit Type/Category: _____ |
| 5. MEPA required (yes or no) _____ | 10. Application complete date: _____ |
| ENF-EOEEA Cert. # _____ | 11. Permit written date: _____ |
| EIR-EOEEA Cert. # _____ | 12. Permit issued date: _____ |
| Other-EOEEA Cert. # _____ | 13. Permit denied: _____ |
| | 14. Permit Recording date at Registry of Deeds _____ |

¹ If an agent is representing an Applicant, the application must include a notarized letter from the Applicant outlining the specified duties and responsibilities of the agent. Where work is proposed on a utility, the utility department must sign the application as the Applicant(s).

**Instructions for completing
Application for Permit to Access State Highway**

GENERAL INSTRUCTIONS

MassHighway is granted authority to issue **State Highway Access Permits** by M.G.L. Chapter 81, Section 21. MassHighway adopted 720 CMR 13.00 under the authority of M.G.L. c.81, §21 and M.G.L. c.85 §2. 720 CMR 13.00 supersedes the Standard Operating Procedures for Review of State Highway Access Permits dated November 30, 1971 and board vote of September 17, 1991.

ACCESS is generally defined but not limited to:
Any physical work performed within the State Highway Layout.

This application governs issuance of the two types of access permit Applications, Non-Vehicular and Vehicular, which are issued under three categories:

- Category I** Minor Vehicle Access Permits
- Category II** Major Vehicular Access Permits
- Category III** Complex Vehicular Access Permits

Please refer to the **MassHighway Access Permit Submittal Checklist** for details regarding permit types and submittals required.

SPECIFIC INSTRUCTIONS (print or type)

Line 1: List Name of municipality in which access is sought.

Line 2: List name or number of State Highway Route(s) to which access is sought.

Line 3: List Locust/Property address.

Line 4: Describe property and/or facility. If access is sought under Category II above, briefly describe facility for which access is sought.

Example 1: Private single family residence at 100 State Road. Approximate size of proposed building 2500 s.f. Approximate lot size 0.75 acres.
Example 2: 500,000 s.f. enclosed shopping mall adjacent to State Route I-290 and Route 20. Approx lot size 67 acres.

Line 5: Briefly describe the proposed work to be performed within the State Highway Layout.

Example 1: Remove 50 feet of existing granite curb on south side of highway in order to construct driveway access and modify the roadway geometry to accommodate left-hand turn.
Example 2: Excavate 10 foot x 10 foot section of roadway at Station 100+00 in westbound lane in order to install water service to residence at 100 State Street.

Line 6: A Dig Safe number must be provided if the work will commence within 30 days of the filing of the permit. **NOTE:** A Dig Safe number must be obtained by calling **1-888-DIG-SAFE** (1-888-344-7233). If construction within the State Highway Layout does not commence within the period allowed by Dig Safe, a new number must be obtained prior to beginning construction. (www.digsafe.com)

FEES:
A check payable to the Commonwealth of Massachusetts for the appropriate permit application fee must accompany the permit application. Fees are non-refundable.

Fee schedule for Access and Utility Payments:

Residential Access Permits	
5 units or less,	\$25.00
From 6 to 49 units	\$100.00
Greater than 49 units	\$2000.00

Non-Residential Access Permits	
Less than 25,000 square feet	\$500.00
From 25,000 to 300,000 square feet	\$1000.00
From 300,000 to 750,000 square feet	\$2000.00
Greater than 750,000 square feet.	\$3000.00

Non-Municipal Utility Permits not in conjunction with Access Permits:	
Annual blanket utility permit	\$500.00
Capital improvements to a utility	\$500.00

Line 7: Individual or business making application must complete the required information, including application date and signature.

Line 8: Complete this section only if the individual or business making application is other than the property owner of the land for which the permit applies.

Return completed application, submittal checklist and fee to appropriate District Office listed below. Please contact the Permit Engineer at this address if additional information is required.

District One	District Four
270 Pittsfield Road	519 Appleton Street
Lenox, MA 01201	Arlington, MA 02174
Tel. (413) 637-5700	Tel. (781) 641-8300
Fax (413) 637-0309	Fax (781) 646-5115
District Two	District Five
811 North King Street	1000 County Street
Northampton, MA 01060	Taunton, MA 02780
Tel. (413) 582-0599	Tel. (508) 824-6633
Fax (413) 582-0596	Fax (508) 880-6102
District Three	MassHighway Website:
403 Belmont Street	www.mhd.state.ma.us
Worcester, MA 01604	
Tel. (508) 929-3800	
Fax (508) 799-9763	



Access Permit Submittal Checklist

GREY:
MHD
USE
ONLY

This checklist provides the Applicant with a list of required submittals to obtain an Access Permit. However, additional submittals may be required to issue an Access Permit. All Applicants must fill out Part A and one additional part that correlates to the selected application type. To help identify the application type, please see the descriptions on page 6. Check each box that pertains to your application. MassHighway will make the final determination regarding Access Permit Application type and category.

PART A : ALL APPLICANTS MUST FILL OUT

1. APPLICATION TYPE - CHECK ONE

NON-VEHICULAR:

- Non-Vehicular - Fill out Part B

VEHICULAR:

- Category I – Minor Vehicle Access Permits: Fill out Part C-I
 Category II – Major Vehicle Access Permits: Fill out Part C-I and Part C-II
 Category III – Complex Vehicle Access Permits: Fill out Part C-I and Part C-III

2. APPLICATION TYPE (Check all applicable boxes.)

- Application complete
 Permit corresponds to appropriate MassHighway District
 Non-refundable check or money order in correct amount payable to: *Commonwealth of Massachusetts*
 Evidence certifying property owner(s) consent
 Notarized Applicant Letter outlining agent's duties and responsibilities (if applicable)
 Municipal utility department application sign-off as the Applicant(s) (if applicable)

PART B : NON-VEHICULAR PERMITS

IF NO PHYSICAL MODIFICATION to state highway layout – i.e. parade, road race, traffic counts, etc.

Required Submittals:

- Map of route
 Traffic Management Plan (designed in accordance with the Road Flagger & Police Regulations: 701 CMR 7.00)
 Detour Plan(s) with municipal approval (if applicable)

IF DRAINAGE:

- If requesting connection or discharge to any MassHighway drainage system, contact District Personnel for additional information regarding required submittals.

IF CONSTRUCTION, RELOCATION OR REPAIR OF UTILITIES:

Required Submittals:

- EXISTING PROJECT:** reference(s) to the documents and plans already filed with MassHighway for the affected project
 NEW PROJECT/UTILITY WORK:

Required Submittals:

- Engineered Plan(s) including method of crossing Highway
 Traffic Management Plan (if applicable)
(Designed in accordance with the Road Flagger & Police Regulations: 701 CMR 7.00)
 Detour Plan(s) with municipal approval (if applicable)
 Tree Cutting or Landscaping Plan (if applicable)
 Vegetative Plan including plant species and maturity size (if applicable)
 Blasting Plan (contact District Personnel for additional information)

PART C-1: VEHICULAR PERMITS

CATEGORY I – Minor Vehicular Access Permits

Required Submittals:

- Engineering Plans
- ENF - (Environmental Notification Form) Certificate (if applicable)

IF RESIDENTIAL DRIVEWAY:

- Detailed plan/sketch showing the drive location in relation to the property lines, MassHighway baselines, distance from nearest mile marker, and an easily identifiable fixed object (distance from telephone poles, mail boxes, other drives, etc.).
- If severe topographic conditions exist, an engineered plan showing the driveway layout, profile and storm water management may be necessary to show that the edge of the proposed drive is protected during and after construction to prevent sediment and debris from entering upon the State Highway Layout (SHLO).

IF COMMERCIAL DRIVEWAY: (where no MEPA review is required)

Required Submittals:

Two (2) 40 scale plans that include:

- A. Route Number, Road Name, Property Address
- B. Property Corners and Bounds
- C. Lot Line Dimensions, Bearings and Distances
- D. State Highway Layout Lines (both sides) and Nearest Massachusetts Highway Bounds (if found).
- E. State Highway Baseline and both edges of roadway including any sidewalks and type of edging, if any, and shoulder information (grass, gravel etc.).
- F. Any existing drive to be altered or closed shall be indicated. Existing and proposed dimensions should be included for altered drives.
- G. Information on all proposed drives including radii, widths, handicap ramps, etc. must be shown.
- H. All existing and proposed buildings, utilities, trees, stonewalls, fences etc., should be labeled and shown in their correct location.
- I. It is required that all stands, buildings, gasoline pumps and structures of any kind be placed at least 12 feet back from the State Highway Layout Line, since conducting of business within a State Highway Layout is forbidden.
- J. Complete detail on drainage; all drives should be constructed on a downgrade from the edge of the highway surface or shoulder to the State Highway Layout Line.
- K. Engineered plans will be required to show that storm flows are not directed into the SHLO, using contour lines, where applicant/owner property elevations are raised from the edge of the highway.
- L. The plans should identify measures to protect the edge of the proposed drive during and after construction to prevent sediment and debris from entering upon the SHLO.

IF NEW STREET/SUBDIVISION ROAD:

Minor Intersection and Roadway Reconstruction (where no MEPA review is required)

Required Submittals:

- All Commercial Driveway requirements (above) apply in addition to the following: Evidence of acceptance, including its line, grade and proposed drainage, by a local planning board, or other City or Town official with such authority.
- A street/road profile from its nearest high point and plan of drainage.

Please be advised:

- It will be required that all such future street approaches be constructed on a downgrade, where possible, from the edge of highway surface or shoulder to the State Highway Layout Line.
- Common driveway criteria may apply and must be shown on plans as mentioned above.

PART C-II : VEHICULAR PERMITS

CATEGORY II – Major Vehicular Access Permits

Required Submittals:

- Engineering Plans based on the standards in the Manual On Uniform Traffic Control Devices (MUTCD), MassHighway’s Project Development & Design Guide or its successor, MassHighway’s Standard Specifications for Highway and Bridges, and any current technical policies or engineering directives issued by MassHighway. All PS&E design submissions must be both in hard copy (one set) and electronic format. Electronic format includes PDF files transmitted to DHD or designee via USB Flash Drive, DVD or posted to a FTP site.
- In cases where a proposed access is to be shared by multiple development sites, the Applicant(s) will provide evidence of the rights of access between the parties involved prior to the issuance of the Access Permit.
- MEPA Certificate
- Section 61 Finding

PART C-III : VEHICULAR PERMITS

CATEGORY III – Complex Vehicular Permits

Required Submittals:

- Engineering Plans based on the standards in the Manual On Uniform Traffic Control Devices (MUTCD), MassHighway’s Project Development & Design Guide or its successor, MassHighway’s Standard Specifications for Highway and Bridges, and any current technical policies or engineering directives issued by MassHighway. All PS&E design submissions must be both in hard copy (one set) and electronic format. Electronic format includes PDF files transmitted to DHD or designee via USB Flash Drive, DVD or posted to a FTP site.
- In cases where a proposed access is to be shared by multiple development sites, the Applicant(s) will provide evidence of the rights of access between the parties involved prior to the issuance of the Access Permit.
- MEPA Certificate
- Section 61 Finding

Recording of Access Permits

Applicants must record any Vehicular Access Permit and plans or any Non-vehicular Access Permit and plans involving drainage at the appropriate registry of deeds. Any Permit issued by MassHighway that requires recording will not be effective until recorded at the appropriate Registry of Deeds and a notice of recording is submitted to the District Highway Director (DHD). Changes may require the re-recording of permits and related documents. In those cases, permits will not be effective until re-recorded at the Registry of Deeds and a notice of recording is submitted to the DHD.

THERE ARE TWO TYPES OF ACCESS PERMIT APPLICATIONS: VEHICULAR, ISSUES UNDER THREE CATEGORIES and NON-VEHICULAR:

1. VEHICULAR ACCESS PERMITS:

Category I - Minor Vehicular Access Permits:

Access Permits for Projects that require entry to the state highway layout (SHLO), require little to no non-signalized modifications, and do not significantly alter the operating characteristics of traffic. These Projects ordinarily do not exceed the Massachusetts Environmental Policy Act (MEPA) transportation thresholds beyond the filing of an Environmental Notification Form (ENF).

Category II - Major Vehicular Access Permits:

Access Permits for Projects that require significant non-signalized modification that may alter the operating characteristics of traffic at a residential or commercial driveway intersecting with the SHLO; that require significant non-signalized modifications that may alter the operating characteristics of traffic at or upon any other intersection or roadway under the jurisdiction of MassHighway; that require installation of a new traffic signal at a residential or commercial driveway intersecting with the SHLO or at any other intersection or roadway under the jurisdiction of MassHighway; or that require modification of structures, equipment, or hardware at an existing traffic signal at a residential or commercial driveway and its intersection with the SHLO or at any other intersection or roadway under the jurisdiction of MassHighway.

Category III - Complex Vehicular Permits

Access Permits for Complex Projects requiring actions similar to major Projects, but which require a new or altered SHLO; that require significant non-signalized and/or signalized modifications within the SHLO over an extended distance or at a number of intersections that significantly alters the operating characteristics of traffic along a corridor; or that require the construction of a new, or modifications to an existing, bridge. These Projects generally require MEPA review and may require Federal review.

2. NON-VEHICULAR ACCESS PERMITS:

Access Permit for Projects that require access to the SHLO that do not involve physical modifications such as a parade or road race; construction, relocation or repair of utilities within the SHLO; tree cutting or landscaping within the SHLO; the use of explosives to remove material from within 250 feet of the SHLO; or connection to or discharge to any MassHighway drainage system (in cases where it can be shown that no practical alternative exists).

CONDITIONS REQUIRING AN ACCESS PERMIT

Vehicular Access Permits are required for:

- New residential or commercial driveways or streets intersecting the SHLO; or,
- Physical modifications to existing residential or commercial driveways or streets at their intersection with the SHLO; or,
- Change in use of an existing residential or commercial driveway onto SHLO that results in a **Substantial Increase in or Impact on Traffic** (as defined below) over the current use. or,
- Construction of new, or change in use of existing, residential or commercial driveway from properties that about the SHLO to serve a building or facility, or expansion of a building or facility, that generates a Substantial Increase in or Impact on Traffic.

Substantial Increase in, or Impact on, Traffic as referenced above is defined as:

A Project that meets or exceeds any of the following thresholds:

- (i) Generation of 2,000 or more new ADT on roadways providing access to a single location; or
- (ii) Generation of 1,000 or more new ADT on roadways providing access to a single location and construction of 150 or more new parking spaces at a single location; or
- (iii) Construction of 300 or more new parking spaces at a single location; or
- (iv) Creation of a change in the type, pattern, or timing of traffic that is determined by MassHighway to generate a significant impact on traffic flow and safety.

Non-vehicular Access Permits are required for:

- Access to the SHLO for Projects that do not involve physical modifications; or
- Connection to or discharge to any MassHighway drainage system (in cases where it can be shown that no practical alternative exists); or
- Construction, relocation or repair of utilities within the SHLO; or
- Tree cutting or landscaping within the SHLO; or
- The use of explosives to remove material from within 250 feet of the SHLO.

In cases where a particular Project or activity may seek both vehicular and non-vehicular access, separate and distinct Permit Applications must be filed.