

DATE: February 3, 2012

SUBJECT: Form M-950 AA, Applicant's Authorization for Agent to Apply for Highway Occupancy Permit (HOP)

TO: District Executives

FROM: Charles C. Goodhart, Director /s/
Bureau of Maintenance and Operations



As a supplement to the Department's updated procedures for processing Highway Occupancy Permits (HOPs) through the ePermitting System (EPS), applicants will have the option of authorizing an agent to submit an application on their behalf, using Form M-950 AA, "Applicant's Authorization for Agent to Apply for Highway Occupancy Permit." This Strike-off Letter (SOL) details the utility of this new form, and where instructions on its use will be found in Department Publications. This SOL is time and cost-neutral.

In some cases, HOP applicants may not want to use the new EPS when applying for a permit. Since the Department will ultimately require the use of EPS for submission of permit applications, it is advantageous to allow an agent, such as an engineering firm, to produce, submit, and manage an electronic HOP application on the applicant's behalf in these cases. The M-950 AA, which will be included in a HOP application package submission, will: authorize the agent to submit and manage the application; release the Department from claims arising as a result of this authorization; ensure that all correspondence between the Department and applicant's agent is also passed on to the applicant; and provide applicants the option to receive e-mail updates on the status of their application as it is processed.

Effective January 23, 2012, applicants may choose to use the attached M-950 AA form. Also, attached are replacement sheets to be used to update existing publications. Please remove and destroy replaced sheets:

- Pub. 170, HOP Manual: Table of contents, pg. 6; Chapter 2.1, Required Application Information, pg 29; Chapter 8.1, Agent Authorization; Form M-950 AA, pg. 230A.
- Pub. 282, HOP Guidelines: Table of Contents, pg. 5; Chapter 2.1, Required Application Information, pg. 21; Pub. 282, Chapter 8.1, Agent Authorization; Form M-950 AA, pg. 166A.

Should you have any questions, please contact Glenn C. Rowe, P.E., Chief, Traffic Operations Division, at 717-787-7350.

Attachments

470-12-02

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cc: Assistant District Executive – Maintenance
Assistant District Executive – Construction
Assistant District Executive – Design
District Permit Managers
William Cressler, Assistant Chief Counsel, Office of Chief Counsel
Thomas Haist, Assistant Counsel in Charge, Office of Chief Counsel
Bryan Kendro, Director, Policy Office
Charles C. Goodhart, Director, BOMO
Brian Thompson, P.E., Director, BOPD
BHSTE Division Chiefs
Michael Dzurko, Central Permit Manager, BOMO
Directors Read File
HOP Read File

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CHAPTER 2 -- APPLICATION SUBMISSION

2.1 -- REQUIRED APPLICATION INFORMATION

The initial formal step in the issuance of a Highway Occupancy Permit (HOP) is the submission of a properly completed application by the applicant (e.g., an applicant in Regulation 441 or an applicant in Regulation 459) via the Department's e-Permitting System (EPS) or, at the discretion of the Department, a properly completed application – M-945 A or M-950 A – to the County Permit Office in the county where the proposed work will be performed. Only as a last resort will non-electronic applications be accepted.

Note: There is no statutory or regulatory "grandfather" right or privilege in PA relating to occupancy of State highways or bridges. As a general rule, a Highway Occupancy Permit (HOP) or Bridge Occupancy License (BOL) is required for every highway/bridge occupancy as prescribed in Sections 411, 420 and 702 of the State Highway Law and Department Regulations 441 and 459.

A properly completed application is one that is in full compliance with the Regulations, particularly Section 441.3 or 459.3, as applicable. The application should be submitted at least 30 days in advance of the anticipated start of routine utility work and work on Minimum Use driveways, and 60 days for substantial utility projects or driveways. Upon receipt of an application, by the District or County Office, the date received shall be documented in either EPS or writing. Formal applications may not be submitted by "fax" or other wire methods not approved by the Central Permit Office.

When submitting via EPS, an authorized agent may submit a HOP application on behalf of a permit applicant if a properly completed M-950 AA (Agent Authorization) form is provided and accepted as part of the application package submission. For guidance on the proper use of this form, please refer to Chapter 8, Section 1 in this publication.

When submitting non-electronic applications, the following application information needs to be correctly completed by the applicant before submitting. Department staff will assist Permit applicants while also verifying each application complies with applicable laws, regulations and statewide policy.

Agent Authorization; Form M-950 AA

Purpose

In some cases, an applicant may prefer for an agent to use electronic permitting on their behalf when obtaining a Highway Occupancy Permit (HOP). To facilitate the use of the system in these cases, the applicant authorizes an agent to prepare and submit the HOP application package with Form M-950 AA. The signed form: authorizes the agent to submit and manage the application; releases the Department from claims arising as a result of this authorization; ensures that all correspondence between the Department and applicant's agent is also passed on to the applicant; and provides applicants the option to receive e-mail updates on the status of their application as it is processed.

Preparation

The form is to be completed and signed by both the applicant's authorized representative applying for a Highway Occupancy Permit (HOP), and the agent submitting the application on behalf of the applicant. It should be uploaded as an attachment and submitted along with the HOP application package through the ePermitting System.

For one-time agent authorization, the box at the top of the form for blanket approval should be left unchecked. The remainder of the form is then completed as indicated.

In cases where an applicant is granting blanket approval for an agent to submit on its behalf; the box indicating so should be checked. When blanket approval is being sought, the PERMIT APPLICATION NO, COUNTY, CITY-BORO-TWP, and SR-SEG-OFF fields can be marked as not applicable. The remainder of the form is then completed as indicated.

District Permit staff will review the submitted form for completeness and accuracy as part of the HOP application review process. The original executed form, with signatures, should also be mailed to the District Office, where it will be maintained until the permit is closed out. When blanket approval for agent authorization is given, the original executed form, with signatures, should be mailed to Central Office, where it will be maintained until the authorization is revoked in writing by the applicant or agent.

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**APPLICANT'S AUTHORIZATION FOR AGENT
TO APPLY FOR HIGHWAY OCCUPANCY PERMIT**



If granting BLANKET Authorization to submit applications on Applicant's behalf, check this box:

If BLANKET Authorization, mark N/A.	PERMIT APPLICATION NO.	
	COUNTY	
	CITY-BORO-TWP.	
	S.R.-SEG.-OFF.	
APPLICANT	Name: Address:	
AGENT	Name: Address:	

THIS AUTHORIZATION, made this ____ day of _____, 20____, by

_____,
APPLICANT for a highway occupancy permit under 67 Pa. Code Chapter 441 or 459.

WHEREAS, the APPLICANT is required to obtain a highway occupancy permit from the Commonwealth of Pennsylvania, Department of Transportation, called the Department, in order to occupy the State highway; and

WHEREAS, the APPLICANT wishes to authorize the agent listed above (AGENT) to apply for the permit on behalf of the APPLICANT; and

WHEREAS, the APPLICANT has agreed to grant a release to the Department to allow the AGENT to apply for the permit on behalf of the APPLICANT; and

WHEREAS, as a condition of this authorization, APPLICANT agrees that AGENT will be required to provide APPLICANT with copies of all correspondence and other documents issued, mailed, emailed or otherwise directed or provided to APPLICANT or AGENT by the Department; and

WHEREAS, the APPLICANT may elect to be provided contemporaneous email updates on the review status of the permit application.

NOW, THEREFORE:

1. The APPLICANT does hereby authorize AGENT to act as APPLICANT's agent with respect to the permit application and to do all things necessary to obtain the permit on behalf of the APPLICANT.
2. The APPLICANT does hereby remise, release, quitclaim and forever discharge the Department, its agents, employees and representatives of and from all suits, damages, claims and demands of any type whatsoever arising against it as a result of granting the permit to APPLICANT.
3. The APPLICANT has has not (check one) elected to be provided contemporaneous updates on the status of the permit application. If the APPLICANT elects to be provided contemporaneous updates on the status of the permit application, provide contact information here (email): _____.
4. The APPLICANT understands that this AUTHORIZATION is effective until revoked in writing by the APPLICANT or AGENT, with contemporaneous written notice thereof to the Department.

IN WITNESS WHEREOF, the APPLICANT has executed or caused to be executed these presents, intending to be legally bound thereby.

by APPLICANT:

(authorized representative signature)

Name: _____

Title (if other than individual applicant): _____

Date: _____

by AGENT:

(authorized representative signature)

Name: _____

Title (if other than individual agent): _____

Date: _____