

DATE: September 27, 2013

SUBJECT: HOP Procedure for Utility Emergencies

TO: District Executives

FROM: Brian Thompson, P.E., Acting Director *Brian Thompson, P.E. /s/*
Bureau of Maintenance and Operations

This Strike-off Letter (SOL) revises the procedures by which a utility owner will perform emergency work under the Department's Highway Occupancy Permit (HOP) program. Because HOPs are now applied for and issued through the Department's Electronic Permitting System (EPS), there is a need to better capture emergency work within the system, and also an opportunity to modernize the process by which utilities are authorized to perform the work. At the end of September, the Emergency Permitting process will be incorporated into EPS and streamlined to reflect current technology.

With the forthcoming enhancements to EPS, utilities and municipalities will be able to:

- Obtain authorization to perform emergency work prior to obtaining a permit;
- Notify the District in which the emergency work is being performed at the time of an emergency, either by telephone or through EPS;
- Complete a final HOP application to the District within 15 days of the emergency.

This SOL is time and cost-decreasing, as it will eventually eliminate use of Department Form M-940, Emergency Permit Card (EPC), currently used to manually track emergency permit work. In its place is electronic Form M-940 C, the Emergency Permit Certificate, generated by EPS, which can be reproduced by a Utility and distributed to the Utility's contractors to possess in cases of emergency. Until forthcoming updates to Chapter 459 are finalized, use of Form M-940 will still be permitted.

Chapter 6 of Publications 170 and 282 has been rewritten to reflect the new emergency permitting process. The following sheets will be used to update the existing Publications once the EPS emergency permitting release is deployed at the end of September. At the time of deployment, please place in the Publications:

- Pub. 170, HOP Manual, Chapter 6 – Utility Emergencies
- Pub. 282, HOP Guidelines, Chapter 6 – Utility Emergencies

Should you have any questions please contact, Timothy Johnson, E.I.T., Senior Civil Engineer, at 717-214-2996.

494-13-11

(Date)

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Attachments

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cc: Renee Sigel, FHWA
Timothy Scanlon, P.E., Turnpike Traffic Engineer, Turnpike Commission
Steven C. Napper, Chairperson, Utility Highway Liaison Committee
Assistant District Executives – Construction
Assistant District Executives – Design
Assistant District Executives – Maintenance
Scott Fletcher, P.E., Assistant District Executive – Services, Engineering District 6-0
District Permit Managers
District Utility Relocation Administrators
Bryan Kendro, Director, Policy Office
William Cressler, Chief Counsel, Office of Chief Counsel
Thomas Haist, Assistant Chief Counsel, Office of Chief Counsel
George McAuley, P.E., Acting Director, BOPD
Brian Thompson, P.E., Acting Director, BOMO
BOMO Division Chiefs

CHAPTER 6 -- UTILITY EMERGENCIES

6.1 -- EMERGENCY OVERVIEW

Because emergency repairs need to be made promptly to existing utility facilities to protect the public and to avoid long utility service disruptions, PENNDOT's Utility Regulations contain a special Permit procedure for emergency repairs (See Regulation 459.6). With the incorporation of emergency permitting into the Electronic Permitting System (EPS), this procedure has been streamlined to reflect current technology. Proposed revisions to Chapter 459 will ultimately mirror the streamlined procedure, although the overall process remains comparable to that presented in the Regulation currently.

"Emergency" is defined in Regulation 459.1 as ... *an unforeseen occurrence or combination of circumstances which calls for immediate action or remedy.*

"Emergency repair" is defined as ... *repair to a utility facility undertaken under Regulation 459.6 to repair damage resulting from a vehicle accident or collision with the facility, a failed component or storm damage. The term does not include service connections or disconnections unrelated to vehicle accident, a failed component or storm damage.*

PENNDOT's Emergency Permit procedures afford utility owners the opportunity to respond promptly to bona fide emergencies, prior to obtaining a Permit, provided they have obtained an Emergency Permit Certificate through EPS. Unfortunately, some persons attempt to use these emergency procedures for non-emergency work, or otherwise fail to apply for a Permit to avoid relocating aboveground facilities, overlaying multiple pavement openings, or associated fees and costs. The emergency permit process establishes a logical, documented procedure to address this reality.

The principal changes to the emergency permitting process involve replacing the previously utilized Emergency Permit Card (EPC, Form M-940) with an Emergency Permit Certificate (Form M-940 C), issued through EPS, which authorizes utilities to perform emergency repairs. At the time of an emergency, utilities should provide preliminary application information through EPS or by calling the appropriate District office (at the contact phone numbers provided on Form M-940 C), instead of completing line items on the EPC and later reconciling these line items with PennDOT. Because Emergency Permit Certificates are distributed electronically and printed by the applicant, the \$5.00 fee for obtaining cards does not apply to Certificates.

When a utility provides information to PennDOT at the time of an emergency, EPS will automatically notify critical personnel identified by each District—this can include first responders, Traffic Management Center (TMC) staff, county maintenance managers, and other contributors who can assist with emergency response.

As was the case prior to EPS, utilities will have 15 days following the emergency to submit the formal permit application associated with that emergency.

Until Chapter 459 is revised, PENNDOT will continue allowing the use of Emergency Permit Cards (EPC) by Utilities who are unwilling or unable to access EPS. For more information on the use of Emergency Permit Cards, refer to section 6.5 at the end of this chapter.

Emergency Repairs to Shared Utility Facilities

Regulation 459.7(9) establishes that sharing utility facilities is encouraged by PENNDOT and may be authorized under one Permit. The sharing of utility facilities is encouraged because sharing results in less aboveground facilities and less surface openings and restorations within highway right-of-way. Naturally, when a shared utility facility must undergo *emergency repair*, not every utility which is sharing the facility will work simultaneously at the emergency site; nevertheless, *emergency repairs* to a facility may ultimately be authorized under one Permit, in accordance with the following policies:

1. Either the permittee/owner or one of its "sharers" may perform the initial *emergency repair* under authority of their assigned Emergency Permit Certificate (M-940 C). The Utility performing the *emergency repair* needs to complete their preliminary emergency permit application, consistent with Regulation 459.6. However, the formal Permit application needs to be submitted by the permittee/owner, consistent with Regulation 459, and needs to identify the Certificate No. under which the *emergency repairs* (that require a Permit -- see Regulation 459.3(a)(3)) were done.
2. Either the permittee/owner or one of its "sharers" may also remove a utility facility that is being replaced under authority of their assigned Emergency Permit Certificate. For example, in the case of so-called "stub" poles, third-party agreements between Utilities (e.g., National Joint Utilities Notification System (NJUNS) initiative) typically have the last Utility that transfers its conductor to the new pole also remove the damaged pole "stub". Prompt removal of "stub" poles is in the public interest.

6.2 -- ISSUANCE OF AN EMERGENCY PERMIT CERTIFICATE

A utility owner may apply for an Emergency Permit Certificate (Form M-940 C) by submitting an application in EPS to the District Permit Office in which the utility's facilities are primarily located. Although the Certificate is being approved and issued by a particular District, it will authorize the utility to perform emergency repairs statewide. The Certificate is valid for one year, at which point the utility will need to renew its Certificate through EPS.

Because Emergency Permit Certificates are issued through EPS, and copies are printed at the expense of the utility, there are no fees for obtaining a Certificate.

If a utility owner is eligible to perform emergency work in the PennDOT right-of-way, District Permit Office staff will issue the Emergency Permit Certificate.

6.3 -- USE OF AN EMERGENCY PERMIT CERTIFICATE

Once the utility owner has an emergency permit certificate, the utility owner needs to notify PennDOT promptly for activities identified in Regulation 459.3(a). The utility owner notifies PennDOT either by completing a preliminary emergency permit application in EPS for these activities, or by contacting PennDOT by phone as described in this section.

If no opening of the surface is required, such as for above-ground repair of a struck utility pole in which the pole will not be replaced, no preliminary emergency application or HOP is required. In cases where an HOP is not required to complete emergency work (i.e. no surface opening), a utility may still submit a preliminary application to notify PennDOT that work is ongoing; PennDOT will subsequently ask the applicant to withdraw its final HOP application in EPS, or if the application has already been submitted, it will be returned as "permit not required."

Prior to any emergency placing of a utility facility or opening of the highway right-of-way surface, utility owners should contact PENNDOT by entering preliminary application information in the Electronic Permitting System (EPS) at any time of day, or by calling the appropriate District office's telephone number provided on the Emergency Permit Certificate (Form M-940 C) during the hours of 8:00 A.M to 4:00 P.M., Monday thru Friday. Those calling in an emergency should have a copy of the Emergency Permit Certificate on hand, so that the utility's Business Partner ID and/or Certificate No. can be provided to PennDOT staff entering the emergency into EPS.

Information required as part of a preliminary emergency permit application includes the following:

1. Location of emergency work site (S.R.is always required; Segment, Offset, house number, and/or distance from intersection should also be provided if possible).
2. Description of repair work, including the utility facility's permit subtype and use.
3. Current work status (pending or complete).
4. Road status during repair (e.g. Lane closure, shoulder closure, flaggers, etc.), if work status is 'pending.'
5. Date emergency work was completed, if work status is 'complete.'

If work status is identified as 'pending,' EPS will automatically notify critical personnel identified by each District—this can include first responders, Traffic Management Center (TMC) staff, county maintenance managers, and other contributors who can assist with emergency response. For this reason, and because preliminary application information can be inputted quickly and easily at all times, use of EPS when an emergency occurs is strongly recommended.

If EPS is not functional due to a software update or other outage, the emergency should be entered as soon as the system becomes available. For utilities without EPS access, the emergency should be called into the District on the next business day.

A Highway Occupancy Permit shall be applied for within 15 days of the emergency to confirm and set forth, in detail, any work performed in an emergency situation.

Only a copy of the utility's active Emergency Permit Certificate (or active Emergency Permit Card, see section 6.5) shall be accepted as legal authorization to perform work (requiring a Permit) prior to the issuance of the Permit.

All work performed under authority of an Emergency Permit Certificate shall conform to Regulation 459.

Service connections or disconnections or scheduled work are not emergency repairs (as defined) and therefore are not authorized under an Emergency Permit Certificate.

6.4 -- VIOLATION OF AN EMERGENCY PERMIT CERTIFICATE

If a utility owner violates any of the rules pertaining to Emergency Permit Certificate use, the following measures may be taken to correct the violation:

1. Issuance of a Citation (Form M-945 C).
2. Non-renewal of the Certificate.
3. Revocation of the Certificate.
4. Suspension of a blanket billing account.

Examples of a major Emergency Permitting violation include:

1. Failure to notify PennDOT of emergency work.
2. Failure to have a copy of the Emergency Permit Certificate at the work site.
3. Performing work other than emergency work.
4. Failure to apply for a Permit within 15 days after the preliminary emergency permit application is made.

In the event of repetitive violations by a utility, District staff may arrange a meeting with the utility management staff prior to renewing an Emergency Permit Certificate.

6.5 – EMERGENCY PERMIT CARD (EPC), FORM M-940

Until Chapter 459 is revised, PENNDOT will continue allowing the use of Emergency Permit Cards (EPC) by Utilities who are unwilling or unable to access EPS. For Utilities pursuing this option, the process will remain unchanged and is summarized here.

A utility owner may apply for Emergency Permit Cards (EPC -- Form M-940) by submitting an Application for Highway Occupancy Permit (Form M-945 A) to each District Permit Office in which the utility's facilities are located. The number of Emergency Permit Cards (EPCs) issued to each person will depend on their needs and personnel assigned to emergency repair operations. The EPC is valid for one year or 25 emergencies, whichever occurs first.

The EPC fee is \$5.00 per card for a corporate utility. A governmental utility is issued EPCs at no charge. EPCs cannot be charged to a utility's Permit Account Number (under current software).

The two parts of the EPC Form are distributed as follows:

1. Department Copy. -- Retain in the District Permit Office and file by name of utility owner, then Emergency Permit Card number.
2. Applicant Copy. -- Forward to utility owner where application originated.

When using an Emergency Permit Card, PennDOT must be promptly notified by using the telephone number provided on the Emergency Permit Card. Line items are to be completed on the card as indicated. In this case, the EPC serves as legal authorization to perform work prior to the issuance of the Permit.

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