



**DATE:** May 7, 2026

**SUBJECT:** HOP Application Review Policy and Process Updates

**TO:** District Executives

**FROM:** Kelly M. Barber, P.E., Chief Engineer  
Highway Administration

*Kelly M. Barber, P.E.*

This time and resource neutral Strike-off Letter revises PennDOT's application review procedures for highway occupancy permit (HOP) applications as described in Publication 282: Highway Occupancy Permit Operations Manual.

The purpose of the revisions is to implement the HOP review process defined in PennDOT's HOP ClearPath Pilot Program as the new review process for all HOP applications.

Changes include:

- An overview of the phased review structure splitting the HOP application review process into Phase 1 – TIA/TIS Mitigation Scope Review and Phase 2 – HOP Plan Review.
- A description of the Completeness Check process for all low, medium, high-volume driveway and local applications.
- A description of review cycles and timelines for each phase of review. Phase 1 provides a maximum of three (3) total review cycles. Phase 2 provides a maximum of three (3) total review cycles or an additional cycle if right-of-way is required.
- A detailed description of Phase 1 – TIA/TIS Mitigation Scope Review, which includes a new Mitigation Meetings process and potential outcomes.
- A detailed description of Phase 2 – HOP Plan Review, which includes a new Design Meeting process and potential outcomes.
- A detailed description of the Phase 2 Right-of-Way cycle, which is provided to submit final, recorded right-of-way forms and plans.
- Updates to the Collaboration Workshops description to describe where additional information can be found.

The revised/attached content is effective immediately upon the successful implementation of PennDOT's Electronic Permitting System (EPS) Release 56.0, scheduled May 5, 2026 and will be incorporated into the next update of Pub. 282.

- Publication 282, Chapter 3.1 – Application Review Policy
- Publication 282, Chapter 3.2 – HOP Application Processing Policy
- Publication 282, Chapter 3.3 – Preliminary Review of Applications by County Staff

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- Publication 282, Appendix C10 – HOP REVIEW PROCESS FLOW CHARTS
- Publication 282, Appendix C11 – ADMINISTRATIVELY COMPLETE CHECKLISTS

Should you have any questions, please contact Michael J. Dzurko, Manager, HOP Program at (717) 783-6080 or mdzurko@pa.gov.

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## CHAPTER 3 – APPLICATION REVIEW

### 3.1 – APPLICATION REVIEW POLICY

HOP applications for access to and occupancy of a highway, as defined in Chapters 441 and 459, by driveways, local roads or utilities, including required studies, plans, and other supporting documents are processed concurrently through PennDOT's Electronic Permitting System (EPS).

Applications for access to local roads not under PennDOT jurisdiction will be returned without action, with notice to the applicable municipality.

The Department will process HOP applications using a structured, phased review process consisting of defined review cycles, completeness checks (as applicable), and established timelines. This process is intended to provide predictability, promote timely decision making, and ensure early resolution of technical issues.

#### Phased Review Structure

The HOP application review process consists of the following phases, as applicable:

1. Phase 1 – TIA/TIS Mitigation Scope Review
2. Phase 2 – HOP Plan Review

Each phase is subject to a maximum number of review cycles and defined review timelines. Failure to achieve an acceptable submission within the prescribed cycles will result in denial of the application, per the application denial process identified in Chapter 3.4. Detailed flow charts outlining the review structure are included in Appendix C10.

#### Completeness Check

Completeness checks will be performed on all low, medium, high-volume driveway and local road applications prior to initiating technical review in each review cycle. District staff will conduct a completeness check to verify that all required components have been submitted. Completeness checks should confirm the correct documents for the appropriate Phase and Cycle are included in the submission. Technical review of the documents should not take place during the completeness check.

- Completeness checks shall be completed within five (5) business days after submission.
- Submissions determined to be incomplete shall be returned without technical review.
- Only submissions deemed complete shall advance to technical review.
- Applications returned for incompleteness do not constitute a technical review cycle.

Administratively complete checklists can be found on the EPS and HOP websites. Copies of the checklists are provided in Appendix C11.

## Review Cycles and Timelines

Each phase of review is limited to a maximum number of review cycles. For each cycle:

- Each PennDOT technical review shall be completed within thirty (30) business days. The five (5) business day review time for completeness checks is included within these thirty (30) business days. If the completeness check is not completed within the allotted timeframe, the application will automatically move into technical review.
- Applicant's will have sixty (60) business days to resubmit the application or request a sixty (60) business day extension through EPS. Otherwise, the application will be automatically withdrawn.
- PennDOT review time begins the first business day after the application is submitted in EPS.

EPS provides a table, tracking submission and PennDOT review progress for applications.

## Phase 1 – TIA/TIS Mitigation Scope Phase

When a Transportation Impact Study (TIS) or Transportation Impact Assessment (TIA) is required, Phase 1 shall establish the approved mitigation scope, concept plan, and design criteria for the proposed access and associated highway improvements.

Phase 1 Review Cycles:

- Phase 1 is limited to a maximum of three (3), thirty (30) business day, PennDOT review cycles for a total review time of ninety (90) business days.
- Each cycle includes a completeness check followed by technical review.
- NOTE: Where Phase 1 and Phase 2 are required, the District will not charge the applicant any permit fees when the total number of review days exceeds 180 business days (210 business days if ROW is required), per the PAYback Program.

Mitigation Meeting:

If technical issues remain, the District will offer a Mitigation Meeting after completing the Cycle 2 review to facilitate resolution. The purpose of this meeting is to resolve all outstanding issues and to reach agreement on mitigation scope, concept plan, and design criteria.

- District staff shall participate as appropriate to ensure final decisions will be made during the meeting.
- Municipal representatives should be invited to attend.

Outcomes:

- Agreement achieved: Phase 1 is approved and the application advances to Phase 2. Cycle 3

may be required to address any outstanding comments prior to advancing to Phase 2.

- Agreement not achieved: The application will be denied.

Where conditions or requirements have not changed, duplicate applications received within one year of being previously denied may be returned without action.

## Phase 2 – HOP Plans Phase

The Phase 2 application review phase consists of detailed HOP plans and other material as identified on the administrative checklists and prepared in accordance with the approved mitigation scope and design criteria established in Phase 1 as well as other HOP applications that did not require a Phase 1 submission (i.e. utilities, minimum use, miscellaneous) .

### Phase 2 Review Cycles:

- Phase 2 is limited to a maximum of three (3), thirty (30) business day, PennDOT review cycles for a total review time of ninety (90) business days. For applications that include deeding right-of-way (ROW) to the Department, an additional thirty (30) business day review cycle is provided for a total PennDOT review time of 120 business days.
- Each cycle includes a completeness check and technical review of submitted plans and documentation.
- NOTE: If the total number of review days in Phase 2 exceeds ninety (90) business days (120 business days if ROW is required) where only Phase 2 is required or 180 business days (210 business days if ROW is required) where Phase 1 and Phase 2 are required, the District will not charge the applicant any permit fees, per the PAYback Program.

### Design Meeting:

If unresolved issues remain, the District will offer a Design Meeting after completing the Cycle 2 review. The purpose of this Design Meeting is to resolve all remaining issues so an HOP can be issued.

- District staff shall participate as appropriate to ensure final decisions will be made during the meeting.
- Municipal representatives should be invited to attend.

### Outcomes:

- Agreement achieved: The application may advance toward permit issuance. Cycle 3 may be required to address any outstanding comments prior to permit issuance. If additional right-of-way is required, the application advances to the final ROW Cycle.
- Agreement not achieved: The application will be denied.

Where conditions or requirements have not changed, duplicate applications received within one year

of being previously denied may be returned without action.

ROW Cycle:

When additional right-of-way is required to support the proposed access:

- Applicants should submit ROW plans and materials starting in Phase 2, Cycle1, per the administratively complete checklists found on the EPS and HOP websites. Copies of the checklists are provided in Appendix C11.
- One additional review cycle will be included to provide final, recorded forms and plans.
- Completeness checks and technical review timelines apply.
- If sufficient ROW cannot be provided to PennDOT for mitigation required along the state road, the application will be denied.

### General Review Considerations

Applications that are complete and accurate will be thoroughly reviewed by required District staff reviewers before the application is approved, denied or returned to the Applicant for additional information, correction or amendment(s). Thorough reviews promote efficiency and reduce the application review cycles which occur if an application is returned before all reviewers review the package (e.g., additional amendments are often identified after the amended application is forwarded to the remaining reviewers if the remaining reviewers have not had an opportunity to review the current application package).

Every effort should be made to not add new comments during subsequent review cycles unless specifically pertaining to changes the applicant made to the application prior to resubmission, or due to comments a municipality or county have provided since the District's last review.

Every comment should include a specific reference to a section or sections of the applicable statute, regulation or policy that is prompting the comment. This way, the applicant will have a clear understanding that the issue commented on is compliant with the rules, regulations and/or policies of the Department, and will reduce confusion and the need to request further clarification.

If the applicant does require clarification of any comments made by the District, the District ~~will respond to the applicant in a timely manner.~~ offers Collaboration Workshop Meetings, which are held weekly on a first come, first served basis, for the applicant to get clarification from the District. The HOP Collaboration Workshop link in EPS will direct applicants to a PDF listing each District and their points of contact. The applicant should use this list to send the appropriate District an email request with the information required in the guidelines. This benefits all involved, as it can eliminate the need for additional review cycles, speed-up the permitting process and will allow the District to concentrate on other applications sooner. Additional information regarding the HOP Collaboration Workshop can be found on PennDOT's HOP and EPS websites and is provided in Appendix D5.

In some instances, it may be counterproductive for all reviewers to expend resources reviewing every submission if there are substantial initial comments significantly affecting the proposed design. Holding a project "scoping" meeting during the pre-application phase of the project and sharing

appropriate checklists can provide great benefit by reducing the likelihood of encountering significant element of design concerns during the application review process.

Certain types of HOP applications must be reviewed by Central Office. Within Central Office, the Bureau of Maintenance (BOM), the Bureau of Operations (BOO), the Bureau of Design & Delivery (BODD), the Bureau of Bridge (BOB), Structural Materials Division (SMD), and the Office of Chief Counsel (OCC) may be involved in the review process depending upon the nature of the review submission. FHWA staff must also review and approve: (1) all non- utility permanent occupancy applications involving limited access highways on the Interstate system; (2) any utility application involving a limited access highway that is not in accordance with Design Manual, Part 5; (3) any proposed longitudinal occupancy of a limited access highway; and (4) any access to/from a limited access highway on the Interstate system.

Necessary reviews by the FHWA are undertaken after the Central Office review so that FHWA staff reviewers are aware of PennDOT's comments or concurrence. Similarly, final drafting and approval of documents by OCC may need to occur after design features and other matters have been approved by other reviewers before any necessary agreement can be finalized.

### HOP Application Review

Generally, PennDOT's action on an HOP application is considered an exercise of the police power. A property owner with no existing permitted access purchases the property with no assurance access will be granted in the future. While a property owner has a constitutional right of reasonable access to the highway system, the type of access allowed must be consistent with regulations as well as the property's existing physical configuration and limitations. *Hardee's Food Systems v. Department of Transportation*, 434 A.2d 1209, 495 A.2d 514 (1981).

PennDOT's final decision on an application for an HOP is an adjudication, and consequently the applicant has the right to request an administrative hearing before PennDOT (2 Pa. C.S. Section 504, 67 Pa. Code, Chapter 491).

Other property owners may be affected by a pending HOP application, depending on the driveway's design or operational characteristics, and may have sufficient rights to institute a formal protest, complaint, intervention or other administrative action with PennDOT. Review the "Access Approval Procedures" in Subchapter 2.6 for more information.

## 3.2 – HOP APPLICATION PROCESSING POLICY

Following is PennDOT statewide policy for processing HOP and BOL applications in an equitable manner, consistent with law:

**General Rule: All HOP and BOL applications will be expeditiously reviewed on a first-come, first-served basis, except as noted below:**

### Exception 1: Public Emergency

Applicants requesting authorization to replace or repair a facility or structure or perform work requiring a permit or license because of a bona fide emergency or accident affecting the public safety or convenience should follow the Emergency Permit procedures as specified in 459.6. Prompt assistance will be provided consistent with 459.6. The follow-up HOP application will be processed – after the emergency – under the general rule above.

### Exception 2: Winter Heat Conversions

Applicants requesting a permit to make a conversion at their customer's request (e.g., to change heat or water heater type) during winter months to provide uninterrupted service, will be provided prompt assistance.

### Exception 3: Priority Utility Applications

Consistent with 459.3(d)(5), utility applications identified as priority by the applicant will be reviewed before other pending applications from the same applicant are reviewed. Other applications which have already been reviewed should not be delayed. Applications from other utility owners should not be delayed. If an applicant identifies all its applications as being "priority," that applicant's applications may then be processed in the same manner as they would be if none were marked "priority".

### Exception 4: Department Error

Applicants requesting replacement permits, licenses or supplements due to a confirmed PennDOT error will be provided prompt assistance.

### The Driveway Application 60-day Deemer

1. Applications for access to non-limited access highways, which are complete and correct, **must** will be processed by PennDOT staff within 60 calendar days after receipt **according to the Pennsylvania Municipalities Planning Code**.

County Office and on-site reviews should be completed within ten calendar days of receipt of an application. Each application review must be completed promptly. Applications for access which require review by Central Office will require additional processing time; schedule these applications accordingly. Each application review must be completed in its entirety based on the information provided, before being approved, denied or returned. A final decision must be made, in writing, on all driveway application submissions within 60 calendar days of receipt by PennDOT, as explained below.

2. Act 247 of 1968, 53 P.S. 10508(6) and Act 170 of 1976, 53 P.S. 4104, involve municipalities (except for Philadelphia and Pittsburgh) that have enacted a subdivision and land development ordinance or municipalities that have enacted an ordinance requiring a building permit. These Acts, as reenacted and amended by Acts 42 and 43 of 1986 require PennDOT within 60 calendar days of the date of receipt of a Driveway Application (Forms M-945A or M-950A) to do one of the following:
  - a. approve the permit,
  - b. deny the permit,
  - c. return the application for additional information or correction to conform with regulations, or
  - d. notify the municipality and applicant in writing that no permit is required.

If PennDOT fails to take any action within the 60-day period, the permit is deemed to be issued (in those municipalities that qualify under the legislation noted above).

The 60-day review period will begin to run on the date an application is received by the affected PennDOT Permit Office. This will be the date the application is marked as received by PennDOT personnel in the EPS. For paper submissions, the date of receipt will be documented on the application in the field titled "Department Use Only" each time the application is received by PennDOT. If PennDOT has to return the application for additional information or correction, the application return notification (via EPS-generated e-mail) will serve as documentation for acting on the application during the 60-day period. If the application is resubmitted, a new 60-day review period will commence.

These Acts further provide that the plat or building permit "contains a notice that a highway occupancy permit is required...before driveway access to a State highway is permitted." PennDOT issues permits consistent with its own regulations and is responsible for enforcement of these regulations only, regardless of the property owner's compliance with municipal requirements. Municipalities may include this statement even if no State highway abuts the property. The requirement that a plat or building permit be so marked ensures that a property owner receives notice of its legal obligation to obtain an HOP for access to a State highway. These Acts do not require that the property owner secure an access Permit before obtaining municipal approval, although some municipalities may impose this requirement by ordinance. This notice requirement does not modify existing laws or regulations with regard to delineating when an HOP is required.

Requirements for building permits vary among municipalities. If PennDOT were to require an HOP every time a property owner obtained a building permit, some property owners would need a new HOP for each home improvement which requires a building permit (e.g., placing new siding on a

house, converting a carport into a garage, building an addition on a house). Also, property owners would be subject to varying HOP requirements, based on their municipality's building permit ordinances.

These Acts afford PennDOT an opportunity to determine whether an HOP is required, due to a property owner's improvements having an adverse effect on a State highway. However, if the improvements do not affect any State highway, access or traffic, then PennDOT will not pursue the property owner to apply for a driveway permit.

Where a property that will be subdivided contains both existing and proposed driveways, the existing driveways will also be reviewed to bring them into regulatory conformity if necessary. Such review furthers the purposes of the Driveway regulations, which is to secure a safe and operationally sound State highway system. Exercise of the authority to require an Access Covenant under 441.6(16) is pointless unless both existing and proposed driveways are considered. Even if the existing driveways were previously permitted, this fact does not exempt them from PennDOT-mandated modification or elimination under 441.6(1)(ix).

### **3.3 – PRELIMINARY REVIEW OF APPLICATIONS BY COUNTY STAFF**

Initial on-site reviews. The County Permit Supervisor or staff is required to field view the proposed work site as part of the initial application review. A thorough initial on-site review is essential, for the following reasons:

1. To verify applications and plans are factually complete and accurate (e.g., an application should depict actual site conditions), application returns, and comments should be drafted to encourage complete and correct application on subsequent submissions(s).
2. To verify up-front that the application package is in full compliance with applicable laws and regulations, policies and standards.
3. To identify issues up-front, so there is adequate time to address.

If the application and plans are complete and accurate, the County Permit Supervisor or staff will forward the application package to the District Permit Office for additional review and processing.

If the application and plans are not complete and accurate, the entire package should be returned to the applicant using the appropriate application return letter through EPS identifying all known additions or corrections to be made by the applicant so the application will not have to be returned a second time for incompleteness or correction of obvious deficiencies or errors.

If an application is returned twice for additional information and the same requested information still is not provided without justification, the District may deny the application and retain the application fee consistent with Chapter 9 (**Application Review / Permit Inspection Costs; Form M-371A and Delinquent Invoice Procedures**). See ~~“Form Letters” Folder (posted in the PennDOT “permits shared” folder).~~

Where conditions or requirements have not changed, duplicate applications received within one year of being previously denied may be returned without action.

## **APPENDIX "C" SERIES - OTHER HOP REFERENCE MATERIALS**

**APPENDIX C1 - HOP PROJECT APPLICATION CHECKLIST**

**APPENDIX C2 - GENERAL PERMIT NOTES**

**APPENDIX C3 - OUTLINE OF RIGHT-OF-WAY ACQUISITION PROCEDURES FOR HIGHWAY OCCUPANCY PERMITS**

**APPENDIX C4 - MINIMUM USE DRIVEWAY DESIGN FOR UNCONVENTIONAL GAS DRILLING AND HYDROFRACKING WELL SITES**

**APPENDIX C5 - SAMPLE ACORD FORM WITH INSTRUCTIONS**

**APPENDIX C6 - SIGNATURE AUTHORITY GUIDE (RIGHT-OF-WAY MANUAL, APPENDIX F)**

**APPENDIX C7 – PRE-CONSTRUCTION CHECKLIST**

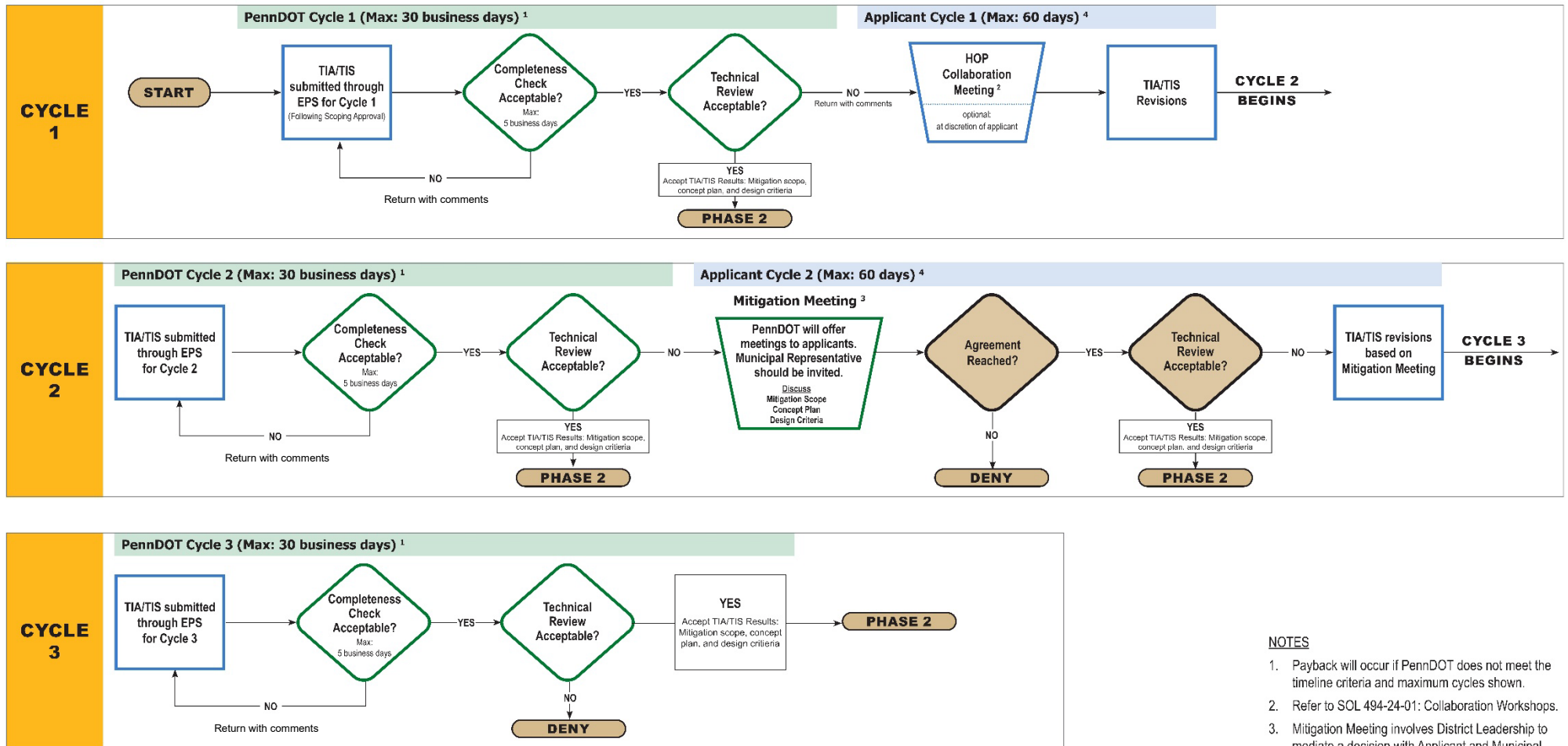
**APPENDIX C8 - HIGHWAY RESTORATION FIGURES**

**APPENDIX C9 - SAMPLE CONSTRUCTION PLANS**

**APPENDIX C10 - HOP PROCESS FLOW CHARTS**

**APPENDIX C11 - ADMINISTRATIVELY COMPLETE CHECKLISTS**

### PENNDOT HOP REVIEW PROCESS PHASE 1: TIA/TIS MITIGATION SCOPE PHASE

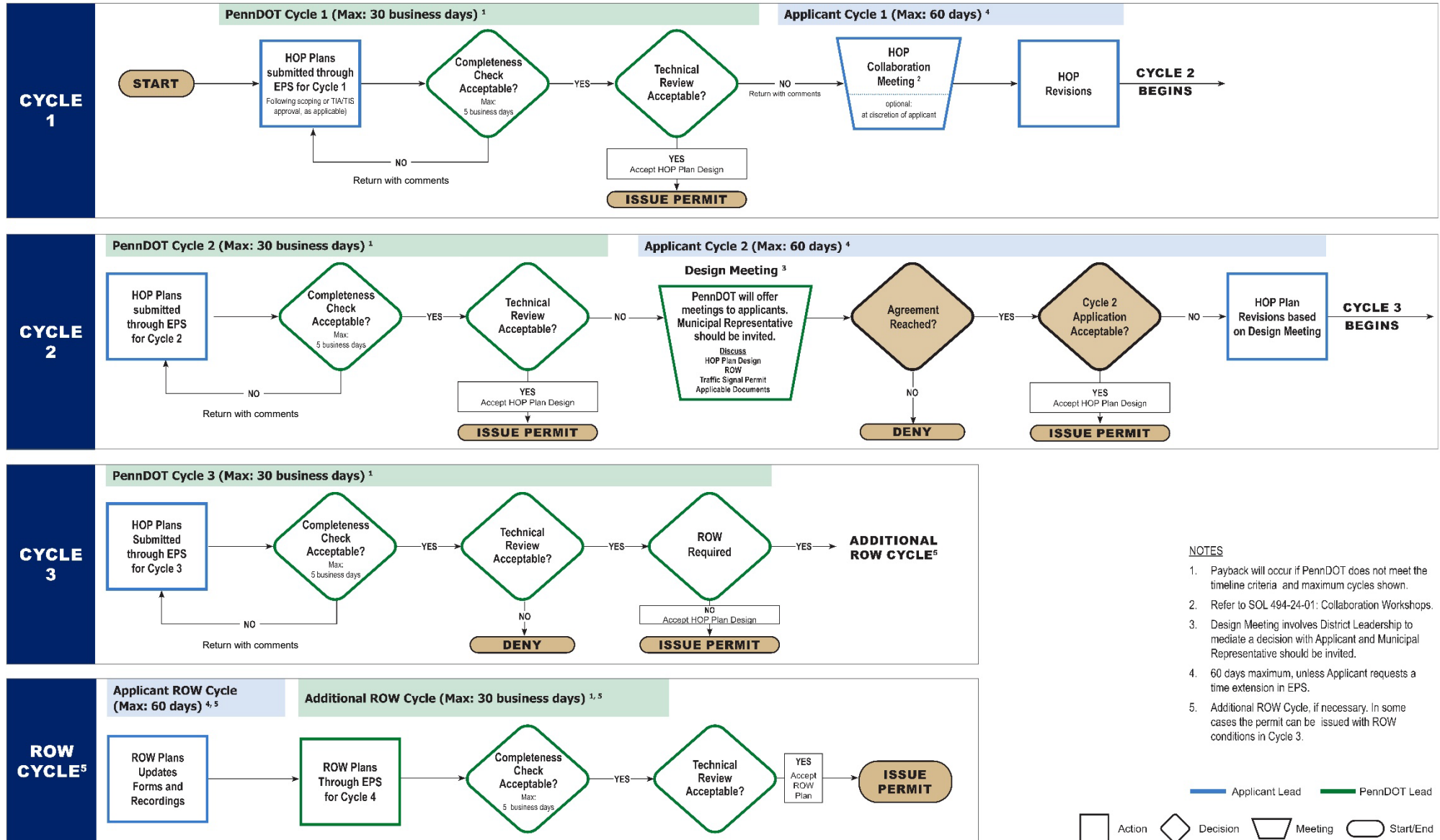


#### NOTES

1. Payback will occur if PennDOT does not meet the timeline criteria and maximum cycles shown.
2. Refer to SOL 494-24-01: Collaboration Workshops.
3. Mitigation Meeting involves District Leadership to mediate a decision with Applicant and Municipal Representative should be invited
4. 60 days maximum, unless Applicant requests a time extension in EPS.



### PENNDOT HOP REVIEW PROCESS PHASE 2: HOP PLANS PHASE



## Administratively Complete Checklists

Applicants should complete the appropriate administratively complete checklist corresponding to the Phase and Cycle for each submission:

### Phase 1:

- [Phase 1, Cycle 1 Checklist](#)
- [Phase 1, Cycle 2 or 3 Checklist](#)

### Phase 2:

- [Phase 2, Cycle 1 Checklist](#)
- [Phase 2, Cycle 2 Checklist](#)
- [Phase 2, Cycle 3 Checklist](#)
- [Phase 2, ROW Checklist](#)