



## Upcoming HOP Policy Changes

by Robert W. Gundlach, Jr.

Pennsylvania's Department of Transportation will be revising many of its guidance policies governing the issuance of Highway Occupancy Permits (HOP) under Chapter 441. Depending on the particular policy, the anticipated roll out will occur between September 2008 and mid-2009. In advance of the policy documents, the Department has published a new planning and design document entitled, "Smart Transportation Guidebook," available at [www.smart-transportation.com](http://www.smart-transportation.com).

Some key changes planned by the Department include:

1. **Security:** The Department envisions utilizing Letters of Credit over bonding as the primary mechanism to secure that required roadway improvements are completed.
2. **Transportation Impact Study (TIS):** The Department will limit review times for TIS's to between 45 and 60 days. Additionally, the Department will make allowance for specialized trip generation studies – for example, senior housing – and standardize them statewide as appropriate. TISs will need to include non-vehicular mitigation including bicycle, pedestrian and ADA.
3. **Indemnifications:** Waiver-specific indemnifications will be required for (1) impacts to other properties, (2) LOS/Design Waivers and (3) Drainage Releases. The Department is considering personal guarantees/covenants running with the land. However, the Department recognizes that issues will exist, particularly with home building, and that it may need to distinguish between commercial and residential properties. Such issues include concerns when the property is ultimately transferred to a HOA/municipality.
4. **Expedited Reviews:** The Department will offer to those applicants willing to pay a premium a "priority" review to reduce approval delays.

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