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*Agency of Transportation*

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To: House Transportation Committee

From: Michele Boomhower, Division Director

Date: May 19, 2020

Re: Permit Fees: Section 1111 Highway Access; COVID-19 Impacts

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Highlighted sections update the April 15, 2020 Memo provided to the Committee.

The Agency has identified that delays caused by COVID-19 could result in requests to extend the end date of existing Section 1111 highway access permits. A time extension request for these permits is treated like a new application under Statute, so a fee is required (existing statute below requires fees for “any” permit application). We are also expecting that some restaurants, bars, and retail businesses may wish to use a portion of the state highway ROW to serve customers to meet COVID-19 social distancing and occupancy requirements assuming safety and other requirements can be addressed. Under normal circumstances, a permit fee would be required. During the COVID-19 pandemic, the Agency wants to support the ability of small businesses to recover and therefore needs the authority to waive the permit fee. There may be other unforeseen situations where waiving the permit fee will provide relief and support the recovery as well.

The Agency would like to include the following language in the “Must Pass” T Bill:

The Secretary is authorized to waive application fees as required in 19 V.S.A. § 1112 for any reason associated with the response and recovery to the COVID-19 pandemic. time extensions of permits issued pursuant to 19 VSA § 1111 if the need for the time extension is related to delays caused by the Executive Order 1-20 declaring a State of Emergency in Vermont in response to the COVID-19 pandemic and related addenda and directives.

19 V.S.A. § 1112. Definitions; fees

(a) As used in this section:

(1) "Major commercial development" means a commercial development for which the Agency requires the applicant to submit a traffic impact study in support of its application under section 1111 of this title.

(2) "Minor commercial development" means a commercial development for which the Agency does not require the applicant to submit a traffic impact study in support of its application under section 1111 of this title.

(3) "Residential or agricultural purposes" means accesses serving a single-family home, a duplex residence, or logging or field accesses for agricultural uses only.

(b) The Secretary shall collect the following fees for each application for the following types of permits or permit amendments issued pursuant to section 1111 of this title:

(1) residential or agricultural purposes: \$0.00

(2) utility installations, including each direct connection to the State highway stormwater system: \$100.00

(3) minor commercial development: \$250.00

(4) major commercial development: \$2,500.00

(5) annual blanket permits for routine inspection and maintenance of existing utility installations within State highways: \$500.00 (Added 2015, No. 159 (Adj. Sess.), § 57.)

(6) The Secretary is authorized to waive application fees as required in 19 V.S.A. § 1112 for time extensions of permits issued pursuant to 19 VSA § 1111 if the need for the time extension is related to delays caused by the Executive Order 1-20 declaring a State of Emergency in Vermont in response to the COVID-19 pandemic and related addenda and directives.