

Proposed Language from the Transportation Bill (DR 21-0655 – draft 1.4, page 6):

Sec. 6. 19 V.S.A. § 1112(b) is amended to read:

(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:

* * *

(6) permit amendments: \$0.00.

Section 1111 Permit (19 V.S.A. § 1111):

(a)(1) Permits must be obtained by anyone or any corporation wishing to use as described in this section any part of the highway right-of-way on either the State or town system. . . .

* * *

(b) . . . It shall be unlawful to develop, construct, regrade, or resurface any driveway, entrance, or approach, or build a fence or building, or deposit material of any kind within, or to in any way affect the grade of a highway right-of-way, or obstruct a ditch, culvert, or drainage course that drains a highway, or fill or grade the land adjacent to a highway so as to divert the flow of water onto the highway right-of-way, without a written permit from the Agency, in the case of State highways, or the legislative body, or designee of a municipality, in the case of town highways. . . .

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(c)(1) . . . It shall be unlawful to dig up or excavate a trench in a public highway for the purpose of installing pipes or wires without a written permit from the Agency in the case of State highways and the selectboard for town highways. . . .

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(d) . . . The Agency may issue permits allowing the use of highway rights-of-way for private sewer or water lines if, following notice and hearing, the Board certifies to the Agency that the requested use will serve the needs of the public. . . .

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Section 1111 Permit Fees (19 V.S.A. § 1112(b)):

(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

Permit Information from the Agency of Transportation:

- [State Highway Access and Work Permits](#);
- [Frequently Asked Questions](#); and
- [Application and Fee Schedule](#) (Includes definitions of the types of development and standard permit conditions and states that: “Permit revisions and time completions are **not** exempt from fees.”).

Temporary Section 1111 Permit Fee Waiver (2020 Acts and Resolves No. 121, Sec. 20):

Sec. 20. AUTHORITY TO WAIVE RIGHT-OF-WAY PERMIT FEES

(a) Notwithstanding 19 V.S.A. §1112(b), the Secretary is authorized to waive fees associated with permits or permit amendments issued pursuant to 19 V.S.A. §1111 for any reason associated with the response and recovery to the COVID-19 pandemic.

(b) Subsection (a) of this section shall continue in effect until six months after the conclusion of a state of emergency declared under 20 V.S.A. chapter1 due to COVID-19.

Fiscal Note on DR 21-0655 v. 1.4 (T. Bill) (includes fees collected for Section 1111 permit amendments from the three pre-pandemic fiscal years)