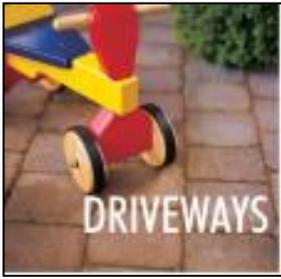

Driveway Permits



Driveways allow access to the public way. RSA 236:13 provides that municipalities may control the connection of private roads and driveways to local highways. Also, all private driveway

connections, including structures like culverts, remain the continuing responsibility of the landowner—even if located within the right of way. It is irrelevant if a driveway connection pre-dates the town's permit system. If any driveway connection threatens the integrity of the highway due to plugged culverts, erosion, siltation, etc. the planning board or its designee, can require the owner to repair it. If the owner refuses, then the town may perform the work and then assess the cost to the owner.

Driveway “permits are for the drivers’ safety and the owner of the driveways safety. Every driveway is a point of possible conflict between vehicles. Permits allow the municipality the opportunity to work with the owner to eliminate potential drainage issues. They are a useful process for municipalities to control driveway access to the roads,” says Greg Placy, engineer in N.H. Department of Transportation’s (NHDOT) District One. Placy advises reviewing sight distance when issuing driveway permits. Sight distance is the length of the roadway that a driver can see ahead (see page 8 of the Summer 2005 issue of *Road Business*).

To allow for sight distance issues, the NHDOT driveway policy states that there will no more than two driveways, entrances, exits, or approaches from any one highway to any parcel of land unless the frontage along the highway exceeds 500 feet.

Driveway construction may affect the structural integrity and safety of the road or street. This may result in increased maintenance costs or liability for municipalities. A driveway permit allows municipalities to:

- Provide for maximum safety for the public while minimizing conflict points,

- Monitor the design and construction of driveways,
- Enforce minimum distances between driveways, and
- Maintain highway right-of-way drainage.

Local Government Suggestions

Reasonable regulations ensure driveways are as safe as possible. Adequate staffing is necessary to process permits. To handle permitting questions, provide staff with consistent training.

For local agencies creating a new or revamping an old driveway permit, the following advice comes from the National Cooperative Highway Research Program Project 304 on Driveway Regulations. It states that policies should:

- Be consistent, fair, and flexible,
- Contain language that is easy to understand,
- Provide effective literature,
- Should not assume that the applicant understands the regulations and specifications, and
- Provide a thorough explanation of basis for decision when a permit is denied.
- Changes in use, i.e. residential to commercial or vice versa should require a new driveway permit with a review to determine if it meets current criteria.

Driveway permit enforcement is more effective when it is part of the development code rather than a street code. Land development codes provide for access review with each change of the site. With street codes, an established driveway tends to be forever. Therefore, it is not advisable to use the driveway permit to regulate development when development code is available.

Sources:

Gesford, Alan, *The Driveway Dilemma*, LTAP Technical Information Sheet, Pennsylvania Local Roads Program, #74, Summer 1998

[Hard Road to Travel](#), Local Government Center, 2004

[NCHRP 304 Driveway Regulation Practices](#), Transportation Research Board, Washington DC, 2002, 2002

[NHDOT Driveway Policy](#)

<http://www.nh.gov/dot/highwaymaintenance/pdf/DriveWayPolicy.pdf>