

SB 153-FN - AS AMENDED BY THE HOUSE

03/13/2025 0759s
8May2025... 1876h

2025 SESSION

25-1051
11/08

SENATE BILL

153-FN

AN ACT relative to expedited driveway permitting of major entrances for residential use of 20 units or greater and the time frame for approval or denial of permit applications.

SPONSORS: Sen. McConkey, Dist 3; Sen. Avar, Dist 12; Rep. Milz, Rock. 13; Rep. R. Brown, Carr. 3; Rep. Alexander Jr., Hills. 29

COMMITTEE: Transportation

AMENDED ANALYSIS

This bill requires the commissioner of transportation to approve or deny permit applications for a driveway or public access to a way within 60 days of receipt of application and creates an expedited driveway permit for major entrances for parcels of land for residential use of 20 units or greater.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to expedited driveway permitting of major entrances for residential use of 20 units or greater and the time frame for approval or denial of permit applications.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Issuance or Denial of Permit for Access to Public Way; Time Frame. Amend RSA 236:13, IV-a
2 to read as follows:

3 IV-a. For any existing or proposed residential use of land, including multifamily
4 development that is not classified as a major driveway under the department's policy relating to
5 driveways and access to the state highway system, the department shall issue **or deny** the permit
6 described in paragraph II within 60 days of receiving a completed application.

7 2 New Paragraph; Expedited Permitting. Amend RSA 236:13 by inserting after paragraph IV-a
8 the following new paragraph:

9 IV-b. For expedited permitting of major entrances for residential use of 20 units or greater:

10 (a) The commissioner of the department of transportation shall revise the department's
11 policy for the permitting of driveways and other access to the state highway system to implement an
12 optional program for the expedited permitting of major entrances for residential use of 20 units or
13 greater, within 60 business days of approval of the traffic impact study.

14 (b) An applicant electing to use the expedited permitting process under this paragraph
15 shall pay a \$120 per unit non-refundable permit fee.

16 (c) The commissioner of the department of transportation, with approval of the governor
17 and council, may adjust the fee in subparagraph (b).

18 (d) In addition to the permit fee in subparagraph (b), the applicant shall pay a retainer
19 as formulated in the department's policy relating to the permitting of driveways and other access to
20 the state highway system, for reasonable expenses incurred by the department for third party
21 professional engineer review and consultation during the expedited permitting process. All third-
22 party review fees shall be tracked and a copy provided to the applicant. All unused retainages shall
23 be refunded to the applicant within 120 days of the issuance of the permit.

24 3 Position Established. There shall be a classified position of business operations specialist
25 established within the department of transportation, compensated under SOC 13, Broad Group 13-
26 1190, Pay Band 6, for the purpose of administering the expedited permitting of major entrances
27 under RSA 236:13, IV-b.

28 4 Effective Date. This act shall take effect 90 days after its passage.

SB 153-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2025-0759s)

AN ACT relative to expedited driveway permitting of major entrances for residential use of 20 units or greater.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Revenue Fund(s)</i>	Highway Fund			
Expenditures*	\$0	\$480,000	\$110,000	\$114,000
<i>Funding Source(s)</i>	Highway Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

The Department of Transportation states this bill will require the Department to implement an optional expedited review program to process, review and approve or deny any application for the proposed residential use of land of 20 units or greater that is classified as a major traffic generator and/or major entrance within 60 business days of approval of the traffic impact study. The bill also specifies that the Department shall revise the driveway policy to create an expedited process for review of major residential entrances; enables collection of fees to support the program and a third-party consultant to review the traffic study; design plans and construction plans; and establishes a classified position to administer the program. The Department provided the following information on driveway permit applications:

- The Department receives approximately 1,500 driveway permit applications annually. Approximately 750 applications of these applications have a residential component, of which 50 are estimated to be residential major drives or major traffic generators.

- The permitting process requires supporting documentation including the deed history dating from 1971 for the Lot of Record, a scoping meeting to define the requirements of a traffic impact study, drainage, studies to determine storm drainage patterns; storm water treatment and detention pond requirements.
- Most major traffic generators will need to mitigate the impact from increased traffic resulting from their development by undertaking roadway improvements to the highway system.
- Typically there are numerous plan submittals, meetings and other communications between the Department and the developer's consultant engineer before a complete set of construction plans is approved.
- The time required to issue a permit is based on the date the application is considered to be complete, not the date the application is initially submitted. The timespan between date of application and date a permit is issued can be lengthy and is largely controlled by the applicant.
- This bill would require an additional staff member with the expertise and experience to coordinate with the applicant's design engineer and appropriate DOT field staff for on-site highway plan reviews, traffic study analysis, traffic engineering of design plans, compliance with the statute, and adherence to deadline requirements. The estimated cost of this new position, which is authorized by the bill, is \$80,000 in FY 2026, \$110,000 in FY 2027 and \$114,000. (Effective date: 90 days after passage)
- A \$120 per-unit fee paid by the applicant would be used to support the position and associated costs including maintenance of the permitting portal software.
- The software would need initial revisions to include an optional expedited review section. Estimated cost for this is approximately \$400,000.
- In addition, the applicant would pay for a third-party consultant's expedited review of the traffic study and design plans.

The Department indicates the number of major residential driveway permit applications and the number of residential units per applications requesting expedited processing is indeterminable at this time. The Department estimates the breakeven point to minimally be 30 expedited review applications with an average number of 55 units per application.

In addition, the Department notes that RSA 236:13 V states, *"The same powers concerning highways under their jurisdiction as are conferred upon the commissioner of transportation by paragraphs I, II, III, and IV shall be conferred upon the planning board or governing body in cities and towns in which the planning board or governing body has been granted the power to regulate the grading and improvement of streets within a subdivision as provided in RSA 674:35, and they shall adopt such regulations as are necessary to carry out the provisions of this section..."* As such, there will be fiscal impacts of varying degrees upon local governments depending on a number of factors including number and expertise of staff, volume of driveway permit applications received, size and scope of developments, suitability of local roads for increased traffic impacts, and local planning and zoning regulations. It is not possible to

determine the cost of these likely local impacts. Municipalities may find it difficult to navigate the planning process within the specified deadlines for anything larger than a single-family residence if their zoning and site plan review process takes place within the driveway permit application review process.

AGENCIES CONTACTED:

Department of Transportation