Commonwealth of Virginia

Virginia Department of Transportation

LAND USE PERMIT REGULATIONS GUIDANCE MANUAL

March 17, 2010

Rev: May 1, 2011

CHAPTER 151
LAND USE PERMIT REGULATIONS

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Part I
Definitions

24VAC30-151-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context indicates otherwise:

"Backfill" means replacement of suitable material compacted as specified around and over a pipe, conduit, casing, or gallery.

"Boring" means a method of installation that is done underground and by which a carrier or casing is jacked through an oversize bore. The bore is carved progressively ahead of the leading edge of the advancing pipe as soil is forced back through the pipe. Directional drilling, coring, jacking, etc., are also considered boring.

"Carrier" means a pipe directly enclosing a transmitted liquid or gas.

"Casing" means a larger pipe enclosing a carrier.

"Central Office Permit Manager" means the VDOT employee assigned to provide management, oversight, and technical support for the state-wide land use permit program.

"Clear zone" means the total border area of a roadway, including, if any, parking lanes or planting strips, that is sufficiently wide for an errant vehicle to avoid a serious accident. Details on the clear zone are in VDOT's Road Design Manual (see 24VAC30-151-760).

"Code of Federal Regulations" or "CFR" means the regulations promulgated by the administrative and regulatory agencies of the federal government.

"Commercial entrance" means any entrance serving land uses other than two or fewer individual private residences, agricultural operations to obtain access to fields, or civil and communication infrastructure facilities that generate 10 or fewer trips per day such as cell towers, pump stations, and stormwater management basins. (See "private entrance.")

"Commonwealth" means the Commonwealth of Virginia.

"Commonwealth Transportation Commissioner" means the individual serving as the chief executive officer of the Virginia Department of Transportation or a designee.

"Conduit" means an enclosed tubular runway for carrying wires, cable or fiber optics.

"Cover" means the depth of the top of a pipe, conduit, or casing below the grade of the roadway, ditch, or natural ground.

"Crossing" means any utility facility that is installed across the roadway, either perpendicular to the longitudinal axis of the roadways or at a skew of no less than 60 degrees to the roadway centerline.

"District administrator" means the VDOT employee assigned the overall supervision of the departmental operations in one of the Commonwealth's nine construction districts.

"District administrator's designee" means the VDOT employee assigned to supervise land use permit activities by the district administrator.

"District roadside manager" means the VDOT employee assigned to provide management, oversight and technical support for district-wide vegetation program activities.

"Drain" means an appurtenance to discharge liquid contaminants from casings.

"Encasement" means a structural element surrounding a pipe.

"Erosion and sediment control" means the control of soil erosion or the transport of sediments caused by the natural forces of wind or water.

"Grounded" means connected to earth or to some extended conducting body that serves instead of the earth, whether the connection is intentional or accidental.

"Highway," "street," or "road" means a public way for purposes of vehicular travel, including the entire area within the right-of-way.

"Limited access highway" means a highway especially designed for through traffic over which abutters have no easement or right of light, air, or access by reason of the fact that their property abuts upon such limited access highway.

"Longitudinal installations" means any utility facility that is installed parallel to the centerline of the roadway or at a skew of less than 60 degrees to the roadway centerline.

"Manhole" means an opening in an underground system that workers or others may enter for the purpose of making installations, inspections, repairs, connections and tests.

"Median" means the portion of a divided highway that separates opposing traffic flows.

"Non-betterment cost" means the cost to relocate an existing facility as is with no improvements.

"Permit" means a document that sets the conditions under which VDOT allows its right-of-way to be used or changed.

"Permittee" means the person or persons, firm, corporation or government entity that has been issued a land use permit.

"Pipe" means a tubular product or hollow cylinder made for conveying materials.

"Pole line" means poles or a series or line of supporting structures such as towers, cross arms, guys, racks (conductors), ground wires, insulators and other materials assembled and in place for the purpose of transmitting or distributing electric power or communication, signaling and control. It includes appurtenances such as transformers, fuses, switches, grounds, regulators, instrument transformers, meters, equipment platforms and other devices supported by poles.

"Power line" means a line for electric power or communication services.

"Pressure" means relative internal pressure in pounds per square inch gauge (psig).

"Private entrance" means an entrance that serves up to two private residences and is used for the exclusive benefit of the occupants or an entrance that allows agricultural operations to obtain access to fields or an entrance to civil and communication infrastructure facilities that generate 10 or fewer trips per day such as cell towers, pump stations, and stormwater management basins.

"Professional engineer" means a person who is qualified to practice engineering by reason of his special knowledge and use of mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and experience, and whose competence has been attested by the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects through licensure as a professional engineer.

"Relocate" means to move or reestablish existing facilities.

"Right-of-way" means that property within the system of state highways that is open or may be opened for public travel or use or both in the Commonwealth. This definition includes those public rights-of-way in which the Commonwealth has a prescriptive easement for maintenance and public travel. The property includes the travel way and associated boundary lines, parking and recreation areas and other permanent easements for a specific purpose.

"Roadside" means the area adjoining the outer edge of the roadway. The median of a divided highway may also be considered a "roadside."

"Roadway" means the portion of a highway, including shoulders, for vehicular use. A divided highway has two or more roadways.

"Service connections" means any utility facility installed overhead or underground between a distribution main, pipelines, or other sources of supply and the premises of the individual customer.

"Site plan" means the engineered or surveyed drawings depicting proposed development of land.

"Storm sewer" means the system containing and conveying roadway drainage.

"Stormwater management" means the engineering practices and principles used to intercept stormwater runoff, remove pollutants and slowly release the runoff into natural channels to prevent downstream flooding.

"Structure" means that portion of the transportation facility that spans space, supports the roadway, or retains soil. This definition includes, but is not limited to, bridges, tunnels, drainage structures, retaining walls, sound walls, signs, traffic signals, etc.

"System of state highways" means all highways and roads under the ownership, control, or jurisdiction of VDOT, including but not limited to, the primary, secondary and interstate systems.

"Telecommunication service" means the offering of telecommunications for a fee directly to the public or to privately, investor- or cooperatively owned entities.

"Transportation project" means a public project in development or under construction to provide a new transportation facility or to improve or maintain the existing system of state highways.

"Traveled way" means the portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

"Trenched" means installed in a narrow, open excavation.

"Underground utility facilities" means any item of public or private property placed below ground or submerged for use by the utility.

"Utility" means a privately, publicly or cooperatively owned line, facility, or system for producing, transmitting, or distributing telecommunications, cable television, electricity, gas, oil, petroleum products, water, steam, storm water not connected with highway drainage, or any other similar commodity, including any fire or police signal system.

"VDOT" means the Virginia Department of Transportation or the Commonwealth Transportation Commissioner.

"Vent" means an appurtenance to discharge gaseous contaminants from a casing or carrier pipe.

"Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Part II
Authority

24VAC30-151-20. Authority.

The General Rules and Regulations of the Commonwealth Transportation Board (see 24VAC30-151-760) are adopted pursuant to the authority of § 33.1-12 of the Code of Virginia, and in accordance with the Virginia Administrative Process Act (Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia). These rules and regulations provide that no work of any nature shall be performed on any real property under the ownership, control, or jurisdiction of VDOT until written permission has been obtained from VDOT. Real property includes, but is not limited to, the right-of-way of any highway in the state highways system. Written permission is granted either by permit or a state-authorized contract let by VDOT.

By issuing a permit, VDOT is giving permission only for whatever rights it has in the right-of-way; the permittee is responsible for obtaining permission from others who may also have an interest in the property. Employees of VDOT are authorized to issue permits as described in this chapter. This chapter prescribes the specific requirements of such permits.

24VAC30-151-30. Permits and agreements.

A. The following shall apply to all authorized use or occupancy of the right-of-way:

1. A permit is required for any type of utility activity occurring within the right-of-way.

2. A permit is required to install any entrance onto a state highway.

3. A permit is required to perform surveying operations within the right-of-way.

4. A permit is required for any agricultural and commercial use and occupancy of the right-of-way.

5. A permit is required for any miscellaneous activity or use of the right-of-way except for mailboxes and newspaper boxes (see 24VAC30-151-560) and public service signs (see 24VAC30-151-570).

B. Single use permits. A single use permit allows the permittee to perform any approved activities not covered by a district-wide permit held by the permittee within limited access and non-limited access rights-of-way at a specific location. The district administrator's designee shall be responsible for the issuance of all single use permits, except that those requests for tree trimming and tree removal may be issued by the district roadside manager in consultation with the district administrator's designee. The size of the specific location covered by a single use permit shall be at the discretion of the district administrator's designee and may cover work up to two miles along the right-of-way (see 24VAC30-151-40). The land use permit issued for the original installation allows the permittee to repair or perform routine maintenance operations to existing facilities. A single use permit shall be required when the following actions are proposed, even if the activities being conducted are normally allowed under a district-wide permit:

1. Stopping or impeding highway travel in excess of 15 minutes or implementing traffic control that varies from the standard, or any combination of these, as outlined in the Virginia Work Area Protection Manual (see 24VAC30-151-760).

2. Performing work within limited access right-of-way.

3. Trimming or cutting any trees located within the right-of-way.

4. Applying any pesticide or landscaping within the right-of-way.

5. Construction of a permanent entrance to a state highway.

C. District-wide permits. A district-wide permit allows the permittee to perform multiple occurrences of certain activities on non-limited access right-of-way without obtaining a single use permit for each occurrence. The central office permit manager shall be responsible for the issuance of all district-wide permits. VDOT may authorize district-wide permits covering multiple districts (see 24VAC30-151-710). The following is a list of acceptable activities under the jurisdiction of district-wide permits:

1. Utilities.

a. District-wide permits may be issued granting cities, towns, counties, public agencies, or utility companies the authority to install and maintain service connections to their existing main line facilities. Work under a district-wide permit will allow the permittee to install a service connection across a non-limited access primary or secondary highway above or below ground, provided the installation can be made from the side of the roadway without impeding travel for more than 15 minutes to pull or drop a service line across a highway, and provided no part of the roadway pavement, shoulders and ditch lines will be disturbed.

The installation of parallel utility service connections, not to exceed 500 feet in length, shall be placed along the outer edge of the right-of-way with a minimum of 36 inches of cover. Telecommunications and cable television service connections may be placed with a minimum of 18 inches of cover; however the permittee assumes full responsibility for any and all damages caused by VDOT or VDOT contractors resulting from a service connection buried with less than 30 inches of cover within the right-of-way. A district-wide permit allows for the overlashing of telecommunication lines onto existing lines or strand.

b. A separate single use permit will be required when the following activities associated with the installation and maintenance of utility service connections are proposed:

(1) Cutting highway pavement or shoulders, or both, to locate underground utilities.

(2) Working within the highway travel lane on a nonemergency basis.

(3) Constructing a permanent entrance.

(4) Installing electrical lines that exceed 34.5 KV.

(5) Installing telecommunication services that exceed 100 pair copper cable or the fiber optic cable diameter equivalent.

(6) Installing new pole, anchors, parallel lines, or casing pipe extensions to existing utilities where such installation necessitates disturbance to the pavement, shoulder, or ditch line.

(7) Installing underground telephone, power, cable television, water, sewer, gas, or other service connections or laterals where the roadway or ditch lines are to be disturbed.

c. The installation of parallel utility service connections, not to exceed 500 feet in length, shall be placed along the outer edge of the right-of-way with a minimum of 36 inches of cover. Telecommunications and cable television service connections may be placed with a minimum of 18 inches of cover; however the permittee assumes full responsibility for any and all damages caused by VDOT or VDOT contractors resulting from a service connection buried with less than 30 inches of cover within the right-of-way.

d. A district-wide permit allowing the installation and maintenance of utility service connections may be revoked for a minimum of 30 calendar days upon written finding that the permittee violated the terms of the permit or any of the requirements of this chapter, including but not limited to any, all, or a combination of the following:

(1) The permittee shall implement all necessary traffic control in accordance with the Virginia Work Area Protection Manual (see 24VAC30-151-760). When warranted, the appropriate Regional Traffic Engineer should be consulted to select or tailor the proper traffic control devices. Each flag-person must be certified by VDOT and carry a certification card when flagging traffic and have it readily available for inspection when requested by authorized personnel.

(2) The permittee shall not perform any activity under the jurisdiction of a districtwide permit that requires the issuance of a single use permit.

e. The permittee must obtain single use permits from the district administrator's designee to continue the installation and maintenance of utility service connections during this revocation period.

2. Temporary logging entrances.

a. District-wide permits may be issued for the installation, maintenance, and removal of temporary entrances onto non-limited access primary and secondary highways for the purpose of harvesting timber.

b. A separate single use permit is required when the following activities associated with timber harvesting operations are proposed:

(1) Installing a permanent entrance.

(2) Making permanent upgrades to an existing entrance. Improvements to existing entrances that are not permanent upgrades will not require a separate single use permit.

(3) Cutting pavement.

(4) Grading within the right-of-way beyond the immediate area of the temporary entrance.

c. A logging entrance permit may be revoked for a minimum of 30 calendar days upon written finding that the permittee violated the terms of the permit or any of the requirements of this chapter, including but not limited to any, all, or a combination of the following:

(1) The permittee shall implement all necessary traffic control in accordance with the Virginia Work Area Protection Manual (see 24VAC30-151-760). When warranted, the appropriate district traffic engineer should be consulted to select or tailor the proper traffic control measures. Each flag-person must be certified by VDOT and carry a certification card and have it available for inspection upon request by authorized VDOT personnel.

(2) The permittee shall contact the appropriate district administrator's designee prior to installing a new logging entrance or initiating the use of an existing entrance for logging access.

(3) The permittee shall contact the appropriate district administrator's designee for final inspection upon completion of logging activities and closure of the temporary entrance.

(4) The permittee shall restore all disturbed right-of-way at the temporary entrance, including but not limited to ditches, shoulders, and pavement, to pre-activity condition subject to acceptance by the appropriate district administrator's designee.

(5) The permittee shall remove excessive mud and any debris that constitutes a hazardous condition from the highway pursuant to a request from the appropriate district administrator's designee. Noncompliance may also result in the issuance of a separate citation from the Virginia State Police or a local law-enforcement authority.

(6) The permittee shall not perform any activity under the jurisdiction of a district-wide permit that requires the issuance of a single use permit.

d. The permittee must obtain single use permits from the appropriate district administrator's designee to continue accessing state maintained highways for the purpose of harvesting timber during this revocation period.

3. Surveying.

a. District-wide permits may be issued for surveying operations on non-limited access primary and secondary highways subject to the following:

(1) No trees are to be trimmed or cut within the right-of-way.

(2) No pins, stakes, or other survey markers that may interfere with mowing operations or other maintenance activities are to be placed within the right-of-way.

(3) No vehicles shall be parked so as to create a traffic hazard. Parking on through lanes is strictly prohibited.

b. A separate single use permit is required when the following surveying activities are proposed:

(1) Entering onto limited access right-of-way. Consideration for the issuance of such permits will be granted only when the necessary data cannot be obtained from highway plans, monuments, triangulation, or any combination of these, and the applicant provides justification for entry onto the limited access right-of-way.

(2) Stopping or impeding highway travel in excess of 15 minutes or varying the implementation of standard traffic control, or any combination of these, as outlined in the Virginia Work Area Protection Manual (see 24VAC30-151-760).

(3) Trimming or cutting any trees located within the right-of-way.

(4) Cutting highway pavement or shoulders to locate underground utilities.

c. A district-wide permit for surveying activities may be revoked for a minimum of 30 calendar days upon written finding that the permittee violated the terms of the permit or any of the requirements of this chapter, including but not limited to any, all, or a combination of the following:

(1) The permittee shall implement all necessary traffic control in accordance with the Virginia Work Area Protection Manual (see 24VAC30-151-760). When warranted, the appropriate Regional Traffic Engineer should be consulted to select or tailor the proper traffic control devices. Each flag-person must be certified by VDOT and carry a certification card when flagging traffic and have it readily available for inspection when requested by authorized personnel.

(2) The permittee shall not perform any activity under the jurisdiction of a districtwide permit that requires the issuance of a single use permit.

d. The permittee must obtain single use permits from the district administrator's designee to continue surveying activities during this revocation period.

D. In-place permits. In-place permits allow utilities to remain within the right-of-way of newly constructed secondary streets. These utilities shall be installed according to VDOT approved street plans and shall be in place prior to VDOT street acceptance.

E. Prior-rights permits. Prior-rights permits allow existing utilities to remain in place that are not in conflict with transportation improvements authorized under the auspices of a land use permit.

F. As-built permits. Agreements for the relocation of utilities found to be in conflict with a transportation project may stipulate that an as-built permit will be issued upon completion of the project.

G. Agreements. In addition to obtaining a single use permit, a utility may be required to enter an agreement with VDOT allowing the utility to use the limited access right-of-way in exchange for monetary compensation, the mutually agreeable exchange of goods or services, or both.

1. Permit agreement. A permit agreement is required for:

a. Any new longitudinal occupancy of the limited access right-of-way where none have existed before, as allowed for in 24VAC30-151-300 and 24VAC30-151-310.

b. Any new communication tower or small site facilities installed within the right-of-way, as allowed for in 24VAC30-151-350.

c. Any perpendicular crossing of limited access right-of-way, as allowed for in 24VAC30-151-310.

All permit agreements shall specify the terms and conditions required in conjunction with work performed within the right-of-way. If appropriate, all agreements shall provide for the payment of monetary compensation as may be deemed proper by the Commonwealth Transportation Commissioner for the privilege of utilizing the right-of-way.

2. Shared resource agreement. A shared resource agreement allows the utility to occupy the limited access right-of-way in exchange for the utility providing the needed VDOT facility or services. VDOT and the utility will agree upon the appropriate facilities or services to be provided and will establish the length of the term that will be compensated through the infrastructure needs or monetary compensation, or both. Any shared resource agreement shall also provide for compensation as may be deemed proper by the Commonwealth Transportation Commissioner in any renewal term. The shared resource agreement shall specify the initial and renewal terms of the lease.

24VAC30-151-40. General rules, regulations and requirements.

A. A land use permit is valid only on highways and rights-of-way under VDOT's jurisdiction. This permit neither implies nor grants otherwise. County and city permits must be secured for work on roads and streets under their jurisdictions. A land use permit covers the actual performance of work within highway rights-of-way and the subsequent maintenance, adjustments or removal of the work as approved by the central office permit manager or the district administrator's designee. Permits for communications facility towers may only be issued by the Commonwealth Transportation Commissioner**.** The Commonwealth Transportation Commissioner shall approve all activities within limited access right-of-way prior to permit issuance. ***(Authority delegated by Commissioner to the Chief Engineer)*** All permits shall be issued to the owner of the facility within highway rights-of-way or adjacent property owner in the case of entrance permits. Permits may be issued jointly to the owner and his contractor as agent. The applicant shall comply with all applicable federal, state, county and municipal requirements.

B. Application shall be made for a district-wide permit through the central office permit manager and for single use permits from the district administrator's designee responsible for the county where the work is to be performed. The applicant shall submit site plans or sketches for proposed installations within the right-of-way to VDOT for review, with studies necessary for approval. VDOT may require electronic submission of these documents. Where work is of a continuous nature along one route, or on several routes within one jurisdiction, it may be consolidated into one permit application. For single use permits, such consolidation shall not be for a length greater than two miles. The applicant shall also submit any required certifications for staff performing or supervising the work, and certification that applicable stormwater management requirements are being met. The plans shall include the ultimate development and also any applicable engineering design requirements. VDOT retains the authority to deny an application for or revoke a land use permit to ensure the safety, use, or maintenance of the highway right-of-way, or in cases where a law has been violated relative to the permitted activity.

C. The proposed installation granted by this permit shall be constructed exactly as shown on the permit or accompanying sketch. Distances from edge of pavement, existing and proposed right-of-way line, depths below existing and proposed grades, depths below ditch line or underground drainage structures, or other features shall be shown. Any existing utilities within close proximity of the permittee's work shall be shown. Location of poles, guys, pedestals, relief valves, vent pipes, etc. shall be shown. Height of wires or cables above the crown of the roadway shall be shown.

D. In the event of an emergency situation that requires immediate action to protect persons or property, work may proceed within the right-of-way without authorization from the district administrator's designee; however, the permittee must contact the VDOT Emergency Operations Center as soon as reasonably possible but no later than 48 hours after the end of the emergency situation.

E. The land use permit is not valid unless signed by the central office permit manager or the district administrator's designee.

F. The permittee shall secure and carry sufficient insurance to protect against liability for personal injury and property damage that may arise from the work performed under the authority of a land use permit and from the operation of the permitted activity. Insurance must be obtained prior to start of permitted work and shall remain valid through the permit completion date.

The central office permit manager or the district administrator's designee may require a valid certificate or letter of insurance from the issuing insurance agent or agency prior to issuing the land use permit.

G. VDOT and the Commonwealth shall be absolved from all responsibilities, damages and liabilities associated with granting the permit. All facilities shall be placed and maintained in a manner to preclude the possibility of damage to VDOT owned facilities or other facilities placed within the highway right-of-way by permit.

H. A copy of the land use permit and approved site plans or sketches shall be maintained at every job site and such items made readily available for inspection when requested by authorized personnel. Strict adherence to the permit is required at all times. Any activity other than that described in the permit shall render the permit null and void. Any changes to the permit shall be coordinated and approved by the district administrator's designee prior to construction.

I. For permit work within the limits of a VDOT construction project, the permittee must obtain the contractor's consent in writing before the permit will be issued. The permittee shall coordinate and schedule all permitted work within the limits of a VDOT construction project to avoid conflicts with contracted work.

J. Disturbances within the right-of-way shall be kept to a minimum during permitted activities. Permit applications for proposed disturbances within the right-of-way that include disturbance on property directly adjacent to the right-of-way, in which the combined area of disturbance constitutes a land-disturbing activity as defined in § 10.1-560 of the Code of Virginia and the Virginia Stormwater Management Program (VSMP) Permit Regulations (see 24VAC30-151-760), must be accompanied by documented approval of erosion and sediment control plans and stormwater management plans, if applicable, from the corresponding jurisdictional local or state government plan approving authority.

K. Restoration shall be made in accordance with VDOT Road and Bridge Specifications; VDOT Road and Bridge Standards; Virginia Erosion and Sediment Control Handbook, 3rd Edition, a technical guide to the Erosion and Sediment Control Regulations; and the Virginia Stormwater Management Handbook, 1st edition, Volumes 1 and 2, a technical guide to the Virginia Stormwater Management Program (VSMP) Permit Regulations (see 24VAC30-151-760). Additionally, the permittee shall:

1. Ensure compliance with the Erosion and Sediment Control Regulations and the Virginia Stormwater Management Program (VSMP) Permit Regulations (see 24VAC30-151-760).

2. Ensure copies of approved erosion and sediment control plans, stormwater management plans, if applicable, and all related non-VDOT issued permits are available for review and posted at every job site at all times.

3. Take all necessary precautions to ensure against siltation of adjacent properties, streams, etc. in accordance with VDOT's policies and standards and the Virginia Erosion and Sediment Control Handbook, 3rd edition, and the Virginia Stormwater Management Manual (see 24VAC30-151-760).

4. Keep dusty conditions to a minimum by using VDOT-approved methods.

5. Cut pavement only as approved by the district administrator's designee. Pavement cuts, restoration and compaction efforts, to include all materials, shall be accomplished in accordance with VDOT Road and Bridge Specifications (see 24VAC30-151-760).

6. Ensure that an individual certified by VDOT in erosion and sediment control is present whenever any land-disturbing activity governed by the permit is performed. All land disturbance activities performed under a VDOT land use permit shall be in accordance with all local, state, and federal regulations. The installation of underground facilities by a boring method shall only be deemed as a land-disturbing activity at the entrance and exit of the bore hole and not the entire length of the installation.

7. Stabilize all disturbed areas immediately upon the end of each day's work and reseed in accordance with VDOT Road and Bridge Specifications (see 24VAC30-151-760). Temporary erosion and sediment control measures shall be installed in areas not ready for permanent stabilization.

8. Ensure that no debris, mud, water, or other material is allowed on the highways. Permission, documented in writing or electronic communication, must be obtained from VDOT prior to placing excavated materials on the pavement. When so permitted, the pavement shall be cleaned only by approved VDOT methods.

L. Accurate "as built" plans and profiles of work completed under permit shall be furnished to VDOT upon request, unless waived by the district administrator's designee. For utility permits, the owner shall maintain records for the life of the facility that describe the utility usage, size, configuration, material, location, height or depth and special features such as encasement.

M. All work shall be performed in accordance with the Underground Utility Damage Prevention Act (Chapter 10.3 (§ 56-265.14 et seq.) of Title 56 of the Code of Virginia) and the Rules for Enforcement of the Underground Utility Damage Prevention Act (see 24VAC30-151-760). For work within 1,000 feet of traffic signals or adjacent to other VDOT utilities, the permittee shall contact the district administrator's designee prior to excavation. The permittee shall notify VDOT on the business day preceding 48 hours before excavation.

N. Permission, documented in writing or electronic communication, must be obtained from the district administrator's designee prior to blocking or detouring traffic. Additionally, the permittee shall:

1. Employ safety measures including, but not limited to, certified flaggers, adequate lights and signs.

2. Conduct all permitted activities in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) and related special provisions (see 24VAC30-151-760) and the typical traffic control figures from the Virginia Work Area Protection Manual (see 24VAC30-151-760).

3. Plan construction and maintenance operations with regard to safety and minimum traffic interference.

4. Coordinate notification with all county or municipal officials.

5. Ensure that permitted work does not interfere with traffic during periods of peak flow on heavily traveled highways.

6. Plan work so that closure of intersecting streets, road approaches and other access points is held to a minimum and as noted and approved in the permit documents.

7. Maintain safe access to all entrances and normal shoulder slope of the roadway across the entire width of the entrance.

O. All construction activities shall conform to Occupational Safety & Health Administration (OSHA) requirements.

P. The permittee shall be responsible for any settlement in the backfill or pavement for a period of two years after the completion date of permit, and for the continuing maintenance of the facilities placed within the highway right-of-way. A one-year restoration warranty period may be considered, provided the permittee adheres to the following criteria:

1. The permittee retains the services of a professional engineer (or certified technician under the direction of the professional engineer) to observe the placement of all fill embankments, pavement, and storm sewer and utility trench backfill.

2. The professional engineer (or certified technician under the direction of the professional engineer) performs any required inspection and testing in accordance with all applicable sections of VDOT's Road and Bridge Specifications (see 24VAC30-151-760).

3. The professional engineer submits all testing reports for review and approval, and provides written certification that all restoration procedures have been completed in accordance with all applicable sections of VDOT's Road and Bridge Specifications (see 24VAC30-151-760) prior to completion of the work authorized by the permit.

Q. The permittee shall immediately notify the nearest VDOT official who approved the land use permit of involvement in any personal or vehicular accident at the work site.

R. Stormwater management facilities or wetland mitigation sites shall not be located within VDOT rights-of-way unless the Commonwealth Transportation Board has agreed to participate in the use of a regional facility authorized by the local government. Stormwater management facilities or wetlands mitigation sites shall be designed and constructed to minimize impact within VDOT right-of-way. VDOT's share of participation in a regional facility will be the use of the right-of-way where the stormwater management facility or wetland mitigation site is located.

S. The permittee shall notify, by telephone, voice mail message, or email, the VDOT office where the land use permit was obtained prior to commencement of the permitted activity or any nonemergency excavation within the right-of-way.

T. Upon completion of the work under permit, the permittee shall provide notification, documented in writing or electronic communication, to the district administrator's designee requesting final inspection. This

request shall include the permit number, county name, route number, and name of the party or parties to whom the permit was issued. The district administrator's designee shall promptly schedule an inspection of the work covered under the permit and advise the permittee of any necessary corrections.

24VAC30-151-50. Violations of rules and regulations.

A. Objects placed on, above, or under the right-of-way in violation of the general rules and regulations shall be removed within 10 calendar days of receipt of notice from VDOT. Objects not removed within 10 calendar days shall be moved at the owner's expense. Objects requiring immediate removal for public safety, use, or maintenance of any highway shall be moved immediately at the owner's expense. The provisions of § 33.1-373 of the Code of Virginia shall govern the removal of advertisements from within the right-of-way. The provisions of § 33.1-375 of the Code of Virginia shall govern the removal of other signs from within the right-of-way.

B. The permittee will be civilly liable to the Commonwealth for expenses and damages incurred by VDOT as a result of violation of any of the rules and regulations of this chapter. Violators shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided for in § 33.1-19 of the Code of Virginia.

C. Failure to implement proper traffic control and construction standards mandated by the permit shall be cause for the district administrator's designee to remove the permittee from the right-of-way or revoke the permit, or both.

D. See 24VAC30-151-30 for violations related to specific district-wide permit types.

24VAC30-151-60. Authority of district administrator's designee.

A. The district administrator's designee may suspend the work, wholly or in part, if the permittee fails to correct conditions that are unsafe for workers or the general public or to adequately carry out provisions of the permit. The district administrator's designee may also suspend work within the right-of-way for such periods as deemed necessary because of weather or other conditions unsuitable for work or any other condition or reason deemed to be in the public interest. The district administrator's designee may delegate this authority.

B. Should the permittee fail to comply immediately with any order of the district administrator's designee made under the provisions of this section, the district administrator's designee may cause unacceptable authorized work to be removed and replaced and unauthorized work to be removed. The district administrator's designee may revoke the permit and restore the right-of-way. Any costs to restore the right-of-way upon revocation of a permit shall be borne by the permittee.

24VAC30-151-70. Plan review and permit inspection.

When a permit request is of extraordinary nature or extent, or both, in lieu of the fee payment outlined in 24VAC30-151-710, VDOT may require the permittee to pay the actual costs associated with plan review, other administrative tasks, inspection, and equipment usage. A VDOT inspector, consultant inspector, or both, may be assigned to inspect or monitor, or both, any work performed within the right-of-way. The absence of an inspector does not relieve the permittee from performing the authorized work in accordance with the provisions of the permit.

24VAC30-151-80. Permit time limits and cancellations.

A. The permittee shall provide an estimate of the number of days needed to accomplish the work under permit. The district administrator's designee shall determine the actual time limit of all work being accomplished under permit, which shall not normally be less than six months in duration. Weather conditions and seasonal operations such as seeding, paving, etc., will be considered when determining a realistic time limit for work to be completed.

B. It shall be the responsibility of the permittee to ensure that the permitted activity will be completed within the time limit established with the original permit issuance. If it is anticipated that the work covered by the permit cannot be completed during the original permit term, the permittee shall provide a request, documented in writing or electronic communication, for an extension of time to the district administrator's designee. The request shall provide reasonable justification for granting the extension. A one-time extension of time may be granted if the request is received at least 10 calendar days prior to the original permit expiration date.

Should the original time limit or the one-time permit extension expire, the permittee shall provide a written request for reinstatement to the district administrator's designee. The request shall provide reasonable justification for granting the reinstatement. At the time of reinstatement, the district administrator's designee

shall notify the permittee that no additional extensions of the permit will be allowed and that the work must be completed within the time limits indicated in the reinstatement notice. Consideration will not be given to an extension request for a permit that has been reinstated after an extension.

C. The permittee shall make every effort to ensure that work begins within 30 calendar days of permit issuance. If the permitted work cannot commence within 30 calendar days of permit issuance, the permittee shall notify the district administrator's designee of the delay. Upon request by the permittee, the permit may be cancelled if no work has started.

24VAC30-151-90. Hours and days work authorized; holiday schedule.

Normal hours for work under the authority of a permit, single use or district-wide, are from 9 a.m. to 3:30 p.m. Monday through Friday for all highways classified as arterial or collector. All highways classified as local roads will have unrestricted work hours and days.

Permitted nonemergency work will not be allowed on arterial and collector highway classifications from noon on the preceding weekday through the following state observed holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

If the observed holiday falls on a Monday, the permit will not be valid from noon on the preceding Friday through noon on Tuesday. The district administrator's designee may establish alternate time restrictions in normal working hours and days for single use permits. The central office permit manager may establish alternate time restrictions in normal working hours and days for district-wide permits.

24VAC30-151-100. Appeal.

The district administrator is authorized to consider and rule on unresolved differences of opinion between the applicant or permittee and the district administrator's designee that pertain to the interpretation and application of the requirements of this chapter as they relate to single use permits within non-limited access highways.

To initiate an appeal with the district administrator, the applicant or permittee must provide the district administrator and the district administrator's designee with a written request for such action within 30 calendar days of receipt of written notification of denial or revocation and must set forth the grounds for the appeal. The written request shall describe any unresolved issue or issues. After reviewing all pertinent information, the district administrator will advise the applicant or permittee in writing within 60 calendar days upon receipt of the appeal regarding the decision of the appeal, with a copy to the district administrator's designee. The applicant or permittee may further appeal the district administrator's decision to the Commonwealth Transportation Commissioner. All correspondence requesting an appeal should include copies of all prior correspondence regarding the issue or issues with VDOT representatives.

The central office division administrator responsible for overseeing the statewide land use permit program is authorized to consider and rule on unresolved differences of opinion that pertain to the interpretation and application of the requirements of this chapter as they relate to district-wide permits. To initiate an appeal, the applicant or permittee must provide the division administrator with a written request for such action within 30 calendar days of receipt of written notification of denial or revocation and must set forth the grounds for the appeal. The written request shall describe any unresolved issue or issues. After reviewing all pertinent information, the division administrator will advise the applicant or permittee in writing within 60 calendar days upon receipt of the appeal regarding the decision of the appeal. The applicant or permittee may further appeal the division administrator's decision to the Commonwealth Transportation Commissioner. All correspondence requesting an appeal should include copies of all prior correspondence regarding the issue or issues with VDOT representatives.

Appeals involving permit requests within limited access rights-of-way and appeals of decisions of the district administrator and the division administrator shall be made to the Commonwealth Transportation Commissioner for resolution. To initiate an appeal, the applicant or permittee must provide the Commonwealth Transportation Commissioner with a written request for such action within 30 calendar days of receipt of written notification of denial or revocation and must set forth the grounds for the appeal. The written request shall describe any unresolved issue or issues.

After reviewing all pertinent information, the Commonwealth Transportation Commissioner will advise the applicant or permittee in writing within 60 calendar days upon receipt of the appeal regarding the decision of the appeal.

Part III
Denial or Revocation of Permits

24VAC30-151-110. Denial; revocation; refusal to renew.

A. A land use permit may be revoked upon written finding that the permittee violated the terms of the permit, which shall incorporate by reference these rules, as well as state and local laws and ordinances regulating activities within the right-of-way. Repeated violations may result in a permanent denial of the right to work within the right-of-way. A permit may also be revoked for misrepresentation of information on the application, fraud in obtaining a permit, alteration of a permit, unauthorized use of a permit, or violation of a water quality permit. Upon revocation, the permit shall be surrendered without consideration for refund of fees. Upon restoration of permit privileges a new land use permit shall be obtained prior to performing any work within the right-of-way.

B. Land use permits may be denied to any applicant or company, or both, for a period not to exceed six months when the applicant or company, or both, has been notified in writing by the Commonwealth Transportation Commissioner, the central office permit manager, district administrator, or district administrator's designee that violations have occurred under the jurisdiction of a districtwide or previously issued single use permit. Any person, firm, or corporation violating a water quality permit shall permanently be denied a land use permit. Furthermore, these violators may be subject to criminal prosecution as provided for by § 33.1-19 of the Code of Virginia.

Part IV
Entrances

24VAC30-151-120. Provisions governing entrances.

VDOT's authority to regulate highway entrances is provided in §§ 33.1-197, 33.1-198, and 33.198.1 of the Code of Virginia and its authority to make regulations concerning the use of highways generally is provided in § 33.1-12 (3) of the Code of Virginia.

Regulations regarding entrances are set forth in VDOT's regulations promulgated pursuant to § 33.1-198.1 of the Code of Virginia (see 24VAC30-151-760)

24VAC30-151-130. (Reserved)

24VAC30-151-140. (Reserved)

24VAC30-151-150. (Reserved)

24VAC30-151-160. (Reserved)

24VAC30-151-170. (Reserved)

24VAC30-151-180. (Reserved)

24VAC30-151-190. (Reserved)

24VAC30-151-200. (Reserved)

24VAC30-151-210. (Reserved)

Part V
Occupancy of Right-of-Way

24VAC30-151-220. Commercial use agreements.

A. Where wider rights-of-way are acquired by VDOT for the ultimate development of a highway at such time as adequate funds are available for the construction of the highway, including such preliminary features as tree planting, the correction of existing drainage conditions, etc., the Commonwealth Transportation Commissioner does not consider it advisable to lease, rent, or otherwise grant permission for the use of any of the land so acquired except in extreme or emergency cases, and then only for a limited period. ***(Authority delegated by the Commissioner to the District Administrator)***

When the land adjoining the highway is used for commercial purposes and where the existing road is located on the opposite side of the right-of-way, thereby placing the business from 65 feet (in the case of 110 feet right-of-way) to 100 feet or more (in the case of 160 feet right-of-way) away from the main traveled road, the owner of the business may continue to locate his driveways and pumps, in the case of a filling station, within the state right-of-way, provided that the driveways and pumps are at least as far from the edge of the existing pavement as existing driveways and pumps in evidence on the road are from the nearest edge of the pavement to their similar structures. No additional driveways or pumps may be constructed within the right-of-way. In such cases, agreements for "commercial uses" may be entered into for use of portions of the right-of-way for temporary or limited periods under the following policies and conditions:

1. Until such time as the Commonwealth Transportation Commissioner deems it necessary to use right-of-way acquired for future construction on a project for road purposes, agreements may be made with adjoining property owners for the temporary use of sections thereof. ***(Authority delegated by the Commissioner to the District Administrator)***

The use of this land shall be limited to provisions as set forth in the agreement, which shall cover commercial pursuits consistent with similar operations common to the highway. These operations and special conditions may include gasoline pumps, but not gasoline tanks.

2. The area of right-of-way designated for use of the landowner must not be used for the storing of vehicles, except while the vehicles are being serviced at the gasoline pumps. The area must be kept in a clean and orderly condition at all times.

B. Agreements may be revoked for cause or as outlined in subdivision A 1 of this section, either in whole or for any portion of the prescribed area that may be required for highway purposes, which may include one or more of the following:

1. The storage of road materials when other nearby suitable areas are not available;

2. The planting of trees and shrubs for permanent roadside effects;

3. The correction or improvement of drainage;

4. Development of wayside, parking or turnout areas; or

5. For other purposes as may be deemed necessary by the Commonwealth Transportation Commissioner. ***(Authority delegated by the Commissioner to the District Administrator)***

C. Applications for agreements for commercial uses shall be made to the district administrator's designee. Agreements must be accompanied by a sketch showing the location of the roadway, shoulders, ditches and conditions existing within the right-of-way, together with description and plat of the area to be covered by it. The text of the application should describe the specific use for the site.

D. Agreements shall be issued only to owners of property adjoining the area to be used. Agreements may be made for terms not to exceed one year, subject to the cancellation terms in subsection C of this section. VDOT shall not be responsible in any way for the policing of areas subject to commercial agreements. No structures are to be erected on areas subject to commercial agreements without written approval of the Commonwealth Transportation Commissioner. ***(Authority delegated by the Commissioner to the District Administrator)***

24VAC30-151-230. Agriculture use agreements.

A. In cases where wider rights-of-way are acquired by VDOT for the ultimate development of a highway at such time as adequate funds are available for the construction of the same, including such preliminary features as tree planting, the correction of existing drainage conditions, etc., the Commonwealth Transportation Commissioner does not consider it advisable to lease, rent, or otherwise grant permission for the use of any of the land so acquired except in extreme or emergency cases, and then only for a limited period. ***(Authority delegated by the Commissioner to the District Administrator)***

When this land is being used for agricultural purposes, which would necessitate the owner preparing other areas for the same use, agreements for agricultural uses may be entered into for use of portions of the right-of-way for temporary or limited periods.

B. Agreements for agricultural uses may be made with adjoining property owners, until such time as the Commonwealth Transportation Commissioner deems it necessary to use right-of-way acquired for future construction on a project for road purposes. ***(Authority delegated by the Commissioner to the District Administrator)*** Agricultural use is not permitted on limited access highways. The use of this land will be limited to provisions as set forth in the agreement, which, in general, will cover agricultural pursuits the same as those carried out on adjoining lands and thereby made an integral part of the agreement. Operations and special conditions covering such operations may include one or more of the following:

1. Grazing of cattle and other livestock is permitted provided the area is securely enclosed by appropriate fence to eliminate any possibility of animals getting outside of the enclosure.

2. Forage crops such as hay, cereals, etc. are permitted provided that their growth will not interfere with the safe and orderly movement of traffic on the highway, and that, after crops are harvested, the land is cleared, graded and seeded with cover crop in such a manner as to prevent erosion and present a neat and pleasing appearance.

3. Vegetable crops are permitted provided that its growth will not interfere with the safe and orderly movement of traffic on the highway, and that all plants will be removed promptly after crops are harvested and the land cleared, graded and seeded with cover crop in such a manner as to prevent erosion and present a neat and pleasing appearance.

4. Fruit trees are permitted to maintain existing fruit trees, provided that they are sprayed to control insects and diseases; fertilized and the area is kept generally clear of weeds, etc., but no guarantee of longevity may be expected.

5. Small fruits are permitted, but no guarantee of longevity may be expected.

6. Other uses as may be specifically approved.

C. Agricultural use agreements will be subject to revocation for cause or as outlined in subsection B of this section, either in whole or for any portion of the prescribed area that may be required for highway purposes, which may include one or more of the following:

1. Storage of road materials when other nearby suitable areas are not available;

2. The planting of trees and shrubs for permanent roadside effects;

3. The correction or improvement of drainage;

4. The development of wayside, parking or turnout areas; or

5. For other purposes as may be deemed necessary by the Commonwealth Transportation Commissioner. ***(Authority delegated by the Commissioner to the District Administrator)***

D. Applications for agreements for agricultural uses shall be made to the district administrator's designee. Agreements must be accompanied by a sketch showing the location of the roadway, shoulders, ditches and conditions existing within the right-of-way, together with a description and plat of the area to be covered by it. The text of the application should describe in detail the specific use for which the area is to be utilized.

Agreements shall be issued only to owners of property adjoining the area to be used. Agreements may be made for terms not to exceed one year, subject to the cancellation terms in subsection C of this section. VDOT shall not be held responsible in any way for the policing of areas subject to agricultural use agreements. No structures are to be erected on areas subject to agricultural use agreements without written approval of the Commonwealth Transportation Commissioner. ***(Authority delegated by the Commissioner to the District Administrator)***

24VAC30-151-240. Dams.

A. VDOT may permit dams for farm ponds within the right-of-way. The local Soil and Water Conservation District, as defined in § 10.1-500 of the Code of Virginia, will coordinate the approval of all requests to establish farm ponds, including existing or proposed roadway occupation of the dam, with the district administrator's designee. For the purpose of this section, a roadway will be considered to accommodate a farm pond dam if:

1. Any part of the fill for the roadway and the fill for the dam overlap;

2. The area between the two embankments is filled in so that the downstream face of the dam is obscured; or

3. A closed drainage facility from a dam extends under a roadway fill.

B. Permittee responsibility. The permittee acknowledges that VDOT's liability is limited to the maintenance of the roadway and that VDOT has no responsibility or liability due to the presence of the dam, the maintenance of which shall remain the responsibility of the permittee.

C. All other roadway occupation of dams shall be in accordance with the Secondary Street Acceptance Requirements (see 24VAC30-151-760).

24VAC30-151-250. Railroad grade crossing or encroachments.

Applications for permits to construct railroad tracks over, under, across or along the right-of-way of a state highway must be made by the railroad company or other company which will use the tracks. Permits shall not be issued to concerns contracting for such operations. All permit applications for highway grade crossings of secondary highways shall be accompanied by resolutions from the county board of supervisors, approving the crossings.

Sketches shall be submitted with the permit application, which show clearly the angle of crossing or location of the tracks with reference to the centerline of the road, the entrance onto the right-of-way, departure from the right-of-way, and width of the right-of-way of both railroad and highway. The grade line of the railroad must conform to the grade line of the highway and be so indicated on the sketch. Any necessary alteration in grade, due to crown of the highway, must be adjusted by the railroad company with the use of plant-mix-asphalt material, or as may be specified by the district administrator's designee.

24VAC30-151-260. Railroad crossing permit requests from railroad companies.

A. Operations by the railroad company shall conform to applicable statutes of the Code of Virginia in regard to construction and maintenance of the crossing surface, signing and other warning devices, blocking of crossing, etc.

B. In the event of future widening of the highway, the permittee shall lengthen the crossing surface, relocate signs and signals, etc., as may be necessary, at no expense to the Commonwealth.

C. Suitable construction bond shall be required when the construction work is to be performed by a contractor for the railroad.

24VAC30-151-270. Railroad crossing permit requests by other companies.

Where a person, firm or chartered company engaged in mining, manufacturing or lumber getting, as defined in § 33.1-211 of the Code of Virginia, applies directly for a permit to construct a tramway or railroad track across the right-of-way, a permit may be issued under the following conditions:

1. Operations by the permittee shall conform to applicable statutes of the Code of Virginia in regard to construction and maintenance of the crossing surface, signing and other warning devices, blocking of crossing, etc.

2. In the event of future widening of the highway, the permittee shall lengthen the crossing surface, relocate signs and signals, etc., as may be necessary, at no expense to the Commonwealth.

3. The permittee shall furnish a performance and indemnifying bond of such amounts as VDOT deems necessary and agree to continue the same in force so long as the crossing is in place.

4. The permittee shall notify VDOT prior to the permittee transferring ownership of a crossing so that proper arrangement can be made for the transfer of permitted responsibilities.

24VAC30-151-280. Springs and wells.

In the acquiring of right-of-way, it is often necessary for VDOT to acquire lands where springs, wells and their facilities are located. It is the policy of VDOT to acquire these springs, wells and their facilities along with the land on which they are located. When so acquired, the landowner having previous use of these springs, wells and their facilities may be granted a permit to use these springs, wells and their facilities until the Commonwealth Transportation Commissioner shall, by written notice, advise that the permit is terminated. The issuing of the permit shall in no way obligate VDOT to maintain the springs, wells or facilities. ***(Authority delegated by the Commissioner to the District Administrator)***

24VAC30-151-290. Public telephones.

Public telephone booths may be allowed at rest areas and other locations as provided in 23 CFR 752.5 and allowed at other locations when a definite need is documented.

Telephone booths may be allowed when a definite need exists to serve the traveling public, such as:

1. At wayside areas, if well removed from access to off right-of-way public telephone stations.

2. At other isolated areas sufficiently removed from existing off right-of-way public telephone stations as to impair the safety and convenience of traffic, provided that:

a. No private land is available or suitable for location of booth;

b. The location meets all safety requirements as to sight distance, access roads and parking; and,

c. All costs incidental to providing turnout and parking area are borne by the telephone company.

Part VI
Utilities

24VAC30-151-300. General provisions governing utilities.

Utility installations on all highway rights-of-way shall comply with the following provisions:

1. Overhead or underground utilities may be installed across any right-of-way by a utility under a permit. Requests for accommodations within the right-of-way shall be submitted to and reviewed by the district administrator's designee. These regulations govern all rights-of-way and apply to public and private utilities. These regulations also govern the location, design, methods and financial responsibility for installing, adjusting, accommodating and maintaining utilities.

2. Utility lines shall be located to minimize the need for later adjustments to accommodate future highway improvements and to allow servicing of the lines with minimum interference to highway traffic. Utility lines residing within the highway right-of-way shall conform to the type of highway and specific conditions for the highway section involved. Utility installations within the highway right-of-way and attachments to highway structures shall be of durable materials, designed for long service life and relatively free from the need for routine servicing and maintenance. All temporary attachments to highway structures must be approved by VDOT.

3. The permittee assumes full responsibility for any and all damages caused by improperly installed facilities within the right-of-way under permit (single use or districtwide); therefore, the permittee must make every effort to install its facilities properly so as to preclude the possibility of damage.

4. The permittee is responsible for the continuing maintenance of its facilities placed within the right-of-way under permit.

5. Any conflicts with existing utility facilities shall be resolved between the permittee and the existing utility owner.

6. Utilities shall not be attached to a bridge or other structure unless the utility owner can demonstrate that the installation and maintenance methods will not interfere with VDOT's ability to maintain the bridge or other structure, will not impact the durability and operational characteristics of the bridge or other structure, and except for installation, will not require access from a limited access highway. The attachment method must be approved by VDOT (see 24VAC30-151-430).

7. The encasement of underground utility crossings shall be in accordance with 24VAC30-151-370.

24VAC30-151-310. Utility installations within limited access highways.

Utility installations on all limited access highways shall comply with the following provisions:

1. Requests for all utility installations within limited access right-of-way shall be reviewed and, if appropriate, be approved by the Commonwealth Transportation Commissioner prior to permit issuance. ***(Authority delegated by the Commissioner to the Chief Engineer)***

2. New utilities will not be permitted to be installed parallel to the roadway longitudinally within the controlled or limited access right-of-way lines of any highway, except that in special cases or under resource sharing agreements such installations may be permitted under strictly controlled conditions and then only with approval from the Commonwealth Transportation Commissioner. ***(Authority delegated by the Commissioner to the Chief Engineer)*** However, in each such case the utility owner must show the following:

a. That the installation will not adversely affect the safety, design, construction, operation, maintenance or stability of the highway.

b. That the accommodation will not interfere with or impair the present use or future expansion of the highway.

c. That any alternative location would be contrary to the public interest. This determination would include an evaluation of the direct and indirect environmental and economic effects that would result from the disapproval of the use of such right-of-way for the accommodation of such utility.

d. In no case will parallel installations within limited access right-of-way be permitted that involve tree removal or severe tree trimming.

3. Overhead and underground utilities may be installed within limited access right-of-way by a utility company under an agreement that provides for a shared resource arrangement subject to VDOT's need for the shared resource.

4. All authorized longitudinal utility installations within limited access right-of-way, excluding communication tower facilities, shall be located in a utility area established along the outer edge of the right-of-way. Special exceptions must be approved by the Commonwealth Transportation Commissioner. ***(Authority delegated by the Commissioner to the Chief Engineer)***

5. Authorized overhead utility installations within limited access right-of-way shall maintain a minimum of 21 feet of vertical clearance.

6. Authorized underground utility installations within limited access right-of-way shall have a minimum of 36 inches of cover.

7. Service connections to adjacent properties shall not be permitted from authorized utility installations within limited access right-of-way.

8. Overhead crossings shall be located on a line that is perpendicular to the highway alignment.

9. A utility access control line will be established between the proposed utility installation, the through lanes, and ramps.

24VAC30-151-320. (Reserved)

24VAC30-151-330. Overhead utility installations within non-limited access highways.

A. Overhead utility crossings shall be located on a line that is perpendicular to the highway alignment. Longitudinal installations shall be located on a uniform alignment as near as possible to the right-of-way line to provide a safe environment and space for future highway improvements and other utility installations.

B. Overhead longitudinal utilities may be installed on all non-limited access highways, except in scenic areas as follows:

1. Overhead utilities may be installed within non-limited access right-of-way by a utility company under permit, including a district-wide permit as allowed under 24VAC30-151-30 C 1.

2. All overhead installations, excluding communication tower facilities, shall be located adjacent to the right-of-way line and in accordance with clear zone requirements. Repairs and replacement of similar installations may be performed in existing locations under the existing permit providing the work shall not impede the traveled way. Additional poles, taller poles, or cross-arms require a separate permit.

C. Longitudinal installations of overhead lines within the right-of-way shall be limited to single-pole construction. Joint-use, single-pole construction will be encouraged at locations where more than one utility or type of facility is involved, especially where the right-of-way widths approach the minimum needed for safe operations or maintenance requirements, or where separate installations may require extensive removal or alteration of trees.

D. Consideration will not be given to poles placed on a highway right-of-way of less than 40 feet in width. Longitudinal pole line installation shall be located on the outer 15 feet of the right-of-way greater than 40 feet in width.

E. Highway crossings should be grouped at one location whenever practical, and as near as possible to right angles to the center of the road.

F. New overhead installations crossing existing or proposed non-limited access highways shall provide a minimum of 18 feet of vertical clearance or at a minimum height as established by the National Electric Safety Code (see 24VAC30-151-760), whichever is greater. The overlashing of telecommunications lines onto existing lines or strand is not considered a new overhead installation.

G. Existing overhead utilities that are found to be in horizontal or vertical conflict, or both, with proposed traffic control devices or signage, or both, shall be adjusted, at no cost to VDOT, to provide an unobstructed view for the traveling public and the appropriate clearance from traffic control devices or signage.

H. The vertical clearance for all new overhead installations parallel to an existing or proposed highway and within non-limited access rights-of-way shall be in compliance with standards as specified in the National Electric Safety Code (see 24VAC30-151-760). The overlashing of telecommunications lines onto existing lines or strand is not considered a new overhead installation.

I. When crossing a median, all poles or other overhead facilities shall be placed to maintain an adequate clear zone in each direction.

J. Longitudinal pole line installation will not be allowed in the median.

24VAC30-151-340. Underground utility installations within non-limited access highways.

Underground longitudinal utilities may be installed under permit on all nonlimited access highways, except in scenic areas, as follows:

1. Underground utilities may be installed within non-limited access right-of-way by a utility company under permit, including a district-wide permit as allowed under 24VAC30-151-30 C 1.

2. All underground utilities within VDOT rights-of-way will require a minimum of 36 inches of cover, except underground cables that provide cable or telecommunications services shall be at a minimum of 30 inches of cover. The district administrator's designee has the discretion to grant an exception to depth of cover requirements if the permittee encounters obstacles preventing the installation of main line facilities at the minimum depth of cover, as long as installation at the minimum depth of cover is resumed when the installation passes by the obstacle.

3. An underground utility shall not be attached to a bridge or other structure unless the utility owner can demonstrate that the installation and maintenance methods will not interfere with VDOT's ability to maintain the bridge or other structure, will not impact the durability and operational characteristics of the bridge or other structure, and will not require access from the roadway or interfere with roadway traffic. The attachment method must be approved by VDOT (see 24VAC30-151-430).

4. The proposed method for placing an underground facility requires approval from the district administrator's designee. All underground facilities shall be designed to support the load of the highway and any superimposed loads. All pipelines and encasements shall be installed in accordance with 24VAC30-151-360 and 24VAC30-151-370.

5. Underground utilities shall not be installed within the median area except, in special cases or under shared resource agreements, with approval from the Commonwealth Transportation Commissioner. ***(Authority delegated by the Commissioner to the District Administrator)***

6. Underground utilities may be installed under sidewalk areas with approval from the district administrator's designee.

24VAC30-151-350. Non-limited access highways: communication towers and site installations.

Communication tower structures and other types of surface mounted or underground utility facilities may be installed by a utility company under an agreement providing for a shared resource arrangement or the payment of appropriate compensation, or both. The Commonwealth Transportation Commissioner may grant an exception for a non-shared resource arrangement, under strictly controlled conditions. The utility owner must show that any alternative location would be contrary to the public interest. This determination would include an evaluation of the direct and indirect environmental and economic effects that would result from the disapproval of the use of such right-of-way for the accommodation of such utility. Communication pedestals, nodes, and amplifiers may be installed in the right-of-way pursuant to permit unless the district administrator's designee reasonably concludes that safety concerns at a specific location require placement of communication pedestals, nodes, or amplifiers elsewhere in the right-of-way.

The placement of communication pedestals, nodes, or amplifiers between the edge of pavement or back of curb and the sidewalk shall not be permitted.

24VAC30-151-360. Pipelines.

The permittee shall maintain minimum cover for any underground facility. Where pavement exists, the permittee shall bore, push, or jack and maintain a minimum cover of 36 inches.

The vertical and horizontal clearance between a pipeline and a structure or other highway facility shall be sufficient to permit maintenance of the pipeline and facility. Longitudinal pipeline installations shall be kept out of the ditch line where practical. When locating the utilities outside of the pavement area is not practical, such as in high density developments incorporating the principles of new urbanism as described in § 15.2-2223.1 of the Code of Virginia, utilities may be placed under the pavement. When utilities are proposed to

be placed within the ditch line or under highway pavement, the permit applicant shall provide the justification to the district administrator's designee.

All water, gas, sewer, electrical, communications and any pressurized pipelines carrying hazardous material shall conform to all applicable industry codes, including materials, design and construction requirements. No asbestos cement conduit or pipe shall be used for any installation. The permittee may be required to certify in writing that this restriction has been observed, if requested by VDOT.

Pipelines four inches in diameter or larger and no longer in use shall be cleaned of debris and plugged at open ends with Class A3 concrete. The district administrator's designee may also require such pipes to be filled prior to being plugged.

24VAC30-151-370. Encasement requirements.

A. Encasement pipe shall be required where it is necessary to avoid trenched construction, to protect carrier pipe from external loads or shock, or to convey leaking fluids or gases away from the areas directly beneath the traveled way if the utility has less than minimal cover; is near footings of bridges, utilities or other highway structures; crosses unstable ground; or is near other locations where hazardous conditions may exist. Encasements crossing non-limited access rights-of-way shall extend a suitable distance beyond the slope for side ditches and beyond the back of curb in curbed sections. The district administrator's designee may require encasement pipe even if an installation meets industry standards for non-encasement.

Casing pipe shall be sealed at the ends with approved material to prevent flowing water and debris from entering the annular space between the casing and the carrier. All necessary appurtenances such as vents and markers shall be included.

B. Uncased crossings of welded steel pipelines carrying transmittants that are flammable, corrosive, expansive, energized, or unstable, particularly if carried at high pressure, may be permitted subject to the following conditions:

1. The applicant provides supporting data documenting that its proposed installation meets or exceeds industry standards for un-encased crossings,

2. The applicant provides supporting data documenting that the pipeline will support the anticipated load generated by highway traffic, and

3. All un-encased pipeline crossings that fail must be relocated a minimum of 36 inches to either side of the failure. The failed line shall then be filled with grout and plugged at both ends.

24VAC30-151-380. Appurtenances.

A. When vents are required they shall be located at the high end of casings less than 150 feet in length and generally at both ends of casings longer than 150 feet. Vent standpipes shall be on or beyond the right-of-way line to prevent interference with maintenance or pedestrian traffic.

B. A permit may be granted to install drains for any underground facility. The permittee shall ensure the achievement of positive drainage.

C. National uniform color codes for identification of utilities shall be used to place permanent markers.

D. Manholes shall be placed in the shoulders, utility strips, or other suitable locations. When no other alternative is available, consideration will be given to placement of manholes in the pavement surface. Every effort should be made to minimize manhole installations at street intersections and in the normal wheel path of the travel lanes. Manholes shall be designed and located in such a manner that shall cause the least interference to other utilities and future highway expansion.

E. Manhole frames and covers, valve boxes, and other castings located within the paved roadway, shoulder, or sidewalk shall be constructed flush with the finished grade. Manhole frames and covers, valve boxes, and other castings located within sidewalk areas shall be constructed in accordance with the Americans with Disabilities Act (42 USC § 12101 et seq.).

F. The permittee shall install shutoff valves, preferably automatic, in lines at or near the ends of structures and near unusual hazards, unless other sectionalizing devices within a reasonable distance can isolate hazardous segments.

24VAC30-151-390. In-place and prior-rights permits.

A. Prior to VDOT's acceptance of a secondary street into the VDOT system, the public utility owner shall quitclaim its prior rights within the right-of-way to the Commonwealth in exchange for a permit for in-place utilities on new subdivision streets. The utility may continue to occupy such street in its existing condition and location. The public utility owner shall be responsible for the utility and resulting damages to persons

and property that might result from the presence of the utility. Should VDOT later require the public utility owner to alter, change, adjust, or relocate any utility, the non-betterment cost will be the responsibility of the Commonwealth.

B. In cases where existing utilities are not in conflict with transportation improvements authorized under the auspices of a land use permit, but would be located beneath transportation facility features, a prior rights permit may be issued that allows the existing utilities to remain in place.

C. Utilities without prior rights but located within the right-of-way of new subdivision streets shall obtain an in place permit to occupy that portion of the right-of-way.

24VAC30-151-400. Utility adjustments in conjunction with a VDOT project.

A permit is required for facilities relocated in conjunction with a VDOT project. For specific information, see the Right-of-Way Utilities Relocation Policies and Procedures Manual (see 24VAC30-151-760). Utilities may be placed within the highway right-of-way by permit, including adjustments and work performed in connection with utilities agreements. Utilities placed within the right-of-way shall conform to the requirements of this chapter.

24VAC30-151-410. Utility installations in scenic areas.

Any new utility installations within the right-of-way or on other lands that were acquired or improved with federal-aid or direct federal highway funds, and are located within or adjacent to areas of scenic enhancement and natural beauty are discouraged. Such areas include public parks and recreational lands, wildlife and waterfowl refuges, historic sites, scenic strips, overlooks and scenic byways.

Any new utility installation in the above-mentioned areas shall be accordance with 23 CFR 645.209h.

24VAC30-151-420. Lighting facilities.

A. A permit is required for any lighting that will be on or overhanging the right-of-way. Lighting on or overhanging the right-of-way is classified as roadway lighting or non-roadway lighting. Roadway lighting is lighting intended to improve visibility for users of the roadway. Non-roadway lighting is lighting intended to improve visibility or to enhance safety for pedestrians or adjacent properties. Lighting facilities are not considered a utility.

B. Design of roadway lighting facilities shall be based upon the specifications developed by the Illuminating Engineering Society in the manual, American National Standard Practice for Roadway Lighting (see 24VAC30-151-760). The Roadway Lighting Design Guide by the American Association of State Highway and Transportation Officials (AASHTO) (see 24VAC30-151-760) may be used as a supplemental guide.

C. The permittee shall submit to the district administrator's designee two copies of scale drawings depicting lighting pole locations, mounting heights, pole and base type (breakaway or non-breakaway), type and wattage of luminaries and arm lengths. Roadway lighting shall be installed in accordance with VDOT's Road and Bridge Specifications (see 24VAC30-151-760).

D. Non-roadway lighting may be allowed within the right-of-way, provided such lighting does not adversely affect the visibility of roadway users, and lighting supports and support locations do not compromise VDOT clear zone and safety standards.

24VAC30-151-430. Attachments to bridge structures.

A. Utilities may be located on highway grade separation structures across interstate or other controlled access highways, over crossroads, and across major streams or valleys only in extreme cases, and with approval of the district structure and bridge engineer.

B. Communication and electric power lines shall be insulated, grounded and installed in a conduit or pipe to manholes or poles at either end of the structure, as applicable.

C. If a utility is placed on a structure, the installation shall be located beneath the structure's floor between the girders or beams, and at an elevation above the bottom flange of the beam. The utility shall not be attached to the outside of the exterior beam, parapets or sidewalks.

D. Water and sewer attachments shall follow general controls previously listed for providing encasement and allied mechanical protection. In addition, shut-off valves shall be provided outside the limits of the structure.

E. Utilities attached to structures crossing waterways may require a water quality permit.

F. Natural gas and petroleum mains may not be attached to highway structures.

Part VII
Miscellaneous Provisions

24VAC30-151-440. Miscellaneous permits.

In accordance with the General Rules and Regulations of the Commonwealth Transportation Board (see 24VAC30-151-760), no use of any real property under the ownership, control or jurisdiction of VDOT shall be allowed until written permission is first obtained from VDOT. A permit, which shall constitute such permission, is required for the uses of right-of-way described in this part.

24VAC30-151-450. Banners and decorations.

A county, town, or religious or civic organization shall obtain a single use permit to hang banners or erect holiday decorations (such as lights) across state highways. Banners and decorations shall not remain in place more than 30 calendar days and shall be a minimum of 21 feet above the center of the road. They shall not detract from, interfere with, or conflict with any existing highway signs or signals.

24VAC30-151-460. Building movements.

A single use permit shall be obtained for all building movements over 16 feet wide. All requests for building movements require the approval of the district administrator's designee after the mover provides the required investigative report and route certification documents. All building movements shall be covered by a performance bond that is commensurate with the type of move requested. Application for a building movement shall be made through the district administrator's designee in the district where the move initiates.

24VAC30-151-470. Bicycle and road races, parades, and marches.

A single use permit shall be obtained for bicycle and road races, parades, and marches. Approval of such permit may be granted only under conditions that assure reasonable safety for all participants, spectators and other highway users, and will prevent unreasonable interference with traffic flow.

24VAC30-151-480. Chutes, tipples, and other similar structures.

A single use permit shall be obtained for chutes, tipples or other structures to transport coal, gravel, or other material across the right-of-way. The permit surety shall be sufficient to restore the appearance of the right-of-way and to remove the structure should it become dangerous or when it is no longer being used. Advertising signs or the names of owners shall not be placed on such structures located on the right-of-way.

The applicant shall obtain written approval from the local officials prior to permit application for such structures.

24VAC30-151-490. Construction or reconstruction of roads, bridges, or other drainage structures.

A permit is required for construction or reconstruction of roads, bridges or other drainage structures. Such activities may be permitted based upon evaluation, an engineering analysis provided by the applicant, and approval of the district administrator's designee. Approval by the relevant county board of supervisors may also be necessary.

24VAC30-151-500. Crest stage gauges, water level recorders.

Permits may be issued to any governmental state agency to install hydrological study equipment within highway rights-of-way. Maintenance of these facilities is the responsibility of the permittee.

24VAC30-151-510. Emergency vehicle access.

A single use permit shall be obtained for the installation of signals along and over streets or highways at a fire station to facilitate the safe and expeditious entry of emergency vehicles.

These signals include warning beacons, traffic signals to allow direct access to a roadway and modifications to existing signals. Maintenance of these facilities is the responsibility of the permittee.

24VAC30-151-520. Filming for movies.

A single use permit shall be obtained for movie filming within the highway rights-of-way and shall be coordinated through the Film Office of the Virginia Tourism Corporation.

24VAC30-151-530. School signs.

A single use permit shall be obtained for the installation and maintenance of time actuated flashing school speed limit signs within highway rights-of-way, subject to approval of the district administrator's designee.

24VAC30-151-540. Grading on right-of-way.

Grading that does not adversely affect the maintenance, safety, and operations of vehicles on non-limited access rights-of-way may be permitted. Permits shall not be granted for grading slopes and banks or otherwise changing their appearance within limited access rights-of-way, except in unusual circumstances where such work would improve the safety or operation of the highways.

24VAC30-151-550. Roadside memorials.

A. Section 33.1-206.1 of the Code of Virginia directs the Commonwealth Transportation Board to establish regulations regarding the authorized location and removal of roadside memorials. Roadside memorials shall not be placed on state right-of-way without first obtaining a permit. At the site of fatal crashes or other fatal incidents, grieving families or friends often wish for a roadside memorial to be placed within the highway right-of-way. The following rules shall be followed in processing applications to place roadside memorials within the highway right-of-way:

1. Applications for a memorial shall be submitted to the district administrator's designee. The district administrator's designee will review, and if necessary, amend or reject any application.

2. If construction or major maintenance work is scheduled in the vicinity of the proposed memorial's location, the district administrator's designee may identify an acceptable location for the memorial beyond the limits of work, or the applicant may agree to postpone installation.

3. If the applicant requests an appeal to the district administrator's designee's decision regarding amendment or rejection of an application, this appeal will be forwarded to the district administrator.

4. Criteria used to review applications shall include, but not be limited to, the following factors:

a. Potential hazard of the proposed memorial to travelers, the bereaved, VDOT personnel, or others;

b. The effect on the proposed site's land use or aesthetics; installation or maintenance concerns; and

c. Circumstances surrounding the accident or incident.

5. Approval of a memorial does not give the applicant, family, or friends of the victim permission to park, stand, or loiter at the memorial site. It is illegal to park along the interstate system, and because of safety reasons and concerns for the public and friends and family of the deceased, parking, stopping, and standing of persons along any highway is not encouraged.

B. The following rules will be followed concerning roadside memorial participation:

1. Any human fatality that occurs on the state highway system is eligible for a memorial. Deaths of animals or pets are not eligible.

2. The applicant must provide a copy of the accident report or other form of information to the district administrator's designee so that the victim's name, date of fatality, and location of the accident can be verified. This information may be obtained by contacting the local or state police. The district administrator's designee may also require that the applicant supply a copy of the death certificate.

3. Only family members of the victim may apply for a memorial.

4. The applicant will confirm on the application that approval has been obtained from the immediate family of the victim and the adjacent property owner or owners to locate the memorial in the designated location. If any member of the immediate family objects in writing to the memorial, the application will be denied or the memorial will be removed if it has already been installed.

5. If the adjacent property owner objects in writing, the memorial will be relocated and the applicant will be notified.

6. Memorials will remain in place for two years from the date of installation, at which time the permit shall expire. The Commonwealth Transportation Commissioner may, upon receipt of a written request, grant an extension of the permit. ***(Authority delegated by the Commissioner to the District Administrator)*** An extension may be granted for a period of one year, and requests for further extensions must be submitted for each subsequent year. The applicant or the family of the victim may request that the memorial be removed less than two years after installation.

7. The applicant shall be responsible for the fabrication of the memorial. VDOT will install, maintain, and remove the memorial, but the cost of these activities shall be paid by the applicant to VDOT.

C. Roadside memorial physical requirements.

1. The memorial shall be designed in accordance with Chapter 7 (§ 33.1-351 et seq.) of Title 33.1 and § 46.2-831 of the Code of Virginia and the Rules and Regulations Controlling Outdoor Advertising and

Directional and Other Signs and Notices and Vegetation Control Regulations on State Rights-Of-Way (see 24VAC30-151-760). The use of symbols, photographs, drawings, logos, advertising, or similar forms of medium is prohibited on or near the memorial.

2. Only one memorial per fatality shall be allowed.

3. VDOT reserves the right to install a group memorial in lieu of individual memorials to commemorate a major incident where multiple deaths have occurred.

4. The memorial shall be located as close as possible to the crash site, but location of the memorial may vary depending on the site and safety conditions.

a. Memorials shall be installed outside of the mowing limits and ditch line and as close to the right-of-way line as reasonably possible.

b. Memorials shall be located in such a manner as to avoid distractions to motorists or pose safety hazards to the traveling public.

c. Memorials shall not be installed in the median of any highway, on a bridge, or within 500 feet of any bridge approach.

d. Memorials shall not be permitted in a construction or maintenance work zone. VDOT reserves the right to temporarily remove or relocate a memorial at any time for highway maintenance or construction operations or activities.

e. If VDOT's right-of-way is insufficient for a memorial to be installed at the crash site, the district administrator's designee will locate a suitable location as close as possible to the incident vicinity to locate the memorial where sufficient right-of-way exists.

D. Removal. After the two-year term or any extension of the term approved in accordance with this section, the memorial shall be removed by VDOT personnel. The memorial nameplate will be returned to the applicant or the designated family member, if specified on the application. If the applicant does not wish to retain the nameplate, the nameplate will be reused, recycled, or disposed at VDOT's discretion.

24VAC30-151-560. Mailboxes and newspaper boxes.

Mailboxes and newspaper boxes may be placed within VDOT right-of-way without a permit; however, placement should not interfere with safety, maintenance and use of the roadway. Lightweight newspaper boxes may be mounted on the side of the support structure. Breakaway structures will be acceptable as a mailbox post. Breakaway structures are defined as a single four-inch by four-inch square or four-inch diameter wooden post or a standard strength, metal pipe post with no greater than a two-inch diameter.

24VAC30-151-570. Miscellaneous signs.

A. In cooperation with local, state and federal organizations, certain public service signs may be placed within the right-of-way without a permit. The district administrator's designee shall determine the appropriate location for the following signs.

1. Forestry. Authorized representatives of the National and State Forest Service may place forest fire warning signs within the right-of-way without a permit. Fire warning signs will be placed near forest reservations or wooded areas; however, only a limited number of the small cardboard or metal signs should be allowed within the right-of-way within the forest reservations. The Department of Forestry may utilize other types of signs to more forcibly impress the public with the need for protecting forest areas. Sign placement shall be accomplished under an agreement, subject to the following conditions:

a. No highway sign should carry more than one message, no other signs shall appear on posts bearing highway signs;

b. No signs shall be erected that would restrict sight distance, or are close to highway warning and directional signs;

c. Signs regarding forest fires should be placed by fire wardens; and

d. Signs shall be maintained by the Department of Forestry.

In all cases, the forest warden is to coordinate the desired location of these signs with the district administrator's designee prior to placement.

2. Garden week. These signs are erected and removed by employees of VDOT. The appropriate committee of the Garden Club of Virginia will designate the gardens and places that are to be officially opened during Garden Week and notify the district administrator's designee accordingly, who will ensure the appropriate placement of these signs.

3. Roadside acknowledgement. These signs acknowledge the name and logo of businesses, organizations, communities, or individuals participating in the landscape of a segment of the right-of-way in accordance with the Comprehensive Roadside Management Program (see 24VAC30-151-760). As the landscaping is accomplished under a land use permit, the signs are considered to be covered by that permit.

4. Rescue squad. These signs are fabricated, erected, and maintained by VDOT. The signs may be used on the approaches to the rescue squad headquarters as shown in the Virginia Supplement to the Manual on Uniform Traffic Control Devices (see 24VAC30-151-760).

5. Fire station. These signs are fabricated, erected, and maintained by VDOT. The signs may be used on the approaches to fire station headquarters as shown in the Virginia Supplement to the Manual on Uniform Traffic Control Devices (see 24VAC30-151-760).

6. Bird sanctuary. Upon receipt of a request from a town or city, VDOT will fabricate and erect these signs, at the expense of the municipality, at the corporate limits of the town or city under the municipality name sign as shown in the Virginia Supplement to the Manual on Uniform Traffic Control Devices (see 24VAC30-151-760). In order for a municipality to be designated as a bird sanctuary, the municipality must pass a resolution to that effect. The municipality shall be responsible for maintenance of bird sanctuary signs.

7. Historical highway markers. Information regarding the historical highway marker program may be obtained from the Virginia Department of Historic Resources. Applications for historical highway markers shall be obtained from and submitted to the Virginia Department of Historic Resources.

B. The district administrator's designee may authorize the placement of the following miscellaneous signs within right-of-way under the auspices of a single use permit:

1. Locality identification or "welcome to" signs. Requests for locality identification or "welcome to" signs to be located within non-limited access right-of-way. These signs shall not be placed on limited access right-of-way. Locality identification or "welcome to" signs that interfere with roadway safety, traffic capacity, or maintenance shall not be permitted. A permit application requesting placement of a locality identification or "welcome to" sign within the right-of-way must be accompanied by a formal resolution from the local governing body or a letter from the chief executive officer of the local government. Such signs shall meet all VDOT breakaway requirements (see Road Design Manual, 24VAC30-151-760) or be erected outside of the clear zone. No advertising shall be placed on these signs. The local governing body shall be responsible for maintenance of the locality's identification or "welcome to" signs in perpetuity.

2. VDOT may authorize any individual, group, local government, and other entities to place storm drain pollution prevention markers or stenciling on VDOT storm drain inlet structures accessible by pedestrian facilities. A local government, through coordination with the district administrator's designee, may apply for a countywide permit to enable this type of activity of behalf of clubs, citizens groups, and other entities. The permit application must include, at a minimum, a graphic sample or samples of the proposed markers, structure locations and a comprehensive list of streets, if a wide distribution of marker placement is anticipated. Stencil measurements shall not exceed 15" L x 20" W.

3. VDOT may authorize a local government to install "no loitering" signs within the right-of-way. The district administrator's designee shall determine the appropriate location for these signs.

24VAC30-151-580. Ornamental posts, walls, residential and commercial development identification signs, or other non-transportation-related elements.

Ornamental posts, walls, residential and commercial development identification signs, or other non-transportation elements such as pedestrian oriented trash cans, or any combination of these, that do not interfere with roadway safety, traffic capacity or maintenance may be authorized under the auspices of a single use permit. These non-transportation related elements shall not be placed on limited access rights-of-way. Requests for the placement of ornamental posts, walls, residential and commercial development identification signs, or other non-transportation related elements, or any combination of these, may be permitted as authorized by the district administrator's designee. Permit applications requesting placement of ornamental posts, walls, residential and commercial development identification signs, other non-transportation related elements, or any combination of these, within the right-of-way must be accompanied by documentation indicating the issuance of all required approvals and permissions from the local jurisdictional authority. Such ornamental posts, walls, residential and commercial development identification signs, and other non-transportation related elements shall meet all VDOT breakaway

requirements (see Road Design Manual, 24VAC30-151-760) or be erected outside of the clear zone. No advertising shall be placed on these non-transportation related elements permitted within the right-of-way. The permittee shall be responsible for maintenance of these non-transportation related elements in perpetuity.

24VAC30-151-590. Outdoor advertising adjacent to the right-of-way.

Permits for outdoor advertising located off the right-of-way are obtained through the roadside management section at any VDOT district office or the Maintenance Division in accordance with Chapter 7 (§ 33.1-351 et seq.) of Title 33.1 of the Code of Virginia. Selective pruning permits for outdoor advertising shall be issued in accordance with § 33.1-371.1 of the Code of Virginia.

24VAC30-151-600. Pedestrian and bicycle facilities.

The installation of sidewalks, steps, curb ramps, shared use paths, pedestrian underpasses and overpasses within right-of-way may be authorized under the auspices of a single use permit. VDOT shall maintain those facilities that meet the requirements of the Commonwealth Transportation Board's Policy for Integrating Bicycle and Pedestrian Accommodations (see 24VAC30-151-760). The maintenance of sidewalks, steps, curb ramps, shared use paths, pedestrian underpasses and overpasses not meeting these requirements shall be subject to permit requirements, and the permittee shall be responsible for maintenance of these facilities.

The installation of pedestrian or bicycle facilities within limited access right-of-way shall be considered a change in limited access control and requires approval of the Commonwealth Transportation Board prior to permit issuance (see Change of Limited Access Control, 24VAC30-151-760). The installation of pedestrian or bicycle facilities parallel to and within the right-of-way of nonlimited access highways crossing limited access highways by way of an existing bridge or underpass shall not be considered a change in limited access but shall require the approval of the Commonwealth Transportation Commissioner prior to issuance of a permit for such activity. ***(Authority delegated by the Commissioner to the Chief Engineer and State Location & Design Engineer)***

24VAC30-151-610. Permits for certain over-dimensional haulers and loaders.

Permits for unladen, oversize and overweight, rubber-tired self-propelled haulers and loaders shall be issued in accordance with § 46.2-1149 of the Code of Virginia and shall be obtained from the district administrator's designee.

24VAC30-151-620. Roadside management, landscaping.

Placement and maintenance of plant materials by individuals or organizations may be allowed under permit in strict accordance with VDOT Road and Bridge Specifications (see 24VAC30-151-760), VDOT Road and Bridge Standards (see 24VAC30-151-760), § 33.1-223.2:9 of the Code of Virginia, and the Comprehensive Roadside Management Program (see 24VAC30-151-760). The applicant shall maintain any altered roadside area in perpetuity. All related permit applications shall be accompanied by a corresponding maintenance agreement.

If permit conditions, including the maintenance agreement, are violated at any time, VDOT reserves the right to reclaim and restore such permitted area to its original condition or otherwise establish turf in accordance with VDOT Road and Bridge Specifications (see 24VAC30-151-760).

The costs of reclamation and restoration activities shall be paid by the permittee. Tree pruning or removal may be allowed on right-of way for maintenance purposes for utility facilities or as part of a roadside beautification project sponsored by the local government or to daylight an outdoor advertising structure in accordance with Vegetation Control Regulations on State Rights-of-Way (see 24VAC30-151-760). See VDOT's Tree and Brush Trimming Policy (see 24VAC30-151-760) for further information.

All pesticide applicators shall meet the applicable requirements established by the Department of Agricultural and Consumer Services in Rules and Regulations for Enforcement of the Virginia Pesticide Law (2VAC20-20) (see 24VAC30-151-760). Pesticide activities shall comply with all applicable federal and state regulations.

24VAC30-151-630. Transit and school bus shelters.

School bus shelters, public transit shelters or share ride stations may be authorized under the auspices of a single use permit. Approval of such structures must be obtained in accordance with Virginia Department of General Services requirements set forth in the Construction and Professional Services Manual (see 24VAC30-151-760). Shelters shall be located in accordance with all clear zone requirements described in Appendix A-2 of VDOT's Road Design Manual (see 24VAC30-151-760).

24VAC30-151-640. Trash containers and recycling sites.

The placement of trash receptacles on non-limited access highways may be authorized under the auspices of a single use permit. Trash receptacles shall be located as close to the right-of-way line as possible. The site shall have a clearly defined entrance and exit. Appropriate screening and landscaping may be required.

The site shall be maintained in a neat condition and sprayed as needed to minimize flies, odors, etc. VDOT will remove improperly maintained receptacles from the right-of-way at the owner's expense.

The permittee shall secure written permission from the adjacent property owners prior to locating the receptacle within the state right-of-way.

24VAC30-151-650. Test holes.

Test holes may be excavated in the roadway or right-of-way for the purpose of geological surveys or studies, monitoring wells and for locating existing utilities within the right-of-way. A single use permit shall be obtained for test holes. All test holes shall be kept to the smallest size and number possible. A surety will be required to sufficiently restore the appearance of the right-of-way or to repair the pavement of the roadway. The permittee shall demonstrate to the satisfaction of the district administrator's designee that the location of the site will not compromise the safety, use or maintenance of the roadway.

24VAC30-151-660. Special requests and other installations.

Any special requests may be permitted upon review and approval by the Commonwealth Transportation Commissioner. ***(Authority delegated by the Commissioner to the Transportation & Mobility Planning Division Administrator and Transportation & Mobility Planning Division Assistant Administrator)***

24VAC30-151-670. Prohibited use of right-of-way.

No permit shall be issued for the following uses of the right-of-way:

1. Signs. Signs not otherwise allowed in this chapter shall not be placed on the highway right-of-way or overhang the right-of-way.

2. Vendors on right-of-way. Permits will not be issued to vendors for operation of business within state rights-of-way, except as may be allowed for waysides and rest areas under the Rules and Regulations for the Administration of Waysides and Rest Areas (see 24VAC30-151-760).

Vendors of newspapers and written materials enjoy constitutional protection under the First Amendment to place or operate their services within rights-of-way, provided they neither impede traffic nor impact the safety of the traveling public. Newspaper vending machine size, placement and location shall be as directed by the district administrator's designee for that area.

3. Dwellings. No private dwellings, garages, or similar structures shall be placed or constructed within the right-of-way, except as may be allowed under 24VAC30-151-220 and 24VAC30-151-230.

Part VIII
Hazardous Materials

24VAC30-151-680. Hazardous materials, waste, or substances.

In the event that the permittee, in pursuit of the activities allowed by the permit, encounters underground storage tanks, buried drums, petroleum-saturate soils, or other potentially hazardous materials, waste, or substances within the right-of-way, the permittee shall immediately cease all activities in the vicinity of such discovery and immediately notify the VDOT official who approved the land use permit. The permittee shall also immediately notify any local emergency response organizations, as appropriate. The permittee shall not attempt to remove any containers or wastes without VDOT concurrence. The district administrator's designee will take necessary actions to ensure that the materials/wastes/substances are managed in accordance with state and federal laws and regulations. The permittee shall not be allowed within the potentially contaminated area until the district administrator's designee obtains clearance from the district environmental section. The permittee shall abide by any conditional use restrictions developed by VDOT as a result of such discovery and, as necessary, to comply with state and federal laws and regulations. The permittee shall be solely responsible for properly managing any contaminated soil or groundwater, or both, that is not otherwise required under regulation to be remediated, but that must be removed in order to properly complete the proposed activities within the right-of-way.

24VAC30-151-690. Permitted discharge to VDOT right-of-way.

A. Permits to discharge to VDOT right-of-way may be issued upon written approval of the local public health department or the Virginia Department of Environmental Quality, or both, and this written approval shall be made part of the permit application. Discharges made to VDOT right-of-way pursuant to a Virginia Pollutant Discharge Elimination System (VPDES) Permit shall demonstrate prior to discharge that no feasible alternative discharge point exists. If discharge is made to VDOT right-of-way, the permittee shall notify the district administrator's designee of any instances where the regulated discharge limits are exceeded and take immediate corrective action to ensure future excursions are prevented, and any damage to VDOT property is remediated. Any discharges made pursuant to the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges from Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests (see 24VAC30-151-760) shall be prohibited from containing any water exhibiting visible oil sheen.

B. Any damages to VDOT property, regardless of authorization implied by any non-VDOT issued permit, shall be remedied or repaired immediately by the permittee.

Part IX
Fees and Surety

24VAC30-151-700. General provisions for fees, surety, and other compensation.

Except as otherwise provided in this part, the applicant shall pay an application fee to cover the cost of permit processing, pay additive fees to offset the cost of plan review and inspection, and provide surety to guarantee the satisfactory performance of the work under permit. For locally administered VDOT projects, the permit fees are waived and in lieu of a surety, the locality may (i) provide a letter that commits to using the surety in place or (ii) have the contractor execute a dual obligation rider that adds VDOT as an additional obligee to the surety bond provided to the locality, with either of these options guaranteeing the work performed within state maintained right-of-way under the terms of the land use permit for that purpose. A copy of the original surety and letter or rider shall be attached to the land use permit. Except as provided in 24VAC30-151-740, utilities within the right-of-way shall pay an annual accommodation fee as described in 24VAC30-151-730. In the event of extenuating circumstances, the Commonwealth Transportation Commissioner may waive all or a portion of any of the fees or surety. ***(Authority delegated by the Commissioner to the District Administrator, Transportation & Mobility Planning Division Administrator, Transportation & Mobility Planning Division Assistant Administrator, and State Right of Way & Utilities Director)***

24VAC30-151-710. Fees.

A. Single use permit. A nonrefundable application fee shall be charged to offset the cost of reviewing and processing the permit application and inspecting the project work, in accordance with the requirements below:

1. The application fee for a single permit is $100.

2. Additive costs shall be applied as indicated below. The district administrator's designee will determine the total permit fees using the following schedule:

Activity	Fee
Private Entrances	none
Commercial Entrance	$150 for first entrance $50 for each additional entrance
Street Connection	$150 for first connection $50 for each additional connection
Temporary Logging Entrance	$10 for each entrance
Temporary Construction Entrance	$10 for each entrance
Turn Lane	$10 per 100 linear feet
Crossover	$500 per crossover
Traffic Signal	$1,000 per signal installation
Reconstruction of Roadway	$10 per 100 linear feet
Curb and Gutter	$10 per 100 linear feet
Sidewalk	$10 per 100 linear feet
Tree Trimming (for outdoor advertising)	in accordance with § 33.1-371 of the Code of Virginia
Tree Trimming (all other activities)	$10 per acre or 100 feet of frontage
Landscaping	$10 per acre or 100 feet of frontage
Storm Sewer	$10 per 100 linear feet
Box Culvert or Bridge	$5 per linear foot of attachment
Drop Inlet	$10 per inlet
Paved Ditch	$10 per 100 linear feet
Under Drain or Cross Drain	$10 per crossing
Above-ground Structure (including poles, pedestals, fire hydrants, towers, etc.)	$10 per structure
Pole Attachment	$10 per structure
Span Guy	$10 per crossing
Additive Guy and Anchor	$10 per guy and anchor
Underground Utility - Parallel	$10 per 100 linear feet
Overhead or Underground Crossing	$10 per crossing
Excavation Charge (including Test Bores and Emergency Opening)	$10 per opening

3. Time extensions for active permits shall incur a monetary charge equal to one-half the application fee charged to the initial permit. Expired permits may be reinstated; however, fees for reinstatement of expired permits shall equal the application fee.

4. If a permit is cancelled prior to the beginning of work, the application fee and one-half of the additive fee will be retained as compensation for costs incurred by VDOT during plan review.

5. The district administrator's designee may establish an account to track plan review and inspection costs, and may bill the permittee not more often than every 30 calendar days. If an account is established for these costs, the permittee shall be responsible for the nonrefundable application fee and the billed costs. When actual costs are billed, the district administrator's designee shall waive the additive fees above.

B. District-wide permits. District-wide permits, as defined in 24VAC30-151-30, are valid for a period of two years. The biennial fee for a district-wide permit for utilities and logging operations is $750 per district. The biennial fee for a district-wide permit for surveying is $200 per district. The central office permit manager may exercise discretion in combining requests for multijurisdictional district-wide permits.

C. Miscellaneous permit fees. To connect the facility to the transmission grid pipeline, the operator of a nonutility renewable energy facility that produces not more than two megawatts of electricity from a renewable energy source, not more than 5,000 mmBtus/hour of steam from a renewable energy source, or landfill gas from a solid waste management facility, shall remit to VDOT a one-time permit fee of $1,500 per mile as full compensation for the use of the right-of-way in accordance with § 67-1103 of the Code of Virginia.

D. No-fee permits. The following permits shall be issued at no cost to the applicant:

1. In-place permits as defined in 24VAC30-151-30 and 24VAC30-151-390.
2. Prior-rights permits as defined in 24VAC30-151-30 and 24VAC30-151-390.
3. As-built permits as defined in 24VAC30-151-30.
4. Springs and wells as defined in 24VAC30-151-280.
5. Crest stage gauges and water level recorders as defined in 24VAC30-151-500.
6. Filming for movies as defined in 24VAC30-151-520.
7. Roadside memorials as defined in 24VAC30-151-550.
8. No loitering signs as defined in 24VAC30-151-570.

24VAC30-151-720. Surety.

A. Performance surety. The permittee shall provide surety to guarantee the satisfactory performance of the work. Surety shall be based on the estimated cost of work to be performed within the right-of-way. Surety may be in the form of a check, cash, irrevocable letter of credit, insurance bond, or any other VDOT-approved method. Under no circumstances shall VDOT or any agency of the Commonwealth be named the escrow agent, nor shall funds deposited with VDOT as surety be subject to the payment of interest. The surety will be refunded or released upon completion of the work and inspection by VDOT subject to the provisions of § 2.2-1151.1 of the Code of Virginia. If a permit is cancelled prior to the beginning of work, the surety shall be refunded or released.

Should the permittee fail to complete the work to the satisfaction of the district administrator's designee, then all or whatever portion of the surety that is required to complete work covered by the permit or to restore the right-of-way to its original condition shall be retained by VDOT.

B. Continuous surety. Permittees installing, operating and maintaining facilities within the highway right-of-way shall secure and maintain a continuous bond. Governmental customers may use a resolution in lieu of a continuous bond. The continuous surety shall be in an amount sufficient to restore the right-of-way in the event of damage or failure. The surety shall remain in full force as long as the work covered by the permit remains within the right-of-way.

A private or commercial entrance does not require a continuous surety. Any other installation may require a continuous surety as determined by the district administrator's designee. An applicant for a district-wide permit for utilities shall provide a continuous surety in the amount of $10,000 per county. An applicant for a district-wide permit for logging entrances shall provide a continuous surety in the amount of $10,000 per district. There is no surety requirement for district-wide permits for surveying.

24VAC30-151-730. Accommodation fees.

After initial installation, the Commonwealth Transportation Commissioner or a designee shall determine the annual compensation for the use of the right-of-way by a utility, except as provided in 24VAC30-151-740. The rates shall be established on the following basis: ***(Authority delegated by the Commissioner to the State Right of way and Utilities Director)***

1. Limited Access Crossings - $50 per crossing.

2. Limited Access Longitudinal Installation - $250 per mile annual use payment.

3. Communication Tower Sites (limited and non-limited access):

a. $24,000 annual use payment for a communication tower site, and

b. $14,000 annual use payment for co-location on a tower site. This payment does not include equipment mounted to an existing wooden utility pole.

24VAC30-151-740. Exceptions and provisions to the payment of fees and compensation.

A. Pursuant to §§ 56-462 and 56-468.1 of the Code of Virginia, a certificated provider of telecommunication service shall collect and remit to VDOT a Public Right-of-Way Use Fee as full compensation for the use of the right-of-way by those utilities.

B. Pursuant to §§ 15.2-2108.1:1 and 56-468.1 of the Code of Virginia, a cable television operator subject to the public right-of-way use fee shall not be charged an annual use payment for the use of public right-of-way.

C. Pursuant to § 56-468.1 of the Code of Virginia, certified providers of telecommunications service shall not be charged land use permit application and additive fees or an annual payment under a resource sharing agreement for the use of public right-of-way.

D. Municipal or authority owned sewer and water facilities and renewable energy generation transmission facilities shall not be charged an accommodation fee pursuant to 24VAC30-151-730 of this chapter for the use of public right-of-way.

E. At VDOT's discretion, under the provisions of resource sharing as defined in 24VAC30-151-30, compensation for the use of the limited access right-of-way may be negotiated and agreed upon through one of the following methods:

1. The mutually agreeable exchange of goods or services only;

2. Cash only; or

3. A combination of both.

VDOT will ensure that the goods or services provided in any mutually agreeable exchange are equal to the monetary compensation amount established for the use and occupancy of the right-of-way.

24VAC30-151-750. (Reserved)

Part X
Reference Documents

24VAC30-151-760. Listing of documents (publications) incorporated by reference.

Requests for information pertaining to the availability and cost of any of these publications should be directed to the address indicated below the specific document. Requests for documents available from VDOT may be obtained from the department's division and representative indicated; however, department documents may be available over the Internet at www.VirginiaDOT.org. Documents with a Virginia Administrative Code (VAC) number may be accessed from the Internet at: http://leg1.state.va.us/000/srr.htm.

1. Access Management Regulations: Minor Arterials, Collectors, and Local Streets (24VAC30-73)
   Transportation & Mobility Planning Division Administrator (VDOT)
   1401 E. Broad St.
   Richmond, VA 23219

2. Access Management Regulations: Principal Arterials (24VAC30-72)
   Transportation & Mobility Planning Division Administrator (VDOT)
   1401 E. Broad St.
   Richmond, VA 23219

3. Change of Limited Access Control (24VAC30-401)
   State Right-of-Way Director (VDOT)
   1401 E. Broad St.
   Richmond, VA 23219

4. Comprehensive Roadside Management Program (24VAC30-121)
   Maintenance Division Administrator (VDOT)
   1401 E. Broad St.
   Richmond, VA 23219

5. Construction and Professional Services Manual
   Department of General Services
   Division of Engineering and Buildings
   Bureau of Capital Outlay Management (BCOM)
   1100 Bank Street, 6th Floor
   Richmond, VA 23219

6. Erosion and Sediment Control Regulations (4VAC50-30)
   Department of Conservation and Recreation
   Division of Soil and Water Conservation
   203 Governor Street, Suite 206
   Richmond, VA 23219

7. General Rules and Regulations of the Commonwealth Transportation Board (24VAC30-20)
   Transportation & Mobility Planning Division Administrator (VDOT)
   1401 E. Broad St.
   Richmond, VA 23219

8. General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Discharges from Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests (9VAC25-120)
   Regulatory Coordinator
   State Water Control Board
   P. O. Box 10009
   Richmond, VA 23240

9. Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)
(Effective December 22, 2003, revised November 2004)
Federal Highway Administration
Superintendent of Documents
U.S. Government Printing Office
P.O. Box 371954
Pittsburgh, PA 15250-7954

10. National Electric Safety Code (2007 edition)
Institute of Electrical and Electronics Engineers, Inc.
10662 Los Vaqueros Circle
P.O. Box 3014
Los Alamitos, CA 90720-1264

11. Policy for Integrating Bicycle and Pedestrian Accommodations (effective 2004)
Transportation and Mobility Planning Division (VDOT)
1401 E. Broad St.
Richmond, VA 23219

12. Right-of-Way Utilities Relocation Policies and Procedures Manual (effective November 2003)
State Right of Way Director (VDOT)
1401 E. Broad St.
Richmond, VA 23219

13. Road and Bridge Specifications 2007 (revised 2008)
Scheduling and Contract Division (VDOT)
State Contract Engineer
1401 E. Broad Street
Richmond, VA 23219

14. Road and Bridge Standards (effective 2009)
Location and Design Engineer (VDOT)
1401 E. Broad Street
Richmond, VA 23219

15. Road Design Manual (effective 2005, revised 2009)
Location and Design Engineer (VDOT)
1401 E. Broad Street
Richmond, VA 23219

16. Roadway Lighting, American National Standard Practice for Roadway Lighting
(effective 2000, reaffirmed 2005)
The Standard Practice Subcommittee of the IESNA Roadway Lighting Committee
The Illuminating Engineering Society of North America
120 Wall Street
New York, NY 10005

17. Roadway Lighting Design Guide (effective 2005)
American Association of State Highway and Transportation Officials (AASHTO)
444 North Capitol St. N.W., Suite 225
Washington, D.C. 20001

18. Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices (24VAC30-120)
Maintenance Division Administrator (VDOT)
1401 E. Broad St.
Richmond, VA 23219

19. Rules and Regulations for the Administration of Waysides and Rest Areas (24VAC30-50)
    Maintenance Division Administrator (VDOT)
    1401 E. Broad St.
    Richmond, VA 23219

20. Rules and Regulations for Enforcement of the Virginia Pesticide Law (2VAC20-20)
    Virginia Department of Agricultural and Consumer Services
    Office of Pesticide Services
    102 Governor Street, 1st Floor
    Richmond, VA 23219

21. Rules for Enforcement of the Underground Utility Damage Prevention Act (20VAC5-309)
    State Corporation Commission
    Department of Energy Regulation
    P. O. Box 1197
    Richmond, VA 23218

22. Secondary Street Acceptance Requirements (24VAC30-92)
    Maintenance Division Administrator (VDOT)
    1401 E. Broad St.
    Richmond, VA 23219

23. Vegetation Control Regulations on State Rights-of-Way (24VAC30-200)
    Maintenance Division Administrator (VDOT)
    1401 E. Broad St.
    Richmond, VA 23219

24. VDOT Tree and Brush Trimming Policy (effective 2004)
    Maintenance Division Administrator (VDOT)
    1401 E. Broad St.
    Richmond, VA 23219

25. Virginia Erosion and Sediment Control Handbook, 3rd edition (effective 1992),
    A Technical Guide to The Virginia Erosion and Sediment Control Law and Regulations (4VAC50-30)
    Department of Conservation and Recreation
    Division of Soil and Water Conservation
    203 Governor Street, Suite 206
    Richmond, VA 23219

26. Virginia Stormwater Management Handbook, 1st edition, Volumes 1 and 2, (effective 1999),
    A Technical Guide to the Virginia Stormwater Management Program Permit Regulations (4VAC50-60)
    Department of Conservation and Recreation
    Division of Soil and Water Conservation
    203 Governor Street, Suite 206
    Richmond, VA 23219

27. Virginia Stormwater Management Program (VSMP) Permit Regulations (4VAC50-60)
    Department of Conservation and Recreation
    Division of Soil and Water Conservation
    203 Governor Street, Suite 206
    Richmond, VA 23219

28. Virginia Supplement to the Manual on Uniform Traffic Control Devices
    (24VAC30-310, includes the Virginia Work Area Protection Manual)
    Traffic Engineering Division (VDOT)
    1401 E. Broad St.
    Richmond, VA 23219

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APPENDIX 1
Frequently asked questions

1. Who needs a land use permit?

Anyone who plans to work or perform an activity on or crossing any right-of-way under the jurisdiction of VDOT must first obtain a land use permit. A land use permit is also required when modifications are planned for an existing entrance due to change in land use, traffic volume, or type of traffic.

2. Who can be issued a land use permit?

Land use permits can be issued to the following applicants:

a. The owner of a facility within the highway right-of-way.

b. The property owner for entrance permits and road frontage improvements.

c. A person, organization, or government, authorized to assume the responsibility and liability for an approved activity within the highway right-of-way.

Land use permits may be issued jointly to the owner of a facility, or adjacent property owner, and his contractor as agent.

3. Why is a land use permit required?

A land use permit is a requirement of the General Rules and Regulations of the Commonwealth Transportation Board (24 VAC 30-20). It ensures that all work performed in the right-of-way of any highway in the state highway system meets VDOT standards and policies, complies with highway laws and regulations, preserves the integrity and functionality of the highway, and provides for the safety of the traveling public.

4. What happens if I do not get a land use permit?

If you do not obtain a land use permit prior to working or performing an activity in the right-of-way, an agent of VDOT will suspend work within the right-of-way, and you will be expected to take the necessary remedial measures to comply with the General Rules and Regulations of the Commonwealth Transportation Board (24 VAC 30-20). Violation of these rules and regulations is a misdemeanor, and if convicted, shall result in punishment as provided in section 33.1-19 in the Code of Virginia. Violators are also civilly liable to the Commonwealth of Virginia for expenses and damages incurred by VDOT.

5. How much does a land use permit cost?

A nonrefundable application fee is charged to offset the cost of reviewing and processing the permit application and inspecting the work. The base application fee for a single use permit is $100. Additive fees are then applied to the base application fee based on the scope of work.

The biennial fee for a district-wide permit for utilities and logging operations is $750 per district.

The biennial fee for a district-wide permit for surveying is $200 per district.

6. Why is a surety required?

A surety is required by VDOT to guarantee the satisfactory performance of the work. The amount of the surety shall be based on the estimated cost of the work to be performed in the right-of-way or an amount sufficient to restore the right-of-way in the event the permittee fails to satisfactorily complete the work permitted. The surety will be refunded upon completion of the work and inspection by VDOT.

7. Where do you apply for a permit?

All applications for single use land use permits shall be submitted through the local VDOT district permit office responsible for the county in which the work is to be performed. All applications for district-wide land use permits shall be submitted through the central office permit manager.

Applications are available at district permit offices and on-line at:
http://www.virginiadot.org/business/bu-landUsePermits.asp
or at:
http://vdotforms.vdot.virginia.gov

8. How are permit requests within limited access right-of-way processed?

Permit requests within limited access right-of-way shall be reviewed and approved by the appropriate district staff as outlined in Appendix 2 prior to submittal to the central office permit manager. The central office permit manager will then forward the request to the Chief Engineer for approval. Permit issuance by the district administrator's designee may only occur after the Chief Engineer's approval of the request. Any permit application fees and sureties received at a district office with the permit application should be returned to the applicant prior to forwarding the request to the central office permit manager. The district administrator's designee will determine the appropriate fee and surety for permit requests within limited access right-of-way and shall accept payment just prior to permit issuance.

9. What are accommodation fees and how are they collected?

Accommodation fees are annual compensation paid by utility companies for the use of limited and non-limited access rights-of-way, with the following exceptions: a.) cable television operators subject to the Public Right-of-Way Use Fee, b.) certified providers of telecommunications service, c.) municipal or authority owned sewer and water facilities, and d.) renewable energy generation transmission facilities. All others shall pay an annual accommodation fee of $50 per crossing of limited access right-of-way and $250 per mile for the longitudinal occupation of limited access right-of-way. All permits for the crossing and/or longitudinal occupation of limited access right-of-way by a utility are to be issued by the district administrator's designee. The district administrator's designee and the permit applicant shall execute the LUP-PA permit agreement for the occupation of limited access right-of-way prior to permit issuance. The initial accommodation fee shall be collected with the permit application fee and coded separately in LUPS. The district administrator's designee will provide the central office permit manager with the land use permit number assigned for the crossing and/or longitudinal occupation of limited access right-of-way in order to invoice the utility for the annual accommodation fee for subsequent years based on the day and month of permit issuance.

Annual accommodation fees are also to be collected in the amount of $24,000 for communication tower sites and $14,000 for co-location on existing tower sites located within limited access and non-limited access rights-of way. These fees are collected by the Right-of-Way Division Manager.

10. Can a builder apply for 5 private driveway entrances all adjacent to each other on the same permit application? If so, would the permit fee still be $100?

Yes, if the request is from the same applicant. There is no additive permit fee for private entrances, so the total fee for a multiple private entrance permit request would be $100.

11. Do we require separate permit be issued for a utility service line that exceeds 500 feet?

Yes, a single-use permit would be required in such cases and the work would not be covered by a district-wide permit.

12. How do we know when and where a utility service line is installed under a district-wide permit?

We do not generally require district-wide permit holders to notify VDOT if the service connection can be made without stopping or impeding highway travel, or unless there is a need to implement traffic control that varies from the standard. If they are cutting the highway pavement, disturbing the shoulder or ditch line, or installing more than 500' of line, a separate single use permit is required. If there are problems with a particular permit holder in your area, we can require that they notify either Central Office or the local office prior to beginning work per 24VAC30-151-40(S). The district administrator's designee shall contact the central office permit manager if such notification is deemed necessary.

In addition, district-wide permits may be revoked for a minimum of 30 calendar days upon written finding that the permittee violated the terms of the permit regulations.

13. Would the contractor be required to sign the LUP-SP, LUP-WZTC & LUP-E&S if they are posting the performance surety?

The owner of the facility or the agent/contractor must sign the forms. In the case where the contractor is signing the LUP-A, they may only sign as a joint signatory or if acting as the owner's agent.

The applicant must sign the LUP-SP. An individual who has successfully completed the VDOT Erosion & Sediment Control Contractor Certification training must sign the LUP-ESCCC. The applicant or their agent must sign the LUP-WZTCC signifying that they will have at least one (1) person that is certified in Basic Work Zone Traffic Control who will be responsible for the placement, maintenance and removal of work zone traffic control devices within the project limits, and that a person certified in Intermediate Work Zone Traffic Control will be on-site to provide supervision during work zone adjustments or changes to traffic control due to field conditions. Note that for special events, if local or state police are providing traffic control this meets the work zone certification requirement.

14. Do the 2010 regulations require utility lines to be placed 3' below the lowest point of roadway?

The 2010 regulations only states the minimum depth requirements for utilities (which vary depending upon the facility type), not how the depth is to be measured.

15. Can an applicant for a roadside memorial pre-pay for the installation of the sign?

The applicant is responsible for the fabrication of the roadside memorial sign and all costs associated with installation and maintenance of the sign. If sign installation is accomplished in the district by a contractor that charges a fixed amount per specific sign type, that fee can be charged the permittee and an accounts receivable need not be set up. In all other cases, the actual cost must be recouped and the district must utilize the best collection method (generally an accounts receivable).

16. If requested, would the central office allow the applicant to install a roadside memorial sign themselves once they obtain a permit?

In cases where the memorial is going to be located along a highway that is not limited access, has sufficient parking nearby, safe foot access, is located sufficiently far from the road so as to allow a safe environment, and the applicant has the appropriate capability, then central office will not object to the district allowing installation by the applicant. When making a decision with regards to this, careful consideration must be made of applicant, potential observer, and traveler safety.

17. When a permit is extended, is a revision to the permit necessary or is the extension letter sufficient?

Permit extensions are considered a revision in LUPS. The district permit office should provide an extension letter to inform the permittee that there will be no further permit extensions and that the authorized activity must be completed by the permit expiration date.

18. Is there a sample of a maintenance agreement for landscaping within limited access right-of-way?

Requests for landscaping within limited access right-of-way fall within the Comprehensive Roadside Management Program, which is handled by Maintenance Division.

19. Is local government approval required for permit requests for ornamental walls, posts signage, etc., or should the county sign the permit as applicant or agent?

The local government should provide written or electronic communication documenting their concurrence with the request.

20. How can VDOT verify that the owner listed on the permit application is the owner of the property?

The 2010 regulations do not require property owner and/or utility company owner verification by VDOT; however, permit applicants for private entrances may be verified with the locality and/or at the county clerk's office, and, utility owner verification can be obtained from the State Corporation Commission.

21. Should the owner/applicant be required to always sign the LUP-SP?

The owner/applicant should always provide a signed LUP-SP when making application for a land use permit. By regulation, the applicant to whom the permit was issued is responsible for all damages caused by implementation of the activities authorized under permit and any costs in excess of those on the surety would be the responsibility of the permittee.

22. Who determines what justifications are needed for requests to open-cut pavement associated with the installation of utilities? Are standards provided in another VDOT reference manual or is a sample available?

It is the responsibility of the applicant to provide justification to VDOT for allowing the open-cut of pavement associated with the installation of utilities. The district administrator's designee determines if the justification provided is sufficient to allow the open-cut of pavement. There is no standard and a sample is not available since each justification request is going to be situational and must be evaluated on its own merits.

23. What are the regulations regarding building moves and what is DMV's role?

VDOT is authorized to issue permits to move buildings (and not modular homes) over 16 feet wide and "tramming permits" (oversized construction and mining equipment over a limited distance) to travel over primary and secondary highways in accordance with Section 24VAC30-151-460 and -610 of the Land Use Permit Regulations. This is in accordance with an agreement between VDOT and DMV. DMV issues permits for all other oversized loads to travel over primary and secondary highways.

24. What is the VDOT emergency operations center and how can they be contacted?

The VDOT emergency operations centers were initially located at the regional traffic operations centers and can be contacted at: 1-800-367-ROAD.

25. Is the utilization of disturbed property adjacent to VDOT right-of-way in calculating disturbance for Virginia Storm Water Management Program purposes a new requirement?

No, the disturbance requirement comes from current VDOT standards & specifications. The Responsible Land Disturber (RDL) certification requirement became State law on July 1, 2001. It applies to any land disturbing activity that would require an Erosion Control Plan. The Department will require evidence of RLD certification with any permit application that involves utility and/or commercial right of way improvement.

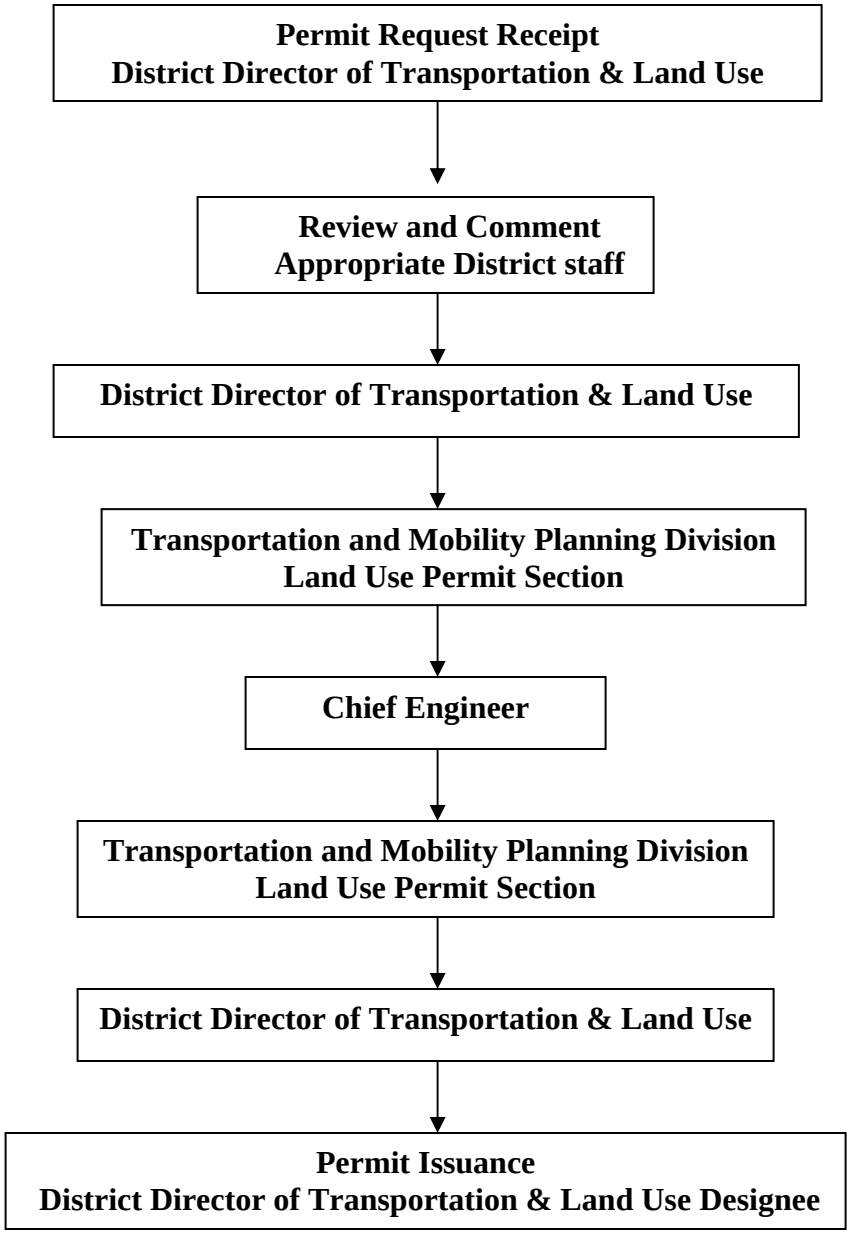
26. How should requests for utility placement within the median area of highways be addressed?

The District Administrator has the authority to authorize the placement of utilities within the median area of a non-limited access highway. Requests should only be considered if the applicant demonstrates that there is no other practicable alternative and that said installation will not interfere with or impair the present use or future expansion of the highway. The applicant must provide justification with regards to the practicability of installation that may include items such as conflicting utilities, extensive tree removal, or the presence of rock.

APPENDIX 2
Processing permit requests on limited access right-of-way

Processing permit requests on limited access right-of-way

To be reviewed and completed by the appropriate District Planning and Investment staff.
The purpose of this review is to support 24VAC30-20-20 and 24VAC30-151-310 of the Land Use Permit Regulations.



- Forward to Central Office Safety & Health and Operation & Security if permit request involves work within underpass, trail, bridges, or tunnel.
- Forward to FHWA if request involves Interstate Interchange Modifications.

APPENDIX 3
Checklist for processing limited access permit requests

Attachment to the Limited Access Permit Request
Must be completed by the appropriate Divisions prior of submittal
For approval by the Central Office Permit Manager / Chief Engineer

- **Structure and Bridge Division:**
  - Support with conditions / comments
    - _____
    - _____
  - Oppose with comments
    - _____
    - _____

- **L & D – Hydraulic Section**
  - Support with conditions / comments
    - _____
    - _____
  - Oppose with comments
    - _____
    - _____

- **Traffic Engineering**
  - Support with conditions / comments
    - _____
    - _____
  - Oppose with comments
    - _____
    - _____

- **Smart Traffic Center**
  - Support with conditions / comments
    - _____
    - _____
  - Oppose with comments
    - _____
    - _____

- **Roadside Section – Tree Trimming – Landscaping**
  - Support with conditions / comments
    - _____
    - _____
  - Oppose with comments
    - _____
    - _____

- **Security and Operation Division**
  - Support with conditions / comments
    - _____
    - _____
  - Oppose with comments
    - _____
    - _____

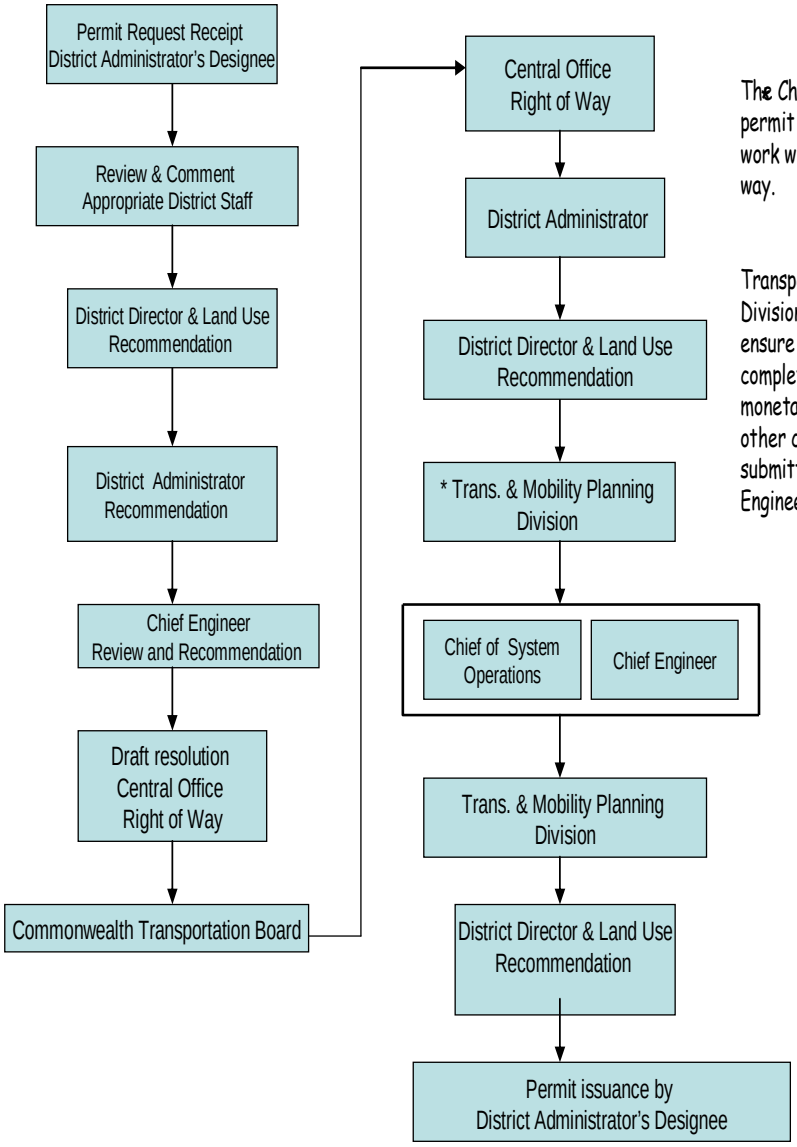
- **Safety and Health**
  - Support with conditions / comments
    - _____
    - _____
  - Oppose with comments
    - _____
    - _____

- **Transportation and Planning Division**
  - Support with conditions / comments
    - _____
    - _____
  - Oppose with comments
    - _____
    - _____

APPENDIX 4
Processing requests for changes in limited access control

Land Use Permit Request Process
for a Proposed Change of Limited Access
"These changes typically include shifting, moving or breaking control"

[To be reviewed and completed by the appropriate district staff. The purpose of this review is to support 24VAC30-401 and section of the Land Use Permit Regulations 24VAC30-151-20]



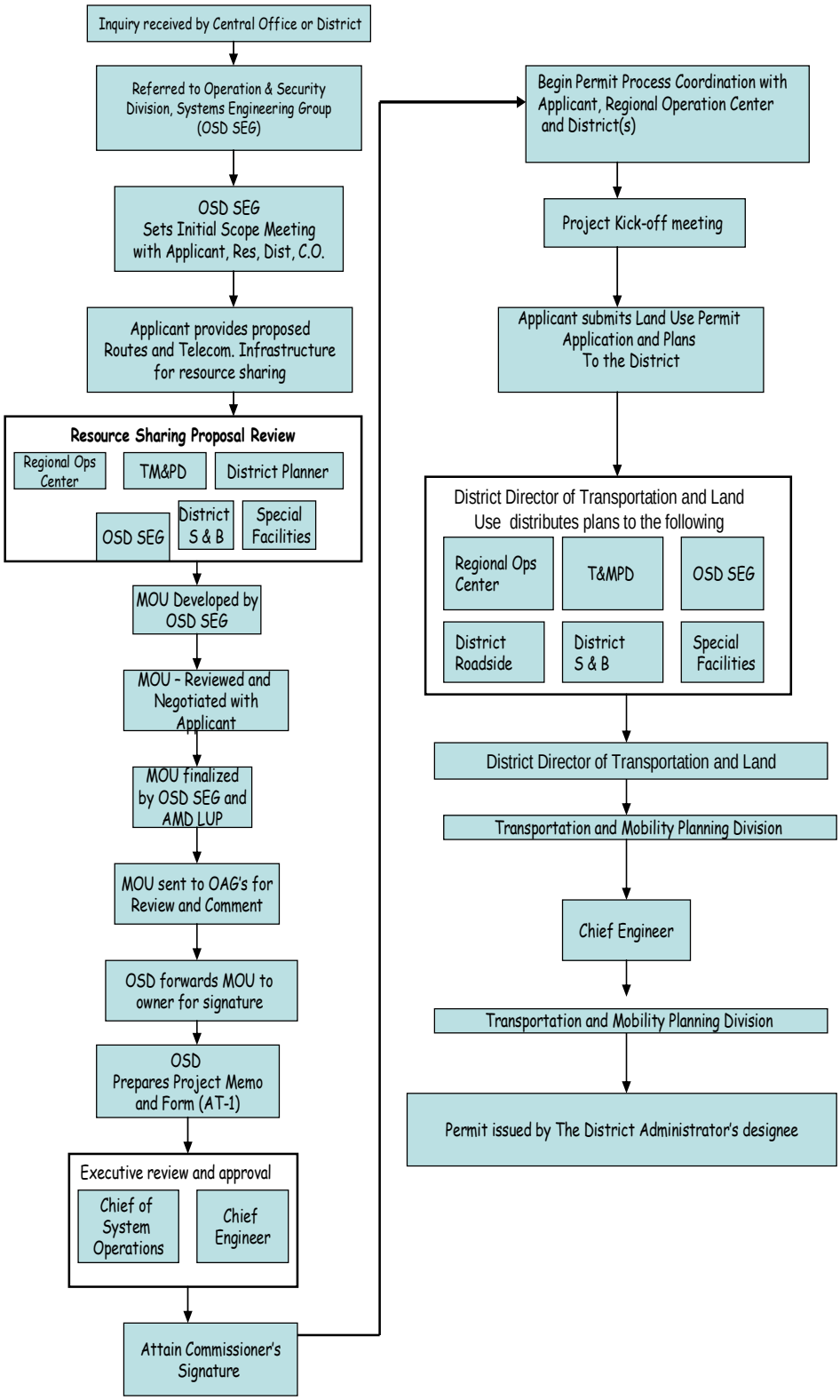
The Chief Engineer must approve the permit request prior to commencement of work within the limited access right of way.

Transportation and Mobility Planning Division Land Use Permit Section will ensure that all district reviews have been completed, CTB approval has been granted, monetary compensation has been paid and other conditions are met prior to submitting the permit request to the Chief Engineer.

APPENDIX 5
Processing permit requests for resource sharing agreements

LIMITED ACCESS - LAND USE PERMIT REQUEST PROCES FOR PARALLEL INSTALLATION OF FIBER OPTIC RESOURCE SHARING AGREEMENT OR MEMORANDUM OF UNDERSTANDING (MOU)

[To be reviewed and completed by the appropriate district staff. The purpose of this review is to support 24VAC30-21-20 and 24VAC30-151-310 of the Land Use Permit Regulations.]



APPENDIX 6
Procedure for handling delinquent permits with non-cash surety obligations

Should the permittee fail to complete the permitted work to the satisfaction of the district administrator's designee after a reasonable period of time and a reinstatement has been granted, or the permitted work has been reinstated and that time limit has expired, the following steps shall be taken to restore the right-of-way to its original condition or complete the permitted work, and recoup the expenditures of any public funds:

If the permittee is reluctant to complete the work and is capable of doing so, the district administrator's designee should notify the permittee and, if the work was covered by irrevocable letter of credit or surety bond, a copy the surety provider, by certified mail, return receipt requested, that the permit will be cancelled and voided. The permittee should be advised that he should make every effort to restore the right of way to its original condition within a specified time period prior to cancellation of the permit, or the department will take the necessary steps to restore the right-of-way and bill the permittee for the expenses incurred.

If the permittee fails to complete the required restoration within the allotted time period and the work was covered by irrevocable letter of credit or surety bond, the surety provider shall be notified by certified mail, return receipt requested, with a copy sent to the permittee, advising them that, as beneficiary for the irrevocable letter of credit or surety bond, we are requesting restitution for incomplete or unsatisfactory permitted work performed within the right-of-way by the permittee.

If the permittee fails to complete the required restoration within the allotted time period and the work was covered by a cash surety provided by the permittee, the permittee shall be notified by certified mail, return receipt requested, advising them that, as beneficiary for the cash surety we are requesting restitution for incomplete or unsatisfactory permitted work performed within the right-of-way by the permittee.

If restoration is achieved by state forces and all charges have been accumulated, then an accounts receivable shall be established that outlines the total costs incurred to complete the restoration, including all administrative costs incurred by the department.

If the extent of restoration is such that the work cannot be completed by state forces, then the district administrator's designee shall solicit bids from qualified contractors and assign the work based on the overall low bid. The contractor must provide appropriate documentation to the district administrator's designee detailing the total material and labor cost to complete the restoration. An accounts receivable shall then be established for the contractor's restoration work, including all administrative costs incurred by the department.

If the work was covered by irrevocable letter of credit or surety bond an invoice shall be prepared and sent to the permittee and the surety provider by certified mail, return receipt requested, outlining the total costs incurred to complete the restoration. The district administrator's designee shall inform the permittee and the surety provider that the total invoice amount must be paid within 30 calendar days or appropriate action will be taken to utilize said surety instrument to complete the restoration activities and that legal action will be initiated to recoup any costs that exceed the total amount of the surety.

If the work was covered by a cash surety an invoice shall be prepared and sent to the permittee, by certified mail, return receipt requested, outlining the total costs incurred to complete the restoration. The district administrator's designee shall inform the permittee that the total invoice amount must be paid within 30 calendar days or the cash surety will be utilized to complete the restoration activities and that legal action will be initiated to recoup any costs that exceed the total amount of the cash surety.

The department may refuse any future permit requests due to failure by the permittee to satisfactorily complete permitted work. The department may request assistance from its attorneys for collection of the necessary funds to restore the right-of-way. It should also be noted that failure on the part of the surety provider to fulfill their obligation may prompt the department to cancel existing bonds issued by said provider and not accept future sureties for land use permit activities provided by said provider.

APPENDIX 7
Guidelines for permitting the installation of private entrances

24 VAC 30-72-80 of the Code of Virginia stipulates the following:

(1) If minimum intersection sight distance cannot be achieved at a private entrance access location then the entrance should be installed at a location with the best possible sight distance as determined by the district administrator's designee.

(2) The property owner shall obtain a land use permit and be responsible for the installation of a private entrance.

(3) The property owner may request that VDOT forces install the culvert pipe under the auspices of a land use permit at the owner's expense.

APPENDIX 8
Bicycle race guidelines

Section 24VAC30-151-470 of the Virginia Department of Transportation (VDOT) Land Use Permit Regulations stipulates that a VDOT Land Use Permit shall be obtained for any group or organization to hold a bicycle race on state maintained highways. A "bicycle race" is defined as any competition among persons using bicycles over a set course which will require an exemption from compliance with traffic laws. The approval of a bicycle race permit may be granted only under conditions which assure reasonable safety for all participants, spectators and other highway users, and will not cause unreasonable interference with normal traffic flow which would seriously inconvenience other highway users.

VDOT Land Use Permit Required by Law

The General Rules and Regulations of the Commonwealth Transportation Board are adopted pursuant to the authority of the Code of Virginia. These rules and regulations provide that no work of any nature shall be performed on any real property under the ownership, control, or jurisdiction of VDOT until written permission has been obtained from VDOT. Real property includes, but is not limited to, the right-of-way of any highway in the state highways system. Written permission is granted either by permit or a state-authorized contract let by VDOT;

By issuing a permit, VDOT is giving permission only for whatever rights it has in the right-of-way; the permittee is responsible for obtaining permission from others who may also have an interest in the property;

The permittee will be civilly liable to the Commonwealth for expenses and damages incurred by VDOT as a result of violation of any of the rules and regulations of this chapter. Violators shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided for in § 33.1-19 of the Code of Virginia.

Application Requirements

Application for a land use permit authorizing a bicycle race on state maintained highways shall be made through the district administrator's designee where the race is to originate. The district administrator's designee receiving the request shall coordinate review and approval of the request with the appropriate VDOT personnel if the race course extends beyond the jurisdiction of a single district;

The forms necessary to make application are the LUP-A Land Use Permit Application, an executed LUP-SP Special Provisions form and a LUP-SB Permit Surety Bond or LUP-LC Irrevocable Letter Of Credit Bank Agreement.

This information may be obtained on the VDOT web site at:
http://www.virginiadot.org/business/bu-landUsePermits.asp
or at:
http://vdotforms.vdot.virginia.gov

A list of counties with their corresponding VDOT district offices and VDOT contact information may be obtained on the VDOT web site at: **http://www.virginia.org/about/districts.asp**.

Permit Fees & Charges

The land use permit application shall include a check or cash in the amount of $100 for processing of the request;

The sponsoring group or event coordinator shall be required to pay for any services, traffic control devices and equipment provided by VDOT for the race event. The amount of any additional fees will be determined by the district administrator's designee prior to permit issuance. These services shall be charged to an accounts receivable established by VDOT and the sponsoring group or event coordinator will be invoiced for said services within thirty (30) days of completion of the permit;

The sponsoring group or event coordinator may be required to pay for any services provided by local law enforcement, state police and/or any other governmental agencies required to facilitate the event.

Surety Requirement

A surety in an amount to be determined by the district administrator's designee may be required to ensure reimbursement of any expenses accrued by VDOT that are related to the proposed event. The surety may be in the form of cash or check, a surety bond or an irrevocable letter of credit bank agreement.

Insurance Requirements

The sponsoring group or event organizer should secure and maintain sufficient insurance to protect against liability for personal injury and property damage that may arise from the activities performed under the authority of a land use permit and from the operation of the permitted activity.

General Requirements

Requests for a land use permit authorizing a bicycle race on state maintained highways shall be made a minimum of sixty (60) calendar days prior to the scheduled race date(s);

The sponsoring group or race organizer shall provide a detailed schedule of events for the proposed race date(s) and an estimate of the number of participants;

The sponsoring group or race organizer shall provide VDOT with a detailed map showing the proposed course and direction of the race event with the land use permit application. The race course should be designed to minimize left turn movements. This information may be submitted on "official" county maps provided by VDOT, or equivalent. The location of parking areas, water stations, toilet facilities and other appropriate information shall be shown on this map;

The sponsoring group or event organizer shall indicate the type of existing traffic control for each highway intersection impacted along the entire race route and a plan shall be provided for temporary traffic control at each impacted highway intersection during the race event;

The sponsoring group or event organizer shall provide VDOT with correspondence, documented in written or electronic communication, indicating support from the locality and local law enforcement for the proposed event;

If deemed necessary, a preliminary planning meeting shall be held between VDOT representatives, the sponsoring group or race organizer, the local jurisdiction(s), local law enforcement to discuss the proposed course and the race event. At this meeting any known highway construction or maintenance activities and possible event modifications resulting from said activities will be discussed. After permit issuance VDOT will make every attempt to delay or postpone any scheduled highway construction or maintenance activity that will interfere with the race events.

The district administrator's designee shall provide notification of approval or denial of the request within thirty (30) calendar days of the application submittal date. VDOT staff will work with the applicant and local authorities to investigate alternatives.

Authorization will not be granted for bicycle race events proposed within limited access rights-of-way;

The sponsoring group or event coordinator will be responsible for providing adequate toilet facilities and vehicular parking for event participants, support staff and spectators. Parking areas and toilet facilities shall not be located within VDOT maintained rights-of-way along the race route. The sponsoring group or event organizer is responsible for obtaining permission for the temporary placement these facilities on private property;

Provisions must be made for emergency vehicle access into and through the section(s) of highway impacted by the event;

The placement of advertising signs within VDOT maintained rights-of-way will not be permitted;

The placement of "Start" and "Finish" banners across state maintained highways must be approved by VDOT prior to issuance of the land use permit. Said banners must allow for a minimum of 21 feet of clearance from the roadway centerline, including swag. Placement of banners shall not obstruct adjacent traffic control devices and minimum utility clearances shall be obtained. All banners shall be removed immediately after conclusion of the event;

The sponsoring group or event coordinator shall be responsible for removal of all litter upon conclusion of the event;

The sponsoring group or event coordinator shall be responsible for providing crowd control during the race event;

All authorized signage used for the event shall be promptly removed upon conclusion of the event.

Event Operations

Interruption of motor vehicular traffic flow shall be minimized;

An event contact person shall be designated at permit application and be available prior to and during the proposed race event;

Escort vehicles may be required. These vehicles shall be equipped with appropriate signage and a vehicle equipped with amber lights shall lead and follow race participants;

All race participants shall wear bright, highly visible clothing during the race event;

In no case shall a rider cross into the travel lane of oncoming vehicles;

All race participants shall ride on the roadway and/or lane which has been closed and designated for the race event.

Traffic Control

Participants in an authorized bicycle race may be granted exemption from compliance with any traffic laws otherwise applicable thereto, provided that adequate traffic control is provided to assure the safety of all highway users;

A law enforcement officer will be required to control traffic at all highway intersections and at other locations identified by VDOT where existing traffic control devices are to be temporarily overridden;

If deemed necessary, trained flag persons are to be provided by the sponsoring group or event organizer to assist local law enforcement with traffic control at locations identified by local law enforcement and/or VDOT;

All flag persons shall be trained in appropriate traffic control and successfully complete the VDOT flagging certification examination. VDOT flagging certification can be obtained through the VDOT Traffic Engineering Division, Work Zone Safety Section;

When directed by VDOT, advance warning signs on the approaches to all highway intersections and at other locations identified by VDOT where existing traffic control devices are to be temporarily overridden by event participants.

If requested by local law enforcement, variable message boards shall be posted two (2) calendar days prior to the event advising the traveling public of the event;

When directed by VDOT advance warning signs shall be posted on the approaches to all impacted highway intersections and at other locations identified by VDOT where existing traffic control devices are to be temporarily overridden;

A law enforcement officer will be required to control traffic at all highway intersections and at other locations identified by VDOT where existing traffic control devices are to be temporarily overridden by the event;

Equipment

If available, VDOT may provide flagging equipment, cones, barricades, signs and/or vests for use during the event. The sponsoring group or event organizer shall reimburse VDOT for the use of said equipment. Said equipment shall be assigned to and picked up by the sponsoring group or event organizer, and returned to VDOT in good working condition.

Notifications

The sponsoring group or race organizer shall coordinate their event schedule with appropriate railroad representatives to insure that the race will not interfere with the operation of the railroad at at-grade crossings along the race route;

The sponsoring group or event organizer shall contact local emergency response officials (fire & rescue, etc.) and local post offices affected by the proposed event upon issuance of the VDOT land use permit, or at least fourteen (14) calendar days prior to the scheduled event;

The sponsoring group or event organizer shall provide public notification (newspaper, public service announcement, etc.) prior to commencement of the scheduled event.

Permit Revocation

At the discretion of the district administrator's designee, the land use permit may be revoked and the race terminated for non-compliance with conditions of the permit, if traffic flow becomes congested or weather conditions are deemed unsafe for the event participants.

Permittee Notice

The preceding provisions are intentionally condensed in format and should not be loosely interpreted by the permittee without consultation with the central office permit manager or the district administrator's designee and affirmation from the Land Use Permit Regulations.

Appendix 9
Building Movement Guidelines

Section 24VAC30-151-460 of the Virginia Department of Transportation (VDOT) Land Use Permit Regulations stipulates that a VDOT Land Use Permit shall be obtained for all building movements over 16 feet in width upon or across non-limited access state maintained highways.

VDOT Land Use Permit Required by Law

The General Rules and Regulations of the Commonwealth Transportation Board are adopted pursuant to the authority of the Code of Virginia. These rules and regulations provide that no work of any nature shall be performed on any real property under the ownership, control, or jurisdiction of VDOT until written permission has been obtained from VDOT. Real property includes, but is not limited to, the right-of-way of any highway in the state highways system. Written permission is granted either by permit or a state-authorized contract let by VDOT;

By issuing a permit, VDOT is giving permission only for whatever rights it has in the right-of-way; the permittee is responsible for obtaining permission from others who may also have an interest in the property;

The permittee will be civilly liable to the Commonwealth for expenses and damages incurred by VDOT as a result of violation of any of the rules and regulations of this chapter. Violators shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided for in § 33.1-19 of the Code of Virginia.

Application Requirements

Application shall be made for a VDOT Land Use Permit for building movements through the district administrator's designee where the move is to originate. The district administrator's designee receiving the request shall coordinate review and approval of the request with the appropriate VDOT personnel if the move extends beyond the jurisdiction of a single district;

Application forms and general information regarding VDOT land use permitting for building movements along or across state maintained highways can be obtained by contacting the district permit office or the central office permit manager. The forms necessary to make application are the LUP-BMA Building Movement Permit Application, an executed LUP-BMQ Building Movement Prequalification Questionnaire, an executed LUP-BMR Building Movement Route Certification Statement and a LUP-SB Permit Surety Bond or LUP-LC Irrevocable Letter Of Credit Bank Agreement.

The LUP-BMI Building Movement Investigator's Report shall be completed by authorized VDOT staff prior to permit issuance.

This information may also be obtained on the VDOT web site at:
http://www.virginiadot.org/business/bu-landUsePermits.asp or at **http://vdotforms.vdot.virginia.gov**

A list of counties with their corresponding VDOT district offices and VDOT contact information may be obtained on the VDOT web site at: **http://www.virginia.org/about/districts.asp**.

Permit Fees & Charges

The land use permit application for the movement of buildings upon or across state maintained highways shall include a check or cash in the amount of $100.00 for processing of the request;

The permittee or their agent shall be required to pay for inspection services, the relocation of traffic control devices and equipment provided by VDOT to facilitate the building movement.

The amount of any additional fees will be determined by the district administrator's designee prior to permit issuance. These services shall be charged to an accounts receivable established by VDOT and the permittee or their agent will be invoiced for said services within thirty (30) days of completion of the move;

The permittee or their agent may be required to pay for any services provided by local law enforcement, state police and/or any other governmental agencies required to facilitate the event.

Surety Requirement

A surety in the amount of fifty-thousand dollars ($50,000.00) is required for each building movement upon or across state maintained highways to restore the right-of-way in the event of damage or facility failure. The surety may be in the form of cash or check, a surety bond or an irrevocable letter of credit bank agreement.

Insurance Requirements

The permittee or their agent shall secure and maintain sufficient insurance to protect against liability for personal injury and property damage that may arise from the activities performed under the authority of a land use permit and from the operation of the permitted activity. Insurance must be obtained prior to start of permitted work and shall remain valid through the permit completion date. The district administrator's designee may require a valid certificate or letter of insurance from the issuing insurance agent or agency prior to issuing the land use permit.

General Requirements

The permittee shall notify the district administrator's designee a minimum of two (2) days prior to the scheduled move;

Permit authorization shall not remain active for more than thirty (30) days after the issuance date;

Front and rear escort vehicles are required. The front escort vehicle must be equipped with an over-height pole (hot pole) extended a minimum of 3" higher than the permitted height of the load to ensure safe over height travel. Escort drivers must be certified by VDOT;

The permittee shall be responsible for all clearances en-route, and shall provide appropriate certification to VDOT. All costs associated with the temporary relocation and/or adjustment to existing utilities, mail boxes, traffic control devices, signage and tree trimming activities shall be borne by the permittee. All existing utilities, mail boxes, traffic control devices and signage temporarily removed during authorized building movement activities must be replaced immediately;

The permittee shall be responsible for contacting the local railroad office at least 24 hours in advance of the scheduled move when the proposed route crosses an at-grade railroad crossing;

No trees or tree limbs are to be cut or trimmed without first obtaining written approval from the district roadside manager. All tree trimming activities shall be in accordance with current VDOT standards, specifications and policies. The permittee shall obtain approval to trim trees not located within state maintained right-of-way but overhanging the roadway from the property owner;

A standby tow truck or prime mover vehicle should be available within ten (10) minutes of notification;

Traffic should not be detained for more than ten (10) minutes. Emergency response vehicles shall not be detained for any reason;

Prior to moving through construction zones, the permittee must obtain approval from the contractor;

The district administrator's designee shall provide notification of approval or denial of the request within thirty (30) days of the date of the submittal of the application if all required supporting data is included with the land use permit application.

Inspection of the Work

An authorized VDOT employee shall accompany the move for the purpose of conducting highway inspections and to ensure safe travel. All costs associated with said inspection activities shall be borne by the permittee.

Limits of Authorization

The single-use permit covers authorized building movements on state maintained highways designated as "non-limited access" primary and secondary routes only.

Hours and Days Work Authorized

Authorized building movements upon or across state maintained highways shall take place between 12:00AM and 6:00 AM on Sunday mornings. The district administrator's designee where the move is to originate may establish alternate time restrictions if the move does not extend beyond the jurisdiction of a single district, or after coordination with the appropriate VDOT district staff for moves that extend beyond the jurisdiction of a single district.

Holiday Restrictions

Authorized building movements upon or across state maintained highways shall not be allowed on non-limited access state maintained highways on the following state observed holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Safety

The permittee or their agent shall at all times give strict attention to the safety of their employees and the traveling public. Failure to implement proper traffic control techniques as stipulated by the permit shall be cause for VDOT to order the permittee or their agent off of the state maintained right-of-way and suspend the building movement activities.

Traffic Control

Local law enforcement or the Virginia State Police **must** assist with traffic control during the duration of the building movement activities to control traffic at all highway intersections and at other locations identified by VDOT where existing traffic control devices are to be temporarily overridden by the building movement. All cost for assistance by law enforcement shall be borne by the permittee.

Notifications

The permittee shall advise all affected emergency response units of the date and time of the impending move to avoid any unnecessary inconveniences and/or disruptions of essential services to the community.

Permit Revocation

At the discretion of the district administrator's designee, the land use permit may be revoked and the move terminated for non-compliance with conditions of the permit, if traffic flow becomes congested or conditions are deemed unsafe to continue the building movement.

Permittee Notice

The preceding provisions are intentionally condensed in format and should not be loosely interpreted by the permittee without consultation with the central office permit manager or the district administrator's designee and affirmation from the Land Use Permit Regulations.

Appendix 10
Irrigation Guidelines

Section 24VAC30-151-580 of the Virginia Department of Transportation (VDOT) Land Use Permit Regulations stipulates that a VDOT Land Use Permit shall be obtained for the placement on all non-transportation related elements such as privately maintained irrigation systems on state maintained highways.

VDOT Land Use Permit Required by Law

The General Rules and Regulations of the Commonwealth Transportation Board are adopted pursuant to the authority of the Code of Virginia. These rules and regulations provide that no work of any nature shall be performed on any real property under the ownership, control, or jurisdiction of VDOT until written permission has been obtained from VDOT. Real property includes, but is not limited to, the right-of-way of any highway in the state highways system. Written permission is granted either by permit or a state-authorized contract let by VDOT;

By issuing a permit, VDOT is giving permission only for whatever rights it has in the right-of-way; the permittee is responsible for obtaining permission from others who may also have an interest in the property;

The permittee will be civilly liable to the Commonwealth for expenses and damages incurred by VDOT as a result of violation of any of the rules and regulations of this chapter. Violators shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided for in § 33.1-19 of the Code of Virginia.

Application Requirements

Applications made for a land use permit authorizing the placement of privately maintained irrigation systems within state maintained right-of-way shall be made through the district administrator's designee. The district administrator's designee will coordinate review and approval of the request with the appropriate VDOT personnel prior to permit issuance;

Application forms and general information regarding VDOT land use permitting for irrigation systems can be obtained by contacting the district permit office or the central office permit manager. The forms necessary to make application are the LUP-A Land Use Permit Application, an executed LUP-SP Special Provisions form, an executed LUP-ESCCC Erosion & Sediment Control Contractor Certification form, an executed LUP-WZTCC Work Zone Traffic Control Certification form and a LUP-SB Permit Surety Bond or a LUP-LC Irrevocable Letter of Credit Bank Agreement.

This information may also be obtained on the VDOT web site at:
http://www.virginiadot.org/business/bu-landUsePermits.asp or at **http://vdotforms.vdot.virginia.gov**

A list of counties with their corresponding VDOT district offices and VDOT contact information may be obtained on the VDOT web site at: **http://www.virginia.org/about/districts.asp**.

Permit Fees & Charges

The land use permit application shall include a check or cash in the amount of $100.00 for processing of the request.

Surety Requirement

A continuous surety in an amount to be determined by the district administrator's designee is required to cover possible damage to roads, sidewalks, curbs, existing utilities, traffic control devices, and other facilities within state maintained right-of-way caused by malfunction or failure of the irrigation system. This surety must remain in effect as long as the irrigation system remains within the right-of-way. The surety may be in the form of cash or check, a surety bond or an irrevocable letter of credit bank agreement.

Insurance Requirements

The permittee shall secure and maintain sufficient insurance to protect against liability for personal injury and property damage that may arise from the installation of a privately maintained irrigation system within state maintained right of way. Insurance must be obtained prior to commencement of the permitted activity and shall remain valid shall remain in full force as long as the irrigation system remains within the right-of-way. The district administrator's designee may require a valid certificate or letter of insurance from the issuing insurance agent or agency prior to issuing the land use permit.

General Requirements

The installation of privately maintained irrigation systems within limited access right-of way shall not be permitted;

The applicant shall provide VDOT with all drawings, technical specifications, and all other pertinent documentation relating to the proposed installation of a privately maintained irrigation system within state maintained right-of-way prior to initiating the installation of said system. The irrigation system shall be designed and/or approved by a qualified irrigation designer;

All main lines and laterals located within state maintained right-of-way shall be installed at a minimum depth 24 inches. The applicant is responsible for procuring information necessary regarding the exact location of all existing utilities or obstructions located at the site and showing on the irrigation plans;

All irrigation lines passing beneath a road or sidewalk shall be appropriately sleeved to protect the pipe and assist with system maintenance. The location of protection sleeves shall be included in the design of the system to be submitted for VDOT review and approval. The material utilized for trench backfill shall be specified and extend to the bottom of the adjacent roadway sub-base layer;

All sprinkler heads shall not elevate more than 12 inches above existing grade when in operation and must remain flush with the existing grade when dormant. The sprinkler spray shall be designed to provide for a fixed spray regulating pattern appropriate for the area to be irrigated. Each sprinkler head shall have a spring activated pressure regulator integral within the stem of the sprinkler head;

Consideration shall be given to the drainage patterns within the irrigated area. VDOT standard under drains and/or edge drains shall be utilized, especially within islands, medians and along the edge of pavement, to eliminate the possibility of saturation of the pavement sub-base and/or the sub-grade within the roadway prism;

Main lines, laterals or sprinkler heads shall not be located within 18 inches of the edge of pavement, back of curb, sidewalk or other hard structure. Where there is no barrier, the entire irrigation system shall be located out of the clear zone as determined by the design speed;

Sprinkler heads and water lines shall not conflict with the location of existing utilities, traffic information signs, and/or other fixed traffic control devices;

All irrigation systems installed within state maintained right-of-way shall be zoned separately from the system zoning on private property. Each zone shall be equipped with a pressure regulating valve that increases the water droplet size;

All irrigation lines located within state maintained right-of-way shall be charged only when irrigation is in progress and remain uncharged when irrigation is not underway;

All exposed control devices must be vandal resistant. VDOT personnel shall have continuous access to a manual shut off valve for the portion of the irrigation system located within state maintained right-of-way;

Any alterations to an irrigation system located within state maintained right-of-way under the auspices of a VDOT land use permit must be resubmitted to VDOT for approval;

Final approval of all irrigation systems located within state maintained right of way shall be contingent upon inspection of the system in full operation by a representative of VDOT;

The applicant shall provide VDOT with an executed "Perpetual Maintenance and Responsibility Agreement" to include the following provisions:

- VDOT shall not be responsible for maintaining, repairing, or be in any way liable for the irrigation system within state maintained right-of-way.

- All required replacement or relocation of the irrigation system due to conflict with a future roadway improvement project shall be the responsibility of the permittee. The modification to an existing irrigation system resulting from a future roadway improvement project must be submitted to the District Administrator's designee for approval. VDOT shall advise the permittee of proposed roadway improvement project affecting their irrigation system upon finalization of the roadway improvement design.

- The permittee shall not modify the irrigation system design after VDOT approval has been granted through the issuance of a land use permit. Any proposed system modifications shall be submitted to VDOT for re-approval. VDOT may request removal of any unapproved modifications.

- The permittee agrees to indemnify and save harmless VDOT, the Commonwealth Transportation Board, and all of its officers, agents, and employees from all suits, actions or claims of any character, name or description, and/or functioning of the work authorized under the auspices of a VDOT Land Use Permit.

- The permittee shall be responsible for the perpetual maintenance of the irrigation and landscaping (to include turf grass) within state maintained right-of-way through a maintenance agreement that will remain in effect as long as the irrigation system remains within the right-of-way.

- The permittee shall take sufficient care to avoid damage to roads, sidewalks, curbs, existing utilities, traffic control devices, and other facilities within state maintained right-of-way and shall be held liable for any damages caused by the irrigation system.

- The irrigation system shall be designed to avoid over-throw of water onto the paved roadway surface and side walk, if applicable.

- The permittee is in agreement that VDOT may request disconnection of the portion of the irrigation system located within state maintained right-of-way should, in the opinion of VDOT, the irrigation system become a traffic and/or pedestrian hazard.

- The watering schedule for irrigation systems located within state maintained right of way, excluding maintenance and system checks, shall be restricted to between 12:00AM and 4:00AM on weekdays during periods of low traffic. At no time shall the system be operated during the weekday hours of 6:00AM to 9:30AM or 3:00PM to 6:30PM. The watering schedule shall be provided in the permit application package. Written permission from VDOT will be required to alter the scheduled irrigation times noted herein. System operation shall not be allowed when the air temperature is 40 degrees F or less.

- A winterization schedule shall be included in the design of the irrigation system.

- The irrigation system shall fully comply with all local and state laws and ordinances, and with all established code application relating to the installation and maintenance of privately maintained irrigation systems.

- The irrigation system zone(s) located within state maintained right-of-way shall not be used for applying pesticides, fertilizers, or any other additives that may contaminate the groundwater.

- VDOT shall remove any irrigation system located within state maintained right-of-way at the permittees expense should the permittee fail to properly maintain the irrigation system.

Traffic Control

The permittee shall comply with all applicable provisions of the Virginia Work Area Protection Manual during installation and or maintenance of the irrigation system located within state maintained right-of-way;

If deemed necessary, trained flag persons are to be provided by the permittee during installation and maintenance of the irrigation system located within state maintained right of way;

All flag persons shall be trained in appropriate traffic control and successfully complete the VDOT flagging certification examination. VDOT flagging certification can be obtained through the VDOT Traffic Engineering Division, Work Zone Safety Section.

Permit Revocation

At the discretion of the district administrator's designee, the land use permit may be revoked and the irrigation system removed from with state maintained right of way should operation of the irrigation system become detrimental to state maintained facilities or the system is deemed hazardous for vehicular and or pedestrian traffic.

Permittee Notice

The preceding provisions are intentionally condensed in format and should not be loosely interpreted by the permittee without consultation with the central office permit manager or the district administrator's designee and affirmation from the Land Use Permit Regulations.

Appendix 11
Lighting Guidelines

Section 24VAC30-151-420 of the Virginia Department of Transportation (VDOT) Land Use Permit Regulations stipulates that a land use permit shall be obtained for the placement of lighting facilities to be located on or overhang state maintained right-of-way. Lighting facilities that are on or overhang the right-of-way are classified as either roadway lighting or non-roadway lighting. Roadway lighting is lighting intended to improve visibility for users of the roadway. Non-roadway lighting is lighting intended to improve visibility or to enhance safety for pedestrians or adjacent properties. Non-roadway lighting may be allowed within the right-of-way provided such lighting does not adversely affect the visibility of roadway users, and lighting supports and support locations do not compromise VDOT clear zone and safety standards.

VDOT Land Use Permit Required by Law

The General Rules and Regulations of the Commonwealth Transportation Board are adopted pursuant to the authority of the Code of Virginia. These rules and regulations provide that no work of any nature shall be performed on any real property under the ownership, control, or jurisdiction of VDOT until written permission has been obtained from VDOT. Real property includes, but is not limited to, the right-of-way of any highway in the state highways system. Written permission is granted either by permit or a state-authorized contract let by VDOT;

By issuing a permit, VDOT is giving permission only for whatever rights it has in the right-of-way; the permittee is responsible for obtaining permission from others who may also have an interest in the property;

The permittee will be civilly liable to the Commonwealth for expenses and damages incurred by VDOT as a result of violation of any of the rules and regulations of this chapter. Violators shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided for in § 33.1-19 of the Code of Virginia.

Application Requirements

Applications made for a land use permit authorizing the placement of lighting facilities to be located on or overhang state maintained right-of-way shall be made through the district administrator's designee. The district administrator's designee will coordinate review and approval of the request with the appropriate VDOT personnel prior to permit issuance;

Application forms and general information regarding VDOT land use permitting for the placement of lighting facilities to be located on or overhang state maintained right-of-way can be obtained by contacting the district permit office or the central office permit manager. The forms necessary to make application are the LUP-A Land Use Permit Application, an executed LUP-SP Special Provisions form, an executed LUP-ESCCC Erosion & Sediment Control Contractor Certification form, an executed LUP-WZTCC Work Zone Traffic Control Certification form and a LUP-SB Permit Surety Bond or LUP-LC Irrevocable Letter Of Credit Bank Agreement.

This information may also be obtained on the VDOT web site at:
http://www.virginiadot.org/business/bu-landUsePermits.asp or at **http://vdotforms.vdot.virginia.gov**

A list of counties with their corresponding VDOT district offices and VDOT contact information may be obtained on the VDOT web site at: **http://www.virginia.org/about/districts.asp**.

Permit Fees & Charges

The land use permit application shall include a check or cash in the amount of $100.00 plus $10.00 per proposed above-ground structure.

Surety Requirement

A performance surety in an amount to be determined by the district administrator's designee is required to guarantee the satisfactory performance of the work. The surety shall be based on the estimated cost for the placement of lighting facilities to be located on or overhang state maintained right-of-way. The surety may be in the form of a check, cash, surety bond or irrevocable letter of credit bank agreement.), or any other VDOT-approved method. The surety will be refunded or released upon completion of the work and inspection by VDOT.

Insurance Requirements

The permittee or their agent shall secure and maintain sufficient insurance to protect against liability for personal injury and property damage that may arise from the activities performed under the authority of a land use permit and from the operation of the permitted activity. Insurance must be obtained prior to start of permitted work and shall remain valid through the permit completion date. The district administrator's designee may require a valid certificate or letter of insurance from the issuing insurance agent or agency prior to issuing the land use permit.

General Requirements

Use of the land use permit is evidence that the permittee is fully cognizant of all required permit provisions, all applicable traffic control standards and requirements and associated construction standards to be utilized;

The issuance of a land use permit authorizing the placement of lighting facilities on or overhanging state maintained right-of-way is in no way to be inferred as a conveyance of any interest in real estate property or facilities owned in whole or part by the Virginia Department of Transportation;

Design Requirements

The applicant shall submit to the district administrator's designee two (2) copies of scale drawings depicting lighting pole locations, mounting heights, pole and base type, type and wattage of luminaries and support arm lengths;

Roadway lighting shall be designed and installed in accordance with VDOT's Road and Bridge Specifications.

The design of roadway lighting facilities shall be based upon the specifications developed by the Illuminating Engineering Society in the manual, American National Standard Practice for Roadway Lighting. The Roadway Lighting Design Guide by the American Association of State Highway and Transportation Officials (AASHTO) may be used as a supplemental guide;

Lighting support poles shall be placed in accordance with VDOT clear zone requirements, however consideration may be given for the placement of support poles within the highway clear zone that are of breakaway or frangible type or be properly protected with a positive barrier system;

Lighting support poles placed behind a positive barrier system or where a system is installed to shield the support poles, the deflection zone of the barrier system must remain totally unobstructed in accordance with current VDOT standards and specifications;

Breakaway or frangible type lighting support poles should not be installed where a falling pole may create a safety hazard for pedestrians, vehicular traffic or adjacent buildings;

Lighting facilities may be attached to existing poles located within or adjacent to state maintained right-of-way. Consideration may be given to the placement of additional poles in an existing pole line when necessary to provide proper illumination.

Inspection of the Work

All activities authorized under the auspices of a VDOT land use permit may be subject to inspection by authorized VDOT personnel.

Limits of Authorization

The placement of lighting facilities on or overhanging state maintained right-of way shall be limited to highways designated as "non-limited access" primary and secondary routes.

Traffic Control

The permittee shall comply with all applicable provisions of the Virginia Work Area Protection Manual during installation of lighting facilities to be located on or overhanging state maintained right-of-way;

If deemed necessary, trained flag persons are to be provided by the permittee during installation and maintenance of the irrigation system located within state maintained right of way;

All flag persons shall be trained in appropriate traffic control and successfully complete the VDOT flagging certification examination. VDOT flagging certification can be obtained through the VDOT Traffic Engineering Division, Work Zone Safety Section.

Permit Revocation

At the discretion of the district administrator's designee, the land use permit may be revoked and the lighting facilities removed from within or overhanging state maintained right of way should operation of the lighting facilities become detrimental to state maintained facilities or are deemed hazardous for vehicular and or pedestrian traffic.

Permittee Notice

The preceding provisions are intentionally condensed in format and should not be loosely interpreted by the permittee without consultation with the central office permit manager or the district administrator's designee and affirmation from the Land Use Permit Regulations.

Appendix 12
Special Events Guidelines

Section 24VAC30-151-470 of the Virginia Department of Transportation (VDOT) Land Use Permit Regulations stipulates that a VDOT Land Use Permit shall be obtained for any group or organization to hold parades, marches or other special events on state maintained highways.

VDOT Land Use Permit Required by Law

The General Rules and Regulations of the Commonwealth Transportation Board are adopted pursuant to the authority of the Code of Virginia. These rules and regulations provide that no work of any nature shall be performed on any real property under the ownership, control, or jurisdiction of VDOT until written permission has been obtained from VDOT. Real property includes, but is not limited to, the right-of-way of any highway in the state highways system. Written permission is granted either by permit or a state-authorized contract let by VDOT;

By issuing a permit, VDOT is giving permission only for whatever rights it has in the right-of-way; the permittee is responsible for obtaining permission from others who may also have an interest in the property;

The permittee will be civilly liable to the Commonwealth for expenses and damages incurred by VDOT as a result of violation of any of the rules and regulations of this chapter. Violators shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided for in § 33.1-19 of the Code of Virginia.

Application Requirements

Application for a land use permit authorizing a parade, march or other special event on state maintained highways shall be made through the district administrator's designee where the event is to originate. The district administrator's designee receiving the request shall coordinate review and approval of the request with the appropriate VDOT personnel if the event extends beyond the jurisdiction of a single district;

Application forms and general information regarding VDOT land use permitting for parades, marches or other special events on state maintained highways can be obtained by contacting the district permit office or the central office permit manager. The forms necessary to make application are the LUP-A Land Use Permit Application, an executed LUP-SEI Special Events Information Sheet, an executed LUP-SP Special Provisions form and a LUP-SB Permit Surety Bond or LUP-LC Irrevocable Letter Of Credit Bank Agreement.

The LUP-SEA Special Events Approval Sheet must be executed by any/all appropriate localities, law enforcement officials and authorized VDOT staff prior to permit issuance.

This information may also be obtained on the VDOT web site at:
http://www.virginiadot.org/business/bu-landUsePermits.asp or at **http://vdotforms.vdot.virginia.gov**

A list of counties with their corresponding VDOT district offices and VDOT contact information may be obtained on the VDOT web site at: **http://www.virginia.org/about/districts.asp**.

Permit Fees & Charges

The land use permit application shall include a check or cash in the amount of $100 for processing of the request;

The sponsoring group or event coordinator shall be required to pay for any services, traffic control devices and equipment provided by VDOT for the event. The amount of any additional fees will be determined by the district administrator's designee prior to permit issuance. These services shall be charged to an accounts receivable established by VDOT and the sponsoring group or event coordinator will be invoiced for said services within thirty (30) days of completion of the permit;

The sponsoring group or event coordinator may be required to pay for any services provided by local law enforcement, state police and/or any other governmental agencies required to facilitate the event.

Surety Requirement

A surety in an amount to be determined by the district administrator's designee may be required to ensure reimbursement of any expenses accrued by VDOT that are related to the proposed event. The surety may be in the form of cash or check, a surety bond or an irrevocable letter of credit bank agreement.

Insurance Requirements

The sponsoring group or event organizer should secure and maintain sufficient insurance to protect against liability for personal injury and property damage that may arise from the activities performed under the authority of a land use permit and from the operation of the permitted activity.

General Requirements

The approval of a permit for marches, parades or other special events may be granted only under conditions which assure reasonable safety for all participants, spectators and other highway users, and will not cause unreasonable interference with normal traffic flow which would seriously inconvenience other highway users.

Authorization will not be granted for proposed parades, marches or other special events within limited access rights-of-way;

The placement of advertising signs within VDOT maintained rights-of-way will not be permitted;

The placement of banners across state maintained highways must be approved by VDOT prior to issuance of the land use permit. Said banners must allow for a minimum of 21 feet of clearance from the roadway centerline, including swag. Placement of banners shall not obstruct adjacent traffic control devices and minimum utility clearances shall be obtained. All banners shall be removed immediately after conclusion of the event;

Requests for a land use permit authorizing a parade, march or other special event on state maintained highways shall be made a minimum of sixty (60) calendar days prior to the scheduled event date(s);

The sponsoring group or event organizer shall provide a detailed schedule of events for the scheduled event date(s) and an estimate of the number of participants;

The sponsoring group or event organizer shall provide VDOT with a detailed map showing the proposed course and direction of the parade or march with the land use permit application. The course should be designed to minimize left turn movements. This information may be submitted on "official" county maps provided by VDOT, or equivalent. The location of parking areas, water stations, toilet facilities and other appropriate information shall be shown on this map;

The sponsoring group or event organizer shall indicate the type of existing traffic control for each highway intersection impacted along the entire parade or march route and a plan shall be provided for temporary traffic control at each impacted highway intersection during the event;
The sponsoring group or event organizer shall provide VDOT with correspondence, documented in written or electronic communication, indicating support from the locality and local law enforcement for the proposed event;

If deemed necessary, a preliminary planning meeting shall be held between VDOT representatives, the sponsoring group or event organizer, the local jurisdiction(s), local and state police, etc. to discuss the proposed route and event. At this meeting any known highway construction or maintenance activities and possible event modifications resulting from said activities will be discussed. After permit issuance VDOT will attempt to delay or postpone any scheduled highway construction or maintenance activity that will interfere with the event, if practicable.

The district administrator's designee shall provide notification of approval or denial of the request within thirty (30) days of the date of the submittal of the application if all required supporting data is included with the land use permit application;

The district administrator's designee may revise the route requirements and schedule depending on the type of event planned and the number of participants.

The sponsoring group or event coordinator will be responsible for providing adequate toilet facilities and vehicular parking for event participants, support staff and spectators. Parking areas and toilet facilities shall not be located within VDOT maintained rights-of-way along the event route. The sponsoring group or event organizer is responsible for obtaining permission for the temporary placement these facilities on private property.

Requests to close a VDOT maintained street for a block party shall include authorization signatures from all persons affected by the proposed road closure.

Provisions must be made to give immediate access to homeowners affected by the event.

The sponsoring group or event coordinator shall be responsible for removal of all litter upon conclusion of the event;

The sponsoring group or event coordinator shall be responsible for providing crowd control during the event.

Event Operations

If requested by local law enforcement, variable message boards shall be posted two (2) calendar days prior to the event advising the traveling public of the event;

Interruption of motor vehicle traffic flow shall be minimized;

An event contact person shall be designated at permit application and be available prior to and during the proposed event;
Escort vehicles may be required. These vehicles shall be equipped with appropriate signage and a vehicle equipped with amber lights shall lead and follow event participants;

All participants in parades or marches shall occupy the roadway and/or lane which has been closed and designated for the event. In no case shall participants in parades or marches cross into the travel lane of oncoming vehicles.

Traffic Control

Participants in an authorized march, parade or other special event may be granted exemption from compliance with any traffic laws otherwise applicable thereto, provided that adequate traffic control is provided to assure the safety of all highway users.

A law enforcement officer will be required to control traffic at all highway intersections and at other locations identified by VDOT where existing traffic control devices are to be temporarily overridden.

If deemed necessary, trained flag persons are to be provided by the sponsoring group or event organizer to assist local law enforcement with traffic control at locations identified by local law enforcement and/or VDOT;
All flag persons shall be trained in appropriate traffic control and successfully complete the VDOT flagging certification examination. VDOT flagging certification can be obtained through the VDOT Traffic Engineering Division, Work Zone Safety Section;

When directed by VDOT, advance warning signs on the approaches to all highway intersections and at other locations identified by VDOT where existing traffic control devices are to be temporarily overridden.

Equipment

If available, VDOT may provide flagging equipment, cones, barricades, signs and/or vests for use during the event. The sponsoring group or event organizer shall reimburse VDOT for the use of said equipment. Said equipment shall be assigned to and picked up by the sponsoring group or event organizer, and returned to VDOT in good working condition.

Notifications

The sponsoring group or race organizer shall coordinate their event schedule with appropriate railroad representatives to insure that the race will not interfere with the operation of the railroad at at-grade crossings along the race route;

The sponsoring group or event organizer shall contact local emergency response officials (fire & rescue, etc.) and local post offices affected by the proposed event upon issuance of the VDOT land use permit, or at least fourteen (14) calendar days prior to the scheduled event;

The sponsoring group or event organizer shall provide public notification (newspaper, public service announcement, etc.) prior to commencement of the scheduled event.

Permit Revocation

At the discretion of the district administrator's designee, the land use permit may be revoked and the event terminated for non-compliance with conditions of the permit, if traffic flow becomes congested or weather conditions are deemed unsafe for the event participants.

Permittee Notice

The preceding provisions are intentionally condensed in format and should not be loosely interpreted by the permittee without consultation with the central office permit manager or the district administrator's designee and affirmation from the Land Use Permit Regulations.

APPENDIX 13
Volunteer mowing guidelines

VDOT occasionally receives inquiries from local governments, businesses, informal groups, formal organizations, and individuals regarding the mowing of grass on highway right-of-way. Additionally, some localities and many homeowners associations require that property owners maintain the roadside in front of their properties. This maintenance can include various activities, from shoveling snow off sidewalks to the mowing of grass.

VDOT Land Use Permit Required by Law

The General Rules and Regulations of the Commonwealth Transportation Board are adopted pursuant to the authority of the Code of Virginia. These rules and regulations provide that no work of any nature shall be performed on any real property under the ownership, control, or jurisdiction of VDOT until written permission has been obtained from VDOT. Real property includes, but is not limited to, the right-of-way of any highway in the state highways system. Written permission is granted either by permit or a state-authorized contract let by VDOT;

Entities must obtain a VDOT Land Use Permit to mow along high-speed, non-limited access roadways, especially in median areas;

VDOT Land Use Permits are not generally necessary in cases where residents are mowing in front of their homes or businesses on the right of way of two-lane low-speed, low-volume streets. Drivers on such facilities expect to encounter pedestrians and activities associated with the maintenance of residences and businesses, reducing or eliminating the utility of any traffic safety instruction. Private mowing along such streets has occurred across the state and has historically not constituted a traffic issue requiring official notice.

Application Requirements

Application for a land use permit authorizing mowing within the right-of-way of state maintained highways shall be made through the district administrator's designee where the mowing is to occur;

Application forms and general information regarding VDOT land use permitting for mowing within the right-of-way of state maintained highways can be obtained by contacting the district permit office or the central office permit manager;

This information may also be obtained on the VDOT web site at:
http://www.virginiadot.org/business/bu-landUsePermits.asp or at **http://vdotforms.vdot.virginia.gov**

A list of counties with their corresponding VDOT district offices and VDOT contact information may be obtained on the VDOT web site at: **http://www.virginia.org/about/districts.asp**.

Permit issuance is contingent upon the following:

- Submittal of a completed and signed LUP-A Land Use Permit Application;
- VDOT verification of the name and address of the applicant. This information can be verified by driver's license, utility bill, or other similar documentation.

Permit Fees & Charges

The land use permit application fee for volunteer mowing requests shall be waived.

Surety Requirement

The necessity to provide a surety for mowing within the right-of-way of state maintained highways operations is waived if the volunteer supplies their own signage. If VDOT supplies signs, a nominal surety of $100 per sign may be required by the district administrator's designee. The surety may be in the form of cash or check, a surety bond or an irrevocable letter of credit bank agreement.

General Requirements

The approval of a permit authorizing volunteer mowing within the right-of-way of state maintained highways may be granted only under conditions which assure reasonable safety for all participants and other highway users, and will not cause unreasonable interference with normal traffic flow which would seriously inconvenience other highway users;

A permit allowing private entities to mow within the right-of-way of state maintained highways must include certain items in order to promote the safety of the volunteers involved and that of the traveling public. Additionally, in such cases providing volunteers with some basic traffic safety instruction is important.

Consideration should be given to utilization of the VDOT the Comprehensive Roadside Management Program for activities other than mowing or picking up litter;

Authorization will not be granted for volunteer mowing requests within limited access rights-of-way;

Participants must be at least 18 years old;

A copy of VDOT's Volunteer Mowing Safety Guidelines and Volunteer Mowing Operation traffic control layout must be attached to the permit;

VDOT may provide safety vests and signs, if available, and shall designate the location of any needed signs as determined by the district administrator's designee. Any signage provided by VDOT shall be returned upon completion of each mowing event;

The volunteer permit holder shall place signs in accordance with the Volunteer Mowing Operation instructions or at locations determined by the district administrator's designee;

The maximum mowing segment length per VDOT Land Use Permit shall be 2 miles;

No lane closures will be allowed and the mower operator and mowing equipment shall not encroach into the travel way while in operation;

The time and date for the mowing is to be coordinated with the district administrator's designee.

Land Use Permit Volunteer Mowing Safety Guidelines

Before Starting Mowing:

- Coordinate the time and date for the mowing with the district administrator's designee.
- Mowing and/ or litter pick up in median areas requires permission from the district administrator's designee.
- All participants must view the AAH safety video at the following link **http://www.virginiadot.org/programs/prog-aah-faqs.asp**
- Pick up litter along the same section of road immediately prior to mowing to prevent debris from being discharged from the mower.
- Check to ensure that any equipment to be used has all safety features in place and is functioning properly.
- If driving to the site, carpool to keep roadside parking to a minimum. Park as far from the road's edge as possible.

The Best Time to Mow:

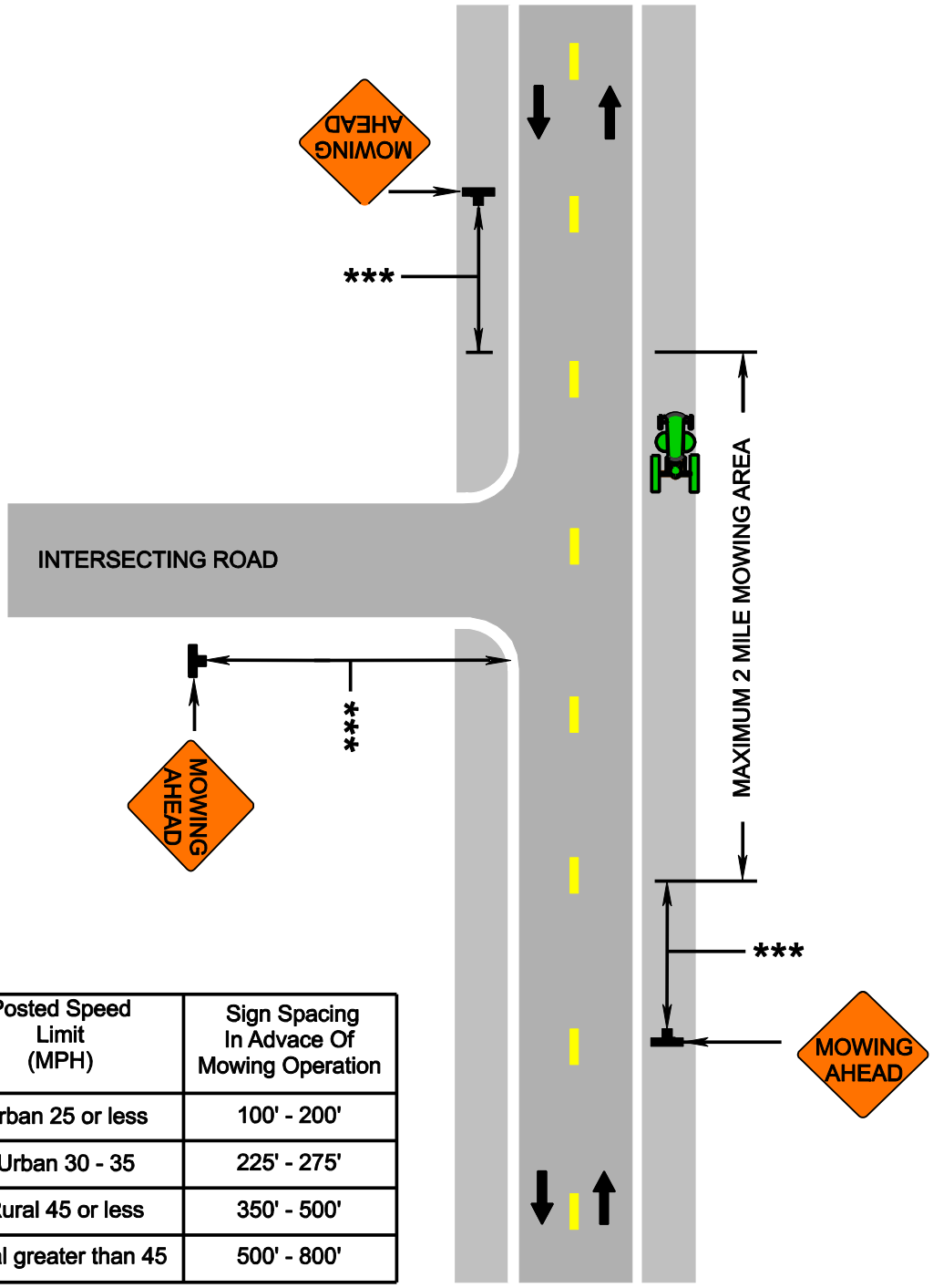
- Do not mow during peak travel times or when traffic is heavy.
- Work only in daylight and fair weather.

What to Wear:

- Always wear an orange or yellow-green safety vest so drivers can see you easily. Put on the vest before you leave the car so you are visible the moment you are on the side of the road.
- In addition to the safety vest, volunteers should wear brightly colored clothing that protects your arms and legs, and wear hard-soled shoes, safety glasses and work or gardening gloves.

During mowing:

- Always put up or open the "MOWING AHEAD" signs before beginning mowing in accordance with the appropriate Volunteer Mowing Operation layout.
- Remove all signage immediately after mowing has been completed.
- Do not mow or remove signs beyond the authorized roadway segment. Stay within the area marked by your safety signs.
- Do not pick up materials that appear to be hazardous and contact the State Police if you find such material.
- Never participate in a mowing operation while under the influence of drugs or alcohol.



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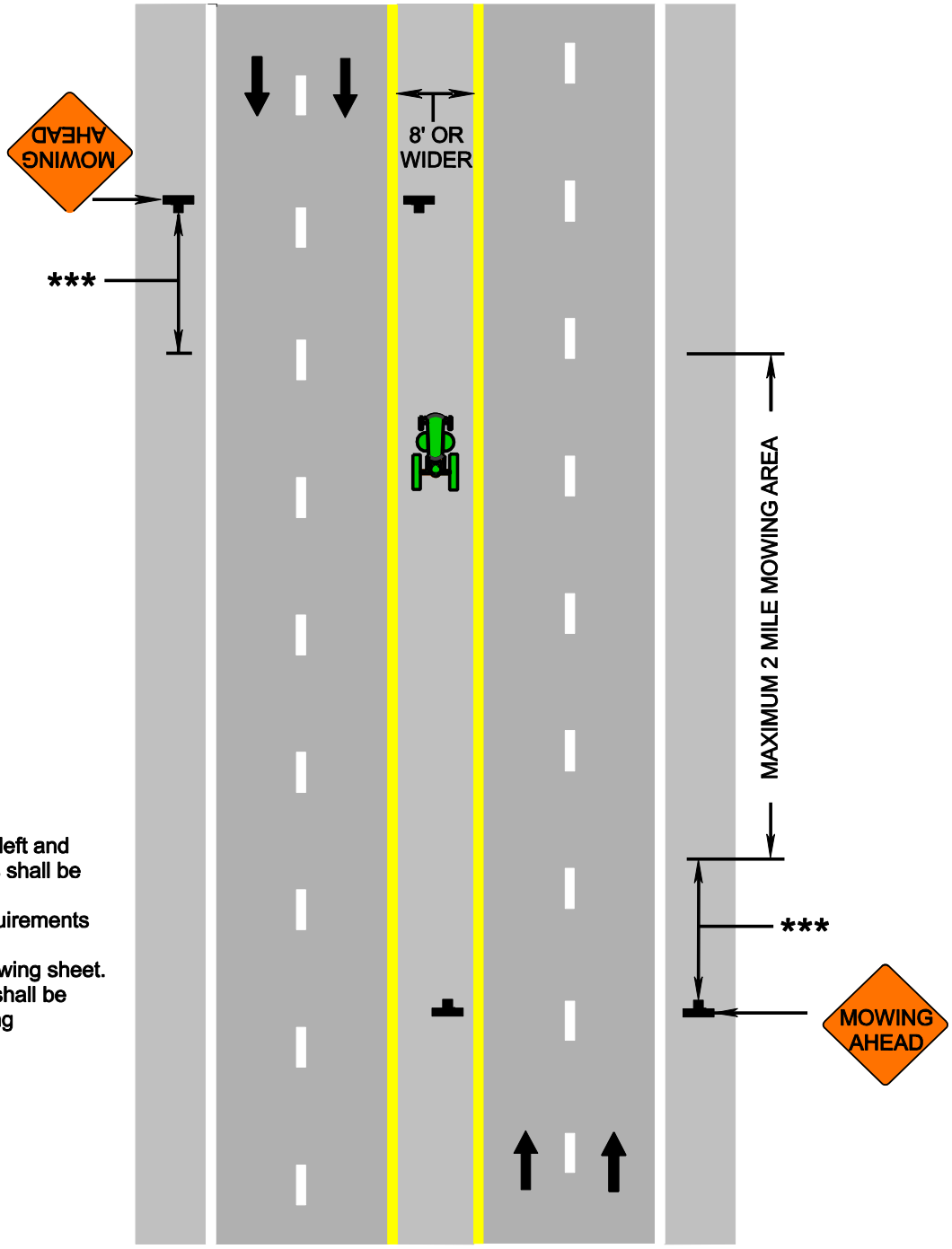
Posted Speed Limit (MPH)	Sign Spacing In Advace Of Mowing Operation
Urban 25 or less	100' - 200'
Urban 30 - 35	225' - 275'
Rural 45 or less	350' - 500'
Rural greater than 45	500' - 800'

- Sign Location

Volunteer Mowing
Two-Lane Mowing Operation

September 2009



NOTES:
1. Median wider than 8', left and right signs assemblies shall be installed.
2. Sign spacing (***) requirements are found on the Adopt-A- Highway Mowing sheet.
3. Mowing Ahead signs shall be installed on intersecting roadways.

Volunteer Mowing
Multi-Lane Mowing Operation

September 2009

APPENDIX 14
Agricultural Use Agreement

Commonwealth of Virginia
Department of Transportation
9/2010

LUP-AUA
LAND USE PERMIT
Agricultural Use Agreement

This Agreement ("Agreement") dated this ____ day of _____, 20____ is by and between the Commonwealth of Virginia, Department of Transportation with offices located at 1401 East Broad Street, Richmond, Virginia 23219 ("VDOT") and _____ ("Permittee").

Whereas, 24VAC30-151-230 of the General Rules and Regulations of the Commonwealth Transportation Board provides that when land being used for agricultural purposes is acquired by VDOT as right-of-way for the ultimate development of a highway, VDOT may enter into agreements for the agricultural use of portions of such VDOT right-of-way, said agreements to be governed by the criteria set forth in 24VAC30-151-230, and;

Whereas, the Permittee has requested permission to use for agricultural purposes certain non-limited-access right-of-way property consisting of approximately _____ acres on Route _____ (route no.), _____ (route name) in _____ (city, town, or county), Virginia, which right-of-way is adjacent to property owned by Permittee and is shown as "Permitted Area" on Exhibit "A" attached hereto, and;

Whereas, VDOT is willing to allow the Permittee to use the Permitted Area for agricultural purposes in accordance with 24VAC30-151-230 of the General Rules and Regulations of the Commonwealth Transportation Board.

Now Therefore, the parties mutually agree to the following:

1. VDOT does hereby permit the Permittee to use the right-of-way shown as "Permitted Area" on Exhibit "A" for _____ ("Permitted Use"), said Permitted Use to be governed and restricted by the provisions of 24VAC30-151-230 of the General Rules and Regulations of the Commonwealth Transportation Board (incorporated herein as Exhibit "B"), including but not limited to the following:
   a. No structures of any kind are to be erected on the Permitted Area without written approval of the Commonwealth Transportation Commissioner.
   b. This Agreement shall be valid for one year said year to begin on _____.
   c. VDOT reserves the right to amend or rescind this Agreement when, in VDOT's opinion, use of the Permitted Area is needed for future construction or maintenance, or when, in VDOT's opinion, the exercise of the privileges granted in this Agreement becomes detrimental to public safety.
2. The Permittee hereby agrees to indemnify, defend, and hold harmless the Commonwealth Transportation Board, members of the Board, VDOT, the Commonwealth of Virginia, its agencies, institutions, officials, employees, and agents from and against all loss or damage, suits, judgments, costs, fines (including any sums ordered to be paid or expended by VDOT by any governmental entity as a fine, penalty or damages for any violation of any applicable environmental law or to remediate any hazardous or other materials), whether relating to person or property, arising from use of the Permitted Area by Permittee, its employees, agents, subcontractors, and/or invitees.

Virginia Department of Transportation:

_____
Signature **Date**

_____
Printed Name

_____
Title

Permittee: **Permit No.:** _____

_____
Signature **Date**

_____
Printed Name

_____
Address

_____
City **State** **Zip Code**

APPENDIX 14
Commercial Use Agreement

Commonwealth of Virginia
Department of Transportation
10/2010

LUP-CUA
LAND USE PERMIT
Commercial Use Agreement

This Agreement ("Agreement") dated this _____ day of _____, 20____ is by and between the Commonwealth of Virginia, Department of Transportation with offices located at 1401 East Broad Street, Richmond, Virginia 23219 ("VDOT") and _____ ("Permittee").

Whereas, 24VAC30-151-220 of the General Rules and Regulations of the Commonwealth Transportation Board provides that when land being used for commercial pursuits is acquired by VDOT as right-of-way for the ultimate development of a highway, VDOT may enter into agreements for the commercial use of portions of such VDOT right-of-way, said agreements to be governed by the criteria set forth in 24VAC30-151-220, and;

Whereas, the Permittee has requested permission to use for commercial pursuits certain non-limited-access right-of-way property consisting of approximately _____ acres on Route _____ (route no.), _____ (route name) in _____ (city, town, or county), Virginia, which right-of-way is adjacent to property owned by Permittee and is shown as "Permitted Area" on Exhibit "A" attached hereto, and;

Whereas, VDOT is willing to allow the Permittee to use the Permitted Area for commercial pursuits in accordance with 24VAC30-151-220 of the General Rules and Regulations of the Commonwealth Transportation Board.

Now Therefore, the parties mutually agree to the following:

1. VDOT does hereby permit the Permittee to use the right-of-way shown as "Permitted Area" on Exhibit "A" for _____ ("Permitted Use"), said Permitted Use to be governed and restricted by the provisions of 24VAC30-151-220 of the General Rules and Regulations of the Commonwealth Transportation Board (incorporated herein as Exhibit "B"), including but not limited to the following:
   a. No structures of any kind are to be erected on the Permitted Area without written approval of the Commonwealth Transportation Commissioner.
   b. The use of this land shall cover commercial pursuits consistent with similar operations common to the highway. These operations may include gasoline pumps, but not gasoline tanks.
   c. The area of right-of-way designated for use of the landowner must not be used for the storing of vehicles, except while the vehicles are being serviced at the gasoline pumps.
   d. This Agreement shall be valid for one year said year to begin on _____.
   e. VDOT reserves the right to amend or rescind this Agreement when, in VDOT's opinion, use of the Permitted Area is needed for future construction or maintenance, or when, in VDOT's opinion, the exercise of the privileges granted in this Agreement becomes detrimental to public safety.
2. The Permittee hereby agrees to indemnify, defend, and hold harmless the Commonwealth Transportation Board, members of the Board, VDOT, the Commonwealth of Virginia, its agencies, institutions, officials, employees, and agents from and against all loss or damage, suits, judgments, costs, fines (including any sums ordered to be paid or expended by VDOT by any governmental entity as a fine, penalty or damages for any violation of any applicable environmental law or to remediate any hazardous or other materials), whether relating to person or property, arising from use of the Permitted Area by Permittee, its employees, agents, subcontractors, and/or invitees.

Virginia Department of Transportation:

_____
Signature **Date**

_____
Printed Name

_____
Title

Permittee: **Permit No.:** _____

_____
Signature **Date**

_____
Printed Name

_____
Address

_____
City **State** **Zip Code**

Appendix 16
District-wide permits for surveying operations

NOTICE OF PERMITTEE LIABILITY
Permittee Agreement for Land Use Permit Issuance

Section 24 VAC 30-151-30.C.3 of the Virginia Department of Transportation (VDOT) Land Use Permit Regulations stipulates that district-wide permits may be issued granting authorization to perform surveying operations on non-limited access state maintained highways.

I the undersigned hereby acknowledge that I am fully cognizant of all of the following requirements associated with the issuance of a district-wide VDOT Land Use Permit authorizing surveying operations on state maintained highways:

Authorized Signature: _____

Company Name: _____

VDOT District(s): _____

VDOT Land Use Permit Required by Law

The General Rules and Regulations of the Commonwealth Transportation Board are adopted pursuant to the authority of the Code of Virginia. These rules and regulations provide that no work of any nature shall be performed on any real property under the ownership, control, or jurisdiction of VDOT until written permission has been obtained from VDOT. Real property includes, but is not limited to, the right-of-way of any highway in the state highways system. Written permission is granted either by permit or a state-authorized contract let by VDOT;

By issuing a permit, VDOT is giving permission only for whatever rights it has in the right-of-way; the permittee is responsible for obtaining permission from others who may also have an interest in the property;

The permittee will be civilly liable to the Commonwealth for expenses and damages incurred by VDOT as a result of violation of any of the rules and regulations of this chapter. Violators shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided for in § 33.1-19 of the Code of Virginia.

Application Requirements

Application shall be made for a district-wide VDOT Land Use Permit for surveying operations through the central office permit manager at 1401 East Broad Street, Richmond, VA 23236.

Application forms and general information regarding VDOT land use permitting for surveying operations can be obtained by contacting the district permit office or the central office permit manager. The forms necessary to make application are the LUP-A Land Use Permit Application, an executed LUP-DWUSC Special Provision form and an executed LUP-WZTCC Work Zone Traffic Control Certification form.

This information may also be obtained on the VDOT web site at:
http://www.virginiadot.org/business/bu-landUsePermits.asp or at **http://vdotforms.vdot.virginia.gov**

Permit Term and Fees

District-wide permits are valid for a period of two (2) years. The biennial fee for a district-wide permit for surveying operations on non-limited access primary and secondary highways is $200 per district.

A list of counties with their corresponding VDOT district offices and VDOT contact information may be obtained on the VDOT web site at: **http://www.virginia.org/about/districts.asp**.

Surety Requirement

There is no surety requirement for normal surveying activities performed under a dist-wide land use permit.

General Requirements

The permittee shall adhere to the terms and conditions as stipulated in the permit assembly without exception. Any deviation may result in the temporary revocation of the land use permit for a term not less than 30 days;

Use of the land use permit is evidence that the permittee is fully cognizant of all required permit provisions, all applicable traffic control standards and requirements and associated construction standards to be utilized;

The issuance of a district-wide land use permit is in no way to be inferred as a conveyance of any interest in real estate property or facilities owned in whole or part by the Virginia Department of Transportation;

The permittee shall notify the local VDOT permit office by written or electronic communication prior to initiating the cutting of brush or bushes and/or stopping or impeding highway travel for up to 15 minutes;

The permittee should immediately contact the nearest VDOT permit office with any interpretive questions or if involved in an accident;

Photo duplication and distribution of a district-wide land use permit, along with any/all special provisions is authorized so that the permittee can provide their respective work crew(s) and other employees with information necessary to perform the authorized activities in a safe and expedient manner.

Inspection of the Work

All activities authorized under the auspices of a district-wide land use permit may be subject to inspection by authorized VDOT personnel.

Limits of Authorization

The district-wide permit covers authorized activities on state maintained highways designated as non-limited access primary and secondary routes only.

Hours and Days Work Authorized

Normal hours for work under the authority of a district-wide permit are from 9:00 a.m. to 3:30 p.m. Monday through Friday for all highways classified as arterial or collector. All highways classified as local roads will have unrestricted work hours and days.

The classifications for all state maintained highways can be found at the following link:
http://www.virginiadot.org/projects/fxn_class/maps.asp

Holiday Restrictions

Permitted non-emergency work will not be allowed on arterial and collector highway classifications from noon on the preceding weekday through the following state observed holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. If the observed holiday falls on a Monday, the permit will not be valid from noon on the preceding Friday through noon on Tuesday. The central office permit manager may establish alternate time restrictions in normal working hours and days for district-wide permits.

Traffic Control

The permittee shall implement all necessary traffic control in accordance with the Virginia Work Area Protection Manual, current edition. When warranted, the appropriate regional traffic engineer should be consulted to select or tailor the proper traffic control devices;

All flag persons shall be trained in appropriate traffic control and successfully complete the VDOT flagging certification examination. VDOT flagging certification can be obtained through the VDOT Traffic Engineering Division, Work Zone Safety Section;

Every flag-person shall carry their VDOT certification card when flagging traffic and have it readily available for inspection when requested by authorized VDOT personnel.

Safety

The permittee shall at all times give strict attention to the safety of their employees and the traveling public. Failure to implement proper traffic control techniques and construction standards as stipulated by the permit shall be cause for VDOT to order the permittee off of the state maintained right-of-way and/or revoke the district-wide land use permit.

Insurance Requirements

The permittee shall secure and maintain sufficient insurance to protect against liability for personal injury and property damage that may arise from the activities performed under the authority of a district-wide land use permit and from the operation of the permitted activity. Insurance must be obtained prior to start of permitted work and shall remain valid through the permit completion date. The central office permit manager may require a valid certificate or letter of insurance from the issuing insurance agent or agency prior to issuing the land use permit.

Activities Not Authorized by a District-wide Land Use Permit

A separate single use permit will be required when the following activities associated with performing surveying operations are proposed:

- Trimming or removal of any trees located within the right-of-way;
- The placement of pins, stakes, or other survey markers that may interfere with mowing operations or other maintenance activities are to be placed within the right-of-way;
- The cutting of highway pavement or shoulders to locate underground utilities;
- Performing surveying activities within limited access right-of-way. Consideration for the issuance of such permits will be granted only when the necessary data cannot be obtained from highway plans, monuments, triangulation, or any combination of these, and the applicant provides justification for entry onto the limited access right-of-way;
- Stopping or impeding highway travel in excess of 15 minutes or varying the implementation of standard traffic control, or any combination of these, as outlined in the Virginia Work Area Protection Manual.

Permit Revocation

A district-wide permit authorizing surveying operations on state maintained highways may be revoked for a minimum of 30 calendar days upon written finding that the permittee violated the terms of the permit or any of the requirements of this chapter, including but not limited to any, all, or a combination of the following:

- The permittee fails to implement all necessary traffic control in accordance with the Virginia Work Area Protection Manual.
- The permittee fails to utilize VDOT certified flag persons for traffic control.
- The permittee parks vehicles within the right-of-way that constitutes a traffic hazard.
- The permittee performs tree trimming or removal activities without consent from the district roadside manager.
- The permittee perform activities under the jurisdiction of a district-wide permit that requires the issuance of a single use permit.

The permittee must obtain single use permits from the district administrator's designee to continue performing surveying operations within state maintained rights of way during this revocation period.

Permittee Notice

The preceding provisions are intentionally condensed in format and should not be loosely interpreted by the permittee without consultation with the central office permit manager and affirmation from the Land Use Permit Regulations.

Appendix 17
District-wide permits for temporary logging entrances

Commonwealth of Virginia
Department of Transportation
9/2010

LUP-DWTLE
LAND USE PERMIT
District-wide Permit
Temporary Logging Entrances

NOTICE OF PERMITTEE LIABILITY
Permittee Agreement for Land Use Permit Issuance

Section 24 VAC 30-151-30.C.2 of the Virginia Department of Transportation (VDOT) Land Use Permit Regulations stipulates that district-wide permits may be issued for the installation, maintenance and removal of temporary entrances onto non-limited access state maintained highways for the purpose of harvesting timber.

I the undersigned hereby acknowledge that I am fully cognizant of all of the following requirements associated with the issuance of a district-wide VDOT Land Use Permit authorizing the installation, maintenance and removal of temporary logging entrances on state maintained highways:

Authorized Signature: _____

Company Name: _____

VDOT District(s): _____

VDOT Land Use Permit Required by Law

The General Rules and Regulations of the Commonwealth Transportation Board are adopted pursuant to the authority of the Code of Virginia. These rules and regulations provide that no work of any nature shall be performed on any real property under the ownership, control, or jurisdiction of VDOT until written permission has been obtained from VDOT. Real property includes, but is not limited to, the right-of-way of any highway in the state highways system. Written permission is granted either by permit or a state-authorized contract let by VDOT;

By issuing a permit, VDOT is giving permission only for whatever rights it has in the right-of-way; the permittee is responsible for obtaining permission from others who may also have an interest in the property;

The permittee will be civilly liable to the Commonwealth for expenses and damages incurred by VDOT as a result of violation of any of the rules and regulations of this chapter. Violators shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided for in § 33.1-19 of the Code of Virginia.

Application Requirements

Application shall be made for a district-wide VDOT Land Use Permit for the installation, maintenance and removal of temporary logging entrances through the central office permit manager at 1401 East Broad Street, Richmond, VA 23236.

Application forms and general information regarding VDOT land use permitting for irrigation systems can be obtained by contacting the district permit office or the central office permit manager. The forms necessary to make application are the LUP-A Land Use Permit Application, an executed LUP-DWUSC Special Provision form, an executed LUP-ESCCC Erosion & Sediment Control Contractor Certification form, an executed LUP-WZTCC Work Zone Traffic Control Certification form and a LUP-SB Permit Surety Bond or a LUP-LC Irrevocable Letter of Credit Bank Agreement.

This information may also be obtained on the VDOT web site at:
http://www.virginiadot.org/business/bu-landUsePermits.asp or at **http://vdotforms.vdot.virginia.gov**

Permit Term and Fees

District-wide permits are valid for a period of two (2) years. The biannual fee for a district-wide permit for the installation, maintenance and removal of temporary logging entrances is $750 per district.

A list of counties with their corresponding VDOT district offices and VDOT contact information may be obtained on the VDOT web site at: **http://www.virginia.org/about/districts.asp**.

Surety Requirement

A continuous surety in the amount of ten-thousand dollars ($10,000.00) per district is required to restore the right-of-way in the event of damage to state maintained facilities within the immediate proximity of the temporary entrance. The continuous surety may be in the form of cash or check, a surety bond or an irrevocable letter of credit bank agreement.

General Requirements

The permittee or their agent shall adhere to the terms and conditions as stipulated in the permit assembly without exception. Any deviation may result in the temporary revocation of the land use permit for a term not less than 30 days;

Use of the land use permit is evidence that the permittee or their agent is fully cognizant of all required permit provisions, all applicable traffic control standards and requirements standards to be utilized;

The permittee or their agent must contact the appropriate district administrator's designee prior to installing a new logging entrance or initiating the use of an existing entrance for logging access.

The permittee or their agent must contact the appropriate district administrator's designee for final inspection upon completion of logging activities and closure of the temporary entrance.

The issuance of a district-wide permit is in no way to be inferred as a conveyance of any interest in real estate property or facilities owned in whole or part by the Virginia Department of Transportation;

The permittee or their agent should immediately contact the nearest VDOT permit office with any interpretive questions or if involved in an accident;

Photo duplication and distribution of a district-wide land use permit, along with any/all special provisions is authorized so that the permittee or their agent can provide their respective work crew(s) and other employees with information necessary to perform the authorized activities in a safe and expedient manner.

Inspection of the Work

All activities authorized under the auspices of a district-wide land use permit may be subject to inspection by authorized VDOT personnel. When warranted, any/all costs associated with said inspections shall be borne by the permittee.

Limits of Authorization

The district-wide permit covers authorized activities on state maintained highways designated as “non-limited access” primary and secondary routes only.

Hours and Days Work Authorized

Normal hours for work under the authority of a district-wide permit are from 9:00 a.m. to 3:30 p.m. Monday through Friday for all highways classified as arterial or collector. All highways classified as local roads will have unrestricted work hours and days.

The classifications for all state maintained highways can be found at the following link: **http://www.virginiadot.org/projects/fxn_class/maps.asp**

Holiday Restrictions

Permitted non-emergency work will not be allowed on arterial and collector highway classifications from noon on the preceding weekday through the following state observed holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. If the observed holiday falls on a Monday, the permit will not be valid from noon on the preceding Friday through noon on Tuesday. The Central Office Permit Manager may establish alternate time restrictions in normal working hours and days for district-wide permits.

Traffic Control

The permittee shall implement all necessary traffic control in accordance with the Virginia Work Area Protection Manual, current edition. When warranted, the appropriate regional traffic engineer should be consulted to select or tailor the proper traffic control devices.

All flag persons shall be trained in appropriate traffic control and successfully complete the VDOT flagging certification examination. VDOT flagging certification can be obtained through the VDOT Traffic Engineering Division, Work Zone Safety Section.

Every flag-person shall carry their VDOT certification card when flagging traffic and have it readily available for inspection when requested by authorized VDOT personnel.

Safety

The permittee or their agent shall at all times give strict attention to the safety of their employees and the traveling public. Failure to implement proper traffic control techniques and construction standards as stipulated by the permit shall be cause for VDOT to order the permittee or their agent off of the state maintained right-of-way and/or revoke the district-wide land use permit.

Insurance Requirements

The permittee or their agent shall secure and maintain sufficient insurance to protect against liability for personal injury and property damage that may arise from the activities performed under the authority of a district-wide land use permit and from the operation of the permitted activity. Insurance must be obtained prior to start of permitted work and shall remain valid through the permit completion date. The central office permit manager may require a valid certificate or letter of insurance from the issuing insurance agent or agency prior to issuing the land use permit.

Activities Not Authorized by a District-wide Land Use Permit

A separate single use permit will be required when the following activities associated with the installation, maintenance and removal of temporary logging entrances:

- Constructing a permanent entrance;
- Making permanent upgrades to an existing entrance. Improvements to existing entrances that are not permanent upgrades will not require the issuance of a separate single use permit;
- Cutting the pavement;
- Grading within the right-of-way beyond the immediate area of the temporary entrance.
- Performing timber harvesting activities within state maintained right-of-way.
- Stopping or impeding highway travel in excess of 15 minutes or implementing traffic control that varies from the standard, or any combination of these, as outlined in the Virginia Work Area Protection Manual.

Permit Revocation

A district-wide permit authorizing the installation, maintenance and removal of temporary logging entrances may be revoked for a minimum of 30 calendar days upon written finding that the permittee violated the terms of the permit or any of the requirements of this chapter, including but not limited to any, all, or a combination of the following:

- The permittee fails to implement all necessary traffic control in accordance with the Virginia Work Area Protection Manual.
- The permittee fails to utilize VDOT certified flag persons for traffic control. Each certified flag-person must carry a certification card when flagging traffic and have it readily available for inspection when requested by authorized personnel.
- The permittee fails to contact the appropriate district administrator’s designee prior to installing a new temporary logging entrance or initiating the use of an existing entrance for logging access.
- The permittee fails to contact the appropriate district administrator’s designee for final inspection upon completion of logging activities and closure of the temporary logging entrance.
- The permittee or their agent fails to restore all disturbed right-of-way at the temporary entrance, including but not limited to ditches, shoulders, and pavement, to pre-activity condition subject to acceptance by the appropriate district administrator's designee.
- The permittee or their agent fails to remove excessive mud and any debris that constitutes a hazardous condition from the highway pursuant to a request from the appropriate district administrator's designee. Non-compliance may also result in the issuance of a separate citation from the Virginia State Police or a local law enforcement authority.
- The permittee performs activities under the jurisdiction of a district-wide permit that requires the issuance of a single use permit.

The permittee must obtain single use permits from the district administrator's designee to continue the installation, maintenance and removal of temporary logging entrances during this revocation period.

Permittee Notice

The preceding provisions are intentionally condensed in format and should not be loosely interpreted by the permittee without consultation with the central office permit manager and affirmation from the Land Use Permit Regulations.

Appendix 18
District-wide permits for utility service installation & maintenance

NOTICE OF PERMITTEE LIABILITY
Permittee Agreement for Land Use Permit Issuance

Section 24 VAC 30-151-30.C.1 of the Virginia Department of Transportation (VDOT) Land Use Permit Regulations stipulates that district-wide permits may be issued granting cities, towns, counties, public agencies, or utility companies the authority to install and maintain service connections to their existing main line facilities on non-limited access state maintained highways.

I the undersigned hereby acknowledge that I am fully cognizant of all of the following requirements associated with the issuance of a district-wide VDOT Land Use Permit authorizing the installation and maintenance of utility service connections:

Authorized Signature: _____

Company Name: _____

VDOT District(s): _____

VDOT Land Use Permit Required by Law

The General Rules and Regulations of the Commonwealth Transportation Board are adopted pursuant to the authority of the Code of Virginia. These rules and regulations provide that no work of any nature shall be performed on any real property under the ownership, control, or jurisdiction of VDOT until written permission has been obtained from VDOT. Real property includes, but is not limited to, the right-of-way of any highway in the state highways system. Written permission is granted either by permit or a state-authorized contract let by VDOT;

By issuing a permit, VDOT is giving permission only for whatever rights it has in the right-of-way; the permittee is responsible for obtaining permission from others who may also have an interest in the property;

The permittee will be civilly liable to the Commonwealth for expenses and damages incurred by VDOT as a result of violation of any of the rules and regulations of this chapter. Violators shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided for in § 33.1-19 of the Code of Virginia.

Application Requirements

Application shall be made for a district-wide permit for the installation and maintenance of utility service connections through the central office permit manager at 1401 East Broad Street, Richmond, VA 23236.

Application forms and general information regarding VDOT land use permitting for irrigation systems can be obtained by contacting the district permit office or the central office permit manager. The forms necessary to make application are the LUP-A Land Use Permit Application, an executed LUP-DWUSC Special Provision form, an executed LUP-ESCCC Erosion & Sediment Control Contractor Certification form, an executed LUP-WZTCC Work Zone Traffic Control Certification form and a LUP-SB Permit Surety Bond or a LUP-LC Irrevocable Letter of Credit Bank Agreement.

This information may also be obtained on the VDOT web site at:
http://www.virginiadot.org/business/bu-landUsePermits.asp or at **http://vdotforms.vdot.virginia.gov**

Permit Term and Fees
District-wide permits are valid for a period of two (2) years. The biannual fee for a district-wide permit for the installation and maintenance of utility service connections is $750 per district.

A list of counties with their corresponding VDOT district offices and VDOT contact information may be obtained on the VDOT web site at: **http://www.virginia.org/about/districts.asp**.

Surety Requirement

A continuous surety in the amount of ten-thousand dollars ($10,000.00) per district is required to restore the right-of-way in the event of damage or facility failure. The continuous surety may be in the form of cash or check, a surety bond or an irrevocable letter of credit bank agreement.

General Requirements

The permittee or their agent shall adhere to the terms and conditions as stipulated in the permit assembly without exception. Any deviation may result in the temporary revocation of the land use permit for a term not less than 30 days;

Use of the land use permit is evidence that the permittee or their agent is fully cognizant of all required permit provisions, all applicable traffic control standards and requirements and associated construction standards to be utilized;

The issuance of a district-wide permit is in no way to be inferred as a conveyance of any interest in real estate property or facilities owned in whole or part by the Virginia Department of Transportation;

The district-wide land use permit is not valid unless endorsed by the central office permit manager. The permit is automatically cancelled if the authorized activities are not under the direct supervision of the permittee or their agent named on the face of the permit;

The permittee or their agent must contact (800) 552-7001 to have any/all existing underground utilities located prior to commencing with any excavation within state maintained rights-of-way;

The permittee or their agent must contact the regional VDOT Operations Center if the proposed installation of a utility service connection is within close proximity to existing traffic signals and/or other underground electronic equipment owned and operated by VDOT;

The permittee or their agent should immediately contact the nearest VDOT permit office with any interpretive questions or if involved in an accident;

VDOT may require that the permittee provide notification to the district administrator's designee to perform activities permitted under the auspices of a district-wide permit authorizing the installation and maintenance of utility service connections if there is documented evidence of past instances of regulatory non-compliance.

Photo duplication and distribution of a district-wide land use permit, along with any/all special provisions is authorized so that the permittee or their agent can provide their respective work crew(s) and other employees with information necessary to perform the authorized activities in a safe and expedient manner, and;

A district-wide permit authorizes the installation of electric service up to 34.5 KV phase to phase;

A district-wide permit authorizes the installation of telecommunication service up to 100 pair copper cable or the fiber optic cable diameter equivalent, and;

A district-wide permit allows for the overlashing of telecommunication lines onto existing lines or strand.

Inspection of the Work

All activities authorized under the auspices of a district-wide land use permit may be subject to inspection by authorized VDOT personnel. When warranted, any/all costs associated with said inspections shall be borne by the permittee.

Limits of Authorization

The district-wide permit covers authorized activities on state maintained highways designated as “non-limited access” primary and secondary routes only.

Hours and Days Work Authorized

Normal hours for work under the authority of a district-wide permit are from 9:00 a.m. to 3:30 p.m. Monday through Friday for all highways classified as arterial or collector. All highways classified as local roads will have unrestricted work hours and days.

The classifications for all state maintained highways can be found at the following link: **http://www.virginiadot.org/projects/fxn_class/maps.asp**

Holiday Restrictions

Permitted non-emergency work will not be allowed on arterial and collector highway classifications from noon on the preceding weekday through the following state observed holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. If the observed holiday falls on a Monday, the permit will not be valid from noon on the preceding Friday through noon on Tuesday. The central office permit manager may establish alternate time restrictions in normal working hours and days for district-wide permits.

Emergency Repair

In the event of an emergency situation that requires immediate action to protect persons or property, work may proceed within the right-of-way without VDOT authorization, however the permittee must contact the VDOT Emergency Operations Center as soon as reasonably possible but no later than 48 hours after the end of the emergency situation.

Traffic Control

The permittee shall implement all necessary traffic control in accordance with the Virginia Work Area Protection Manual, current edition. When warranted, the appropriate regional traffic engineer should be consulted to select or tailor the proper traffic control devices.

All flag persons shall be trained in appropriate traffic control and successfully complete the VDOT flagging certification examination. VDOT flagging certification can be obtained through the VDOT Traffic Engineering Division, Work Zone Safety Section.

Every flag-person shall carry their VDOT certification card when flagging traffic and have it readily available for inspection when requested by authorized VDOT personnel.

Safety

The permittee or their agent shall at all times give strict attention to the safety of their employees and the traveling public. Failure to implement proper traffic control techniques and construction standards as stipulated by the permit shall be cause for VDOT to order the permittee or their agent off of the state maintained right-of-way and/or revoke the district-wide land use permit.

Insurance Requirements

The permittee or their agent shall secure and maintain sufficient insurance to protect against liability for personal injury and property damage that may arise from the activities performed under the authority of a district-wide land use permit and from the operation of the permitted activity. Insurance must be obtained prior to start of permitted work and shall remain valid through the permit completion date. The central office permit manager may require a valid certificate or letter of insurance from the issuing insurance agent or agency prior to issuing the land use permit.

Overhead Service Connections

Overhead utility service connections crossing existing or proposed non limited access primary and secondary highways shall be located on a line that is perpendicular to the highway alignment;

The installation of overhead utility service connections that cross existing or proposed non limited access primary or secondary highways shall provide a minimum of 18 feet of vertical clearance or at a minimum height as established by the National Electric Safety Code, whichever is greater;

Overhead service connections shall not be installed in horizontal or vertical conflict, or both, with existing traffic control devices or signage, or both and shall provide an unobstructed view for the traveling public, and;

Overhead service connections shall provide the appropriate clearance from traffic control devices or signage.

Underground Service Connections

End user service connections may be made onto existing main line facilities provided the pipeline, cable or vault is accessible from beyond the ditch line in rural areas and behind the back of curb in urban areas;

All underground service connections crossing paved highways must be continuous spans;

All underground service connections crossing paved highways shall be bored, pushed or jacked under pavement. The operational pits, associated equipment and/or appurtenances are to be located beyond the right-of-way limits;

All underground utility service connections installed within state maintained rights-of-way require a minimum of 36 inches of cover, except underground cables that provide cable or telecommunications services shall be at a minimum of 30 inches of cover (see below), and;

The installation of parallel utility service connections, not to exceed 500 feet in length, shall be placed along the outer edge of the right-of-way with a minimum of 36 inches of cover, except underground cables that provide cable or telecommunications services shall be at a minimum of 30 inches of cover (see below);

Telecommunications Service Connections

Underground cables that provide cable or telecommunications service shall provide a minimum of 30 inches of cover, however they may be placed with a minimum of 18 inches of cover with the understanding that the permittee assumes full responsibility for any and all damages caused by VDOT or VDOT contractors resulting from a service connection buried with less than 30 inches of cover within the right-of-way.

Activities Not Authorized by a District-wide Land Use Permit

A separate single use permit will be required when the following activities associated with the installation and maintenance of utility service connections are proposed:

- Cutting highway pavement or shoulders, or both, to locate underground utilities;
- Working within the highway travel lane on a non-emergency basis;
- Constructing a permanent entrance;
- Installing electrical lines that exceed 34.5 KV;
- Installing telecommunication services that exceed 100 pair copper cable or the fiber optic cable diameter equivalent;
- Installing new pole, anchors, parallel lines, or casing pipe extensions to existing utilities where such installation necessitates disturbance to the pavement, shoulder or ditch line, or;
- Installing underground telephone, power, cable television, water, sewer, gas, etc. service connections or laterals where the roadway or ditch lines are to be disturbed;
- Stopping or impeding highway travel in excess of 15 minutes or implementing traffic control that varies from the standard, or any combination of these, as outlined in the Virginia Work Area Protection Manual.

Permit Revocation

A district-wide permit authorizing the installation and maintenance of utility service connections may be revoked for a minimum of 30 calendar days upon written finding that the permittee violated the terms of the permit or any of the requirements of this chapter, including but not limited to any, all, or a combination of the following:

- The permittee fails to implement all necessary traffic control in accordance with the Virginia Work Area Protection Manual.
- The permittee fails to utilize VDOT certified flag persons for traffic control.
- The permittee performs any activity under the jurisdiction of a district-wide permit that requires the issuance of a single use permit.

The permittee must obtain single use permits from the district administrator's designee to continue the installation and maintenance of utility service connections during this revocation period.

Permittee Notice

The preceding provisions are intentionally condensed in format and should not be loosely interpreted by the permittee without consultation with the central office permit manager and affirmation from the Land Use Permit Regulations.

Appendix 19
District-wide permits for utility tree trimming operations

NOTICE OF PERMITTEE LIABILITY
Permittee Agreement for Land Use Permit Issuance

I, the undersigned applicant representative hereby acknowledge that I am fully cognizant of all of the following requirements associated with the issuance of a district-wide VDOT Land Use Permit authorizing tree pruning or removal on state maintained rights-of way associated with the maintenance of overhead utility facilities:

Applicant Name: _____

Applicant Representative's Signature: _____

VDOT District(s): _____

VDOT Land Use Permit Required by Law

The General Rules and Regulations of the Commonwealth Transportation Board are adopted pursuant to the authority of the Code of Virginia. These rules and regulations provide that no work of any nature shall be performed on any real property under the ownership, control, or jurisdiction of VDOT until written permission has been obtained from VDOT. Real property includes, but is not limited to, the right-of-way of any highway in the state highways system. Written permission is granted either by permit or a state-authorized contract let by VDOT;

By issuing a permit, VDOT is giving permission only for whatever rights it has in the right-of-way; the permittee is responsible for obtaining permission from others who may also have an interest in the property;

The permittee will be civilly liable to the Commonwealth for expenses and damages incurred by VDOT as a result of violation of any of the rules and regulations of this chapter. Violators shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided for in § 33.1-19 of the Code of Virginia.

Application Requirements

Application shall be made for a district-wide VDOT Land Use Permit for tree trimming operations through the central office permit manager at 1401 East Broad Street, Richmond, VA 23236.

Application forms and general information regarding VDOT land use permitting for tree trimming operations can be obtained by contacting the district roadside manager or the central office permit manager. The forms necessary to make application are the LUP-A Land Use Permit Application, an executed LUP-DWUTT Special Provision form, an executed LUP-WZTCC Work Zone Traffic Control Certification form and a LUP-SB Permit Surety Bond or a LUP-LC Irrevocable Letter of Credit Bank Agreement.

This information may also be obtained on the VDOT web site at:
http://www.virginiadot.org/business/bu-landUsePermits.asp or at **http://vdotforms.vdot.virginia.gov**

Permit Term and Fees

District-wide permits are valid for a period of two (2) years. The biannual fee for a district-wide permit for utility tree trimming operations is $750 per district.

A list of counties with their corresponding VDOT district offices and VDOT contact information may be obtained on the VDOT web site at: **http://www.virginia.org/about/districts.asp**.

Surety Requirement

A continuous surety in the amount of ten-thousand dollars ($10,000.00) per district is required to restore the right-of-way in the event of damage to state maintained facilities resulting from the authorized activity. The continuous surety may be in the form of cash or check, a surety bond or an irrevocable letter of credit bank agreement.

Insurance Requirements

The permittee or their agent shall secure and maintain sufficient insurance to protect against liability for personal injury and property damage that may arise from the activities performed under the authority of a district-wide land use permit and from the operation of the permitted activity. Insurance must be obtained prior to start of permitted work and shall remain valid through the permit completion date. The central office permit manager may require a valid certificate or letter of insurance from the issuing insurance agent or agency prior to issuing the land use permit.

General Requirements

The permittee assumes full responsibility for any and all damages that may occur as a result of the work performed under a VDOT Land Use Permit and agrees to secure and carry insurance against liability for personal injury and property damage that may arise from the permitted activity.

ALL work authorized under the auspices of a VDOT Land Use Permit for tree pruning or removal associated with the maintenance of overhead utility facilities shall be subject to VDOT's direction and be in accordance with the ***Virginia Department of Transportation*** (VDOT) ***Vegetation Control Regulations on State Rights-of-Way*** and the ***Virginia Department of Transportation*** (VDOT) ***Tree and Brush Trimming Policy***.

A copy of the VDOT Land Use Permit for tree pruning or removal associated with the maintenance of overhead utility facilities shall be maintained at each work site at all times.

A single use permit is required for tree pruning or removal activities associated with the maintenance of overhead utility facilities within limited access highways.

A single use permit is required when tree pruning or removal activities associated with the maintenance of overhead utility facilities impedes highway travel in excess of 15 minutes.

The permit application shall include an annual work schedule that outlines the location(s), route(s), route segment(s) and month(s) where crews will be working. This information shall include, but not be limited to, a highlighted circuit map that clearly delineates the route number(s) of the proposed work site(s). An annual work schedule shall be provided for subsequent years covered by the permit.

The permittee's contract crews shall notify the district roadside manager by telephone or electronic communication weekly to confirm their work location(s) for tree pruning or removal activities associated with the maintenance of overhead utility facilities. Failure to provide this information shall result in the suspension or revocation of the VDOT Land Use Permit authorizing tree pruning or removal associated with the maintenance of overhead utility facilities.

The permittee's contractor shall notify the district roadside manager by telephone or electronic communication upon the completion of work at each circuit listed on the annual work schedule. The district roadside manager may waive this requirement for situations that require manpower re-allocation to address emergencies, outages, etc.
It shall be the permittee's responsibility to obtain any and all necessary permits that may be required by any other government agencies.

Aerial/helicopter and limited access tree pruning or removal shall only be authorized under the auspices of a VDOT single use permit.

No land disturbance shall be allowed under the auspices of a VDOT Land Use Permit authorizing tree pruning or removal on state maintained rights-of way.

All cut vegetation shall be chipped, beneficially used, or immediately removed from state maintained right of way and disposed of in accordance with the Solid Waste Management Regulations (9 VAC 20-80-10 et seq.) of the Virginia Waste Management Board with the following exceptions:

- Wood can remain on the right-of-way outside of the clear zone for no longer than seven (7) days. Wood should be cut into lengths that can be easily handled by one individual.
- Cut vegetation may remain on a fill slope as authorized by the district roadside manager.

When trees are completely removed the stumps shall be cut to a height of 2-inches and the face of the stump shall be cut parallel with the surrounding grade.

Climbing irons shall not be used except on trees that are to be completely removed.

Tree pruning and/or removal operations shall be accomplished in accordance with the following:

- ***American National Standard for Tree Care Operations – Tree, Shrub, and Other Woody Plant Maintenance – Standard Practice (ANSI A300)***
- ***American National Standard for Tree Care Operations – Pruning, Trimming, Repairing, Maintaining and Removing Trees, and Cutting Brush – Safety Requirements (ANSI Z133.1)***
- ***International Society of Arboriculture (ISA), Best Management Practices – Tree Pruning***

For the term of the permit, the permittee shall employ (on staff) or engage (on contract) an arborist who is currently certified by the ISA and will represent the permittee. The arborist shall provide the permittee's contract crews with the necessary guidance to ensure that the authorized activities are performed in accordance with the permit provisions. The arborist shall be available to meet on site with VDOT representatives within 24 hours of notification for dispute or performance resolution. A copy of the arborist's current certification shall be made available upon request by authorized VDOT representatives.

All herbicide applicators shall meet the applicable requirements established by the ***Virginia Department of Agricultural and Consumer Services***. Activities involving the chemical control of vegetation shall comply with all applicable federal and state regulations.

Traffic Control and Safety

The permittee shall at **ALL** times give strict attention to the safety and rights of the traveling public, their employees, and contractors. Any permit may be **revoked** or **suspended** when in the opinion of the district roadside manager, the safety, use or maintenance of the highway so requires.

In accordance with the ***Virginia Department of Transportation*** (VDOT) ***Road and Bridge Specification, Special Provision 105.14***, all activities performed under the auspices of a VDOT Land Use Permit involving the installation, maintenance and removal of work zone traffic control devices must have at least one (1) person on-site who, at a minimum, is verified by VDOT in Basic Work Zone Traffic Control. A person verified by VDOT in Intermediate Work Zone Traffic Control must be on-site to provide supervision during work zone adjustments or changes to traffic control due to field conditions.

Traffic shall **NOT** be blocked or detoured without permission, documented in writing or electronic communication, being granted by the district roadside manager.

The permittee shall immediately correct any situation that may arise as a result of these activities that the district roadside manager deems hazardous to the traveling public.

During authorized activities, the permittee shall furnish **ALL** necessary signs, flag persons and other devices to provide for the protection of traffic and workers in accordance with the ***Virginia Work Area Protection Manual*** or as directed by the district roadside manager.

ALL signs shall be in accordance with the current edition of the ***Manual of Uniform Traffic Control Devices*** (MUTCD).

Trained, certified flag persons shall be provided in sufficient number and locations as necessary for control and protection of vehicular and pedestrian traffic in accordance with the ***Manual of Uniform Traffic Control Devices*** (MUTCD). The flag person shall carry their certification card while performing flagging duties within state maintained right-of-way.

Authorized Hours and Days of Work

Normal hours for work under the authority of a district-wide permit for tree pruning or removal activities are from 9:00 a.m. to 3:30 p.m., Monday through Friday for all non-limited access highways classified as arterial or collector. All highways classified as local roads shall have un-restricted work hours and days. The district roadside manager may establish alternate time restrictions in normal working hours and days for VDOT Land Use Permits authorizing tree pruning or removal associated with the maintenance of overhead utility facilities.

The classifications for all state maintained highways can be found at the following link: www.Virginiadot.gov/projects/fxn.class/home.asp

Permitted non-emergency tree pruning or removal activities will not be allowed on non-limited access arterial and collector highway classifications from noon on the preceding weekday through the following state observed holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. If the observed holiday falls on a Monday, the permit will not be valid from noon on the preceding Friday through noon on Tuesday.

Inspections

The absence of a VDOT inspector does not in any way relieve the permittee of their responsibility to perform the work in accordance with these provisions, the ***Virginia Department of Transportation*** (VDOT) ***Vegetation Control Regulations on State Rights-of-Way*** and the ***Virginia Department of Transportation*** (VDOT) ***Tree and Brush Trimming Policy***.

Upon completion of tree trimming activities at **EACH** circuit listed on the annual work schedule the permittee shall provide notification, documented in writing, by telephone or electronic communication, to the district roadside manager requesting final inspection. This request shall include the name of the permittee, permit number, county name, route number(s), and specific location of the authorized tree trimming activities**.**

Permit Revocation

A district-wide permit authorizing utility tree trimming operations may be revoked for a minimum of 30 calendar days upon written finding that the permittee violated the terms of the permit or any of the requirements of this chapter, including but not limited to any, all, or a combination of the following:

- The permittee fails to make any/all documented corrections and contact the district roadside manager for re-inspection within 30 calendar day's receipt of initial final inspection correspondence from VDOT outlining the deficiencies in the work performed.
- The permittee fails to implement all necessary traffic control in accordance with the Virginia Work Area Protection Manual.
- The permittee fails to utilize VDOT certified flag persons for traffic control.
- The permittee performs any activity under the jurisdiction of a district-wide permit that requires the issuance of a single use permit.

The permittee must obtain single use permits from the district roadside manager to continue utility tree trimming operations during this revocation period.

Permittee Notice

The preceding provisions are intentionally condensed in format and should not be loosely interpreted by the permittee without consultation with the district roadside manager or the central office permit manager and affirmation from the Land Use Permit Regulations.

APPENDIX 20
Erosion & sediment control contractor certification requirements

In accordance with VDOT Road and Bridge Specification § 107.14 (a), Special Provision 107D, all contractors performing regulated land disturbing activities within VDOT right-of-way must have an employee that has successfully completed the VDOT Erosion & Sediment Control Contractor Certification training. Regulated land disturbing activities are defined as those activities that disturb 2,500 square feet or greater in Tidewater, Virginia or 10,000 square feet or greater in all other areas of the State.

All contractors performing regulated land disturbing activities within VDOT right-of-way shall provide the district administrator's designee with evidence of this certification with all land use permit applications that involves utility and/or commercial right of way improvement.

All contractors performing regulated land disturbing activities within VDOT right-of-way shall provide the district administrator's designee with an executed LUP-ESCCC VDOT Erosion & Sediment Control Contractor Certification form when making application for a land use permit.

Appendix 21
General Special Provisions

NOTICE OF PERMITTEE LIABILITY
Permittee Agreement for Land Use Permit Issuance

I the undersigned hereby acknowledge that I am fully cognizant of all of the following requirements associated with the issuance of a VDOT Land Use Permit:

Applicant Name: _____

Applicant Signature: _____

Project Name: _____

Route Number: _____ **County:** _____

Any of the following provisions that may apply, shall apply:

1. Permittee acceptance and use of a ***Virginia Department of Transportation*** (VDOT) Land Use Permit is prima facie evidence that the permittee has read and is fully cognizant of all required permit provisions, applicable traffic control plans and associated construction standards to be employed. **ALL** applicants to whom permits are issued shall at all times indemnify and save harmless the ***Commonwealth Transportation Board***, members of the ***Board***, the ***Commonwealth***, and all ***Commonwealth*** employees, agents, and officers, from responsibility, damage, or liability arising from the exercise of the privileges granted in such permit to the extent allowed by law.

2. The permittee agrees to secure and carry insurance against liability for personal injury and property damage that may arise from the work performed under permit and/or from the operation of permitted activity-up to one million dollars ($ 1,000,000) each occurrence to protect the ***Board*** members and the Department's agents or employees; seventy-five thousand dollars ($75,000) each occurrence to protect the ***Board***, the ***Department***, or the ***Commonwealth*** in event of suit.

3. The permittee assumes full responsibility for any and all (downstream flooding, erosion, siltation, etc.) damages that may occur as a result of the work performed under this permit. Furthermore, the ***Department*** will in no way be responsible for any damage to the facility being placed as a result of future maintenance or construction activities performed by the ***Department***.

4. The permittee agrees to move, remove, alter, or change any installation that interferes with the ultimate construction of the highway in alignment or grade at **NO** cost to the ***Department*** unless otherwise stipulated and agreed to by the ***Department***.

5. The permittee shall immediately correct any situation that may arise as a result of these activities that the district administrator's designee deems hazardous to the traveling public.

6. Any and all highway signs, right-of-way markers, etc., disturbed as a result of work performed under this permit shall be accurately reset by the permittee immediately following the work in the vicinity of the disturbed facility. The services of a certified land surveyor with experience in route surveying may be required.

7. It shall be the permittee's responsibility to obtain **ANY** and **ALL** necessary permits that may be required by any other government agencies, i.e., ***U.S. Army Corp. of Engineers***, ***Department of Environmental Quality***, ***Department of Conservation and Recreation***, etc.

8. A copy of the VDOT Land Use Permit shall be maintained at the work site at all times.

9. The permittee shall notify the **local** VDOT district permit office at least **48 hours** prior to commencement of **ANY** work requiring inspection and/or testing as stipulated in VDOT's Road and Bridge Standards (current edition) and VDOT's Road and Bridge Specifications (current edition). Failure to carry out this requirement may result in permit revocation.

10. The permittee is required to notify the **local** VDOT district permit office, and the Regional Traffic Engineering Section when planned excavation is within 1,000 feet of a signalized intersection. Failure to carry out this requirement may result in permit revocation.

11. The permittee shall to notify ***"Miss Utility"*** (or each operator of an underground utility where no notification center exists) of **ANY** planned excavation within state maintained right-of-way. This notification must be provided at least **48 hours** (excluding weekends and holidays) in advance of commencing with **ANY** planned excavation within state maintained right-of-way. Failure to carry out this requirement may result in permit revocation.

12. It is the duty of the district administrator's designee to keep all roads maintained in a safe and travelable condition at **ALL** times. Therefore, any permit may be **denied**, **revoked** or **suspended** when in the opinion of the district administrator's designee, the safety, use or maintenance of the highway so requires.

13. The permittee shall at **ALL** times give strict attention to the safety and rights of the traveling public, their employees and themselves. VDOT **reserves the right to stop work at anytime** due to safety problems and/or non-compliance with the terms of the permit. The ***Department*** may, at its discretion, complete any of the work covered in the permit or restore the right-of-way to the Department's standards and bill the permittee for the actual cost of such work. The permittee may be required to move, alter, change or remove from state maintained right-of-way, in a satisfactory manner, any installation made under this permit.

14. **ALL** work authorized under the auspices of a VDOT land use permit shall be subject to VDOT's direction and be in accordance with VDOT's ***Road and Bridge Standards*** (current edition) and VDOT's ***Road and Bridge Specifications*** (current edition).

15. Design changes, specified material changes and/or field changes from the approved plans shall be submitted to the appropriate district administrator's designee for review and approval prior to proceeding with the proposed changes. This submittal shall include written justification, supplemental documentation and/or engineering calculations that support the requested changes.

16. The permittee shall meet or exceed the existing pavement design and typical section when constructing pavement widening adjacent to an existing state maintained roadway. The proposed pavement design and typical section shall be approved by the district administrator's designee prior to commencing with any work within state maintained right-of-way. **ALL** pavement widening shall be in accordance with ***VDOT Road and Bridge Standard 303.02***.

Traffic Control and Safety

17. In accordance with the Virginia Department of Transportation (VDOT) Road and Bridge Specification, Special Provision 105.14, beginning July 1, 2009, all activities performed under the auspices of a VDOT Land Use Permit involving the installation, maintenance and removal of work zone traffic control devices must have at least one (1) person on-site who, at a minimum, is verified by VDOT in Basic Work Zone Traffic Control. A person verified by VDOT in Intermediate Work Zone Traffic Control must be on-site to provide supervision during work zone adjustments or changes to traffic control due to field conditions. These persons must have their verification card with them while on the work site. The permittee shall be exempt from this requirement if the permitted activity does not involve the installation, maintenance and removal of work zone traffic control devices.

18. Traffic shall **NOT** be blocked or re-routed (detoured) without **written** permission from the district administrator's designee.

19. During construction, the permittee shall furnish **ALL** necessary signs, flag persons and other devices (lights, barricades, etc.) providing protection for traffic and workers in accordance with the ***Virginia Work Area Protection Manual*** or as directed by the district administrator's designee.

20. **ALL** signs shall be in accordance with the current edition of the ***Manual of Uniform Traffic Control Devices*** (MUTCD).

21. Trained, certified flag persons shall be provided in sufficient number and locations as necessary for control and protection of vehicular and pedestrian traffic in accordance with the MUTCD. The flag person shall carry their certification card while performing flagging duties within state maintained right-of-way. Any flag person found not in possession of his/her certification card shall be removed from the flagging site and the district administrator's designee will suspend all permitted activities requiring flag persons. Furthermore, flag persons performing duties improperly shall have their certification **revoked**.

Authorized Hours and Days of Work

22. Normal hours for work under the authority of a permit single use or district-wide are from 9:00 a.m. to 3:30 p.m. for all highways classified as arterial or collector. All highways classified as local roads will have unrestricted work hours and days.

    The classifications for all state maintained highways can be found at the following link: **http://www.virginiadot.org/projects/fxn_class/maps.asp**

23. Permitted non-emergency work will not be allowed on arterial and collector highway classifications from noon on the preceding weekday through the following state observed holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. If the observed holiday falls on a Monday, the permit will not be valid from noon on the preceding Friday through noon on Tuesday.

24. The district administrator's designee may establish alternate time restrictions in normal working hours for single use permits.

25. The central office permit manager may establish alternate time restrictions in normal working hours for district-wide permits.

Emergency Repair

26. In the event of an emergency situation that requires immediate action to protect persons or property, work may proceed within the right-of-way without authorization from the district administrator's designee; however, the permittee must contact the VDOT Emergency Operations Center as soon as reasonably possible but no later than 48 hours after the end of the emergency situation.

27. The permittee must apply for an after-the fact emergency repair permit single use permit at the local VDOT permit office when the following actions are proposed:

    - Stopping or impeding highway travel in excess of 15 minutes, or,
    - Accessing facilities within limited access right-of-way, or,
    - Cutting the highway pavement or shoulders.

    The district administrator's designee shall determine the applicable permit fee and surety for emergency repair permits.

Excavation

28. All excavation within state maintained rights-of-way shall comply with OSHA Technical Manual, Chapter 2, Title Excavation: Hazard Recognition in Trenching and Shoring. A professional engineer shall certify all shoring and/or trench boxes.

29. No excavated material is to be placed or tracked on the pavement without **written** permission from the District Administrator's designee. When so authorized, the pavement shall be satisfactorily cleaned by a VDOT approved method. No cleated (track-mounted) equipment is to be used on the pavement without properly protecting the pavement from damage.

Inspection and Restoration

30. Inspection and testing of all backfill and pavement sections shall be performed in accordance with all applicable sections of VDOT's ***Road and Bridge Specifications*** (current edition).

31. If during or before construction it is deemed necessary for the **local** VDOT district permit office to assign an inspector to the project, the permittee shall pay the ***Department*** an additional inspection fee in an amount that will cover the salary, expense allowance, and mileage allowance for the inspection(s) assigned by the ***Department*** for handling work covered by this permit. Said inspection fee shall be paid promptly each month on invoices rendered by the ***Department***.

32. It shall be the decision of the district administrator's designee whether to assign an inspector to monitor the placement of all backfill and pavement restoration activities.

33. The absence of a VDOT inspector does **NOT** in any way relieve the permittee of their responsibility to perform the work in accordance with the approved plans, provisions of the attached permit, VDOT's ***Road and Bridge Standards*** (current edition) and VDOT's ***Road and Bridge Specifications*** (current edition).

34. The permittee shall be responsible for any settlement of all backfill or pavement restoration necessitated by authorized excavation activities for a period of two (2) years after the completion date of permit, and for the continuing maintenance of the facilities placed within the highway right-of-way. A one (1) year restoration warranty period may be considered, provided the permittee adheres to the following criteria:
    - The permittee retains the services of a professional engineer (or certified technician under the direction of the professional engineer) to observe the placement of all backfill and pavement restoration.
    - The professional engineer (or certified technician under the direction of the professional engineer) performs any required inspection and testing in accordance with all applicable sections of VDOT's Road and Bridge Specifications (see 24VAC30-151-760).
    - The professional engineer submits all testing reports for review and approval, and provides written certification that all restoration procedures have been completed in accordance with all applicable sections of VDOT's Road and Bridge Specifications prior to completion of the work authorized by the permit.

34. The excavated area to be backfilled shall be made as dry as practicable at the time of backfill placement by implementation of a VDOT approved dewatering method.

35. The edges of all authorized pavement cuts shall be trimmed to neat straight lines and a tack coat shall be applied in accordance with current VDOT's Road and Bridge Specifications.

36. Daily trench excavation within pavement sections shall not exceed 500 feet in length and the trench shall be temporarily backfilled flush with the adjacent pavement surface with Type I, Size 21A or 21B aggregate until permanent pavement restoration. If the application of the bituminous courses is delayed due to adverse weather conditions, the contractor shall backfill the trench with a bituminous asphalt base course (BM 25.0) that is acceptable to VDOT until such time as installation of the underground facility is completed and the appropriate pavement restoration can occur.

37. Whenever existing pavement is permitted to be cut, not over one-half of the roadway width shall be disturbed at one time and the first open cut trench section shall be satisfactorily restored to allow for the passage of traffic prior to the second half of the roadway surface can be disturbed.

38. The surface pavement restoration shall extend a minimum of 25' on each side of the trench centerline for open cuts perpendicular to the roadway alignment (See LUP-OCPR for details). The extent of pavement restoration for all other pavement cuts shall be determined by the district administrator's designee.

39. The contractor shall complete all pavement restoration within 10 calendar days of completion of installation of the underground facility.

40. **ALL** crossing of existing pavement shall be bored, pushed or jacked an appropriate distance from the edge-of-pavement so as not to impede the normal flow of traffic or damage the existing pavement section. Existing pavement shall **NOT** be cut unless approved by the district administrator's designee and then only if justifiable circumstances prevail or proof is shown that a thorough attempt has been made to push, bore or jack.

41. Where the pavement is disturbed or deemed weakened in its entirety or such portions as deemed desirable by the Department, the pavement shall be restored or replaced in a manner that is satisfactory to the district administrator's designee.

Environmental

42. In accordance with the Virginia Department of Transportation (VDOT) Road and Bridge Specification § 107.14 (a), Special Provision 107D, all contractors performing regulated land disturbing activities within VDOT right-of-way must have at least one (1) employee that has successfully completed the VDOT Erosion & Sediment Control Contractor Certification training. This person shall be on site during all land disturbance activities and will be responsible for insuring compliance with all applicable local, state and federal erosion and sediment control regulations during land disturbance activities. This person must have their certification card with them while on the project site. The land use permit will be suspended if proof of certification cannot be provided. Regulated land disturbing activities are defined as those activities that disturb 2,500 square feet or greater in Tidewater, Virginia (as defined in § 10.1-2101 of the Code of Virginia) or 10,000 square feet or greater in all other areas of the State. The Department will require evidence of this certification with any Land Use Permit application that involves utility and/or commercial right of way improvement. Improper installation, maintenance and removal of erosion and sediment control devices may result in revocation of VDOT Erosion & Sediment Control Contractor Certification.

43. The permittee is responsible for pursuing and obtaining any and all environmental permits which may be required to pursue the proposed activity prior to any work beginning within state maintained right-of-way.

44. In the event hazardous materials or underground storage tanks are encountered within state maintained right-of-way during authorized activities, the permittee shall suspend all work immediately then notify the **local** VDOT district permit office and other responsible parties, i.e., the local fire department, emergency services, ***Department of Environmental Quality***, etc. The permittee is responsible for coordination and completion of all required remediation necessary to complete the permitted activities within the state maintained right-of-way. The permittee shall provide evidence of such compliance to the **local** VDOT Residency Office or Permit Office prior to recommencement of permitted activities.

45. In the event cultural resources, archaeological, paleontological, and/or rare minerals are encountered within the right of way during authorized activities, the permittee shall suspend all work immediately then notify the **local** VDOT district permit office and the proper state authority charged with the responsibility for investigation and evaluation of such finds. The permittee will meet all necessary requirements for resolving any conflicts prior to continuing with the proposed activities within the state maintained right-of-way, and shall provide evidence of such compliance to the **local** VDOT district permit office.

46. Roadway drainage shall **NOT** be blocked or diverted. The shoulders, ditches, roadside, drainage facilities and pavement shall be kept in an operable condition satisfactory to the Department. Necessary precautions shall be taken by the permittee to insure against siltation of adjacent properties, streams, etc., in accordance with VDOT's current standards or as prescribed by the Department's Environmental Manual and the district administrator's designee.

Entrances

47. VDOT's authority to regulate highway entrances is provided in §§ 33.1-197, 33.1-198, and 33.198.1 of the Code of Virginia and its authority to make regulations concerning the use of highways generally is provided in § 33.1-12 (3) of the Code of Virginia. Regulations regarding entrances are set forth in VDOT's regulations promulgated pursuant to § 33.1-198.1 of the Code of Virginia (see 24VAC30-151-760).

48. The permittee shall be responsible for the design and installation of a private entrance under the auspices of a VDOT land use permit however the permittee may request that VDOT forces install the private entrance at the permittee's expense.

49. Street connections, private entrances, and construction entrances shall be kept in satisfactory condition during **ALL** activities authorized under the auspices of a VDOT land use permit. Entrances shall **NOT** be blocked. Ample provisions must be made to provide safe ingress and egress to adjacent properties at **ALL** times. Entrances that are disturbed shall be restored to the satisfaction of the property owner and the district administrator's designee.

Utilities

50. Prior to any excavation, the permittee shall comply with the terms of Title 56, Chapter 10.3 of the ***Underground Utility Damage Prevention Act*** and Section 56-265.14 through 56-265.20 of the ***Code of Virginia***. This permit does **NOT** grant permission to grade on or near property of others, or, adjust or disturb in anyway existing utility poles or underground facilities within the permitted area. Permission to do so must be obtained from the impacted utility company and any expense involved shall be borne by the permittee. **Any conflicts with existing utility facilities must be resolved between the permittee and the utility owner(s) involved**.

51. **ALL** underground utility installations within limited access right-of-way shall have a minimum of 36 inches of cover. **ALL** underground utilities within non-limited access right-of-way will require a minimum of 36 inches of cover, except underground cables that provide telecommunications service shall be at a minimum of 30 inches of cover.

52. Where feasible, all aboveground installations (such as fire hydrants, telephone pedestals, markers, etc.) shall be located adjacent to the outside edge of the right-of-way line and in accordance with minimum clear zone requirements. All manhole covers, valve box, etc., shall be installed two inches below existing ground line and shall conform to existing contours.

53. **NO** poles, guys, anchors, etc., are to be placed on state maintained right-of-way unless authorized under the auspices of a VDOT land use permit. At no time will any such facilities be allowed between the ditch line and the traveled roadway.

54. **ALL** overhead installations crossing non-limited access highways shall provide a minimum of 18 feet of vertical clearance or at a minimum height as established by the National Electric Safety Code, whichever is greater. **ALL** overhead utility installations within limited access right-of-way shall maintain a minimum of 21 feet of vertical clearance. The vertical clearance for **ALL** new overhead parallel installations within non-limited access rights-of-way shall be in compliance with standards as specified in the National Electric Safety Code.

Final Inspection and Completion of Permit

55. Upon completion of the work covered by this permit all disturbed areas outside of the roadway prism shall be restored to their original condition as found prior to starting such work.

56. Completion of this permit is contingent upon the permittee's completion of the authorized work in accordance with the approved plan and compliance with **ALL** governing bodies involved in the total completion of work on state maintained right-of-way.

57. Upon completion of the work under permit, the permittee shall provide notification, documented in writing or electronic communication, to the district administrator's designee requesting final inspection. This request shall include the permit number, county name, route number and name of the party or parties to whom the permit was issued. The district administrator's designee shall promptly schedule an inspection of the work covered under the permit and advise the permittee of any necessary corrections.

Appendix 22
Landscape Special Provisions

Permittee Agreement for Land Use Permit Issuance

Section 24VAC 30-151-620 of the Virginia Department of Transportation (VDOT) Land Use Permit Regulations stipulates that permits may be issued of the placement and maintenance of plant materials by individuals or organizations on non-limited access state maintained highways.

I, the undersigned hereby acknowledge that I am fully cognizant of all of the following requirements associated with the issuance of a VDOT Land Use Permit authorizing the installation and maintenance of plant material on state maintained rights-of-way:

Applicant Name: _____

Applicant Signature: _____

Project Name: _____

Route Number: _____ **County:** _____

All proposed landscaping activities shall be clearly outlined and a sketch/plan of same shall be submitted to the district administrator's designee with the permit application and all other information necessary to process the permit request.

The permittee and/or their agent shall be responsible for completion of all landscaping installed under the auspices of a land use permit.

The permittee and/or their agent shall be responsible for the perpetual maintenance of all landscaping installed within state maintained rights-of-way under the auspices of a land use permit.

The permittee and/or their agent shall notify the local VDOT permit office prior to initiating the installation and/or maintenance of landscaping within state maintained rights-of-way.

The permittee and/or their agent may replace any dead, dying or diseased plant material with the same variety, in the same location under the terms and conditions of the land use permit issued for the initial installation.

The installation and/or maintenance of landscaping within state maintained right-of-way must not obstruct or interfere with existing drainage conveyance.

The permittee and/or their agent shall be responsible for removal, disposal and clean-up of all debris generated by the installation and/or maintenance of authorized landscaping located within state maintained rights-of-way.
The permittee and/or their agent must apply for a new land use permit for the installation of new plant material not authorized under the auspices of the original land use permit.

The permittee and/or their agent must obtain VDOT approval prior to the storage of materials within state maintained rights-of-way.

VDOT shall have the authority to remove any landscaping placed within state maintained rights-of-way if it is determined that the landscaping is deemed a traffic hazard, or is found in conflict with future utility operations, roadway improvement projects and/or roadway maintenance activities.

The permit may be terminated in the following cases:

A. By the permittee, upon ten (10) days written notice to VDOT.
B. By VDOT, in accordance with section 24VAC30-151-50, failure to comply with provisions of the Land Use Permit Regulations (24VAC30-151) or the conditions of this permit. If at any time the permittee fails to comply with the terms and conditions of the Land Use Permit Regulations, VDOT reserves the right to reclaim and restore the landscaped area to its original condition or establish grass.
C. By VDOT, upon written notice to the permittee.

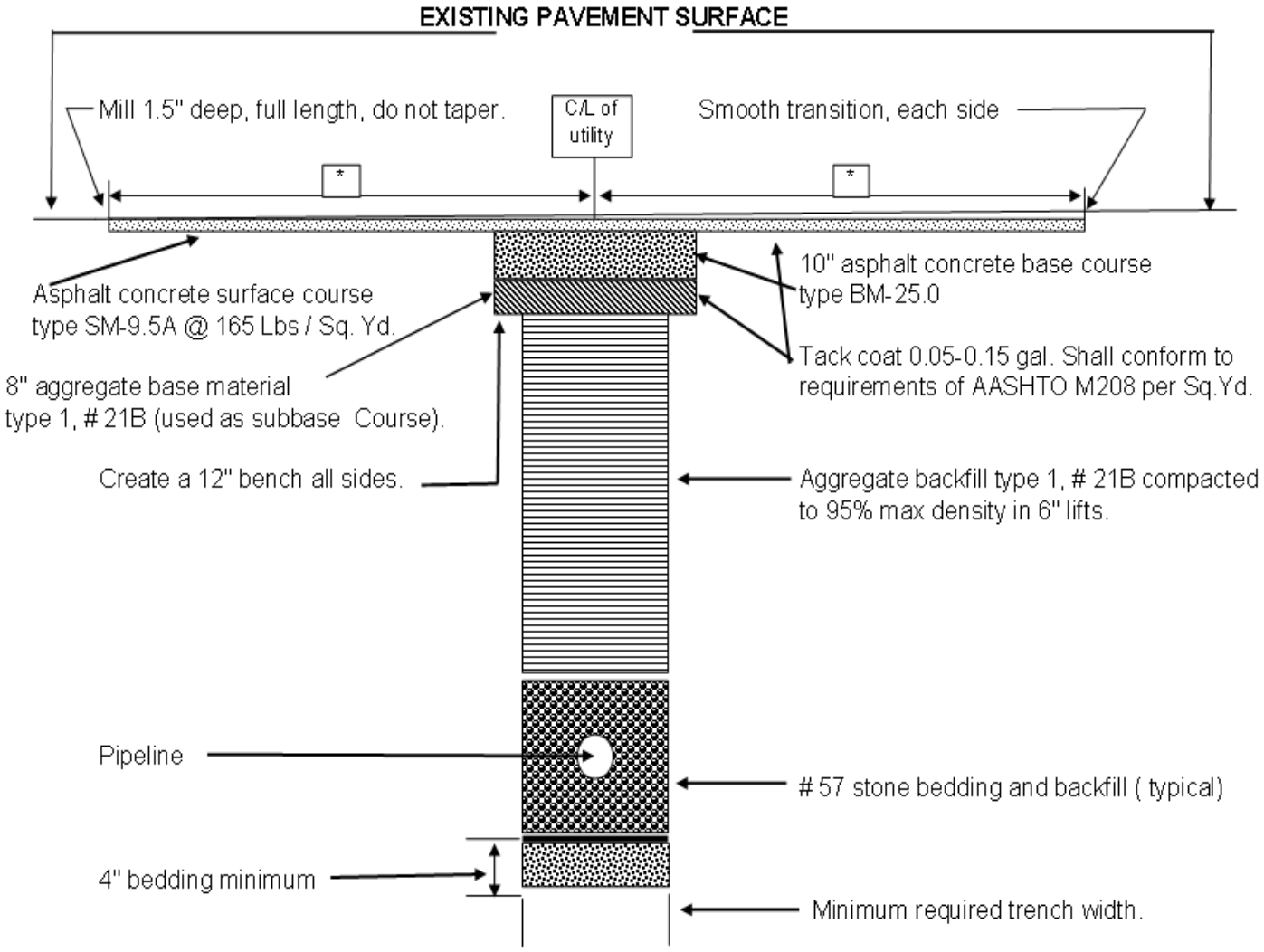
All costs associated with the removal of landscape features and right-of-way restoration shall be borne by the permittee should they violate conditions of the permit or request termination of the permit.

The preceding provisions are intentionally condensed in format and should not be loosely interpreted by the permittee without consultation with the central office permit manager and affirmation from the Land Use Permit Regulations.

Appendix 23
Open-cut pavement restoration detail

Commonwealth of Virginia
Department of Transportation
04/2011

LUP-OCPR
LAND USE PERMIT
OPEN CUT PAVEMENT
RESTORATION DETAIL



Notes: All pavement markings damaged or destroyed by trench excavation activity shall be replaced by the permittee in accordance with current VDOT Standards & Specifications
This detail applies to highways with existing asphlat pavement sections
The extent of pavement restoration for all other pavements types shall be determined by the District Administrator's designee.
* Width of travel lane; minimum full pavement width restoration for open cut trenching along the road centerline or 25' (minimum) for perpendicular crossing.

Appendix 24
Permit agreement for occupation of right-of-way

Commonwealth of Virginia
Department of Transportation
11/2010

LUP-PA
LAND USE PERMIT
Permit Agreement for
R/W Occupation

This Agreement ("Agreement") dated this ____ day of _____, 20____ is by and between the Commonwealth of Virginia, Department of Transportation with offices located at 1401 East Broad Street, Richmond, Virginia 23219 ("VDOT") and _____ ("Permittee").

Whereas, 24VAC30-151-730 of the General Rules and Regulations of the Commonwealth Transportation Board provides that VDOT shall be compensated by a utility company for the use of state maintained right-of way , said agreements to be governed by the criteria set forth in 24VAC30-151, and;

Whereas, the Permittee has requested permission to occupy state maintained right-of-way located on Route _____ (route no.), _____ (route name) in _____ (city, town, or county), Virginia, as follows:

☐ A new longitudinal occupancy of the limited access right-of-way where none has existed before, as allowed for in 24VAC30-151-300 and 24VAC30-151-310 of the General Rules and Regulations of the Commonwealth Transportation Board.

☐ A new communication tower or small site facility located within limited access or non-limited access right-of-way, as allowed for in 24VAC30-151-300 and 24VAC30-151-350 of the General Rules and Regulations of the Commonwealth Transportation Board.

☐ A perpendicular crossing of limited access right-of-way, as allowed for in 24VAC30-151-310 of the General Rules and Regulations of the Commonwealth Transportation Board.

Whereas, VDOT is willing to allow the Permittee to occupy the limited-access right-of-way in accordance with 24VAC30-151 of the General Rules and Regulations of the Commonwealth Transportation Board.

Now Therefore, the parties mutually agree to the following:

1. VDOT does hereby permit the Permittee's facilities to occupy state maintained right-of-way in accordance with 24VAC30-151-300 and 24VAC30-151-310 of the General Rules and Regulations of the Commonwealth Transportation Board.
2. The Permittee shall pay VDOT an annual accommodation fee in the amount of $_____ in exchange for VDOT authorization to occupy the right-of-way.
3. VDOT shall collect the accommodation fee annually until such time as the Permittee's facilities no longer occupy the right-of-way.
4. The Permittee hereby agrees to indemnify, defend, and hold harmless the Commonwealth Transportation Board, members of the Board, VDOT, the Commonwealth of Virginia, its agencies, institutions, officials, employees, and agents from and against all loss or damage, suits, judgments, costs, fines (including any sums ordered to be paid or expended by VDOT by any governmental entity as a fine, penalty or damages for any violation of any applicable environmental law or to remediate any hazardous or other materials), whether relating to person or property, arising from use of the right-of-way by Permittee, its employees, agents, subcontractors, and/or invitees.

Virginia Department of Transportation:

_____
Signature **Date**

_____
Printed Name

_____
Title

Permittee: **Permit No.: _____**

_____
Signature **Date**

_____
Printed Name

_____
Address

_____
City **State** **Zip Code**

APPENDIX 25
Work zone traffic control certification requirements

In accordance with VDOT Road and Bridge Specification, Special Provision 105.14, all activities performed under the auspices of a VDOT land use permit involving the installation, maintenance and removal of work zone traffic control devices must have at least one (1) person on-site who, at a minimum, is verified by VDOT in Basic Work Zone Traffic Control. These persons must have their verification card with them while on the project site.

A person verified by VDOT in Intermediate Work Zone Traffic Control must be on-site to provide supervision during work zone adjustments or changes to traffic control due to field conditions. These persons must have their verification card with them while on the project site.

All contractors performing permitted activities within VDOT right-of-way that necessitate the installation, maintenance and removal of work zone traffic control devices shall provide the district administrator's designee with an executed LUP-WZTCC VDOT Work Zone Traffic Control Verification form when making application for a land use permit.

Permit issuance will not be contingent upon the applicant's contractor providing evidence of compliance with this requirement.

Appendix 26
County, City or Town Resolution

[County, City or Town Letterhead]

"RESOLUTION"

WHEREAS, it becomes necessary from time to time for the *[County, City or Town]* of *[County, City or Town Name]* to obtain land use permits from the Virginia Department of Transportation to install, construct, maintain and operate certain public works and public utilities projects along, across over and upon highway systems of the Commonwealth of Virginia; and,

WHEREAS, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of granting to the *[County, City or Town]* of *[County, City or Town Name* by the Virginia Department of Transportation of said permits for the work aforesaid;

NOW, THEREFORE, BE IT RESOLVED by the *[County, City or Town] [Board of Supervisors, City or Town Council]* this *[Date]* day of *[Month]*, *[Year]*:

Section 1: That in accordance with the provisions of Section 24 VAC 30-151-700 of the Land Use Permit Regulations of the Virginia Department of Transportation, the *[County, City or Town]* of *[County, City or Town Name]* does hereby grant assurances to the Virginia Department of Transportation (VDOT) that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the *[County, City or Town]* of *[County, City or Town Name]* and that said jurisdiction does hereby certify that it will carry liability insurance for personal injury and property damage that may arise from the work performed under permit and/or from the operation of the permitted activity as follows: up to one-million dollars ($1,000,000) each occurrence to protect the Commonwealth Transportation Board members and the Virginia Department of Transportation's agents or employees; seventy-five thousand dollars ($75,000) each occurrence to protect the Commonwealth Transportation Board, the Virginia Department of transportation or the Commonwealth of Virginia in the event of suit.

Section 2: That the County Administrator, City or Town Mayor, or their designee, be, and hereby is authorized to execute on behalf of the *[County, City or Town]* of *[County, City or Town Name]* all land use permits and related documents of the Virginia Department of Transportation.

Section 3: That this resolution shall be a continuing resolution and shall not be revoked unless and until sixty (60) days written notice of any proposed revocation be submitted to the Virginia Department of Transportation.
Section 4: That the *[County, City or Town]* of *[County, City or Town Name]* shall, if requested by the Virginia Department of Transportation, provide a letter that commits to using the surety provided by its contractor or to have the contractor execute a dual obligation rider that adds the Virginia Department of Transportation as an additional obligee to the surety bond provided to the locality, with either of these options guaranteeing the work performed within state maintained right-of-way under the terms of the land use permit for that purpose.

BE IT STILL FURTHER RESOLVED that the County Administrator, City or Town Mayor, or their designee, be, and hereby is authorized and directed to procure insurance required by Section 1 herein.

The foregoing Resolution was adopted by the [County Board of Supervisors, City or Town Council] at its regular meeting held on [Day, Month, Year] in [County, City or Town Name], Virginia.

[Authorized Signature]
[Printed Name & Title]
[County, City or Town Name]

APPENDIX 27
Forms

The following forms relating to VDOT Land Use Permits may be obtained by contacting the local district permit office or the central office permit Manager:

LUP-A	Land Use Permit Application
LUP-BMA	Land Use Permit Application - Building Movement
LUP-BMI	Building Movement - Investigator's Report
LUP-BMQ	Building Mover Prequalification Questionnaire
LUP-BMR	Building Movement - Route Certification
LUP-BMV	Building Movement - VDOT Recommendation
LUP-CSB	Corporate Surety Bond
LUP-CCV	Request for Chemical Control of Vegetation
LUP-IPP	Land Use Permit Application – In Place Subdivision Street Utility
LUP-LC	Irrevocable Letter of Credit
LUP-PRP	Land Use Permit Application - Utility Prior Rights
LUP-SB	Surety Bond
LUP-SEA	Special Event Approvals
LUP-SEI	Special Event Information

This information may also be obtained on the VDOT web site at:

http://www.virginiadot.org/business/bu-landUsePermits.asp or at **http://vdotforms.vdot.virginia.gov**