

## LAND USE PERMIT MANUAL

CHAPTER 151.PART I.24 VAC 30-151-10. Definitions.

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

“AASHTO” means American Association of State Highway and Transportation Officials.

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

“Boring” means a method of installation which 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 mucked back through the pipe. Direction drilling, coring, jacking, etc., are also considered boring.

“Carrier” means a pipe directly enclosing a transmitted fluid (liquid or gas).

“Casing” means a larger pipe enclosing a carrier.

“Class G Utility” means any utility facility which is owned and operated by a city, county, town, public utility district, public utility authority, or a political subdivision of the Commonwealth, which has the right to install lines within a specific area, except where they are providing telecommunication services.

“Class P Utility” means all owners and operators of a utility facility, except those that are providing telecommunication or cable television services, and not meeting the definition

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of a Class G Utility, as defined in this section, to include all privately-, investor- and cooperatively-owned entities.

“Class T Utility” means all owners and operators of a telecommunication or cable television facility that have been authorized to provide telecommunication or cable television services.

"Clear zone" means the unobstructed, relatively flat area provided beyond the edge of the traveled way for the recovery of errant vehicles. The width of the clear zone is determined by the type of facility, traffic volume, speed, horizontal alignment and embankment and is detailed in VDOT's Road Design Manual (revised January 2005) (see 24 VAC 30-151-760 for document information).

“CFR (Code of Federal Regulations)” means the regulations promulgated by the administrative and regulatory agencies of the federal government.

"Commercial entrance" means any entrance serving all entities other than two or fewer individual private residences. (See “private entrance.”)

“Commonwealth” means the Commonwealth of Virginia.

“Comprehensive agreement” means an agreement between VDOT and utility companies allowing utility placements within VDOT right-of-way.

“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.

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“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 more than 60 degrees to the roadway centerline.

“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.

“Functional area” means the area of the physical highway feature, including a specific highway feature such as an intersection, traffic circle, roundabout, railroad grade crossing, or interchange, plus that portion of highway that comprises the decision and maneuver distance and required vehicle storage length to serve that highway feature.

“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.

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“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 separating the traveled ways for traffic in opposite directions.

“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 others to use or change VDOT right-of-way.

“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).

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“Private entrance” means an entrance that serves up to two private residences and is used for the exclusive benefit of the occupants.

“Private subdivision road or street” means a road or street that serves more than two individual properties or residences, and is maintained by entities other than VDOT.

"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 the movement and reestablishment of existing facilities.

“Residency” means the local VDOT office for the county in which the applicant will be performing the work.

"Residency administrator" means the VDOT employee assigned to supervise departmental operations within a specified geographical portion of the Commonwealth, consisting of one to four counties, or his designee. In districts having centralized functions for the review and approval of site plans, this position may be either:

1. The district land development manager for functions related to plan approval;
2. The residency permit manager for functions related to construction and inspection of permits; or
3. Any other position specifically designated to perform these functions.

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“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 traveled way and associated boundary lines and parking and recreation areas.

“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. Storm sewer systems are not utilities.

“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.

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“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 in connection with the storage or conveyance of materials.

“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.

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“VDOT” means the Virginia Department of Transportation, the Commonwealth Transportation Commissioner, or a designee.

“Vent” means an appurtenance to discharge gaseous contaminants from casing.

“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.**

24 VAC 30-151-20. Authority.

The General Rules and Regulations of the Commonwealth Transportation Board (24 VAC 30-20) are adopted pursuant to the authority of § 33.1-12 of the Code of Virginia, and in accordance with § 2.2-4000 et seq. 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. Agents of VDOT are authorized to issue permits as described in this chapter. This chapter prescribes the specific requirements of such permits.



**LAND USE PERMIT MANUAL**24 VAC 30-151-30. Permits and agreements.

One of the following types of documents shall be used to authorize the use or occupancy of the right-of-way.

A. Single Use Permits.

A single use permit allows the permittee to perform all approved activities within limited access and non-limited access rights-of-way. All permits issued pursuant to this chapter are single use permits unless otherwise noted. The following requirements apply to single use permits:

1. A permit is required for all types of utility activities occurring within the rights-of-way. These activities include, but are not limited to, changes in voltage or pressure of an existing facility, maintenance activities affecting vehicle traffic, all crossings of the right-of-way, and in all cases where utility installations are relocated or modified within the existing right-of-way.
2. A permit is required for all entrances onto state highways.
3. A permit is required for all agricultural and commercial uses and occupancy of the right-of-way.
4. A permit is required for all miscellaneous activities or uses as defined in Part VII of this chapter.

B. Residency-wide Permits.

The following requirements apply to residency-wide permits:

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1. A residency-wide permit allows the permittee to perform multiple occurrences of certain activities within non-limited access right-of-way without obtaining specific permission for each occurrence. A residency-wide permit shall be issued for one year. The residency administrator may exercise discretion to require a single use permit for the operations described in the following list of accepted activities for residency-wide permits:

a. Utilities - Residency-wide permits may be issued to allow 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 residency-wide permit will allow the permittee to install a service connection across a two-lane road above or below ground, provided the installation can be made from the side of the roadway without equipment stopping or impeding travel lanes, and where no part of the roadway pavement, shoulders and ditch lines will be disturbed. It does not allow the permittee to perform maintenance operations on existing mainline facilities or to expand existing plants.

b. Surveying - Residency-wide permits may be issued for surveying operations where no part of the roadway pavement, shoulders and ditch lines will be disturbed.

2. The permittee must apply for a separate single use permit when the activities listed below occur, because they are not covered under the authority of a residency-wide permit:

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- a. Stopping or impeding highway travel or if any variance in implementing standardized traffic control plan is desired.
- b. Performing work within the “limited access” right-of-way.
- c. Trimming or cutting of any trees located within the right-of-way, applying any pesticide, or landscape activities.
- d. Cutting highway pavement or shoulders to locate utilities.
- e. Working within a highway travel lane on a non-emergency basis.
- f. Constructing a permanent entrance.
- g. Upgrading in excess of normal maintenance.
- h. Installing electrical lines that exceed 34.5 KV.
- i. Installing new poles, anchors, parallel lines or pipe extension to existing utilities necessitating disturbance of the pavement, shoulder, or ditch line.

**C. In-Place Permits.**

The following requirements apply to in-place permits:

In-place permits allow utilities to remain within the right-of-way of newly constructed subdivision streets. These utilities shall be installed according to VDOT approved street plans and in-place prior to VDOT street acceptance. No fee is required for these permits.

**D. Other requirements.**

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In addition to obtaining a single use permit, some utilities may be required to enter an agreement with VDOT allowing the utility to use the right-of-way in exchange for monetary compensation, barter of services, or both.

1. Permit Agreement.

a. A permit agreement is required for:

1. Any new longitudinal occupancy of the limited access right-of-way,

as allowed for in 24 VAC 30-151-300 and 24 VAC 30-151-320.

2. Any new communication tower or small site facilities installed within

the right-of-way, as allowed for in 24 VAC 30-151-320 or 24 VAC 30-

151-350.

b. All agreements and attachments 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 or a designee 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

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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 or a  
designee in any renewal term. The shared resource agreement shall specify the  
initial and renewal terms of the lease.

24 VAC 30-151-40. 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 residency  
administrator. The residency administrator shall issue all permits, except that permits for  
tree trimming and tree removal may be issued by the district roadside manager in  
consultation with the residency administrator. The Commonwealth Transportation  
Commissioner or a designee shall approve all activities within limited access right-of-  
way prior to permit issuance. 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. Applicant shall apply for a land use permit at the local VDOT residency responsible  
for the county where the work is to be performed. The applicant shall submit site plans

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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 residency, it may be consolidated into one permit application. 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 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 in relation to 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. Method of construction shall be indicated; i.e., plowing, trenching, boring, jacking, etc.

D. In the event of an emergency situation that requires immediate action to protect persons or property, the residency administrator may verbally authorize work within the

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right-of-way; however, application for a permit must be initiated as soon as the emergency is alleviated and within 48 hours of the end of the emergency situation.

E. The land use permit is not valid unless signed by the residency administrator or a 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 residency administrator 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 within the highway right-of-way. VDOT will not be responsible for damage to the facility placed under permit as a result of future maintenance or construction activities performed by VDOT.

H. A copy of the land use permit and approved site plans or sketches shall be kept at the job site at all times and 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

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the permit shall be coordinated and approved by the residency administrator 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 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 construction 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 4 VAC 50-60 (Virginia Stormwater Management Program Permit Regulations) (see 24 VAC 30-151-760), 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 & Bridge Specifications, VDOT Road and Bridge Standards, Virginia Erosion and Sedimentation Control Handbook, a technical guide to 4 VAC 50-30 (Virginia Erosion and Sediment Control Regulations) and the Virginia Stormwater Management Handbook, 1<sup>st</sup> edition, Volumes 1 and 2 (effective 1999), a technical guide to 4 VAC 50-60 (Virginia Stormwater



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Management Program Permit Regulations) (see 24 VAC 30-151-760). The permittee shall:

1. Ensure compliance with 4 VAC 50-30 (Virginia Erosion and Sediment Control Regulations) and 4 VAC 50-60 (Virginia Stormwater Management Program Permit Regulations) (see 24 VAC 30-151-760).
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 kept on permitted areas 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, 3<sup>rd</sup> edition, (effective 1992) and the Virginia Stormwater Management Manual (see 24 VAC 30-151-760).
4. Keep dusty conditions to a minimum by using VDOT-approved methods.
5. Cut pavement only as approved by the residency administrator. Pavement cuts, restoration and compaction efforts, to include all materials, shall be accomplished in accordance with VDOT Road & Bridge Specifications (see 24 VAC 30-151-760) and Form LUP-OC (1-2006).
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.
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 24 VAC 30-

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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. Written permission 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 residency administrator. 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 Rules for Enforcement of the Underground Utility Damage Prevention Act (20 VAC 5-309) (see 24 VAC 30-151-760). For work within 1,000 feet of traffic signals or adjacent to other VDOT utilities, the permittee shall contact the local VDOT residency prior to excavation. VDOT shall receive notification on the business day preceding 48 hours before excavation.

N. Written permission must be obtained from the residency administrator prior to blocking or detouring traffic. Additionally, the permittee shall:

1. Employ safety measures such as 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 (MUCTD) and special provisions (see 24

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VAC 30-561 concerning adoption of this document) and the typical traffic control figures from the Virginia Work Area Protection Manual (filed as part of 24 VAC 30-310).

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.

Failure to employ proper traffic control and construction standards mandated by the permit shall be cause for the residency administrator to remove the permittee from the right-of-way or revoke the permit, or both.

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 three years after the completion date of permit, and for the continuing maintenance of the facilities placed within the highway right-of-way.

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Q. The permittee shall notify the nearest VDOT residency of involvement in any personal or vehicular accident immediately.

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 VDOT residency or district office where the land use permit is obtained shall be notified 48 hours in advance of the start of the permitted work.

T. Upon completion of the work under permit, the permittee shall notify the residency administrator by letter giving the permit number, county, route and name of the party or parties to whom the permit was issued. The residency administrator shall promptly inspect the work covered under the permit and advise the permittee of any needed corrections.

24 VAC 30-151-50. 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 VDOT notification. 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

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be moved immediately at the owner's expense. The provisions of § 33.1-373 of the Code of Virginia shall govern the placement of advertising signs 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 preceding rules and regulations.

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.

24 VAC 30-151-60. Authority of residency administrator.

A. The residency administrator 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 residency administrator may also suspend work within the right-of-way for such periods as he may deem necessary because of weather or other conditions unsuitable for work or any other condition or reason deemed to be in the public interest. The residency administrator may delegate this authority.

B. Should the permittee fail to comply immediately with any order of the residency administrator made under the provisions of this section, the residency administrator may cause unacceptable authorized work to be removed and replaced and unauthorized work to be removed. The residency administrator 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.

**LAND USE PERMIT MANUAL**24 VAC 30-151-70. Plan review and permit inspection.

The residency administrator may assign a VDOT inspector, consultant inspector, or both, to inspect or monitor any work performed within the right-of-way. The absence of a VDOT inspector does not relieve the permittee of performing the work according to the provisions of the permit. The permittee may be responsible for the cost of site plan, sketch reviews and any other administrative functions, as well as all costs associated with an inspector and any equipment used.

24 VAC 30-151-80. 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 residency administrator shall determine the actual time limit of all work being accomplished under permit. Weather conditions and seasonal operations such as seeding, paving, etc., will be considered when determining a realistic time limit for work to be completed. Work shall begin within 30 days of permit issuance; otherwise, the permit may be cancelled.

B. Requests for extension of time and reinstatement of permits shall be made in writing to the residency administrator. If the request is made prior to the original expiration date an extension of time may be granted on the permit. Upon request by the permittee, the permit may be cancelled if no work has started. The original permit shall be returned to the issuing VDOT residency.

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24 VAC 30-151-90. Hours and days work authorized; holiday schedule.

Normal hours for work under the authority of a permit are between the hours of 9:00 a.m. and 3:30 p.m. Monday through Friday. The residency administrator may authorize work on Saturday or Sunday.

No permitted work will be allowed from noon on the preceding weekday through the following state observed holidays:

<u>New Year’s Day</u>	<u>Memorial Day</u>	<u>Independence Day</u>
<u>Labor Day</u>	<u>Thanksgiving Day</u>	<u>Christmas Day</u>

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 residency administrator will establish additional time restrictions or changes in working hours.

24 VAC 30-151-100. Appeal.

A. The district administrator is authorized to consider and rule on unresolved differences of opinion between the permittee and the residency administrator that pertain to the interpretation and application of the requirements of this chapter. The resolution of any appeals that involve limited access permits must have the concurrence of the Commonwealth Transportation Commissioner or a designee.

To initiate an appeal with the district administrator, the permittee must provide the district administrator and the residency administrator with a written request for such

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action. The written request shall describe any unresolved issue or issues. After reviewing all pertinent information, the district administrator will advise the permittee in writing regarding the decision of the appeal, with a copy to the residency administrator. The permittee may further appeal the district administrator's decision to the Commonwealth Transportation Commissioner or a designee. All correspondence requesting an appeal should include copies of all prior correspondence regarding the issue or issues with the county official and VDOT representatives.

The permit applicant may appeal denial or revocation of a permit in writing to the district administrator or a designee. All appeals must be made within 10 working days of receipt of written notification of denial or revocation, setting forth the grounds for the appeal.

B. Appeals on permits for any work within limited access rights-of-way shall be made to the Commonwealth Transportation Commissioner or a designee.

**PART III.**

24 VAC 30-151-110. 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



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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 a VDOT designee that violations existed under a previously issued 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.**

24 VAC 30-151-120. Introduction to provisions governing entrances.

VDOT's authority to regulate highway entrances is provided in §§ 33.1-197, 33.1-198 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. No entrance of any nature may be constructed within the right-of-way until the location has been approved by VDOT and a permit has been issued. The Commonwealth Transportation Board has the authority to designate highways as limited access and to extinguish access rights to those facilities as provided in § 33.1-58 of the Code of Virginia. No private or commercial entrances shall be permitted within limited access rights-of-way except as may be provided for by the regulation titled Change of Limited Access Control (24 VAC 30-401) (see 24 VAC 30-760).

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The design and construction of entrances shall comply with the specifications in this part and any additional conditions, restrictions, or modifications deemed necessary by the residency administrator to preserve the safety, use and maintenance of the state highway system.

24 VAC 30-151-130. General provisions governing entrances.

A. VDOT shall not be obligated to grant more than one access point per parcel of record.

If a parcel is served by more than one road in the state highway system, the residency administrator shall determine upon which road or roads the proposed access point or points are to be constructed. VDOT will provide reasonably convenient access to the parcel; VDOT is not obligated to provide the most convenient access, nor is VDOT obligated to provide the permit applicant's preferred entrance location or entrance design.

B. When two or more properties are to be served by the same entrance, the permittee shall ensure that there is a recorded agreement between the parties specifying the use and future maintenance. A copy of this recorded agreement shall be included in the entrance permit application submitted to the residency administrator.

C. The residency administrator may alter any proposed entrance location or design, whether private or commercial, to obtain the best possible sight distance or entrance spacing.

D. No less than minimum sight distance shall be obtained for any commercial entrance. Sight distances shall be measured in accordance with VDOT practices, and sight distance requirements shall conform to VDOT engineering standards as described in the Road

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Design Manual (see 24 VAC 30-151-760), except that the legal speed limit shall be used in lieu of design speed. In cases where the operating speed of the segment of highway is determined to be lower than the legal speed limit and, in the judgment of the residency administrator, will not create hazards for either a driver at a connection or on the highway, the operating speed may be used in lieu of the legal speed limit. VDOT may require that the vertical or horizontal alignment of the existing roadway be adjusted to accommodate certain design elements of a proposed entrance including, but not limited to, median crossovers, roundabouts, and traffic signals, where adjustment is deemed necessary. The cost of any work performed to adjust the horizontal or vertical alignment of the roadway to achieve required intersectional or stopping sight distance at a proposed entrance shall be borne by the permittee.

E. Only the Commonwealth Transportation Commissioner or a designee may waive the required sight distance, after a traffic engineering investigation has been performed. If a sight distance waiver is requested, the permittee shall furnish the residency administrator a traffic engineering investigation report, prepared by a professional engineer. The methodology and format of the report shall be determined by the residency administrator.

24 VAC 30-151-140. Private entrances.

A. The property owner shall identify the desired location of the private entrance with the assistance of a VDOT representative. The entrance should be placed at the location with the best possible sight distance. Slope grading or tree removal, or both, may be required to provide safe and convenient means of ingress and egress.

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B. The property owner shall obtain a permit and, on shoulder and ditch section roads, shall be responsible for installing the entrance, unless the property owner requests VDOT to perform the stabilization of the shoulder and installation of the entrance pipe. In such cases, VDOT may install the private entrance pipe and will stabilize the shoulder in accordance with VDOT policies and engineering standards at the property owner's expense. If VDOT installs these portions of the entrance, a cost estimate for the installation will be provided to the property owner; however, VDOT will bill the property owner the actual cost of installation. The property owner shall be responsible for all grading beyond the shoulder.

C. Grading and installation of an asphalt or concrete driveway from the edge of the pavement to the right-of-way line shall be the responsibility of the property owner.

D. VDOT will not install driveways, private entrances, or pipes for property owned and being developed for sale by developers, speculators or contractors.

E. Installation of an entrance on a curb and gutter street shall be the responsibility of the property owner.

F. In all cases, positive drainage away from the roadway must be achieved.

G. Maintenance of private entrances shall be by the owner of the entrance, except that VDOT shall maintain:

1. On shoulder section roadways, that portion of the entrance within the normal shoulder portion of the roadway.
2. On roadways with ditches, the drainage pipe at the entrance.

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3. On roadways with curb, gutter, and sidewalk belonging to VDOT, that portion of the entrance that extends to the back of the sidewalk.

4. On roadways with curb, gutter, and sidewalk not belonging to VDOT, only to the flow line of the gutter pan.

24 VAC 30-151-150. Commercial entrances – coordination with local governments.

A. For all commercial entrances, the applicant shall coordinate with appropriate local government agencies to identify possible conflicts with local, state or federal regulation and plans, including but not limited to local zoning regulations, land use plans, transportation plans, access management plans, overlay districts and planned urban developments.

B. If local governments have established site plan approval processes for developments, VDOT may not process and approve the permit prior to the local government's approval.

C. Some local governments charge a traffic impact fee based on the size of a development or the projected traffic generated by the proposed development. Such fees do not release the applicant from fees and improvements required by VDOT. When a local government requires improvements to the abutting state highway compatible with an ultimate transportation plan, VDOT may require additional improvements to assure the safety and capacity of the proposed entrances and to manage access points along the highway.

24 VAC 30-151-160. Tenure of commercial entrances.

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A. The tenure of an entrance to any highway is not infinite, nor is the entrance meant to be transferred from one owner to another. Should the residency administrator determine that an entrance is substandard or that safety, use, or maintenance of the entrance has changed significantly enough to require correction, the necessary changes shall be made by the owner or the entrance may be closed at the direction of the residency administrator.

B. VDOT will maintain the entrance only within the normal shoulder of the roadway or to the flow line of the gutter pan. The owner shall maintain all other portions of the entrance, including entrance aprons and curb and gutter, culvert and drainage structures.

C. Reconstruction, relocation or upgrading, or a combination of these, may be required at owner's cost when a VDOT representative determines after review that one of the following conditions exists:

1. Safety: When the entrance has been found to be unsafe for public use in its present condition because of physical degradation of the entrance, increase in motor vehicle traffic, or some other condition.
2. Use: When traffic in and out of the entrance has changed significantly to require modifications or reconstruction, or both. Such changes may include, but are not limited to, changes in traffic volume or characteristics of the traffic.
3. Maintenance: When the entrance becomes unserviceable due to heavy equipment damage, reclamation by natural causes, or increased traffic volumes generated by development, etc.

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D. Commercial entrances may be reviewed by the residency administrator periodically for substandard conditions as outlined in subsection C above. Commercial entrances should also be reviewed by the residency administrator when any of the following occur.

1. The property is being considered for sale.
2. The property is being considered for rezoning or other local legislative action.
3. The property is subject to a site plan review.
4. There is a change in commercial use either by the property owner or by a tenant.
5. Inter-parcel access becomes available.

These periodic reviews are necessary to provide both patron and other highway users with a safe means of travel.

24 VAC 30-151-170. Access management /entrance location.

A. As entrance location and design are reviewed, appropriate access management shall be utilized to ensure safety, integrity and functionality of the transportation system is maintained. As part of any commercial entrance permit review, the residency administrator will determine what improvements are needed to preserve the functionality of the highway, accommodate the proposed traffic and, if entrance design modifications are needed, to protect the transportation corridor. If the location of the entrance is within the limits of a local or VDOT approved access management plan, the plan should guide the residency administrator in determining the appropriate design and location of the entrance. Access management techniques include but are not limited to:

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1. Restricting entrance locations - To prevent undue interference with free traffic movement and to preserve safety, entrances shall not be permitted within the functional areas of intersections, traffic circles, roundabouts, railroad grade crossings, interchanges or similar areas with sensitive traffic operations, on highways classified as principal arterial or minor arterial. The residency administrator may grant a waiver of this requirement after receipt of a traffic engineering study prepared by a professional engineer showing that highway operation and safety shall not be adversely impacted by the proposed entrance. Entrances at the above listed locations on highways classified as collector or local may be permitted at discretion of the residency administrator.
2. Shared entrances with adjacent properties - To reduce the number of access points to state highways, joint-use entrances are recommended for adjacent parcels if an agreement can be reached by the property owners. For a joint-use entrance to be approved by the residency administrator, a copy of the property owners' recorded agreement shall be submitted with the permit application.
3. Coordination of access points - The spacing of proposed access point or points in relation to existing or approved entrances and the use of the roadway shall be considered when determining the location of the proposed entrance. Access points on principal arterial and minor arterial highways shall not be permitted within the functional area of adjacent entrances. The residency administrator may grant a waiver of this requirement after receipt of a traffic engineering study



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prepared by a professional engineer showing that highway operation and safety shall not be adversely impacted by the proposed entrance.

4. Encouraging inter-parcel connectivity - When commercial properties exist adjacent to the permittee's property, the permittee is encouraged to construct designated vehicular connections between his property and any or all of the adjacent commercial properties and to grant cross-access easements to any or all of these adjacent commercial properties in such a manner that affords access between the highway and these adjacent properties. Development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall provide inter-parcel connectivity, unless the residency administrator deems such connectivity unsafe or inappropriate.

5. Service or frontage roads – To limit connections to some highways and facilitate inter-parcel connections, the permittee shall construct service, frontage, or reverse frontage roads from the proposed entrance to adjacent property line or lines if the proposed development will cause traffic signal warrants to be met at the entrance and the entrance is on a highway classified as principal arterial or minor arterial. The residency administrator may grant a waiver of this requirement. The residency administrator may require the construction of service, frontage, or reverse frontage roads by the permittee on highways functionally classified as collector or local, or in cases where development traffic is not expected to cause traffic signal warrants to be met. At such time as a road serves

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three or more separately owned parcels, is constructed to VDOT standards, is in good condition, and if the board of supervisors of the county in which it is constructed requests it, the service, frontage, or reverse frontage road may be accepted into the appropriate system of state highways for maintenance. Service, frontage, or reverse frontage roads that are not dedicated to public use must be protected as easements. If a permit applicant cannot or does not wish to comply with this requirement, the entrance shall be limited to right-in right-out movements.

6. Traffic signal spacing – To promote the efficient progression of traffic on highways, commercial entrances that are expected to serve sufficient traffic volumes and movements to require signalization shall not be permitted if the spacing between the entrance and at least one adjacent signalized intersection is below VDOT signal spacing standards and guidelines. If sufficient spacing between adjacent traffic signals is not available, the entrance shall be limited to right-in right-out movements. The residency administrator may grant a waiver of this requirement after receipt of a traffic engineering study prepared by a professional engineer showing that highway operation and safety shall not be adversely impacted by the proposed entrance and its associated traffic signal.

7. Limiting entrance movements – to preserve the safety and function of certain highways, the residency administrator may require an entrance to be designed and constructed in such a manner as to physically prohibit certain traffic movements.

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B. At the request of the residency administrator, the permit applicant shall furnish a traffic impact analysis that documents the effect of the proposed entrance and its related traffic upon the operation of the state highway system. The applicant or his agent shall obtain the requirements for the traffic impact analysis from the residency administrator prior to conducting the traffic impact analysis.

1. A professional engineer shall prepare the traffic impact analysis.
2. If the traffic impact analysis indicates that the proposed entrance will cause the state highway system to suffer an increase in delay or a reduction in capacity beyond acceptable levels established in the requirements of the traffic impact analysis, the applicant shall be required to submit a plan to mitigate these impacts and to bear the costs of any mitigation measures.
3. Any mitigation measures shall be approved by the residency administrator prior to permit approval. Mitigation measures may include but are not limited to:
  - a. The construction of additional lanes on the roadway;
  - b. Construction of auxiliary lanes or turning lanes;
  - c. Construction or removal of crossovers;
  - d. Installation, modification, or removal of traffic signals and related equipment;
  - e. Provisions to limit the traffic generated by development served by the proposed entrance;

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f. Recommendations from adopted corridor studies or design studies and other access management practices and principles not otherwise mentioned herein; or

g. Dedication of additional right-of-way or easement, or both, for future road improvements.

4. If an applicant is unwilling or unable to mitigate the impacts identified in the traffic impact analysis, the residency administrator may deny the permit.

24 VAC 30-151-180. Drive-in theaters.

A drive-in theater is a specialized commercial entrance. In addition to the commercial entrance regulations set forth in this part, the conditions set forth in § 33.1-12 (15) of the Code of Virginia shall be satisfied in order to construct entrances to drive-in theaters.

24 VAC 30-151-190. Temporary entrances (construction/logging entrances),

Construction of temporary construction or logging entrances upon the state highway system shall be authorized by single use permit only. The permittee must contact the appropriate residency administrator for an on-site meeting to approve the location prior to installing an entrance or utilizing an existing entrance. The residency administrator shall also be contacted to arrange and conduct a final inspection prior to closing a temporary construction or logging entrance. In the event that adequate sight distance is not achieved, additional signage and flaggers shall be used to ensure safe ingress and egress.

Entrances shall be designed and operated in such a manner as to prevent mud and debris from being tracked from the site onto the highway's paved surface. If debris is tracked

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onto the highway, it shall be removed by the permittee immediately if it poses a threat to safety or, if it does not pose a threat to safety, as directed by the residency administrator. The permittee must restore, at the permittee's cost, all disturbed highway rights-of-way, including, but not limited to, ditches, shoulders, roadside and pavement to their original condition when removing the entrance. All such restorations are subject to approval by the residency administrator.

24 VAC 30-151-200. Access to public waters.

VDOT may grant the use of portions of the highway right-of-way for access to public waters upon written request from the Executive Director of the Virginia Department of Game and Inland Fisheries to the Commonwealth Transportation Commissioner.

24 VAC 30-151-210. Entrance design.

A. All entrance design and construction shall comply with standards in the Road Design Manual (see 24 VAC 30-151-760), Road and Bridge Standards (see 24 VAC 30-151-760), Road and Bridge Specifications (see 24 VAC 30-151-760), and other VDOT engineering and construction standards as may be appropriate. Entrance design and construction shall comply with applicable guidelines and requirements of the Americans with Disabilities Act of 1990 (42 USC 12101 *et seq.*).

B. In the event an entrance is proposed within the limits of a future planned roadway project that will ultimately change a highway, the permittee may be required to construct entrances compatible with the roadway's ultimate design.

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C. All entrance design and construction shall consider pedestrian and bicycle users of the highway.

D. The residency administrator will determine the need for curb and gutter, sidewalks, or other features at the proposed entrance. Ordinances or entrance standards established by counties or cities that exceed those of VDOT, supersede those of VDOT.

E. It is essential that entrance and site design allow unimpeded movements of traffic entering or exiting the entrance. The permittee shall demonstrate to the satisfaction of the residency administrator that neither the entrance, nor the proposed traffic circulation patterns within the parcel, will compromise the safety, use or maintenance of the highway.

F. Sites accessed by a proposed entrance shall be designed so as to prevent on-site queues from impacting travel on the abutting highway. At the request of the residency administrator, the permit applicant shall furnish a report prepared by a professional engineer that documents the impact of expected on-site queues upon the function of the abutting highway during the peak hours of the site. The district administrator or designee may waive this requirement in exceptional circumstances after a review of the queue report.

**PART V.**

24 VAC 30-151-220. 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,

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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.

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. The use of this land shall be limited to provisions as set forth in the agreement, which shall cover commercial pursuits

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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 above, 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.

C. Applications for agreements for commercial uses shall be made to the residency administrator. 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.



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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 24 VAC 30-151-220 B. 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.

24 VAC 30-151-230. 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.

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. Agricultural use is not permitted on limited access highways. The use of this land will be limited to

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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 – 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. – 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 – 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 – 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 – permitted, but no guarantee of longevity may be expected.

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6. Other Uses – as may be specifically approved.

C. Agricultural use agreements will be subject to revocation for cause or as outlined above, 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.

D. Applications for agreements for agricultural uses shall be made to the residency administrator. 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.

**LAND USE PERMIT MANUAL**24 VAC 30-151-240. Dams.

A. VDOT may permit dams, including dams for farm ponds, within the right-of-way when all of the following provisions are satisfied. For the purpose of this section, a roadway will be considered to occupy a dam if:

1. Any part of the fill for the roadway and the fill for the dam overlap; or
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. Design review. A professional engineer shall certify that the hydraulic and structural design of any dam, as described above, is in accordance with current national and state engineering practice and that all pertinent provisions of the Road Design Manual (see 24 VAC 30-151-760) have been considered. Prior to approval of the permit, the hydraulic and structural design of a proposed dam shall be reviewed by VDOT and meet its requirements.

D. Supplemental, alternative access. To be permitted, a dam occupying a roadway must be supplemented by an appropriate alternative roadway facility for public ingress or egress, having suitable provisions that ensure perpetual maintenance.

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E. Permits. All applicable federal and state permits associated with dams shall be secured and filed with the county prior to VDOT's approval of any permit for a dam.

24 VAC 30-151-250. 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 residency administrator.

24 VAC 30-151-260. 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.

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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.

24 VAC 30-151-270. 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:

A. 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.

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. 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.

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D. Should the permittee in the future decide to dispose of the crossing to another party, VDOT shall be notified prior to such action, and proper arrangement shall then be made for the transfer.

24 VAC 30-151-280. 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 the these springs, wells and their facilities may be granted a permit to use these springs, wells and their facilities until the Commonwealth Transportation Commissioner or a designee 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.

24 VAC 30-151-290. 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 definite needed is shown by VDOT. Telephone booths may be allowed when a definite need exists to serve the traveling public, such as:

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

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

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1. No private land is available or suitable for location of booth;
2. The location meets all safety requirements as to sight distance, access roads and parking; and
3. All costs incidental to providing turnout and parking area are borne by the telephone company.

**PART VI.**

24 VAC 30-151-300. General provisions governing utilities.

A. 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 residency administrator. 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.

B. 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.



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A. Above Ground Installations - New utilities shall not be installed parallel to the roadway within limited access right-of-way except in special cases or under resource sharing agreements with approval from the Commonwealth Transportation Commissioner. The installation shall not adversely affect the safety, design, construction, operation, maintenance and stability of the highway and may not be constructed or serviced by direct access from the through traffic roadways or connecting ramps. The accommodation shall not interfere with or impair the present use or future expansion of the highway. All aboveground mounted installations shall be located adjacent to the right-of-way line and in accordance with clear zone requirements.

Overhead utilities may be installed on limited access highways as follows:

1. The Commonwealth Transportation Commissioner or a designee shall approve all permits for overhead utilities to be placed within limited access right-of-way prior to issuance by the residency administrator, except for perpendicular crossings if all work for the crossings takes place outside the limited access right-of-way.
2. Longitudinal overhead utilities may be installed by a Class G, Class P or Class T utility under an agreement that provides for a shared resource arrangement or the payment of appropriate compensation, or both, subject to VDOT's need for the shared resource. Perpendicular crossings by overhead utilities may be installed by either a Class G, Class P, or Class T utility under permit issued by the residency administrator.

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3. The Commonwealth Transportation Commissioner may grant exception for a non-shared resource arrangement, under strictly controlled conditions. The utility owners 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. Where practicable, utilities shall be located in a utility area established along the outer edge of the right-of-way. A utility access control line will be established between the proposed utility installation and the through roadway and ramps. Service connections to adjacent properties shall not be permitted from the controlled access right-of-way.

4. Line crossings shall be located on a line that is perpendicular to the highway alignment. Parallel installations shall be located on a uniform alignment as near as practicable to the-right-of-way line to provide a safe environment and space for future highway improvements and other utility installations, subject to the following conditions:

a. Overhead installations shall be placed with at least 21 feet of vertical clearance.

b. Installation of new parallel pole lines will not be allowed on new limited access highways or on limited access highways where parallel pole lines do not exist.

B. Underground utilities may be installed on limited access highways as follows:

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1. For limited access right-of-way, new utilities shall not be installed parallel to the roadway except in special cases or under resource sharing agreements with approval from the Commonwealth Transportation Commissioner. The installation shall not adversely affect the safety, design, construction, operation, maintenance and stability of the highway and shall not be constructed or serviced by direct access from the through traffic roadways or connecting ramps. The accommodation shall not interfere with or impair the present use, or future expansion of, the highway
2. Perpendicular crossings of underground utilities may be installed by either a Class G, Class P or Class T utility under permit issued by the residency administrator, provided all work takes place outside the limited access right-of-way
3. All underground utilities shall have a minimum of 36 inches of cover, unless conditions dictate otherwise.
4. Permits for all other underground installations within limited access right-of-way shall be approved by the Commonwealth Transportation Commissioner or a designee prior to issuance by the residency administrator.
5. Longitudinal underground utilities may be installed by a Class G, Class P or Class T utility under an agreement providing for a shared resource arrangement or the payment of appropriate compensation, or both, subject to VDOT's need for the shared resource and the availability of space within the right-of-way.

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6. The proposed method for placing an underground facility requires approval from the residency administrator. All underground facilities shall be designed to support the load of the highway and any superimposed loads.

7. The Commonwealth Transportation Commissioner may grant an exception for a non-shared resource arrangement, under strictly controlled conditions. The utility owners 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. Where practicable, these utilities shall be located in a utility area established along the outer edge of the right-of-way. A utility access control line will be established between the proposed utility installation and the through roadway and ramps. Service connections to adjacent properties shall not be permitted from the controlled access right-of-way.

C. Encasements.

Encasement pipe shall be utilized in accordance with 24 VAC 30-151-370.

24 VAC 30-151-320. Limited access highways - Communication towers and site installations.

Communication tower structures and other types of surface mounted or underground utility facilities not associated with a longitudinal installation may be installed by a Class G, Class P or Class T utility under an agreement providing for a shared resource arrangement or the payment of appropriate compensation, or both. The Commonwealth

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Transportation Commissioner may grant an exception for a non-shared resource arrangement where the conditions outlined in 24 VAC 30-151-310 B 7 are demonstrated. The design for ground-mounted utility facilities shall be compatible with the visual quality of the highway section involved. Any above ground structures shall meet current clear zone or applicable safety requirements.

24 VAC 30-151-330. Non-limited access highways – above ground installations.

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

Parallel installations shall be located on a uniform alignment as near as practicable to the right-of-way line to provide a safe environment and space for future highway improvements and other utility installations.

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

- a. Overhead utilities may be installed by a Class G utility under permit.
- b. Either a Class P or a Class T utility may install overhead utilities under an agreement providing for a shared resource arrangement or the payment of appropriate compensation or both.
- c. The utility shall not be attached to a bridge or other structure unless the utility owners can demonstrate that the installation and maintenance methods will not require access from the roadway or interfere with roadway traffic.
- d. All aboveground mounted installations shall be located adjacent to the right-of-way line and in accordance with clear zone requirements. Repairs

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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.

2. Parallel 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. Consideration will not be given to poles placed on a highway right-of-way of less than 40 feet.

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

4. Overhead installations shall be placed with at least 21 feet of vertical clearance. The residency administrator may approve vertical clearance less than 21 feet; however, no crossing shall be permitted with less than 18 feet of vertical clearance.

5. When crossing a median, all poles or other facilities shall be placed to maintain an adequate clear zone in each direction. Parallel pole lines may be placed on non-limited access right-of-way that is 110 feet in width or wider by a signed, comprehensive agreement between VDOT and the utility owner. In such

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cases, poles shall be located on the outer 15 feet of the right-of-way. Parallel pole line installation will not be allowed in the median.

24 VAC 30-151-340. Non-limited access highways - Underground installations.

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

A. Underground utilities may be installed by a Class G utility under permit.

B. Either a Class P or a Class T utility may install underground utilities under an agreement providing for a shared resource arrangement or the payment of appropriate compensation or both.

C. All underground utilities shall have a minimum of 36 inches of cover, unless conditions dictate otherwise.

D. A utility shall not be attached to a bridge or other structure unless the utility owners can demonstrate that the installation and maintenance methods will not require access from the roadway or interfere with roadway traffic.

E. The proposed method for placing an underground facility requires approval from the residency administrator. 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 24 VAC 30-151-360 and 24 VAC 30-151-370.

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24 VAC 30-151-350. Non-limited access highways - Communication towers and site installations.

Communication tower structures and other types of surface mounted or underground utility facilities not associated with a longitudinal installation on a non-limited access highway may be installed by a Class G, Class P or Class T utility under permit.

24 VAC 30-151-360. 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, unless conditions dictate otherwise.

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. Parallel pipeline installations shall be kept out of the ditch line whenever possible. When no other alternative is available, the minimum depth of pipes shall be 36 inches with satisfactory compaction and restoration. These installations do not normally require encasement since they are usually located in the outer edge of the highway right-of-way.

The pipeline may not be constructed under the pavement or shoulders of a street, except for crossings. Pipelines may be constructed in the median or sidewalk areas if they do not conflict with other utilities, drainage facilities, or roadway features.

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



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for any installation. The permittee may be required to certify this restriction has been met in writing 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 residency administrator may also require such pipes to be filled prior to being plugged.

24 VAC 30-151-370. Encasements.

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. Encasement pipe shall be required if a 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. Encasement should be extended a suitable distance beyond the slope for side ditches and beyond the curb line in curbed sections. The residency administrator may require encasement pipe even if an installation meets industry standards for non-encasement. The residency administrator may approve directional bores without encasement on a case-by-case basis.

Limited access facility encasement pipes shall be installed from outside to outside of right-of-way line. All pipelines under pressure shall be encased where they cross the right-of-way. Encasement pipe for roadway crossings shall be extended completely through infield or median areas.

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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.

24 VAC 30-151-380. 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. Permittee shall ensure drains achieve 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. Manhole installations shall be minimized at street intersections. A manhole shall not be considered in the normal wheel path of driving lanes under any circumstances. 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 within a tolerance of  $\pm 0.05$  feet of the finished grade.

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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.

24 VAC 30-151-390. In-place permits for new subdivision streets.

A. Prior to accepting 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. 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. 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.

24 VAC 30-151-400. 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 24 VAC 30-151-760). 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. Should VDOT later require the public service corporation to alter, change,

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adjust, or relocate any utility, the non-betterment cost will be the responsibility of the Commonwealth.

24 VAC 30-151-410. Installations in scenic areas.

Any new utility installations within the right-of-way or on other lands which 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.

24 VAC 30-151-420. Roadway 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.

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 (effective 2000) (see 24 VAC 30-151-760). An Informational Guide for Roadway Lighting by AASHTO (effective 1984) (see 24 VAC 30-151-760) may be used as a supplemental guide.

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C. The permittee shall submit to the residency administrator 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. The lighting shall be installed in accordance with VDOT's Road and Bridge Specifications (see 24 VAC 30-151-760). 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.

24 VAC 30-151-430. 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, whichever is 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.

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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. Transmission natural gas and petroleum mains may not be attached to highway structures.

**PART VII.**

24 VAC 30-151-440. Miscellaneous permits.

In accordance with 24 VAC 30-20-20, 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 is required for the uses of right-of-way described in this part.

24 VAC 30-151-450. Banners and decorations.

VDOT may issue permits to counties, towns and religious or civic organizations to hang banners or erect holiday decorations (such as lights) across state highways. Banners and decorations shall not remain in place more than 30 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.

24 VAC 30-151-460. Building movements.

All building movements over 16 feet wide require the approval of the residency administrator after completion of the necessary investigative report (Form LUP-HM) (1-2006). All building movements shall be covered by a performance bond that is

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commensurate with the type of move requested. Applications for building movements shall be made through the VDOT residency where the move initiates.

24 VAC 30-151-470. 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.

24 VAC 30-151-480. Chutes and tipples (coal mines, gravel pits, etc.), pipes from planing mills.

A permit is required for chutes, tipples or other structures to handle coal, gravel or other material. 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 chutes or tipples located on the right-of-way.

The applicant shall obtain written approval from the local officials prior to permit application for pipes from planing mills.

24 VAC 30-151-490. Construction or reconstruction of roads, bridges, or other drainage structures.

Construction or reconstruction of roads, bridges or other drainage structures may be permitted based upon evaluation, an engineering analysis provided by the applicant, and approval of the residency administrator. Approval by the county board of supervisors may also be necessary.

**LAND USE PERMIT MANUAL**24 VAC 30-151-500. Crest stage gauges, water level recorders.

Permits may be issued to any governmental state agency to install hydrological study equipment.

24 VAC 30-151-510. Emergency vehicle access.

Signals may be permitted along and over streets or highways at fire stations 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.

24 VAC 30-151-520. Filming for movies.

Movie filming may be permitted, but shall be coordinated through the Film Office of the Virginia Tourism Corporation.

24 VAC 30-151-530. Flashing school signs.

Flashing school signs may be placed under permit with the approval of the district traffic engineer.

24 VAC 30-151-540. Grading on right-of-way.

Grading that does not adversely affect the maintenance, safety and operations of vehicles on the highway may be permitted.

24 VAC 30-151-550. 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 place on state right-of way without first



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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 residency administrator. The residency administrator 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 residency administrator 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 residency administrator'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.

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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 residency administrator 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 residency administrator 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.

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6 Memorials will remain in place for two years from the date of installation, at which time the permit shall expire, and may not be renewed. 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.

**B. Roadside memorial physical requirements.**

1. The memorial shall be designed in accordance with the Outdoor Advertising Manual (see 24 VAC 30-151-760). 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.

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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 residency administrator will locate a suitable location as close as possible to the incident vicinity to locate the memorial where sufficient right-of-way exists.

C. Removal - After the two-year term, 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.

24 VAC 30-151-560. 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

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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.

24 VAC 30-151-570. Miscellaneous signs

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

A. Forestry - Authorized representatives of the National and State Forest Service may place forest fire warning signs within the right-of-way without a permit. Presumably, most forest 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:

1. No highway sign should carry more than one message - no other signs shall appear on posts bearing highway signs;
2. No signs shall be erected which would restrict sight distance, or are close to highway warning and directional signs; and
3. Signs regarding forest fires should be placed by fire wardens at locations suitable to VDOT.

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In all cases, the forest warden is to collaborate with the residency administrator in selecting the location for these signs.

B. 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 residency administrator accordingly, who will ensure the appropriate placement of these signs.

C. 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 (24 VAC 30-121) (see 24 VAC 30-151-760). As the landscaping is accomplished under a land use permit, the signs are considered to be covered by that permit.

D. Rescue Squad - These signs are 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 (24 VAC 30-310) (see 24 VAC 30-151-760).

E. Fire Station - These signs are fabricated 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 24 VAC 30-151-760).

F. Bird Sanctuary - VDOT will fabricate and erect these signs, upon receipt of a request from a town or city, at the corporate limits of the town or city under the municipality

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name sign at the expense of the municipality as shown in the Virginia Supplement to the Manual on Uniform Traffic Control Devices (see 24 VAC 30-151-760). In order for a municipality to be designated as a bird sanctuary, the municipality must pass a resolution to that effect.

G. 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.

24 VAC 30-151-580. Ornamental posts, walls or other apparatus.

Ornamental posts, walls or other apparatus that interfere with roadway safety, traffic capacity or maintenance shall not be permitted. Structures located outside the clear zone but within the right-of-way may be permitted as authorized by the residency administrator.

24 VAC 30-151-590. 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 Central Office Asset Management Division in accordance with § 33.1-351, Chapter 7, Article 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.

**LAND USE PERMIT MANUAL**24 VAC 30-151-600. Pedestrian and bicycle facilities.

Construction of sidewalks, steps, curb ramps, shared use paths, pedestrian underpasses and overpasses within right-of-way may be permitted. VDOT shall maintain those facilities that meet the requirements of the Commonwealth Transportation Board's Policy for Integrating Bicycle and Pedestrian Accommodations. 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 construction of pedestrian or bicycle facilities parallel to and within the right-of-way of non-limited access highways crossing limited access highways by bridge or underpass shall not be considered a break in limited access but shall require the approval of the Commonwealth Transportation Commissioner prior to issuance of a permit for such activity.

24 VAC 30-151-610. Permits for certain overdimensional 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 at the local residency.

24 VAC 30-151-620. Roadside management, landscaping.

Placement and maintenance of plant materials by individuals or organizations may be allowed under permit in strict accordance with VDOT Road & Bridge Specifications (effective 2002) (see 24 VAC 30-151-760), VDOT Road and Bridge Standards (effective



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2001) (see 24 VAC 30-151-760) and current VDOT policies. All planting and maintenance of vegetation within right-of-way, including tree planting, requires a permit and must be in accordance with provisions of the Vegetation Control Regulations on State Rights-of-Way (24 VAC 30-200) (see 24 VAC 30-151-760). Tree pruning or removal may be allowed for maintenance purposes for utility facilities. See VDOT's Tree Trimming and Brush Cutting Policy (see 24 VAC 30-151-760) for further information.

All pesticide applicators shall possess Virginia Commercial Pesticide Applicator Category 6 Certification for Right-of-Way Pest Control activities, Category 5A Certification for Aquatic Pest Control activities, or Category 8 for Public Health Pest Control activities through the Department of Agricultural and Consumer Services. Pesticide activities shall comply with all applicable federal and state regulations. 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 such permitted areas to its original condition or otherwise establish turf in accordance with VDOT Road and Bridge Specifications. The costs of reclamation activities shall be paid for by the permittee.

**LAND USE PERMIT MANUAL**24 VAC 30-151-630. Shelters.

School bus shelters, public transit shelters or share ride stations may be allowed under permit. Shelters shall be located in accordance with all clear zone requirements described in Appendix A-2 of VDOT's Road Design Manual (see 24 VAC 30-151-760).

24 VAC 30-151-640. Trash containers and recycling sites.

Trash receptacles may be allowed under permit, except on limited access highways, by locating them 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.

24 VAC 30-151-650. 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 permit shall be required 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 residency administrator that the location of the site will not compromise the safety, use or maintenance of the roadway.

**LAND USE PERMIT MANUAL**24 VAC 30-151-660. Special requests and other installations.

Any special requests may be permitted upon review and approval by the Commonwealth Transportation Commissioner or a designee.

24 VAC 30-151-670. Prohibited use of right-of-way.

The following uses of the right-of-way are not allowed. No permit shall be issued for these uses.

A. Signs.

No advertising signs shall be placed on the highway right-of-way nor overhang the right-of-way.

B. 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 (24 VAC 30-50). 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 residency administrator for that area.

C. Dwellings

No private dwellings, garages, or similar structures shall be placed or constructed within the right-of-way, except as may be allowed under 24 VAC 30-151-220 and 24 VAC 30-151-230.

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PART VIII.

24 VAC 30-151-680. 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 residency administrator. 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 residency administrator 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 residency administrator 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 necessary to be removed in order to properly complete the proposed activities within the right-of-way.

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24 VAC 30-151-690. 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 residency administrator 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 9 VAC 25-120, General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges from Petroleum Contaminated Sites 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

24 VAC 30-151-700. General provisions for fees, surety and other compensation.

Except as otherwise provided in this part, the permittee 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. Except as provided in 24 VAC 30-151-740, utilities within the right-of-way

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shall pay an annual accommodation fee as described in 24 VAC 30-151-730. In the event of extenuating circumstances, the Commonwealth Transportation Commissioner or a designee may waive all or a portion of any of the fees or surety.

24 VAC 30-151-710. 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 residency administrator will determine the total permit fees.

<u>Activity</u>	<u>Fee</u>
<u>Application for Permit</u>	<u>\$100</u>
<u>Additive Fees for:</u>	
<u>Private Entrances</u>	<u>none</u>
<u>Commercial Entrance</u>	<u>\$150 for first entrance</u> <u>\$50 for each additional entrance</u>
<u>Street Connection</u>	<u>\$150 for first connection</u> <u>\$50 for each additional connection</u>
<u>Logging entrance</u>	<u>\$10 for each entrance</u>
<u>Temporary Construction Entrance</u>	<u>\$10 for each entrance</u>
<u>Turn Lane</u>	<u>\$10 per 100 linear feet</u>
<u>Crossover</u>	<u>\$500 per crossover</u>
<u>Traffic Signal</u>	<u>\$1,000 per signal</u>
<u>Reconstruction of Roadway</u>	<u>\$10 per 100 linear feet</u>
<u>Curb and Gutter</u>	<u>\$10 per 100 linear feet</u>
<u>Sidewalk</u>	<u>\$10 per 100 linear feet</u>
<u>Tree Trimming (for outdoor advertising)</u>	<u>in accordance with § 33.1-371 of the Code of Virginia</u>

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<u>Activity</u>	<u>Fee</u>
<u>Tree Trimming (all other activities)</u>	<u>\$10 per acre or 100 feet of frontage</u>
<u>Landscaping</u>	<u>\$10 per acre or 100 feet of frontage</u>
<u>Storm Sewer</u>	<u>\$10 per 100 linear feet</u>
<u>Box Culvert or Bridge</u>	<u>\$5 per linear foot of attachment</u>
<u>Drop Inlet</u>	<u>\$10 per inlet</u>
<u>Paved Ditch</u>	<u>\$10 per 100 linear feet</u>
<u>Under Drain or Cross Drain</u>	<u>\$10 per crossing</u>
<u>Above-ground structure (including poles, pedestals, fire hydrants, towers, etc.)</u>	<u>\$10 per structure</u>
<u>Pole Attachment</u>	<u>\$10 per structure</u>
<u>Minor overhead guy</u>	<u>\$10 per crossing</u>
<u>Additive guy and anchor</u>	<u>\$10 per guy and anchor</u>
<u>Underground Utility</u>	<u>\$10 per 100 linear feet</u>
<u>Overhead or Underground Crossing</u>	<u>\$10 per crossing</u>
<u>Excavation Charge (including Test Bores and Emergency Opening)</u>	<u>\$10 per opening</u>

3. Whenever the size of the utility facility to be installed in a longitudinal occupancy requires the use, including separation clearances, of more than a six-foot width of the right-of-way, the longitudinal fee shall be doubled.

4. Time extensions for existing permits shall incur a monetary charge equal to the application fee plus one-half the additive fees charged to the initial permit.

Expired permits may be reinstated provided permit fees are paid as established by the residency administrator. Fees for reinstatement of expired permits shall equal the initial permit fee.

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5. 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.

6. The residency administrator may establish an account to track plan review and inspection costs, and may bill the permittee not more often than every 30 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 residency administrator shall waive the additive fees above.

B. Residency-Wide Permits - Residency-wide permits, as defined in 24 VAC 30-151-30, are valid for a period of one year. The fee is \$100 per residency and the permit is valid for work on the secondary and primary road systems.

C. In-Place Permits – In-place permits as defined in 24 VAC 30-151-190 and 24 VAC 30-151-390 shall be issued at no cost to the permittee.  
24 VAC 30-151-720. 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



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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 residency administrator, 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. Private and commercial entrances do not require a continuous surety. All other installations may require a continuous surety as determined by the residency administrator.

24 VAC 30-151-730. 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 24 VAC 30-151-740. The rates shall be established on the following basis:

A. Limited Access Crossings - \$50 per crossing.

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

C. Communication Tower Sites (Limited and non limited access) -

1. \$24,000 annual use payment for a communication tower site.

2. \$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.

24 VAC 30-151-740. 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 of the Code of Virginia, a cable television operator shall not be charged an annual use payment for the use of public right-of-way in any locality in which the cable television operator is obligated to pay a franchise fee to such locality. The rates for the per mile annual use fee payment for use of right-of-way shall not apply to the applicable cable television facilities.

C. Whenever the size of the utility facility to be installed in a longitudinal occupancy requires the use, including separation clearances, of more than a six-foot width of the right-of-way, the longitudinal compensation requirement shall be doubled.

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

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includes provision of goods or services; cash only; or a combination of barter and cash.

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

E. Whenever a utility owner has provided, either through cash, goods or services, an initial installation payment for the use and occupancy of the right-of-way, either longitudinal, small site or communication tower, the agreement shall provide for partial reimbursement should the utility be required to relocate, adjust, or remove its facilities as a result of the construction of a transportation project. The agreement shall specify that for the first three years of an occupancy, the utility will be entitled to reimbursement for 100% of the applicable relocation, adjustment, or removal cost as defined in 23 CFR 645.117. For the succeeding three years, the utility will be entitled to reimbursement for 50% of the applicable relocation, adjustment, or removal cost as defined in 23 CFR 645.117. After the end of the sixth year, the utility will be responsible for the cost of all required relocations, adjustments or removals related to the transportation project construction.

24 VAC 30-151-750. Land use permit application fee and additive fees, communication tower site fees, annual adjustments.

A. VDOT shall have the option of adjusting the land use permit application fee and additive fees, in which case it shall compile information regarding its costs for the review of permit plans, the inspection of permit work and the administrative processing of the

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permits during the previous fiscal year, and report this information to the Commonwealth Transportation Commissioner by January 1 of each year VDOT wishes to exercise the option. The Commonwealth Transportation Commissioner may use the report findings to adjust the permit application fee and additive fees by not more than 25% of the fee structure in effect on July 1 of the previous calendar year, but not greater than the VDOT's average direct cost as established in the report.

B. If the Commonwealth Transportation Commissioner finds that a change in the permit application fee and additive fee structure is warranted, implementation of the change shall be made as follows:

1. Notice of the adjusted fee structure, including the report on which the adjustment is based or information about where the report may be viewed, will be published in The Virginia Register of Regulations in April of that year, and
2. The adjusted fee structure shall become effective on July 1 of that year.

C. VDOT shall have the option of adjusting the communication tower site annual use fee, in which case the VDOT Chief Appraiser shall prepare a report comparing the communication tower site annual use fee to market rates. The Commonwealth Transportation Commissioner may use the report findings to adjust the communication tower site annual use fee by not more than 25% of the fee structure in effect on July 1 of the previous calendar year, but not greater than market rates.

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D. If the Commonwealth Transportation Commissioner finds that a change in the communication tower site annual use fee structure is warranted, implementation of the change shall be made as follows:

1. Notice of the adjusted fee structure, including the report on which the adjustment is based or information about where the report may be viewed, will be published in The Virginia Register of Regulations in April of that year, and
2. The adjusted fee structure shall become effective on July 1 of that year.

PART X.

24 VAC 30-151-760. 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](http://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>.

A. Road Design Manual (effective January 1, 2005).

Location and Design Division (VDOT)

Location and Design Engineer

1401 E. Broad Street

Richmond, Virginia 23219

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B. Road and Bridge Specifications (effective 2002).

Scheduling and Contract Division (VDOT)

State Contract Engineer

1401 E. Broad Street

Richmond, Virginia 23219

C. Road and Bridge Standards (effective February 1, 2001).

Location and Design Division (VDOT)

Location and Design Engineer

1401 E. Broad Street

Richmond, Virginia 23219

The following four documents may be obtained from the following address:

Department of Conservation and Recreation

Division of Soil and Water Conservation

Governor Street, Suite 206

Richmond, Virginia 23219

D. Virginia Erosion and Sediment Control Handbook, 3<sup>rd</sup> edition (effective 1992), a technical guide to The Virginia Erosion and Sediment Control Law and Regulations (4 VAC 50-30).

E. Virginia Erosion and Sediment Control Regulations (4 VAC 50-30).

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F. Virginia Stormwater Management Handbook, 1<sup>st</sup> edition, Volumes 1 and 2, (effective 1999), a technical guide to the Virginia Stormwater Management Program Permit Regulations (4 VAC 50-60).

G. Virginia Stormwater Management Program Permit Regulations (4 VAC 50-60).

H. VDOT Erosion and Sediment Control and Stormwater Management Program Specifications Manual (effective March 1, 2004).

Location and Design Division (VDOT)

Location and Design Engineer

1401 E. Broad Street

Richmond, Virginia 23219

I. The Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) (effective December 22, 2003).

Federal Highway Administration

Superintendent of Documents

U.S. Government Printing Office

P.O. Box 371954

Pittsburgh, PA 15250-7954

J. Roadway Lighting, American National Standard Practice for Roadway Lighting The Standard Practice Subcommittee of the IESNA Roadway Lighting Committee (effective 2000).

The Illuminating Engineering Society of North America

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120 Wall Street

New York, NY 10005

K. An Informational Guide for Roadway Lighting.

American Association of State Highway and Transportation Officials (AASHTO)

444 North Capitol St. N.W., Suite 225

Washington, D.C. 20001

L. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges from Petroleum Contaminated Sites (9 VAC 25-120).

Regulatory Coordinator

State Water Control Board

P. O. Box 10009

Richmond , VA 23240

M. Rules for Enforcement of the Underground Utility Damage Prevention Act (20 VAC 5-309).

State Corporation Commission

Department of Energy Regulation

P. O. Box 1197

Richmond, VA 23218

N. Right-of-Way Utilities Relocation Policies and Procedures Manual (effective November 2003).

State Right of Way Director (VDOT)



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1401 E. Broad St.

Richmond, VA 23219

O. Change of Limited Access Control (24 VAC 30-401).

P. Virginia Supplement to the Manual on Uniform Traffic Control Devices (24 VAC 30-310) (includes the Virginia Work Area Protection Manual).

Traffic Engineering Division (VDOT)

1401 E. Broad St.

Richmond, VA 23219

The following six documents may be obtained from the following address:

Asset Management Director (VDOT)

Asset Management Division

1401 E. Broad St.

Richmond , VA 23219

Q. VDOT Tree Trimming and Brush Cutting Policy (effective December 18, 2001).

R. Rules and Regulations for the Administration of Waysides and Rest Areas (24 VAC 30-50).

S. Comprehensive Roadside Management Program (24 VAC 30-121).

T. Vegetation Control Regulations on State Rights-of-Way (24 VAC 30-200).

U. Outdoor Advertising Manual (effective 2005).

V. General Rules and Regulations of the Commonwealth Transportation Board (20 VAC 30-20).

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FORMS

LUP-A - Land Use Permit Application (1/2006)

LUP-SP - Special Provisions (Notice of Permittee Liability) (1/2006)

LUP-HM - House Movement Application (1/2006)

LUP-CSB - Corporate Surety Bond (1/2006)

LUP-LC - Irrevocable Letter of Credit Bank Agreement (1/2006)

LUP-SB - Surety Bond (1/2006)

LUP-OC - Special Provisions for Open Cuts (1/2006)

LUP-IPP - In Place Permit for Subdivision Street Utility (1/2006)