



**LAND USE PERMIT
LUP-LS**

Landscape Installation & Maintenance

Permittee Agreement for Land Use Permit Issuance

Section [24VAC 30-151-620](#) of the Virginia Department of Transportation (VDOT) Land Use Permit Regulations stipulates that permits may be issued of the placement and maintenance of plant materials by individuals or organizations on non-limited access state maintained highways.

I the undersigned hereby acknowledge that I am fully cognizant of all of the following requirements associated with the issuance of a VDOT Land Use Permit authorizing the installation and maintenance of plant material on state maintained highways:

Applicant Name: _____

Applicant Signature: _____

Project Name: _____

County: _____ **Route Number:** _____

Land Use Permit Required by Law

The General Rules and Regulations of the Commonwealth Transportation Board 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. Written permission is granted for the installation of private entrances on state maintained highway right-of-way through the issuance of a land use permit.

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

The permittee will be civilly liable to the Commonwealth for expenses and damages incurred by VDOT as a result of violation of any of the rules and regulations of this chapter. Violators shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided for in [§33.2-210](#) of the Code of Virginia

Application Requirements

- 1) All proposed landscaping activities shall be clearly outlined and a sketch/plan of same shall be submitted to the district administrator’s designee with the permit application and all other information necessary to process the permit request.
- 2) The permittee and/or their agent shall be responsible for completion of all landscaping installed under the auspices of a land use permit.
- 3) The permittee and/or their agent shall be responsible for the perpetual maintenance of all landscaping installed within state maintained rights-of-way under the auspices of a land use permit.
- 4) The permittee and/or their agent shall notify the local VDOT permit office prior to initiating the installation and/or maintenance of landscaping within state maintained rights-of-way.
- 5) The installation of landscaping within state maintained right-of-way must not obstruct or interfere with existing drainage conveyance.
- 6) The permittee and/or their agent shall be responsible for removal, disposal and clean-up of all debris generated by the installation and/or maintenance of authorized landscaping located within state maintained rights-of-way.

- 7) The permittee and/or their agent must request an amendment to the current land use permit to install new plant material not authorized under the auspices of the original land use permit.
- 8) The permittee and/or their agent must obtain VDOT approval prior to the storage of materials within state maintained rights-of-way.
- 9) VDOT shall have the authority to remove any landscaping placed within state maintained rights-of-way if it is determined that the landscaping is deemed a traffic hazard, or is found in conflict with future utility operations, roadway improvement projects and/or roadway maintenance activities.

The district administrator's designee will coordinate review and approval of the request with appropriate VDOT personnel prior to permit issuance.

Application, forms and general information regarding VDOT land use permitting for the installation of utility on state maintained highways right-of-way are included below.

In addition to an executed copy of this document, the following forms are necessary to make application:

[LUP-A](#), [LUP-SB](#) Permit Surety Bond or, [LUP-LC](#) Irrevocable Letter of Credit Bank Agreement. Governmental customers may use a [Resolution](#) in lieu of a Permit Surety Bond or Irrevocable Letter of Credit Bank Agreement.

Contact Information

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

Permit Fees & Charges

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

Surety Requirement

The permittee and/or their agent shall provide surety to guarantee the satisfactory performance of the activity authorized under the auspices of the land use permit issued for the initial installation. The surety shall be based on the estimated cost of work to be performed within the right-of-way and the amount shall be determined by the district administrator's designee. The surety may be in the form of a check, cash, irrevocable letter of credit, insurance bond, or any other VDOT-approved method. This surety will be refunded or released upon satisfactory completion of the initial installation and inspection by VDOT. Prior to release of the performance surety provided for the initial installation the permittee shall provide VDOT with a continuous surety in an amount sufficient to restore the right-of-way in the event of damage, failure or default. The surety amount shall be determined by the district administrator's designee and may be in the form of a check, cash, insurance bond, or any other VDOT-approved method.

Cash Surety Refund

Applicants owing the Internal Revenue Service or the Commonwealth of Virginia may not receive a refund of the cash guarantee provided for the issuance of a VDOT land use permit unless the amount owed is less than the amount of cash guarantee provided. Applicants providing cash guarantee for the issuance of a VDOT land use permit must provide an executed copy of the Commonwealth of Virginia's Substitute Form W-9 to receive a refund of the cash guarantee provided for the issuance of a VDOT land use permit.

Permit Revocation

The permit may be terminated in the following cases:

- By the permittee, upon ten (10) days written notice to VDOT.
- By VDOT, in accordance with [§24VAC30-151-50](#), failure to comply with provisions of the Land Use Permit Regulations (24VAC30-151) or the conditions of this permit. If at any time the permittee fails to comply with the terms and conditions of [the Land Use Permit Regulations](#), VDOT reserves the right to reclaim and restore the landscaped area to its original condition or establish grass.
- By VDOT, upon written notice to the permittee.

All costs associated with the removal of landscape features and right-of-way restoration shall be borne by the permittee should they violate conditions of the permit or request termination of the permit.

VDOT Recommend Approval:

Date Residency Administrator

Approved:

Date District Roadside Manager

Any of the following provisions that may apply, shall apply:

General Requirements

- 1) Permittee acceptance and use of a Virginia Department of Transportation (VDOT) land use permit is prima facie evidence that the permittee has read and is fully cognizant of all required permit provisions, applicable traffic control plans and associated construction standards to be employed. All applicants to whom permits are issued shall at all times indemnify and save harmless the Commonwealth Transportation Board, members of the Board, the Commonwealth, and all Commonwealth employees, agents, and officers, from responsibility, damage, or liability arising from the exercise of the privileges granted in such permit to the extent allowed by law including any sums ordered to be paid or expended by VDOT by any governmental entity as a fine, penalty or damages for any violation of any applicable environmental law, or to remediate any hazardous or other material, including illicit discharge into VDOT maintained storm sewer systems.
- 2) The permittee assumes full responsibility for any and all (downstream flooding, erosion, siltation, etc.) damages that may occur as a result of the work performed under this permit. Furthermore, the Department will in no way be responsible for any damage to the facility being placed as a result of future maintenance or construction activities performed by the Department.
- 3) The permittee agrees to move, remove, alter, or change any installation that interferes with the ultimate construction of the highway in alignment or grade at no cost to the Department unless otherwise stipulated and agreed to by the Department.
- 4) The permittee shall immediately correct any situation that may arise as a result of these activities that the district administrator's designee deems hazardous to the traveling public.
- 5) Any and all highway signs, right-of-way markers, etc., disturbed as a result of work performed under the auspices of a land use permit shall be accurately reset by the permittee immediately following the work in the vicinity of the disturbed facility. The services of a certified land surveyor with experience in route surveying may be required.
- 6) It shall be the permittee's responsibility to obtain any and all necessary permits that may be required by any other government agencies, i.e., U.S. Army Corp. of Engineers, Department of Environmental Quality, Department of Conservation and Recreation, etc.
- 7) A copy of the VDOT land use permit shall be maintained at the work site and made readily available for inspection when requested by authorized VDOT personnel.
- 8) The permittee shall notify the local district permit office at least 48 hours prior to commencement of any work requiring inspection and/or testing as stipulated in VDOT's Road and Bridge Standards (current edition) and VDOT's Road and Bridge Specifications (current edition). Failure to carry out this requirement may result in permit revocation.
- 9) The permittee or their agent must contact the VDOT Customer Service Center at 1-800-367-7623 a minimum of 48 hours prior to initiating any planned excavation within 1,000 feet of a signalized intersection and/or near VDOT ITS infrastructure. Excavation activities may proceed only after the VDOT regional utility location agent has notified the permittee that the utility marking has been completed. Additional information can be found at:
http://www.virginiadot.org/business/resources/IIM/TE-383_Request_for_Marking_VDOT_Utility_Location.pdf

Alternately, within all localities in the Northern Virginia Construction District, including the Counties of Arlington, Fairfax, Loudoun & Prince William, the Cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park, and the Towns of Clifton, Dumfries, Hamilton, Haymarket, Herndon, Hillsboro, Leesburg, Lovettsville, Middleburg, Occoquan, Purcellville, Quantico, Round Hill and Vienna, and on Interstate 95 in the counties of Stafford, Spotsylvania and Caroline, the permittee may request VDOT regional utility marking at: <http://www.vdotutilitymarking.virginia.gov>

Failure to carry out this requirement may result in permit revocation.
- 10) The permittee shall to notify "Miss Utility" (or each operator of an underground utility where no notification center exists) of any planned excavation within state maintained right-of-way. This notification must be provided at least 48 hours (excluding weekends and holidays) in advance of commencing with any planned excavation within state maintained right-of-way. Failure to carry out this requirement may result in permit revocation.

- 11) Any permit may be revoked or suspended when in the opinion of the district administrator's designee, the safety, use or maintenance of the highways so requires.
- 12) The permittee shall at all times give strict attention to the safety and rights of the traveling public, their employees and themselves. VDOT reserves the right to stop work at any time due to safety problems and/or non-compliance with the terms of the permit. The Department may, at its discretion, complete any of the work covered in the permit or restore the right-of-way to the department's standards and invoice the permittee for the actual cost of such work. The permittee may be required to move, alter, change or remove from state maintained right-of-way, in a satisfactory manner, any installation made under this permit.
- 13) All work authorized under the auspices of a VDOT land use permit shall be subject to VDOT's direction and be in accordance with VDOT's Road and Bridge Standards (current edition) and VDOT's Road and Bridge Specifications (current edition).
- 14) Design changes, specified material changes and/or field changes from the approved plans shall be submitted to the appropriate district administrator's designee for review and approval prior to proceeding with the proposed changes. This submittal shall include written justification, supplemental documentation and/or engineering calculations that support the requested changes.
- 15) The permittee shall meet or exceed the existing pavement design and typical section when constructing pavement widening adjacent to an existing state maintained roadway. The proposed pavement design and typical section shall be approved by the district administrator's designee prior to commencing with any work within state maintained right-of-way. All pavement widening shall be in accordance with VDOT's Road and Bridge Standard 303.02.
- 16) Within the limits of a VDOT construction project it is the responsibility of the permit applicant to obtain the contractor's consent in writing prior to permit issuance. Information regarding current and/or planned VDOT construction and maintenance activities can be obtained at: <http://www.virginiaroads.org/>.

Insurance Requirements (excluding County, Town or City)

The permittee or their agent shall secure and maintain insurance to protect against liability for personal injury and property damage that may arise from the activities performed under the authority of a land use permit and from the operation of the permitted activity up to one million dollars (\$ 1,000,000) each occurrence to protect the Board members and the Department's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Board, the Department, or the Commonwealth in event of suit. Insurance must be obtained prior to start of the permitted work and shall remain valid through the permit completion date. VDOT staff may require a valid certificate or letter of insurance from the issuing insurance agent or agency prior to issuing the land use permit.

Traffic Control and Safety

- 1) The permittee shall at all times give strict attention to the safety and rights of the traveling public, their employees, and contractors. Any permit may be revoked or suspended when in the opinion of the district administrator's designee, the safety, use or maintenance of the highway so requires.
- 2) In accordance with the Virginia Department of Transportation (VDOT) Road and Bridge Specification, Special Provision 105.14, all activities performed under the auspices of a VDOT Land Use Permit involving the installation, maintenance and removal of work zone traffic control devices must have an individual on-site who, at a minimum, is accredited by VDOT in Basic Work Zone Traffic Control. The accredited person must have their VDOT Work Zone Traffic Control accreditation card in their possession while on-site.
- 3) The individual accredited in Basic Work Zone Traffic Control is responsible for the placement, maintenance and removal of work zone traffic control devices within the project limits in compliance with the permit requirements and conditions, the approved plans and specifications, the Virginia Work Area Protection Manual, and the Manual of Uniform Traffic Control Devices.
- 4) A person accredited by VDOT in Intermediate Work Zone Traffic Control must be on-site to provide supervision for adjustment to the approved layout of any standard Typical Traffic Control (TTC) layouts outlined in the Virginia Work Area Protection Manual.
- 5) All traffic control plans shall be prepared by a person verified by VDOT in Advanced Work Zone Traffic Control.

- 6) Individuals responsible for implementation of work zone traffic control measures shall provide evidence of their accreditation upon request from VDOT personnel.
- 7) The permittee shall be exempt from the requirements of Virginia Department of Transportation (VDOT) Road and Bridge Specification, Special Provision 105.14 if the authorized activity is not within the roadway (as defined in 24VAC30-151) of a state maintained highway.
- 8) Non-compliance with the requirements outlined in VDOT Road and Bridge Specification, Special Provision 105.14 may result in a stop work order and / or permit revocation.
- 9) All activities that require the disruption (stoppage) of traffic shall utilize VDOT certified flaggers. Flag persons shall be provided in sufficient number and locations as necessary for control and protection of vehicular and pedestrian traffic in accordance with the Virginia Work Area Protection Manual. All flaggers must have their certification card in their possession when performing flagging operations within state maintained right-of-way. Any flag person found not in possession of his/her certification card shall be removed from the flagging site and the district administrator's designee will suspend all permitted activities.
- 10) Any VDOT certified flag person found to be performing their duties improperly shall have their certification revoked.
- 11) All signs shall be in accordance with the current edition of the Manual of Uniform Traffic Control Devices (MUTCD).
- 12) The permittee shall immediately correct any situation that may arise as a result of these activities that the district administrator's designee deems hazardous to the traveling public.
- 13) During authorized activities, the permittee shall furnish all necessary signs, flag persons and other devices to provide for the protection of traffic and workers in accordance with the Virginia Work Area Protection Manual or as directed by the district administrator's designee.
- 14) Traffic shall not be blocked or detoured without permission, documented in writing or electronic communication, being granted by the district administrator's designee.
- 15) All lane or shoulder closures on highways in the Northern Virginia construction district classified as arterial or collector routes must be authorized, documented in writing or by electronic communication by the VDOT Transportation Operations Center (NRO/TOC).
- 16) The permittee shall notify the following appropriate VDOT Transportation Operations Center (TOC) 30 minutes prior to the installation of a lane closure or shoulder closure on non-limited access primary routes and within 30 minutes of removing the lane or shoulder closure:
 - Eastern Region (757) 424-9920: All localities within the Hampton Roads construction district excluding Greenville County and Sussex County
 - Northern Virginia (703) 877-3401: All localities within the NOVA construction district including Spotsylvania County and Stafford County
 - Central Region (804) 796-4520: All localities within the Richmond construction district including Greenville County and Sussex County. All localities within the Fredericksburg district excluding Spotsylvania County and Stafford County
 - SW Region (540) 375-0170: All localities within the Salem, Bristol, and Lynchburg construction districts
 - NW Region (540) 332-9500: All localities within the Staunton and Culpeper construction districts

VIRGINIA WORK ZONE TRAFFIC CONTROL TRAINING OPTIONS

The following three options are available to receive Work Zone Traffic Control (WZTC) training based on an individual's job duties and responsibilities as required by the FHWA Final Rule on Work Zone Safety and Mobility and the Virginia Department of Transportation:

OPTION 1 – Have someone trained to become a qualified instructor in your company who can then instruct others, utilizing training material provided by VDOT. The following qualifications must be met in order to teach the VDOT Basic, Intermediate, or Advanced WZTC training courses:

- **Basic** – Be flagger certified either by VDOT or by the American Traffic Safety Services Association (ATSSA); possess two years of practical experience in Highway Design, Construction, Maintenance, or Traffic Operations; possess two years of documented experience in conducting training courses; and successfully complete the VDOT WZTC Intermediate or Advanced course or complete the ATSSA Virginia Intermediate/Traffic Control Supervisor (TCS) course.
- **Intermediate** - Be flagger certified either by VDOT or by ATSSA; possess two years of practical experience in Highway Design, Construction, Maintenance, or Traffic Operations; possess two years of documented experience in conducting training courses; complete and possess the ATSSA Virginia Intermediate/TCS certification.
- **Advanced** - Be flagger certified either by VDOT or by ATSSA; possess two years of practical experience in Highway Design, Construction, Maintenance, or Traffic Operations; possess two years of documented experience in conducting training courses; complete and possess the ATSSA Virginia Advanced Traffic Control Design Specialist (TCDS) certification or ATSSA Virginia Intermediate TCS certification.

To become an approved instructor, an application must be completed listing the above qualifications and sent to the chairman of VDOT's WZST committee at the following location:

http://www.virginia.gov/business/resources/wztc/wztc_inst_app_form.pdf

Once a person has become an approved instructor, training material can be obtained from VDOT using the order form obtained from the following location (requires an approved instructor identification number):

http://www.virginia.gov/business/resources/wztc/WZTC_order_form.pdf

OPTION 2 – Obtain the services of an approved instructor from VDOT's Approved WZTC Instructor List to teach the course or courses you need for your employees.

The Approved WZTC Instructor's List can be obtained at the following location:

http://www.virginia.gov/business/resources/wztc/Approved_WZTC_Instructors.pdf

A list of Approved Providers of training can be obtained at the following location:

http://www.virginia.gov/business/resources/wztc/wztc_training_sponsors.pdf

OPTION 3 – Send personnel to classes conducted by approved sources such as ATSSA Virginia or the Virginia Local Technical Assistance Program (LTAP).

Courses by ATSSA Virginia can be found at the following location:

http://atssa.com/cs/course_information/courses_by_state?state=56

Courses by the Virginia LTAP can be found at the following location:

<http://ltap.cts.virginia.edu/2%20Page%20Calendar%20June%20-%20Sept%2009.pdf>

Basic WZTC courses by the Virginia Rural Water Association can be found at the following location:

<http://www.vrwa.org/> (See Training Schedule)

Training by the Virginia Transportation Construction Alliance (VTCA) can be found at the following location: <http://vtca.org/>

Visit the following site for additional information regarding Virginia's Work Zone Traffic Control training program:

<http://www.virginia.gov/business/trafficeng-WZS.asp>

Authorized Hours and Days of Work

Normal hours for work under the authority of a VDOT land use permit are from 9:00 a.m. to 3:30 p.m. for all highways classified as arterial or collector. All highways classified as local roads will have unrestricted work hours and days.

The district administrator's designee may establish alternate time restrictions in normal working hours for single use permits.

The central office permit manager may establish alternate time restrictions in normal working hours for district-wide permits.

The classifications for all state maintained highways can be found at the following link:

http://www.virginiadot.org/projects/fxn_class/maps.asp

Emergency Repair

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

The utility owner must apply for a separate land use permit from the local district permit office for any emergency work performed on state maintained right-of-way when the following actions are proposed:

- Stopping or impeding highway travel in excess of 15 minutes, or,
- Accessing facilities within limited access right-of-way, or,
- Cutting the highway pavement or shoulders.

The district administrator's designee shall determine the applicable permit fee for emergency repair permits.

Holiday Restrictions

Permitted non-emergency work will not be allowed on arterial and collector highway classifications from noon on the preceding weekday through the following state observed holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. If the observed holiday falls on a Monday, the permit will not be valid from noon on the preceding Friday through noon on Tuesday.

Excavation

All excavation within state maintained rights-of-way shall comply with OSHA Technical Manual, Chapter 2, Title Excavation: Hazard Recognition in Trenching and Shoring. A professional engineer shall certify all shoring and/or trench boxes.

No excavated material is to be placed or tracked on the pavement without written permission from the District Administrator's designee. When so authorized, the pavement shall be satisfactorily cleaned by a VDOT approved method. No cleaned (track-mounted) equipment is to be used on the pavement without properly protecting the pavement from damage.

Inspection and Restoration

- 1) Inspection and testing of all backfill and pavement sections shall be performed in accordance with all applicable sections of VDOT's Road and Bridge Specifications (current edition).
- 2) If during or before construction it is deemed necessary for the local district permit office to assign an inspector to the project, the permittee shall pay the Department an additional inspection fee in an amount that will cover the salary, expense allowance, and mileage allowance for the inspection(s) assigned by the Department for handling work covered by this permit. Said inspection fee shall be paid promptly each month on invoices rendered by the Department.
- 3) It shall be the decision of the district administrator's designee whether to assign an inspector to monitor the placement of all backfill and pavement restoration activities.
- 4) The absence of a VDOT inspector does not in any way relieve the permittee of their responsibility to perform the work in accordance with the approved plans, provisions of the attached permit, VDOT's Road and Bridge Standards (current edition) and VDOT's Road and Bridge Specifications (current edition).
- 5) The permittee shall be responsible for any settlement of all backfill or pavement restoration necessitated by authorized excavation activities for a period of two (2) years after the completion date of permit, and for the continuing maintenance of the facilities placed within the highway right-of-way. A one (1) year restoration warranty period may be considered, provided the permittee adheres to the following criteria:
 - The permittee retains the services of a professional engineer (or certified technician under the direction of the professional engineer) to observe the placement of all backfill and pavement restoration.

- The professional engineer (or certified technician under the direction of the professional engineer) performs any required inspection and testing in accordance with all applicable sections of VDOT's Road and Bridge Specifications.
 - The professional engineer submits all testing reports for review and approval, and provides written certification that all restoration procedures have been completed in accordance with all applicable sections of VDOT's Road and Bridge Specifications prior to completion of the work authorized by the permit.
- 6) Whenever existing pavement is permitted to be cut, not over one-half of the roadway width shall be disturbed at one time and the first open cut trench section shall be satisfactorily restored to allow for the passage of traffic prior to the second half of the roadway surface can be disturbed.
 - 7) All crossing of existing pavement shall be bored, pushed or jacked an appropriate distance from the edge-of-pavement so as not to impede the normal flow of traffic or damage the existing pavement section. Existing pavement shall not be cut unless approved by the district administrator's designee and then only if justifiable circumstances prevail or proof is shown that a thorough attempt has been made to push, bore or jack.
 - 8) Authorized daily trench excavation within pavement sections shall not exceed 500 feet in length.
 - 9) Pavement restoration shall be in accordance with the attached VDOT LUP-OC Pavement Open Cut Special Provisions.
 - 10) Where the pavement is disturbed or deemed weakened in its entirety or such portions as deemed desirable by the Department, the pavement shall be restored or replaced in a manner that is satisfactory to the district administrator's designee.

Environmental

- 1) In accordance with the Virginia Department of Transportation (VDOT) Road and Bridge Specification §**107.16**, all contractors performing regulated land disturbing activities within VDOT right-of-way must have at least one (1) employee that has successfully completed the VDOT Erosion & Sediment Control Contractor Certification training. This person shall be on site during all land disturbance activities and will be responsible for insuring compliance with all applicable local, state and federal erosion and sediment control regulations during land disturbance activities. This person must have their certification card with them while on the project site. The land use permit will be suspended if proof of certification cannot be provided. Regulated land disturbing activities are defined as those activities that disturb 2,500 square feet or greater in Tidewater, Virginia or 10,000 square feet or greater in all other areas of the State. The Department will require evidence of this certification with any land use permit application that involves utility and/or commercial right of way improvement. Improper installation, maintenance and removal of erosion and sediment control devices may result in revocation of VDOT Erosion & Sediment Control Contractor Certification.
- 2) The permittee is responsible for pursuing and obtaining any and all environmental permits which may be required to pursue the proposed activity prior to any work beginning within state maintained right-of-way.
- 3) In the event hazardous materials or underground storage tanks are encountered within state maintained right-of-way during authorized activities, the permittee shall suspend all work immediately then notify the local district permit office and other responsible parties, i.e., the local fire department, emergency services, Department of Environmental Quality, etc. The permittee is responsible for coordination and completion of all required remediation necessary to complete the permitted activities within the state maintained right-of-way. The permittee shall provide evidence of such compliance to the local district permit office prior to recommencement of permitted activities.
- 4) In the event cultural resources, archaeological, paleontological, and/or rare minerals are encountered within the right of way during authorized activities, the permittee shall suspend all work immediately then notify the local district permit office and the proper state authority charged with the responsibility for investigation and evaluation of such finds. The permittee will meet all necessary requirements for resolving any conflicts prior to continuing with the proposed activities within the state maintained right-of-way, and shall provide evidence of such compliance to the local district permit office.
- 5) Roadway drainage shall not be blocked or diverted. The shoulders, ditches, roadside, drainage facilities and pavement shall be kept in an operable condition satisfactory to the Department. Necessary precautions shall be taken by the permittee to insure against siltation of adjacent properties, streams, etc., in accordance with VDOT's current standards or as prescribed by the Department's Environmental Manual and the district administrator's designee.

Entrances

1. Plans for the proposed installation of entrance(s) to state maintained highway right-of-way shall be designed in accordance with the current edition of VDOT's Road and Bridge Standards, VDOT's Road and Bridge Specifications and per VDOT Road Design Manual, Appendix F located at http://www.extranet.vdot.state.va.us/locdes/Electronic_Pubs/2005%20RDM/AppendF.pdf.
2. VDOT's authority to regulate highway entrances is provided in §, [§33.2-240](#), and [§33.2-241](#) of the Code of Virginia and its authority to make regulations concerning the use of highways generally is provided in [§33.2-210](#) of the Code of Virginia. Regulations regarding entrances are set forth in VDOT's regulations promulgated pursuant to [§33.2-245](#) of the Code of Virginia.
3. The permittee shall be responsible for the design and installation of a private entrance under the auspices of a VDOT land use permit however the permittee may request that VDOT forces install the private entrance at the permittee's expense.
4. Street connections, private entrances, and construction entrances shall be kept in satisfactory condition during all activities authorized under the auspices of a VDOT land use permit. Entrances shall not be blocked. Ample provisions must be made to provide safe ingress and egress to adjacent properties at all times. Entrances that are disturbed shall be restored to the satisfaction of the property owner and the district administrator's designee.

Utilities

- 1) Prior to any excavation, the permittee shall comply with the terms of [Title 56, Chapter 10.3](#) of the Underground Utility Damage Prevention Act and [§56-265.14](#) through [§56-265.20](#) of the Code of Virginia. This permit does not grant permission to grade on or near property of others, or, adjust or disturb in anyway existing utility poles or underground facilities within the permitted area. Permission to do so must be obtained from the impacted utility company and any expense involved shall be borne by the permittee. Any conflicts with existing utility facilities must be resolved between the permittee and the utility owner(s) involved.
- 2) All underground utility installations within limited access right-of-way shall have a minimum of 36 inches of cover. All underground utilities within non-limited access right-of-way will require a minimum of 36 inches of cover, except underground cables that provide telecommunications service shall be at a minimum of 30 inches of cover.
- 3) Where feasible, all aboveground installations (such as fire hydrants, telephone pedestals, markers, etc.) shall be located adjacent to the outside edge of the right-of-way line and in accordance with minimum clear zone requirements. All manhole covers, valve box, etc., shall be installed two inches below existing ground line and shall conform to existing contours.
- 4) No poles, guys, anchors, etc., are to be placed on state maintained right-of-way unless authorized under the auspices of a VDOT land use permit. At no time will any such facilities be allowed between the ditch line and the traveled roadway.
- 5) All overhead installations crossing non-limited access highways shall provide a minimum of 18 feet of vertical clearance or at a minimum height as established by the National Electric Safety Code, whichever is greater. All overhead utility installations within limited access right-of-way shall maintain a minimum of 21 feet of vertical clearance. The vertical clearance for all new overhead parallel installations within non-limited access rights-of-way shall be in compliance with standards as specified in the National Electric Safety Code.

Final Inspection and Completion of Permit

Upon completion of the work covered by this permit all disturbed areas outside of the roadway prism shall be restored to their original condition as found prior to starting such work.

Completion of this permit is contingent upon the permittee's completion of the authorized work in accordance with the approved plan and compliance with all governing bodies involved in the total completion of work on state maintained right-of-way.

Upon completion of the work under permit, the permittee shall provide notification, documented in writing or electronic communication, to the district administrator's designee requesting final inspection. This request shall include the permit number, county name, route number and name of the party or parties to whom the permit was issued.

The district administrator's designee shall promptly schedule an inspection of the work covered under the permit and advise the permittee of any necessary corrections.

Permit Revocation

At the discretion of the district administrator's designee, a land use permit may be revoked upon written finding that the permittee was not in compliance with all requirements contained herein and/or violated the terms of the permit, or any state and local laws and ordinances regulating activities within the right-of-way.

The district administrator's designee shall promptly schedule an inspection of the work covered under the permit and advise the permittee of any necessary corrections

Permittee Notice

The preceding provisions are intentionally condensed in format and should not be loosely interpreted by the permittee without consultation with the central office permit manager and affirmation from the [Land Use Permit Regulations](#).



Land Use Permit Application (LUP-A)

APPLICATION is hereby made for permit as shown on the accompanying plan or sketch and as described below. Said activity(s) will be done under and in accordance with the rules and regulations of the Commonwealth Transportation Board of Virginia, in so far as said rules are applicable thereto and any agreement between the parties herein before referred to. Where applicable agreements may be attached and made a part of the permit assembly including any cost responsibilities covering work under permit. Applicant agrees to maintain work in a manner as approved upon its completion. Applicant also hereby agrees and is bound and held responsible to the owner for any and all damages to any other installations already in place as a result of work covered by resulting permit. Applicants to whom permits are issued shall at all times indemnify and save harmless the Commonwealth Transportation Board members of the Board, the Commonwealth and all Commonwealth employees, agents, and offices, from responsibility, damage, or liability arising from the exercise of the privileges granted in such permit to the extent allowed by law. In consideration of the issuance of a permit the applicant agrees to waive for itself, successors in interest or assigns any entitlements it may otherwise have or have hereafter under the Uniform Relocation and Assistant Act of 1972 as amended in event the Department or its successor, chooses to exercise its acknowledged right to demand or cause the removal of any or all fixtures, personality of whatever kind or description that may hereafter be located, should this application be approved.

Applicant: Driver's License or Tax ID No. Contact Name Owner Name E-mail Address Address Telephone Number City State Zip Code Emergency Telephone Number Fax Number
*Agent: Driver's License or Tax ID No. Contact Name Owner Name E-mail Address Address Telephone Number City State Zip Code Emergency Telephone Number Fax Number

Permit Term Requested Fees Enclosed \$ Check Number Money Order
Estimated cost of work to be performed on VDOT Right of Way \$

Surety Information:

Surety Posted by: Owner Agent County Resolution Waived

Bonding Company Name
Irrevocable Letter of Credit - Bank Name
Surety paid by Check - Check Number
Amount of Surety \$ Obligation Amount \$

If cash/check surety is posted, please complete W9

Request permission to perform the following activity(s):
as per attached plans.

Location: County Town City of Route No. Street Name
Between Route No. Street Name and Route No. Street Name
Latitude Longitude Tax Map Number Applicant Job No.

Applicant shall provide proof of registration as an operator with the appropriate notification center in accordance as defined in §2.2-1151.1 of the Code of Virginia & must provide a notarized affidavit, stating that the utility owner has notified the commercial and residential developer, owner of commercial or multifamily real estate, or local government entities with a property interest in any parcel of land located adjacent to the property over which the land use is being requested, that application for the permit has been made.

IF APPLICABLE, I AGREE TO PAY THE FULL SALARY AND EXPENSES OF A STATE ASSIGNED INSPECTOR IN CONJUNCTION WITH ACTIVITIES AUTHORIZED UNDER THE AUSPICES OF A VDOT LAND USE PERMIT.
I the undersigned hereby acknowledge that I am fully cognizant of all of the following attached requirements associated with the issuance of a VDOT Land Use Permit:

Signature of Applicant: Title Date
Signature of Agent: Title Date

All applicable items on this form must be completed to avoid delay in processing the issuance of a VDOT Land Use Permit. Prepayment required with remittance payable to Virginia Department of Transportation.

VDOT USE ONLY

Receipt is hereby acknowledged for: CHECK No.: MONEY ORDER No.:
In the Amount of \$ for PERMIT FEE \$ CASH SURETY \$
Authorized VDOT Signature: Date:

*Agent mean: Applicant contractor's or a person or business authorized to act on another's behalf.

LAND USE PERMIT
LUP-LC
Bank Irrevocable Letter of Credit

[Bank Letterhead]

LETTER OF CREDIT BANK AGREEMENT

Date: _____ APPLICANT NAME: _____
Issuing Bank: _____ Tax ID number or Driver's license Number: _____
Address: _____ Telephone Number: _____
City: _____ State _____ Zip Code _____ Address: _____
Amount: _____ City: _____ State _____ Zip Code _____
Expiration Date: _____

VIRGINIA DEPARTMENT OF TRANSPORTATION

Address: _____
City: _____ State _____ Zip Code _____

We hereby issue Irrevocable Letter of Credit number _____ in favor of the Virginia Department of Transportation (the Department) for the account of _____ in an amount not to exceed _____ U.S. Dollars (\$ _____) available by sight draft on the above stated issuing bank accompanied by the documents specified below:

A certified statement signed by the Department's Permit Manager or their representative stating that _____ has not satisfactorily completed work pursuant to the permit issued to the permittee or his agent to perform the work as described on the face of the land use permit in the **County of** _____, Virginia.

A certified statement signed by the Department's Permit Manager or their representative stating that: **"This draw is for the explicit purpose of providing for completion or restoration of the right of way to the terms of the Land Use Permit Regulations and pursuant to the agreement of the permittee or their Agent to perform the work covered by permit to the satisfaction of the Department."** All drafts must bear the clause "Drawn under _____ Irrevocable Letter of Credit No. _____ dated _____, 20____."

We hereby engage with drawers, endorsers and bona fide holders that all drafts drawn in compliance with the terms of this credit shall be duly honored upon presentation and delivery of this document. This Irrevocable Letter of Credit shall remain in full force and effect for a period of two (2) years from the date hereof and shall automatically renew itself from year to year for three (3) years, one (1) year periods thereafter unless and until the above issuing bank shall give ninety (90) days prior written notice to the department by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, of its intent to terminate same at the expiration of said ninety-day period. During said ninety (90) days notice period, this Irrevocable Letter of Credit shall remain in full force and effect.

During the last thirty (30) days while this Irrevocable Letter of Credit is in force and effect after notice of termination has been given, the Department may draw up to the full amount of this Irrevocable Letter of Credit when accompanied by a document stating that _____ has failed to provide an acceptable substitute Irrevocable Letter of Credit or deposit in an escrow account, and further stating that **"The draw will be held by the Department for the sole purpose of providing for the completion or restoration of the right of way for work covered by the land use permit issued to _____ until such work is completed or restored to the Department's satisfaction. This Irrevocable Letter of Credit shall be terminated upon the Department's Permit Manager or their appointed representative giving written release stating that the terms of the permit have been completed and accepted by the Department."** Requests for the termination of this Irrevocable Letter of Credit should be addressed to the local Department office that issued the land use permit.

Except as otherwise expressly stated herein, this credit is subject to the Uniforms Customs & Practices for Documentary Credit (2007 Revision), International Chambers of Commerce Publication No. 600.

Attest: _____

(Seal)

Authorized Signature

Type or Print Name

Title



Land Use Permit Regulations
LUP-SB Surety Bond

BE KNOWN THAT WE as Principal, and _____, a corporation duly incorporated under the Laws of the State of _____, as Surety, are held and firmly bound unto the Commonwealth of Virginia in the full and just sum of _____ U.S. Dollars (\$ _____), to be paid to the Commonwealth of Virginia to the payment whereof we hereby bind ourselves and our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, sealed and dated this _____ day of _____ (month), 20____ (year).

WHEREAS, The said Principal hereunder has been or will be granted permit(s) authorizing one or more of the following activities;(A) to move house property upon public highways of Virginia (B) to cut surface of the highways of Virginia, or to tunnel under such highways; (C) to install and/or erect and maintain telephone, electric power lines, water, sewer, gas or other utilities on, under or over such highways, bridges or tunnels;(D) to install an entrance or tie-in into a public roadway and/or grading upon the Right -of- way; or (E) for the following purposes: Explain below exact purpose(s) for which surety coverage is being obtained:

Work to be performed in the county, city or town of: _____

THEREFORE, The conditions of this obligation are such that if the said Principal shall in all respects comply with the terms and conditions of said permit(s), and fully meet and perform obligations thereunder in accordance with requirements for permits as set forth in the Land Use Permit Manual in effect at time of permit issuance, and shall satisfactorily complete the work permitted, and shall indemnify and save harmless the Commonwealth of Virginia against and from all loss, cost, expense damage or injury to highways and bridges and to persons and property lawfully on such highways, growing out of the granting of such permit(s) to said Principal, then this obligation be void, otherwise to be and remain in full force and virtue.

NOW, THEREFORE, It is expressly understood that this Bond may be canceled by the Surety at the expiration of sixty (60) days from the date which the Surety shall have lodged with the Commonwealth Transportation Commissioner or his designee written notice to so cancel. This provision, however, shall not operate to relieve, release or discharge the Surety from any liability already accrued, or which shall accrue, on permits issued before the expiration of the sixty-day period. Bonds securing performance on specified active permit(s) may be canceled only upon satisfactory completion of permit(s), as determined by the Department Engineer.

NOTE: Continuous Bond cannot be canceled unless facilities covered by the permit have been removed from the Right -of-way, or the principal has arranged for replacement surety protection. ALL permit work covered under section (C) above shall be covered by a bond at all times.

Said principal and surety, being properly authorized, have caused these presents to be executed and their seals affixed the day and year first above written.

Surety name _____
Bond number _____
Address _____
City _____ State _____ ZIP _____
Contact person _____
Telephone number _____
Attorney-in-Fact Name _____
Signature _____

Principal name _____
TAX ID # or DMV ID # _____
Address _____
City _____ State _____ ZIP _____
Contact person _____
Telephone number _____
Signature _____

POWER OF ATTORNEY AUTHORIZATION TO BE ATTACHED

Acknowledgement of Principal

Attorney-In-Fact

(Seal)

STATE OF _____ COUNTY / TOWN / CITY OF _____

I, the undersigned, a Notary Public in and for the County / Town / City aforesaid, in the State aforesaid, do certify that, _____ whose name as Principal is signed to the foregoing writing bearing date this _____ day of _____ (month), 20____ (year), personally appeared before me and acknowledged the same.

Given under my hand this day of _____ (month), 20____ (year)
My Commission expires: _____

Notary Public

Affidavit and Acknowledgement of Surety

STATE OF _____ COUNTY/TOWN/CITY OF _____

I, the undersigned, a Notary Public in and for the County/Town/City aforesaid, in the State aforesaid do certify that, . (Name of Attorney in Fact) personally appeared before me and made oath that he is . (Title) of the (Name of Surety), that he is duly authorized to execute the foregoing bond by virtue of a certain power of attorney of said company; that said power of attorney has not been revoked; that the said company has complied with all the requirements of law regulating the admission of such companies to transact business in the State of Virginia; that the said company holds the certificate of the Commissioner of Insurance authorizing it to do business in the State of Virginia; that it has a paid-up cash capital of not less than \$250,000; that the paid-up capital plus the surplus and undivided profits of said company is \$; that the penalty of the foregoing bond is not in excess of ten per centum of said sum; that the said company is not by said bond incurring in the aggregate, on behalf or on account of the principal names in said bond, a liability for an amount larger than one-tenth of its paid-up capital, plus its surplus and undivided profits; that the said company is solvent and fully able to meet promptly all its obligations, and the said (Attorney in fact name) thereupon, in the name and on behalf of the said company, acknowledged the foregoing writing as its act and deed.

Given under my hand this _____ day of _____ (month), 20____ (year)
My Commission expires: _____

Notary Public

Original to be filed with the Virginia Department of Transportation
Request for Land Use Permit Surety Bond Cancellation may be addressed to:
Virginia Department of Transportation



LAND USE PERMIT
RESOLUTION
August 26, 2014

[County, City or Town Letterhead]

“RESOLUTION”

WHEREAS, it becomes necessary from time to time for the *[County, City or Town]* of *[County, City or Town Name]* to obtain land use permits from the Virginia Department of Transportation to install, construct, maintain and operate certain public works and public utilities projects along, across over and upon highway systems of the Commonwealth of Virginia; and,

WHEREAS, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of granting to the *[County, City or Town]* of *[County, City or Town Name]* by the Virginia Department of Transportation of said permits for the work aforesaid;

NOW, THEREFORE, BE IT RESOLVED by the *[County, City or Town]* *[Board of Supervisors, City or Town Council]* this *[Date]* day of *[Month]*, *[Year]*:

Section 1: That in accordance with the provisions of Section 24VAC30-151-720 of the Land Use Permit Regulations of the Virginia Department of Transportation, the *[County, City or Town]* of *[County, City or Town Name]* does hereby grant assurances to the Virginia Department of Transportation (VDOT) that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the *[County, City or Town]* of *[County, City or Town Name]* and that said jurisdiction does hereby certify that it will carry liability insurance for personal injury and property damage that may arise from the work performed under permit and/or from the operation of the permitted activity as follows: up to one-million dollars (\$1,000,000) each occurrence to protect the Commonwealth Transportation Board members and the Virginia Department of Transportation’s agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Commonwealth Transportation Board, the Virginia Department of transportation or the Commonwealth of Virginia in the event of suit.

Section 2: That the County Administrator, City or Town Mayor, or their designee, be, and hereby is authorized to execute on behalf of the *[County, City or Town]* of *[County, City or Town Name]* all land use permits and related documents of the Virginia Department of Transportation.

Section 3: That this resolution shall be a continuing resolution and shall not be revoked unless and until sixty (60) days written notice of any proposed revocation be submitted to the Virginia Department of Transportation.

Section 4: That the *[County, City or Town]* of *[County, City or Town Name]* shall, if requested by the Virginia Department of Transportation, provide a letter that commits to using the surety provided by its contractor or to have the contractor execute a dual obligation rider that adds the Virginia Department of Transportation as an additional obligee to the surety bond provided to the locality, with either of these options guaranteeing the work performed within state maintained right-of-way under the terms of the land use permit for that purpose.

BE IT STILL FURTHER RESOLVED that the County Administrator, City or Town Mayor, or their designee, be, and hereby is authorized and directed to procure insurance required by Section 1 herein.

The foregoing Resolution was adopted by the [County Board of Supervisors, City or Town Council] at its regular meeting held on [Day, Month, Year] in [County, City or Town Name], Virginia.

[Authorized Signature]
[Printed Name & Title]
[County, City or Town Name]

Form **W-9**

Commonwealth of Virginia
Substitute W-9 Form

Revised July 2014

Request for Taxpayer Identification Number and Certification



<input type="checkbox"/> Social Security Number (SSN) <input type="checkbox"/> Employer Identification Number (EIN) -----	Please select the appropriate Taxpayer Identification Number (EIN or SSN) type and enter your 9 digit ID number . The EIN or SSN provided must match the name given on the "Legal Name" line to avoid backup withholding. If you do not have a Tax ID number, please reference "Specific Instructions - Section 1." If the account is in more than one name, provide the name of the individual who is recognized with the IRS as the responsible party.																																					
Dunn & Bradstreet Universal Numbering System (DUNS) (see instructions) -----	Legal Name: _____																																					
	Business Name: _____																																					
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">Entity Type</th> <th colspan="2" style="text-align: center;">Entity Classification</th> <th style="text-align: center;">Exemptions (see instructions)</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> Individual</td> <td><input type="checkbox"/> Corporation</td> <td><input type="checkbox"/> Professional Services</td> <td><input type="checkbox"/> Medical Services</td> <td rowspan="2">Exempt payee code (if any): (from backup withholding) _____</td> </tr> <tr> <td><input type="checkbox"/> Sole Proprietorship</td> <td><input type="checkbox"/> S-Corporation</td> <td><input type="checkbox"/> Political Subdivision</td> <td><input type="checkbox"/> Legal Services</td> </tr> <tr> <td><input type="checkbox"/> Partnership</td> <td><input type="checkbox"/> C-Corporation</td> <td><input type="checkbox"/> Real Estate Agent</td> <td><input type="checkbox"/> Joint Venture</td> <td rowspan="4">Exemption from FATCA reporting code (if any): _____</td> </tr> <tr> <td><input type="checkbox"/> Trust</td> <td><input type="checkbox"/> Disregarded Entity</td> <td><input type="checkbox"/> VA Local Government</td> <td><input type="checkbox"/> Tax Exempt Organization</td> </tr> <tr> <td><input type="checkbox"/> Estate</td> <td><input type="checkbox"/> Limited Liability Company</td> <td><input type="checkbox"/> Federal Government</td> <td><input type="checkbox"/> OTH Government</td> </tr> <tr> <td><input type="checkbox"/> Government</td> <td><input type="checkbox"/> Partnership</td> <td><input type="checkbox"/> VA State Agency</td> <td><input type="checkbox"/> Other</td> </tr> <tr> <td><input type="checkbox"/> Non-Profit</td> <td><input type="checkbox"/> Corporation</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Entity Type		Entity Classification		Exemptions (see instructions)	<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Professional Services	<input type="checkbox"/> Medical Services	Exempt payee code (if any): (from backup withholding) _____	<input type="checkbox"/> Sole Proprietorship	<input type="checkbox"/> S-Corporation	<input type="checkbox"/> Political Subdivision	<input type="checkbox"/> Legal Services	<input type="checkbox"/> Partnership	<input type="checkbox"/> C-Corporation	<input type="checkbox"/> Real Estate Agent	<input type="checkbox"/> Joint Venture	Exemption from FATCA reporting code (if any): _____	<input type="checkbox"/> Trust	<input type="checkbox"/> Disregarded Entity	<input type="checkbox"/> VA Local Government	<input type="checkbox"/> Tax Exempt Organization	<input type="checkbox"/> Estate	<input type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Federal Government	<input type="checkbox"/> OTH Government	<input type="checkbox"/> Government	<input type="checkbox"/> Partnership	<input type="checkbox"/> VA State Agency	<input type="checkbox"/> Other	<input type="checkbox"/> Non-Profit	<input type="checkbox"/> Corporation				Contact Information	
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Remittance Address: _____ City: _____ State : _____ Zip Code: _____	Business Phone: _____ Fax Number: _____ Mobile Phone: _____ Alternate Phone: _____																																					
Section 2 - Certification Under penalties of perjury, I certify that: 1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or c) the IRS has notified me that I am no longer subject to backup withholding, and 3. I am a U.S. citizen or other U.S. person (defined later in general instructions), and 4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct. Certification instructions: You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See instructions titled Certification																																						
Printed Name: _____																																						
Authorized U.S. Signature: _____	Date: _____																																					