

October 22, 2024



Land Use Permit Application for Private Irrigation System Installation

LUP-IR

I the undersigned hereby acknowledge that I am fully cognizant of and, in my individual capacity and as a duly authorized representative of the entity applying for this permit, agree to all of the following requirements associated with the issuance of a VDOT Land Use Permit authorizing the installation of a privately owned irrigation system within state-maintained right-of-way.

Type or Print Clearly

Name of Applicant: _____

Applicant's Tax ID No.: _____

Applicant's Mailing Address: _____

City : _____ State: _____ Zip Code: _____

Primary Telephone No.: _____ 24-Hour Telephone No.: _____

Email Address: _____

Location(s):

Representative's Name: _____

Representative's Title: _____

Representative's Signature: _____

VDOT Land Use Permit Required by Law

The General Rules and Regulations of the Commonwealth Transportation Board provide that no work, occupancy, or non-transportation uses of any nature may be allowed or performed on the system of state highways or 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 above-referenced activity 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 solely responsible for determining all entities that may have a property interest of any

kind or nature in the right-of-way and for obtaining permission from all such entities for the Permittee's use of the right-of-way and shall be solely liable for any failure to obtain from any and all entities having a property interest in the right-of-way.

The Permittee will be civilly liable to the Commonwealth for all actual damage caused by a violation of the terms of the permit or [24VAC30-151-40.1](#).

Application and Contact Information

Applications made for a land use permit authorizing the placement of privately maintained irrigation systems within state-maintained rights-of-way shall be made through the local district permit office where the installation is to take place.

An irrigation plan shall be submitted to the district administrator's designee. The district administrator's designee will coordinate review and approval of the request with the appropriate VDOT personnel prior to permit issuance.

A list of counties with their corresponding VDOT district offices and contact information may be obtained on the VDOT web site at: <https://www.vdot.virginia.gov/about/districts/>

Permit Fees & Charges

The land use permit application fee will be \$100.00 for processing of the request.

Surety Requirement

The permittee shall provide surety to guarantee the satisfactory installation of the privately maintained irrigation system. The surety may be in the form of cash, check, Irrevocable letter of Credit [LUP-LC](#), or [LUP-SB](#) surety bond. The 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.

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.

Insurance Requirements (excluding County, Town, or City)

The permittee or their agent shall secure and maintain commercial general liability insurance to protect against liability for personal injury and property damage in connection with all activities undertaken under a permit. Comprehensive general liability insurance with limits of at least \$1,000,000 per occurrence and \$5,000,000 aggregate, or in amounts otherwise required by VDOT as stated in the permit, shall be maintained at all times. 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 of insurance or policy documents from the issuing insurance agent or agency prior to issuing a permit.

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 hold harmless the Commonwealth, the Commonwealth Transportation Board, the Commissioner of Highways, VDOT, and their consultants, representatives, agents and employees from and against any and all claims, causes of action, losses, costs, attorney's fees, expenses, and damages that directly or indirectly results from or arises out of the permittee's activities or violations in the right-of-way or from any of the permittee's contractors, subcontractors, consultants, representatives, agents or employees, or from anyone for whose acts or violations the permittee is or may be liable.
- 2) The permittee assumes full responsibility for any (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 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.

- 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. 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: [IIM-TMPD-541, IIM-TE-383, IIM -OD-16-01, Request for Marking VDOT Utility Location \(virginia.gov\)](#)
- 10) 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.
- 11) The permittee shall notify ["VA811"](#) (or each operator of an underground utility where no notification center exists) of any planned excavation within state-maintained right-of- way. This notification must be provided at least 48 hours (excluding weekends and holidays) in advance of commencing with any planned excavation within state- maintained right-of-way. Failure to carry out this requirement may result in permit revocation.
- 12) It is the duty of the district administrator's designee to keep all roads maintained in a safe and travelable condition at all times. Therefore, any permit may be denied, revoked or suspended when in the opinion of the district administrator's designee, the safety, use or maintenance of the highway so requires.
- 13) The permittee shall at all times give strict attention to the safety and rights of the traveling public, their employees and themselves. VDOT reserves the right to stop work at 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.
- 14) All work authorized under the auspices of a VDOT land use permit shall be subject to VDOT's direction.

- 15) Design changes, specified material changes and/or field changes from the approved plans shall be submitted to the appropriate district administrator's designee for review and approval prior to proceeding with the proposed changes. This submittal shall include written justification, supplemental documentation and/or engineering calculations that support the requested changes.
- 16) 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/>.

Permit Specific Requirements

- 1) The installation of privately maintained irrigation systems within limited access right-of way shall not be permitted.
- 2) The applicant shall provide VDOT with all drawings, technical specifications, and all other pertinent documentation relating to the proposed installation of a privately maintained irrigation system within state-maintained right-of-way prior to initiating the installation of said system. The irrigation system shall be designed and/or approved by a qualified irrigation designer.
- 3) All main lines and laterals located within state-maintained right-of-way shall be installed at a minimum depth 24 inches. The applicant is responsible for procuring information necessary regarding the exact location of all existing utilities or obstructions located at the site and showing on the irrigation plans.
- 4) All irrigation lines passing beneath a road or sidewalk shall be appropriately sleeved to protect the pipe and assist with system maintenance. The location of protection sleeves shall be included in the design of the system to be submitted for VDOT review and approval. The material utilized for trench backfill shall be specified and extend to the bottom of the adjacent roadway sub-base layer.
- 5) All sprinkler heads shall not elevate more than 12 inches above existing grade when in operation and must remain flush with the existing grade when dormant. The sprinkler spray shall be designed to provide for a fixed spray regulating pattern appropriate for the area to be irrigated. Each sprinkler head shall have a spring activated pressure regulator integral within the stem of the sprinkler head.
- 6) Consideration shall be given to the drainage patterns within the irrigated area. VDOT standard under drains and/or edge drains shall be utilized, especially within islands, medians and along the edge of pavement, to eliminate the possibility of saturation of the pavement sub-base and/or the sub-grade within the roadway prism.

- 7) Main lines, laterals or sprinkler heads shall not be located within 18 inches of the edge of pavement, back of curb, sidewalk or other hard structure. Where there is no barrier, the entire irrigation system shall be located out of the clear zone as determined by the design speed.
- 8) Sprinkler heads and water lines shall not conflict with the location of existing utilities, traffic information signs, and/or other fixed traffic control devices.
- 9) All irrigation systems installed within state-maintained right-of-way shall be zoned separately from the system zoning on private property. Each zone shall be equipped with a pressure regulating valve that increases the water droplet size.
- 10) All irrigation lines located within state-maintained right-of-way shall be charged only when irrigation is in progress and remain uncharged when irrigation is not underway.
- 11) All exposed control devices must be vandal resistant. VDOT personnel shall have continuous access to a manual shut off valve for the portion of the irrigation system located within state-maintained right-of-way.
- 12) Any alterations to an irrigation system located within state-maintained right-of-way under the auspices of a VDOT land use permit must be resubmitted to VDOT for approval.
- 13) Final approval of all irrigation systems located within state-maintained right of way shall be contingent upon inspection of the system in full operation by a representative of VDOT.
- 14) The permittee shall be responsible for the perpetual maintenance of and liability for any portion of the irrigation system and landscaping (to include turf grass) located within state-maintained right-of-way.
- 15) Any modification to the VDOT approved irrigation system design shall be submitted to the district administrator's designee for re-approval prior to implementing the modification. VDOT may request removal of any unapproved modifications.
- 16) The permittee shall take sufficient care to avoid damage to roads, sidewalks, curbs, existing utilities, traffic control devices, and other facilities within state-maintained right-of-way and shall be held liable for any damages caused by the irrigation system.
- 17) The irrigation system shall be designed to avoid over-throw of water onto the paved roadway surface and sidewalk, if applicable.
- 18) VDOT may request disconnection of the portion of the irrigation system located within state maintained right-of-way should, in the opinion of VDOT, the irrigation system become a traffic and/or pedestrian hazard.

- 19) The watering schedule for irrigation systems located within state maintained right of way, excluding maintenance and system checks, shall be restricted to between 12:00AM and 4:00AM on weekdays during periods of low traffic. At no time shall the system be operated during the weekday hours of 6:00AM to 9:30AM or 3:00PM to 6:30PM. The watering schedule shall be provided in the permit application package. Written permission from VDOT will be required to alter the scheduled irrigation times noted herein. System operation shall not be allowed when the air temperature is 40 degrees F or less.
- 20) A winterization schedule shall be included in the design of the irrigation system.
- 21) The irrigation system shall fully comply with all local and state laws and ordinances, and with all established code application relating to the installation and maintenance of privately maintained irrigation systems.
- 22) The irrigation system zone(s) located within state-maintained right-of-way shall not be used for applying pesticides, fertilizers, or any other additives that may contaminate the groundwater.
- 23) VDOT shall remove any irrigation system located within state-maintained right-of-way at the permittees expense should the permittee fail to properly maintain the irrigation system.

Traffic Control and Safety

- 1) 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.
- 2) 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 work zone in compliance with the permit requirements and conditions, and the approved plans.
- 3) A person accredited by VDOT in Intermediate Work Zone Traffic Control must be on-site to provide supervision for adjustment to the approved layout.
- 4) Individuals responsible for implementation of work zone traffic control measures shall provide evidence of their accreditation upon request from VDOT personnel.
- 5) 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.
- 6) All activities that require the disruption (stoppage) of traffic on two-lane undivided roads shall utilize flaggers who have a valid and unexpired VDOT Flagger, ATSSA Flagger, VDOT Basic Work Zone, or VDOT Intermediate Work Zone card. VDOT will not accept VDOT Flagger Cards issued after December 31, 2024; VDOT Flagger Cards issued prior to December 31, 2024, will only be accepted until their date of

expiration (two years after date of issuance). Flag persons shall be provided in sufficient number and locations as necessary for control and protection of vehicular and pedestrian traffic. 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.

- 7) Any certified flag person found to be performing their duties improperly shall have their certification revoked.
- 8) Traffic shall not be blocked or detoured without permission, documented in writing or electronic communication, being granted by the district administrator's designee.
- 9) 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 plus Spotsylvania County and Stafford County
 - Central Region (804) 796-4520: All localities within the Richmond Construction District, plus 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

Information regarding how to obtain access and the requirements for entry of lane closure requests in LCAMS and VaTraffic will be provided by the local permit office.

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. Monday through Friday for all highways classified as arterial or collector. All highways classified as local roads will have unrestricted work hours and days.

The 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:

<https://www.vdot.virginia.gov/projects/roads-classified/>

Holiday Restrictions

Non-emergency work will not be allowed on arterial and collector highway classifications from noon on the preceding weekday through all state observed holidays. If the observed holiday falls on a Monday, the non-emergency work will not be allowed from noon on the preceding Friday through noon on Tuesday.

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.

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.