

October 22, 2024



Land Use Permit Application for Private Utility Service Crossing

LUP-PU

Pursuant to [§ 2.2-1151.1](#) of the Code of Virginia, restrictions on conveyances of right-of-way usage by the Department of Transportation to certain owners or operators of utility lines shall not apply to a land use permit issued by the Department to (I) a person providing utility service solely for his own agricultural or residential use, provided that the utilities are located on property owned by the person, or (II) the owner of a private residence or business for water or sewer service to cross the Department's right-of-way when no viable alternative exists to provide potable water or to transfer sewer effluent to a qualified drain field. The issuance of such permits to the above-referenced individuals or entities is authorized under Section [24VAC30-151-660](#) of the Land Use Permit Regulations.

I the undersigned hereby acknowledge that I am fully cognizant of and, in my individual capacity and as a duly authorized representative of the individual or entity applying for this permit, agree to all of the following requirements associated with the issuance of a single use permit authorizing a private utility service crossing within the state-maintained right-of-way.

Type of 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: _____

Name of Agent: _____

Agent's Tax ID No.: _____

Agent's Mailing Address: _____

City: _____ State: _____ Zip code: _____

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

Email Address: _____

Work Description:

Please answer the following questions.

Is this a Utility Permit? Yes _____ or No _____

Is this utility work in a Residential Neighborhood? Yes _____ or No _____

Is this work related to a Service Connection? Yes _____ or No _____

Is this Emergency Utility Work? Yes _____ or No _____

Is this Critical Utility Infrastructure? Yes _____ or No _____

Anticipated Start Date: ____/____/____ Anticipated Completion Date: ____/____/____

Locality: _____

Route Name and Number: _____

Route to: _____ Route from: _____

Coordinates: Latitude _____ Longitude _____

Name of Applicant's Duly Authorized Representative: _____

Representative's Title: _____

Representative's Signature: _____

Name of Agent's Duly Authorized Representative: _____

Agent's Title: _____

Agent'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.I](#).

Application Requirements

Application for a land use permit authorizing the installation of privately owned agricultural or residential utility service across state-maintained highway right-of-way shall be made through the local residency permit office where the activity is to take place.

The permit applicant shall provide a detailed sketch for the proposed installation of the private utility service across state-maintained highway right-of-way. The sketch shall include, but not be limited to, distance(s) from the edge of pavement to the proposed utility, the existing right-of-way line(s), installation depth(s) below existing grades and ditch line(s), underground drainage structures, existing aerial and underground utilities and other existing features within close proximity to the permitted activities.

The local residency permit office receiving the request shall coordinate review and approval of the request with all appropriate district personnel

Permit Fees & Charges

The land use permit application fee amount will be determined by the district administrator's designee based on the schedule found in [24VAC30-151-710](#) of the Land Use Permit Regulations.

Surety Requirement

The permittee shall provide surety to guarantee the satisfactory installation of the private utility crossing. 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)

It is recommended that the permittee secure and maintain sufficient insurance to protect against liability for personal injury and property damage that may arise from the installation and use of private utility services located within state-maintained highway right-of-way.

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 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 deployment that interferes with the construction of the highway 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 from their activities that the district administrator's designee deems hazardous to the traveling public.
- 5) Any highway signs, right-of-way markers, etc., disturbed by 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 all necessary permits that may be required by any other government agencies, i.e., U.S. Army Corps 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) 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.
- 10) 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.
- 11) All work authorized under the auspices of a VDOT land use permit shall be subject to VDOT's direction.
- 12) 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.

Permit Specific Requirements

- 1) The placement of private utility service across state maintained right-of-way shall be restricted to highways designated as non-limited access secondary routes where the private utility owner is also the underlying property owner.
- 2) The private utilities are to be marked in accordance with requirements established by VDOT.
- 3) The permittee shall be responsible for any pavement settlement for a period of two (2) years after the completion date of the permit and for the continuing maintenance of the private utility service placed within highway right-of-way.
- 4) If the district administrator's designee approves open cut installation, the pavement shall be restored accordance with the [LUP-OC](#).

Utility Marker Requirements

- 1) The location of each proposed underground private utility service crossing shall be identified by the private utility owner with surface utility markers placed at edge of both sides of the highway right-of-way.
 - 2) All surface utility marker signs shall be fabricated in accordance with the current edition of the VDOT Road & Bridge Specifications and the approved design specifications contained herein.
 - 3) The property owner is responsible for the fabrication, installation and maintenance of surface utility markers to be located on state-maintained highway right-of-way.
 - 4) The sign panel sheathing material shall be 3M diamond grade, Type IX or equivalent.
 - 5) Signposts shall meet current VDOT breakaway design standards and be approved by the local residency permit office prior to permit issuance.
 - 6) Surface utility markers shall be mounted at a height of at least 4 feet, measured vertically from the bottom of the sign panel to the nearest edge of pavement and no closer than 6 feet, measured horizontally from the closest edge of the sign panel to the nearest edge of pavement.
 - 7) All surface utility markers must be located as close to the right-of-way line as possible and in such a manner as to avoid distractions to motorists or pose safety hazards to the traveling public.
 - 8) Damaged or deteriorated surface utility markers shall be replaced by the property owner at their expense.
 - 9) The surface utility markers should be color coded by utility type as established under [\\$56-265.21](#) of the Code of Virginia. The required uniform colors are as follows:
 - BLUE – Water and slurry pipeline systems
Sign panel background color = Blue #3995

Sign panel lettering color = White #3990
 - GREEN - Storm and sanitary sewer systems
Sign panel background color = Green #3997
Sign panel lettering color = White #3990
- *Blue # 1175 electro-cut transparent film on a White #3990 background may also be utilized on surface utility markers for water and slurry pipeline systems.

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 cleated (track-mounted) equipment is to be used on the pavement without properly protecting the pavement from damage.

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 any way 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.

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 \(virginia.gov\)](#)

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.

Trenchless Construction

Site specific geotechnical sub-surface investigation reports, compiled in accordance with the provisions of VDOT Materials Division Manual of Instructions, shall be submitted to the district administrator's designee if the following trenchless installation(s) are proposed:

- The proposed pipe diameter is 24-inches or greater, and;
- The proposed pipe cover is less than 3 times the pipe diameter, and;
- The AADT of roadway is greater than 25,000, or;
- The proposed pipe diameter is 60-inches or greater, or;
- Any situation where there is a significant risk identified.

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 ensuring 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.

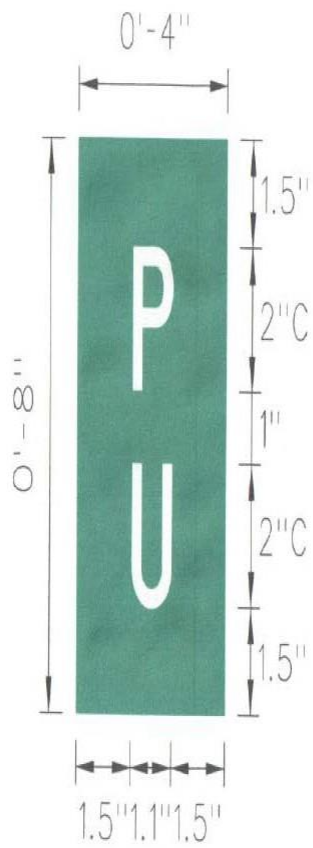
Final Inspection and Completion of Permit

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.

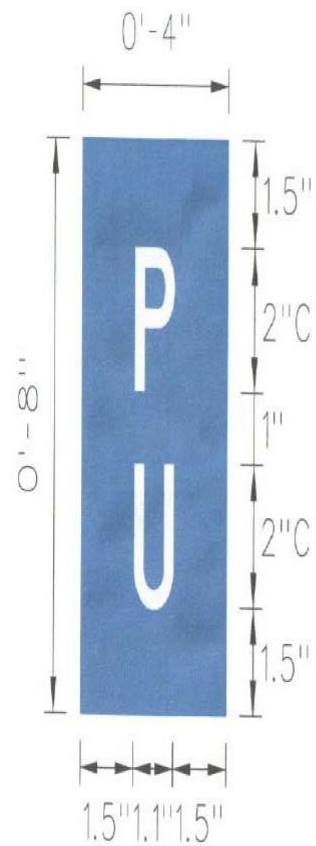
Completion of this permit is contingent upon the permittee's completion of the authorized work in accordance with the approved plan and compliance with all governing bodies involved in the total completion of work on state-maintained right-of-way.

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.



Panel Style: Green UD.ssi
M.U.T.C.D.: 2009 Edition



Panel Style: BLUE UD.ssi
M.U.T.C.D.: 2009 Edition