

October 22, 2024



Land Use Permit Application for Roadside Memorial Installation

LUP-RM

Section [24VAC30-151-550](#) of the Virginia Department of Transportation (VDOT) Land Use Permit Regulations authorizes the placement of roadside memorials under the auspices of a VDOT Land Use Permit.

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 placement of roadside memorials on state-maintained highways.

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: _____

Locality: _____

Route Name and Number: _____

Route to: _____ Route from: _____

Coordinates: Latitude _____ Longitude _____

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.I](#).

Application Information

Application for a land use permit authorizing the placement of roadside memorials on state-maintained highways shall be made through the local district permit office where the fatal crash or other fatal incident occurred.

The district administrator's designee receiving the request shall coordinate review and approval of the request with all appropriate VDOT personnel

Contact Information

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, Surety Requirements & Charges

The land use permit fee and surety for the placement of roadside memorials within state-maintained highway right-of-way shall be waived.

The permit applicant will be required to pay VDOT for the installation, maintenance and removal the roadside memorial. The amount of these fees will be determined by the district administrator's designee prior to permit issuance. Said fees shall be charged to an accounts receivable established by VDOT and the permittee will be invoiced within thirty (30) days of installation of the roadside memorial.

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 of a roadside memorial 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 (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 \(virginia.gov\)](#)

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 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.
- 11) 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.
- 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.
- 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) 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) Any human fatality that occurs on the state highway system is eligible for a memorial. Only family members of the victim may obtain a VDOT Land Use Permit for the placement of a roadside memorial on state-maintained highways.
- 2) Only one memorial per fatality will be permitted. VDOT reserves the right to install a group memorial in lieu of individual memorials to commemorate a major incident where multiple fatalities have occurred.
- 3) The applicant must provide a copy of the accident report or other form of information to the district administrator's designee so that the victim's name, date of fatality, and location of the accident can be verified. The district administrator's designee may also require that the applicant supply a copy of the death certificate.
- 4) The applicant will confirm on the application that approval has been obtained from an immediate family of the victim and the adjacent property owner (or owners) to locate the memorial in the designated location. If any member of the immediate family or adjacent property owner objects in writing to the memorial, the application will be denied or the memorial will be removed if it has already been installed.
- 5) The applicant may request an appeal from the district administrator regarding the district administrator's designee's decision to amend or deny the request.
- 6) The memorial shall be located as close as possible to the crash site, but location of the memorial may vary depending on the site and safety conditions.
- 7) If VDOT's right-of-way is insufficient for a memorial to be installed at the crash site, the district

administrator's designee will locate a suitable location as close as possible to the incident site to install the memorial where sufficient right-of-way exists.

- 8) VDOT reserves the right to temporarily remove or relocate a memorial at any time for highway maintenance or construction operations or activities.
- 9) Roadside memorials shall remain in place for two years from the date of installation, at which time the permit shall expire. The district administrator's designee may, upon receipt of a written request, grant a one-year extension of the permit. Written requests for additional permit extensions must be submitted for each subsequent year.
- 10) The memorial will be removed by VDOT if the permittee fails to provide a written request for a permit extension prior to the initial permit expiration date and/or the expiration date(s) of subsequent extensions.
- 11) The permittee or the family of the victim may request that the memorial be removed at any time after installation.
- 12) The applicant, family, or friends of the victim shall not park, stand, or loiter at the memorial site. It is illegal to park along the interstate system. Due to safety concerns for the traveling public, and friends and family of the deceased, parking, stopping, and standing along any highway is discouraged.
- 13) The applicant is responsible for the fabrication of the memorial sign. The memorial sign shall be designed in accordance with all applicable sections of the Code of Virginia, the Rules and Regulations controlling Outdoor Advertising and Directional and other Signs and Notices, and the Vegetation Control Regulations for state-maintained highway rights-of-way and the approved design specifications contained herein.
- 14) The use of symbols, photographs, drawings, logos, advertising, or similar forms of medium is prohibited on or near the memorial.
- 15) Memorials must be located outside of the mowing limits and roadside ditch line, and as close to the right-of-way line as reasonably possible.
- 16) Memorials must be located in such a manner as to avoid distractions to motorists or pose safety hazards to the traveling public.
- 17) Memorials will not be installed in the median of any highway, on a bridge, or within 500 feet of any bridge approach.

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.

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.

Roadside Memorial Sign Specifications



SHAPE

Top Panel
Square
Bottom Panel
Horizontal Rectangle

COLOR

Message and Border: Black (Non-reflectORIZED)
Field: Gray (Non-reflectORIZED)

SIZE

Top Panel
24"x24" Min – 30"x30" Max
Circle Diameter: 22" Max
Bottom Panel
Width: 24" Min – 30" Max
Height: 6" Min – 9" Max

MESSAGE

Top Panel
Line 1: Capital Letters - 3" D
Line 2: Capital Letters - 3" D
Line 3: Capital Letters - 2" D
Line 4: Capital Letters - 2" D
Bottom Panel
See Notes Below

BORDER WIDTH

Top Panel
1"
Bottom Panel
3/8"

CORNER RADIUS

Top Panel
1-1/2"
Bottom Panel
1-1/2"

NOTES: Top Panel - Vertical spacing between the top of the panel and Line 1 is 4 1/8". Vertical spacing between Lines 1 and 2 is 2.25". Vertical spacing between Lines 2 and 3 is 2". Vertical spacing between Lines 3 and 4 is 1 1/2".

Bottom Panel - Vertical spacing between the top of the panel and Line 1 is 2". The use of initials and/or avoidance of hyphenated names may be needed for the deceased's name to fit the bottom panel. If necessary, the bottom panel may be increased to 9" in height and a second line used to accommodate those names that will not fit onto one line. When a 9" panel is used, vertical spacing between the top of the panel and Line 1 is 2" and vertical spacing between Lines 1 and 2 is 1". When the applicant requests that the deceased's name not be indicated, the message "A LOVED ONE" should be used on the bottom panel.

Mounting height of the memorial markers shall be 3' from the top of pavement at the pavement edge to the top of the top panel except in areas behind guardrail and barrier where the mounting height shall be increased as necessary for the markers to be visible.