

October 22, 2024



**Land Use Permit Application for Regional Work Zone Traffic Control for Utility Work
Located off Right-of-way**

LUP-RWZU

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 placement of construction equipment and related work zone traffic control on state maintained secondary highway right-of-way associated with the installation or maintenance of utility facilities located off the highway 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: _____

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: _____

Locations: _____

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 [24VAC30-151-40.1](#).

Application and Contact Information

Application shall be made for a regional VDOT Land Use Permit for placement of construction equipment and related work zone traffic control on state-maintained rural secondary highway right-of-way associated with the installation or maintenance of utility facilities located off the highway right-of-way through the local land use office. The counties for which this permit is applicable are at the discretion of the district designee.

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 Term and Fees

This regional permit is valid for a maximum period of one (1) year. The first term of the permit will be for six (6) months with a renewal for an additional six (6) months, assuming the permittee has, in the opinion of the district administrator's designee, adequately complied with permit conditions during the initial six (6) month term. The fee for a regional permit for placement of construction equipment and related work zone traffic control on state-maintained highway right-of-way associated with the installation and maintenance of utility facilities located off the highway right-of-way is \$400 per district.

Surety Requirement

A continuous surety in the amount of twenty-thousand dollars (\$20,000.00) per district is required to restore the right-of-way in the event of damage to state-maintained facilities resulting from the authorized activity. This surety may be in the form of cash or check, a [LUP-SB](#) Permit Surety Bond or [LUP-LC](#) Irrevocable Letter of Credit Bank Agreement.

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 Requirement

- 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 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.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) 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.

- 8) 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.
- 9) 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.

- 10) All work authorized under the auspices of a VDOT land use permit shall be subject to VDOT's direction.
- 11) 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) A separate permit is required for activities associated with the installation or maintenance of utility facilities within, under, or over highway right-of-way.
- 2) A single use permit is required if the permittee desires to place construction equipment and related work zone traffic control on state maintained primary highway right-of-way associated with the installation or maintenance of utility facilities located off the highway right-of-way.
- 3) The permittee's contract crews shall notify the district administrator's designee by telephone or electronic communication at least 48 hours prior to the placement of construction equipment and related work zone traffic control on state maintained secondary highway right-of-way associated with the installation and maintenance of utility facilities located off the highway right-of-way. Failure to provide this information shall result in the suspension or revocation of the VDOT land use permit.
- 4) The permittee's contractor shall notify the district administrator's designee by telephone or electronic communication upon the completion of work at each site.
- 5) It shall be the permittee's responsibility to obtain any and all necessary permits that may be required by any other government agencies.
- 6) No tree cutting, tree trimming or land disturbance shall be allowed under the auspices of a VDOT land use permit authorizing the placement of construction equipment and related work zone traffic control on state maintained secondary highway right-of-way associated with the installation or maintenance of utility facilities located off the highway right-of-way.

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.