

Nov. 25, 2024



Single-Use Permit - Single Use Wireless Support Structure

LUP- SUWSS

The installation of wireless support structures and associated facilities on highway right-of-way is authorized under Section **24VAC30-151-350** 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 entity applying for this permit, agree to all of the following requirements associated with the issuance of a single use permit authorizing the installation and maintenance of a wireless support structure and associated facilities located 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: _____

Work Description: _____

Location: ☐ County ☐ Town ☐ City of _____

Route No. _____ Street Name _____

Between Route No. ____ Street Name _____ and Route No. ____ Street Name _____

Latitude _____ Longitude _____ Applicant Job No. _____

Representative's Name: _____

Representative's Title: _____

Representative's Signature: _____

Name of Agent: _____

Agent's Tax ID No.: _____

Agent's Mailing Address: _____

City: _____ State: _____ Zip Code: _____

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

Fax No.: () _____ - _____ E-mail Address: _____

Name of Agent's Duly Authorized Representative: _____

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 Requirements

Application for a land use permit authorizing the co-location of small cell facility on state-maintained highways shall be made through the local residency permit office where the activity is to take place.

The permit application shall include plan/sketches showing distances from edge of pavement, existing and proposed right-of-way line, depths below existing and proposed grades, depths below ditch line or underground drainage structures, or other relevant features. Any existing utilities within close proximity of the applicant's work shall be shown. Location of poles, guys, pedestals, relief valves, vent pipes, etc. shall be shown. Height of wires or cables above the crown of the roadway shall also be shown.

Additionally, a Radio Frequency Emissions Compliance Report; an Intermodulation Study showing no expected impact with existing Commonwealth of Virginia, toll agency, Departments of Energy and Homeland Security, and locality equipment (if within radius of impact of such equipment); and a Structural Evaluation showing that the small cell facility can be safely located on the structure upon which it is intended to be located shall also be provided. These documents shall be stamped and sealed by an engineer licensed to practice in Virginia in accordance with regulations issued by the Virginia Department of Professional and Occupational Regulation.

The applicant shall provide a notarized affidavit certifying compliance with the registration and notification requirements outlined in § 2.2-1151.1 of the Code of Virginia, a work area protection plan (if necessary), approval from the locality (if appropriate), and documentation showing approval for the co-location by the structure owner.

Contact Information

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

Permit Fees & Charges

1. The land use permit term is 10 years, with three possible 5-year extensions, but it may be terminated earlier for cause or by mutual agreement.
2. The land use permit application shall include payment in the amount of \$100.00 for processing the request.
3. The amount of the annual wireless support structure co-location rights-of-way use fee shall be (check height that applies and insert square footage below, if applicable):
 - ☐ 1. \$270 for any wireless support structure at or below 50 feet in height with a small cell installation.
 - ☐ 2. \$1,040 for any other wireless support structure at or below 50 feet in height;
 - ☐ 3. \$3,124 for any wireless support structure above 50 feet and at or below 120 feet in height;
 - ☐ 4. \$5,206 for any wireless support structure above 120 feet in height; and
 - ☐ 5. ____ sq ft. \$1 per square foot for any other equipment, shelter, or associated facilities constructed on the ground, if outside of, or in addition to, the existing primary structure occupant's enclosure.

No later than June 30 of each year, the wireless services provider shall remit directly to the Virginia Department of Transportation the public rights-of-way use fees for wireless support structures for any site which has a current permit.

Wireless support structure co-location rights-of-way use fees paid by check or money order shall be drawn payable to the Treasurer of Virginia and shall be submitted to:

VDOT Office of Land Use
1401 East Broad Street
Richmond, Virginia 23219

The emergency (24/7) contact phone number for the permittee's facilities shall be sent concurrently with the annual payment as verification that the posted numbers have not changed.

The annual structure fees shall be adjusted every five (5) years based upon the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor. The annual co-location fee is ½ of the annual structure fee. Upon the quinquennial adjustment, VDOT shall notify the permittee of the new annual user fee for the upcoming fiscal year.

Surety Requirement

A surety in the amount of ten-thousand dollars (\$10,000.00) per structure is required to ensure that the right-of-way is restored in the event that work on the wireless structure is started but not completed or the right-of-way is damaged. Upon completion of construction, a continuous surety for the Permittee's structures must be provided or held by VDOT in the amount of ten-thousand dollars (\$10,000.00) per county and is intended to ensure that the right-of-way is restored in the event of limited facility failure. The surety may be in the form of cash, check, Irrevocable letter of Credit [LUP-LC](#), or [LUP-SB](#) surety bond.

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 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.
- 13) 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 Permittee or their agent shall adhere to the terms and conditions as stipulated in the permit assembly without exception. Any deviation may result in the temporary revocation of the land use permit for a term not less than 30 days.
- 2) The issuance of a single use permit is in no way to be inferred as a conveyance of any interest in real estate property or facilities owned in whole or part by the Virginia Department of Transportation.
- 3) The Permittee or their agent should immediately contact the nearest local residency permit office with any interpretive questions or if the permittee, their agent, and/or permittee's facility or equipment is involved in a crash at the work site.
- 4) Small cell facilities or related equipment installed over a sidewalk shall provide at least 7 feet clearance or, if installed over the road, at least 18 feet clearance, measured vertically from the bottom of the small cell facility or equipment to the crown (or a line extended horizontally from the crown) of the paved surface.
- 5) Wireless cell facilities or related ground equipment shall be installed outside the clear zone.
- 6) One or more permanent tags, labels, or signs in accordance with FCC and OSHA guidance shall be attached to, or adjacent to, each facility and shall include:
 - a) A readily visible identifying alphanumeric code.
 - b) Maximum operating wattage and maximum radio frequency (RF) exposure level at antenna.
 - c) RF exposure warning.
 - d) 24 hours a day/7 day a week emergency contact phone number.
 - e) Business Name (ATT, Verizon, Sprint, T-Mobile, Mobilite, etc.).
 - f) One tag, label, or sign shall be visible from the roadway and if not visible from the sidewalk or path in or adjacent to the right-of-way, additional tags, labels, or signs shall be placed on the left and the right sides of the facility such there is full visibility to the workers and inspectors in an aerial lift or bucket. The Permittee shall update the tag, label, or sign within 5 business days of any changes.
- 7) The Permittee shall make provisions for lowering RF or turning off service while Department officers, agents, employees, volunteers, contractors, or permittees are performing work within the vicinity of the wireless equipment. The Department will give the Permittee three calendar days' notice if wireless radio frequency exposure must be reduced or power turned off due to

planned, non-emergency work by VDOT around the structure. In the event of an emergency or unscheduled work, the Department will call the emergency contact phone number on the tag/label/sign to notify the Permittee of any action taken.

- 8) The Permittee shall provide VDOT with a copy of the “as built” plans in an electronic format acceptable to VDOT.
- 9) If any FCC, State, or other governmental license or any other governmental approval to provide communication services is ever revoked to the Permittee or any site permitted or authorized by the Department, the Permittee shall inform the Department of the revocation within 30 days of receiving notice of such revocation and provide a timeline for removal of the wireless facilities or transfer of ownership to a licensed successor who shall assume all obligations and responsibilities of the Permittee.
- 10) The **LUP-GWG** provides guidance for the permit application process, design submittal, installation requirements, and associated VDOT review of the wireless equipment facilities to be located within the Department’s right-of-way.

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 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.

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.

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 (a), 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 greater than 2,500 square feet in locally designated Chesapeake Bay Preservation Areas in counties, cities and towns defined as "Tidewater Virginia" in the Chesapeake Bay Preservation Act (62.1-44.15:68, Code of 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 possible land disturbance. 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 residency 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 and shall provide evidence of such compliance to the local residency 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 residency 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 residency 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 local residency permit office.

Inspection of the Work

All activities authorized under the auspices of a VDOT land use permit may be subject to inspection by authorized VDOT personnel or contractors. When warranted, any/all costs associated with said inspections shall be borne by the Permittee.

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 local residency permit office; however, the wireless service provider or wireless infrastructure provider must contact the VDOT Customer Service Center at 1-800-367-7623 as soon as reasonably possible but no later than 48 hours after the end of the emergency situation.

Recurring Inspection

The wireless support structure shall be inspected to determine its structural condition by the permittee at least once every four years, or more frequently if necessary, based upon structure type and condition, to ensure public safety. Such inspection shall be by or under the supervision of an engineer licensed to practice in Virginia. A report setting out the results of the inspection shall be stamped and signed by the engineer in accordance with regulations issued by the Virginia Department of Professional and Occupational Regulation, and the report shall be retained by the permittee for the duration of the permit. The report(s) shall be provided to the Department within two weeks of the submission of a request. A summary of the most recent inspection shall be submitted by the permittee concurrently with the annual payment. The summary shall include:

- Structure permit number
- Date of most recent inspection
- Name of engineer who conducted or supervised the inspection
- Short, general description of the structure's condition and any major deficiencies found
- A minimum of two photographs (one showing the overall structure and the other a close-up elevation view), with additional photos of deficiencies if deficiencies are detected.

Termination or Relocation

This permit may be terminated by VDOT or a relocation required in accordance with [§56-484.30](#) of the Code of Virginia. VDOT shall provide at least 180 days' notice of termination or relocation required as a consequence of a construction project. Upon termination of the permit, the Permittee shall have 30 days to remove the wireless support structure and associated facilities and restore the right-of-way to its pre-permit condition.