October 22, 2024

Land Use Permit Application for Vegetation Control Single Business

LUP-VCSB

Vegetation control operations for single business visible from state maintained highway right-of-way and National Highway System routes are authorized under Section **24VAC30-151-620** of the Land Use Permit Regulations and **24VAC30-200**.

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 vegetation control operations associated with a single business visible from state-maintained highway right-of-way and National Highway System routes.

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: _____

Work Description:

_____

_____

_____

_____

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.**

Permit Term and Fees

A VDOT single-use land use permit for vegetation control operations on state-maintained highway right-of-way along the frontage of a single business shall be valid for a maximum of 180 days.

A per site application fee of $400.00 is required for vegetation control operations on state-maintained highway right-of-way along the frontage of a single business.

Permit requests for vegetation control operations within limited access rights-of-way must be approved by the Chief Engineer prior to permit issuance.

Surety Requirement

A surety is required in the amount of $2,500.00 per issued land use permit 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, 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) As deemed necessary by the district roadside manager, the permittee shall employ (on staff) or engage (on contract) an arborist who is currently certified by the International Society of Arboriculture (ISA) to represent the permittee. The arborist shall provide the permittee's contract crews with the necessary guidance to ensure that the authorized activities are performed in accordance with the permit provisions. A copy of the arborist's current certification shall be made available upon request by authorized VDOT representatives.

2) The permittee shall attach two photographs (a closeup and a distant view) with the permit application showing the vegetation to be controlled, the highway, and the sign or business.

3) As deemed necessary by the district roadside manager, prior to issuance of a VDOT land use permit the applicant's arborist shall flag all vegetation to be removed from state- maintained highway right-of-way and perform a field review with the district roadside manager and the permit applicant.

4) As deemed necessary by the district roadside manager, the permittee's arborist must be present during all pruning and/or complete tree removal from within state-maintained right- of-way.

5) No land disturbance shall be allowed under a VDOT land use permit authorizing vegetation control operations on state-maintained highway right-of-way except in situations where the district roadside manager requires supplemental landscape planting to mitigate the removal of existing vegetation.

6) All cut vegetation shall be immediately removed from state maintained right-of-way and disposed of in accordance with the Solid Waste Management Regulations (9 VAC 20-81) of the Virginia Waste Management Board.

7) When trees are completely removed the stumps shall be cut at ground level and the face of the stump shall be cut parallel with the surrounding grade.

8) Climbing irons or spurs shall not be utilized during vegetation control operations on state-maintained rights-of- way.

9) Vegetation control for single business operations shall be accomplished in accordance with the following:

a. American National Standard for Tree Care Operations – Tree, Shrub, and Other Woody Plant Maintenance – Standard Practice (ANSI A300)
b. American National Standard for Tree Care Operations – Pruning, Trimming, Repairing, Maintaining and Removing Trees, and Cutting Brush – Safety Requirements (ANSI Z133.1)
c. International Society of Arboriculture, Best Management Practices – Tree Pruning

10) The district roadside manager may approve requests for the removal of vegetation having a trunk base diameter greater than 6-inches from state-maintained right-of-way for diseased and dying vegetation, vegetation damaged by insects, undesirable vegetation or vegetation that poses a safety hazard.

11) No pruning of vegetation will be permitted if the cut at the point of pruning exceeds 4-inches in diameter.

12) As deemed necessary by the district roadside manager, the permittee's arborist shall be available to meet on site with VDOT representatives within 24 hours of notification for dispute or performance resolution.

13) The permittee shall contact the *local residency permit office* in the event that emergency vegetation removal is necessary due to a vehicular accident or acts of nature.

14) The use of herbicides on state maintained right-of-way requires the submission of a completed **LUP-CCV** request from, their pesticide business license and subsequent approval by the district roadside manager.

15) All herbicide applicators shall meet the applicable requirements established by the Virginia Department of Agricultural and Consumer Services and maintain a Category 6 (ROW) certification. Activities involving the chemical control of vegetation shall comply with all applicable federal and state regulations.

16) Stump treatments shall be applied to live deciduous cut stumps in accordance with product label directions and specifications.

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:

http://www.virginiadot.org/projects/fxn_class/maps.asp

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.