

October 22, 2024



**Land Use Permit Application for Mobile Food Vending in Commuter Lots
(NOVA District- Planning District Eight Only)**

LUP-CFV

I, the undersigned, hereby acknowledge that I am fully cognizant of all of the following requirements associated with the issuance of a Virginia Department of Transportation (VDOT) land use permit authorizing mobile food vending at a VDOT park and ride lot.

Business Name: _____ **Federal Tax ID No.** _____

Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Business Representative's Name: _____

Business Representative's Signature: _____

Telephone Number: (____) _____ - _____ **E-mail Address:** _____

Location of the VDOT park and ride lot: _____

Name of the VDOT park and ride lot: _____

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 a mobile food vendor to operate in a specific VDOT park and ride lot 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 responsible for obtaining permission from others who may also have an interest in the property.

Application Requirements

This form, accompanied by a surety and the required fee shall be submitted to the VDOT land use permit office covering the park and ride lots in Fairfax, Loudoun and Prince William counties.

Additionally, the applicant shall provide:

1. The type of mobile unit involved (van, trailer, or cart) and, in the case of trailer or cart, where the transporting vehicle will be placed;
2. A sketch showing where on the park and ride lot they would like to park or situate their van, trailer, or cart;
3. The length of mobile unit involved (van, trailer, or cart); and
4. A copy of documentation showing they have authorization from the county and the Virginia Department of Health (VDH) to conduct mobile food vending

Contact Information

Contact information for VDOT offices in Northern Virginia Construction District may be obtained on the VDOT web site at: <https://www.vdot.virginia.gov/about/districts/>

Permit Term and Fees

Land use permits authorizing mobile food vending in park and ride lots are valid for:

- ☐ A period of two (2) months. The 2-month fee is \$250;

Months Requested: _____

Or

- ☐ A single weekend (Saturday and Sunday). The weekend fee is \$110.

Weekend requested: _____

(Check box for the permit term requested or insert weekend dates online)

Commuter lot mobile food vending permits may not be renewed nor extended; requests for vending to continue must be made through the submission of a new permit request. If a mobile food vendor has applied for permission to operate in the same location as another and safe vending space is not available for both, the first to submit their application to the VDOT land use permit office (covering the park and ride lot in question) shall be granted and the other applicant's fee and surety will be returned.

Surety Requirement

The applicant shall provide a surety in the amount of \$1,000 to guarantee the restoration of VDOT facilities in the event of damage, litter pick-up and disposal, or both. The surety may be in the form of cash, check or [LUP-SB](#) surety bond. The surety obligation will only be refunded or released upon:

- 1) Formal request from the permittee indicating that they are discontinuing their mobile food vending operation at the park and ride lot, or, at the end of the permit (if not extended or re-instated); and
- 2) Completion of a final inspection by VDOT of the vending site where the vending operation has been conducted; and
- 3) Appropriate restoration of the right-of-way, including litter pick-up and disposal, which may be deemed necessary to return the right-of-way to pre-operation condition.

General Requirements

- 1) Applicant acceptance and use of a VDOT land use permit is prima facie evidence that the applicant is fully cognizant of all required permit provisions for mobile food vending at VDOT park and ride lots.

- 2) The mobile food vendor shall, at a minimum, abide by the following requirements for mobile food vending in VDOT park and ride lots:
 - a. The permittee's mobile food vending vehicle or trailer shall be located in marked or signed parking spaces or other area designated by the local VDOT office. A vending cart, if used, shall be located on a graveled or paved space that allows adequate pedestrian circulation.
 - b. The mobile food vending vehicle, trailer, or cart shall not be parked so as to obstruct sight lines at intersections or entrances or to interfere with the safe and efficient operation of the park and ride lot.
 - c. The permittee shall not place, put, or affix advertisements within the park and ride lot.
 - d. Vending directly to motor vehicle occupants is prohibited. Vending will be to pedestrians and only from the sidewalk side of the vending vehicle or trailer.
 - e. The permittee shall comply with all relevant local requirements, including noise ordinances, while vending in VDOT park and ride lots.
 - f. The permittee shall provide a waste receptacle for the use of customers while vending and shall maintain the area around their vehicle, trailer, or cart free of loose litter. The waste receptacle provided by the vendor shall be emptied by the permittee at least once each day, in a manner consistent with local ordinances, but the litter from that receptacle shall not be placed within any VDOT or locality-provided waste receptacles at the park and ride lot.
 - g. 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. Said insurance must remain valid as long as the vendor sells their wares on a VDOT park and ride lot.
- 3) 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.
- 4) The permittee shall immediately correct any situation that may arise as a result of these activities that VDOT deems hazardous to the traveling public.
- 5) The permittee shall maintain a copy of the VDOT land use permit and relevant locality permits (or other form of local authorization), VDH permit, and proof of insurance at the mobile food vending site and make them readily available for inspection when requested by VDOT.
- 6) VDOT reserves the right to suspend any or all mobile food vending operations in VDOT park and ride lots in response to maintenance, public safety, or operational concerns and shall be held harmless for any resulting monetary losses by the vendor resulting from said suspension.
- 7) Roadway drainage shall not be blocked or diverted by the temporary occupation of state maintained right-of-way by mobile food vendors. The shoulders, ditches, sidewalk, roadside, drainage facilities, and pavement shall be kept in an operable condition satisfactory to VDOT.

Authorized Hours and Days of Operation

The permittee is authorized to sell food from 5:00 AM Monday through 9:00 PM Friday in the designated park and ride lot.