

October 22, 2024



Land Use Permit Application for Districtwide Wireless Small Cell Facilities LUP-
DWSCF

Sections 56-484.26 through 56-484.31 of the Code of Virginia stipulate that districtwide permits may be issued granting wireless service providers and wireless infrastructure providers the authority to install and maintain small cell facilities on existing non-VDOT structures ("Co-location") located within non-limited access state maintained right-of-way.

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 installation and maintenance of small cell facilities on existing (non-VDOT) structures located within non-limited access 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: _____

Location(s):

Representative's Name: _____

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

Application and Contact Information

Application shall be made for a district-wide VDOT land use permit for wireless small cell facilities within state-maintained right-of-way through the central office permit manager at 1401 East Broad Street, Richmond, VA 23236.

Contact information:

Brent Pollard – brent.pollard@vdot.virginia.gov - (804) 225-3523

Ryan McGrath – ryan.mcgrath@vdot.virginia.gov - (804) 640-3222

Permit Term and Fees

"District" is defined as no more than nine (9) contiguous counties or a single VDOT construction district.

District-wide permits are valid for a period of two (2) years. The 2-year fee for a district-wide permit for the installation, maintenance and removal of small cell facilities is \$750 per district.

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

Surety Requirement

A surety in the amount of ten-thousand dollars (\$10,000.00) per county is required to restore the right-of-way in the event of damage to state-maintained facilities within the immediate proximity of the temporary entrance. The surety may be in the form of cash, check, Irrevocable letter of Credit [LUP-LC](#), or [LUP-SB](#) surety bond.

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 (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 \(virginia.gov\)](#)
- 10) 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.

- 11) 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.
- 12) 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.
- 13) 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.

- 14) All work authorized under the auspices of a VDOT land use permit shall be subject to VDOT's direction.
- 15) 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.
- 16) 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 districtwide 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 districtwide land use permit is not valid unless endorsed by the central office permit manager. The permit is automatically cancelled if the authorized activities are not under the direct supervision of the Permittee or their agent named on the face of the permit.
- 4) 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.
- 5) The Permittee or their agent shall provide notification, including permit number, locality name, route number, latitude/longitude coordinates, and approximate construction dates, to the local residency permit office prior to initiating activities at each site and immediately after concluding activities at each site. A Radio Frequency Emissions Compliance Report, an Intermodulation Study (if located within the radius of impact of Commonwealth of Virginia, toll facility operator, Departments of Energy and Homeland Security, and locality equipment), structure evaluation documentation, and structure owner's authorization for co-location shall accompany the notification for the initiation of construction for each site.
- 6) Small cells 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.

- 7) The Permittee shall install a visible emergency cut-off switch below the antenna, such that a worker operating in a bucket or lift can directly access the cut-off switch from the right-of-way. The cut-off switch shall depower all equipment powering any and all locally installed small cell RF transmission equipment. This shall include but is not limited to radio transmitter/receiver, amplifiers, battery backup systems and antenna signal gain boosters if installed. The Permittee shall provide the Department and its agents unrestricted access through a universal combination lock or other approved method, to a cut-off for the antenna RF from a disconnect switch that is visible from the right-of-way and is labeled. For scheduled work, the Permittee shall make provisions for lowering RF or turning off service while Department officers, agents, employees, volunteers, contractors, or permittees are performing aerial work within the vicinity of the wireless equipment. The Department will provide the Permittee three calendar days' notice when work is scheduled in advance, if wireless radio frequency exposure must be reduced or power turned off due to planned, non-emergency work by VDOT or its contractors around the structure or bridge. In the event of emergency or unscheduled work, the Department or its contractors will call the emergency contact phone number on the tag/label/sign to notify the Permittee of any action taken by the Department or its agents to temporarily turn off the Small Cell RF.
- 8) The Permittee shall provide VDOT with a copy of the "as built" plans in an electronic format acceptable to VDOT including the coordinates of the site, route name and number, corner of intersection-name and location (NW, NE, SW, or SE) if at an intersection, the nearest cross street or major driveway name and approximate distance from if not at an intersection, antenna mounting height and antenna height, approximate distance to VDOT structures, closest devices, bridges within 200 feet.
- 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.
- 11) Prior to turning on power to the facility, 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.

Activities Not Authorized by a District-wide Land Use Permit

A separate single use permit will be required when the following activities associated with the installation and maintenance of end user utility service connections are proposed:

- Cutting highway pavement or shoulders, or both, to locate underground utilities.
- Working within the highway travel lane on a non-emergency basis.
- Working with the limited access right-of-way
- Stopping or impeding highway travel in excess of 15 minutes to pull or drop a service line across a highway.

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.

Permit Revocation

A district-wide permit authorizing installation of wireless small cell facilities on state-maintained highways may be revoked for a minimum of 30 calendar days upon written finding that the permittee violated the terms of the permit or any of the requirements of this chapter, including but not limited to any, all, or a combination of the following:

- The permittee fails to implement all necessary traffic control.
- The permittee fails to utilize VDOT certified flag persons for traffic control.
- The permittee parks vehicles within the right-of-way that constitutes a traffic hazard.
- The permittee performs tree trimming or removal activities without consent from the district roadside manager.
- The permittee performs activities under the jurisdiction of a district-wide permit that requires the issuance of a single use permit.

The permittee must obtain single-site single use permits from the local district permit office where the activity is to occur to continue installing small cell facilities within state-maintained rights of way during this revocation period. In addition VDOT may apply additional penalties in accordance with [§33.2-1221](#).