

August 29, 2024



Land Use Permit Application for Photo Enforcement of High-Risk Intersection Segments

LUP-HRIPE

The Code of Virginia [§ 46.2-882.1](#) provides that a state or local law-enforcement agency may place and operate a photo speed monitoring device at high-risk intersections for the purposes of recording violations.

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 photo speed monitoring devices within highway work zones located on the state-maintained 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:

Work Description:

Type of Device (Handheld or Freestanding) _____

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 of any nature shall be performed on 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 expenses and damages incurred by VDOT as a result of violation of any of the rules and regulations of [24VAC30-151](#). Violators shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided for in [§33.2-210](#) of the Code of Virginia.

Application and Contact Information

Application for a land use permit shall be made through the local residency permit office where the activity is to take place.

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 Fees

The land use permit application fee amount will be determined by the district administrator's designee based on the schedule found in [24VAC30-151-710](#) of the Land Use Permit Regulations.

Surety Requirement

The surety amount will be determined by the district administrator's designee.

Insurance Requirements (excluding County, Town, or City)

The permittee or their agent shall secure and maintain insurance to protect against liability for personal injury and property damage that may arise from the activities performed under the authority of a land use permit and from the operation of the permitted activity up to one million dollars (\$ 1,000,000) each occurrence to protect the Board members and the Department's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Board, the Department, or the Commonwealth in event of suit. 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 or letter of insurance from the issuing insurance agent or agency prior to issuing the land use 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 save harmless the Commonwealth Transportation Board, members of the Board, the Commonwealth, and all Commonwealth employees, agents, and officers, from responsibility, damage, or liability arising from the exercise of the privileges granted in such permit to the extent allowed by law including any sums ordered to be paid or expended by VDOT by any governmental entity as a fine, penalty, or damages for any violation of any applicable environmental law, or to remediate any hazardous or other material, including illicit discharge into VDOT maintained storm sewer systems.
- 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.

High-risk intersection segment

§ 46.2-882.1 defines a "*High-risk intersection segment*" as any highway section located within 1,000 feet of the property limits of a school * that is part of or adjacent to an intersection with a marked crosswalk (on at least one leg of the intersection) where a traffic fatality has occurred since January 1, 2014.

- 1) The identified high-risk intersection segment shall have had a fatality that occurred since January 1, 2014 on and within the identified segment.
- 2) The identified high-risk intersection segment shall be part of or adjacent to an intersection where at least one leg of the intersection has a marked crosswalk.
- 3) All portions of the identified high-risk intersection segment shall be within 1,000 feet of the property limits of a school.
- 4) The identified high-risk intersection segment should not overlap any portion of a school zone where photo speed enforcement has been implemented.

An AGOL map, published by TOD is available (see [HERE](#)) of all public roadway traffic fatalities with an overlay of the available public school property data points (latitude and longitude). It will be the duty of "local law enforcement" to use local or DMV Traffic Records Electronic Data System (TREDS) information to confirm the fatal crash(es) location relative to an appropriate school property boundary and an adjacent intersection with a marked crosswalk.

* § 46.2-882.1 nor elsewhere in the *Code of Virginia* is "school" defined. Therefore, for the purposes of establishing school-related signs per § 46.2-873 etc. VDOT relies on the definition from the MUTCD which defines a "school" as a public or private educational institution applying to one or more of grades K-12 and which excludes preschools, day cares, colleges, or universities. Note § 46.2-882.1 refers to a "*School crossing zone*" has the

same meaning ascribed to it in § 46.2-873

Permit Specific Requirements

- 1) The permit may be issued to either the locality or law enforcement to deploy the photo speed monitoring devices and supplemental warning signs.
- 2) A separate permit shall be required for each high-risk intersection.
- 3) The LUP shall include certification by the law-enforcement agency that a traffic fatality has occurred since January 1, 2014 on the identified high-risk intersection segment.
- 4) If the photo enforcement equipment is attached to a trailer that is temporarily parked within VDOT ROW, then the trailer shall be placed and guarded by channelizing devices as per the Virginia Work Area Protection Manual Figure 6F-6.
- 5) If the photo enforcement equipment is attached to a pole permanently placed within VDOT ROW, then the pole shall be designed and installed as per *VDOT Road and Bridge Standards* standard PF-2 for a pedestal pole and pedestal pole foundations.

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) For freestanding WZSSC installations, 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
- 10) 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.

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 cleaned (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: http://www.virginiadot.org/business/resources/IIM/TE-383_Request_for_Marking_VDOT_Utility_Location.pdf

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.

Environmental

- 1) In accordance with the Virginia Department of Transportation (VDOT) Road and Bridge Specification 107.16, 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 2,500 square feet or greater in Tidewater, 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 utility and/or commercial right of way improvement. 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 district 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. The permittee shall provide evidence of such compliance to the local district 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 district 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 district 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.

Final Inspection and Completion of Permit

Upon completion of the work covered by this permit all disturbed areas outside of the roadway prism shall be restored to their original condition as found prior to starting such work.

Completion of this permit is contingent upon the permittee's completion of the authorized work in accordance with the approved plan and compliance with all governing bodies involved in the total completion of work on state-maintained right-of-way.

Upon completion of the work under permit, the permittee shall provide notification, documented in writing or electronic communication, to the district administrator's designee requesting final inspection. This request shall include the permit number, county name, route number and name of the party or parties to whom the permit was issued.

The district administrator's designee shall promptly schedule an inspection of the work covered under the permit and advise the permittee of any necessary corrections.

Signs

Per § 46.2-882.1, a conspicuous sign shall be placed within 1,000 feet of any high-risk intersection segment at which a photo speed monitoring device is used, indicating the use of the device.

- 1) To satisfy this requirement the sign in Figure 1 shall be installed in advance of the high-risk intersection segment as indicated. See Figure 3 for sign specifications.
- 2) Additionally, a posted speed limit (R2-1) sign with a “photo enforced” plaque (R10-19p) attached shall be installed to denote the beginning of the identified high-risk intersection segment in each travel direction as shown in Figure 2.
- 3) The “Speed Limits Photo Enforced” sign in Fig 1 (R?-V? TBD) shall be placed (anywhere) within 1,000 feet in advance of the “Speed Limit XX MPH Photo Enforced” sign in Fig 2 but is recommended to be placed at least 500 feet in advance to give ample advance notice to drivers of the phot enforcement. Otherwise, it should be placed at the minimum distance required per the MUTCD “Guidelines for Advance Placement of Warning Signs.”
- 4) Signs shall meet all MUTCD and VA Supplement requirements for mounting height and lateral placement and shall be placed on standard VDOT signposts as per the Road & Bridge Standards.
- 5) Signs may be permanently placed even where photo enforcement is not always present, where law enforcement conducts periodic speed enforcement of the high-risk intersection segment such as via a mobile trailer. Alternatively, the “Speed Limits Photo Enforced sign” may be deployed using a portable sign stand that is only present when there is active sign enforcement. In those cases, the supplementary plaque indicating “24 HOURS” shall not be used. Portable sign stands shall be deployed per the VWAPM.

FIGURE 1



R?-V? (TBD)

FIGURE 2

R2-1

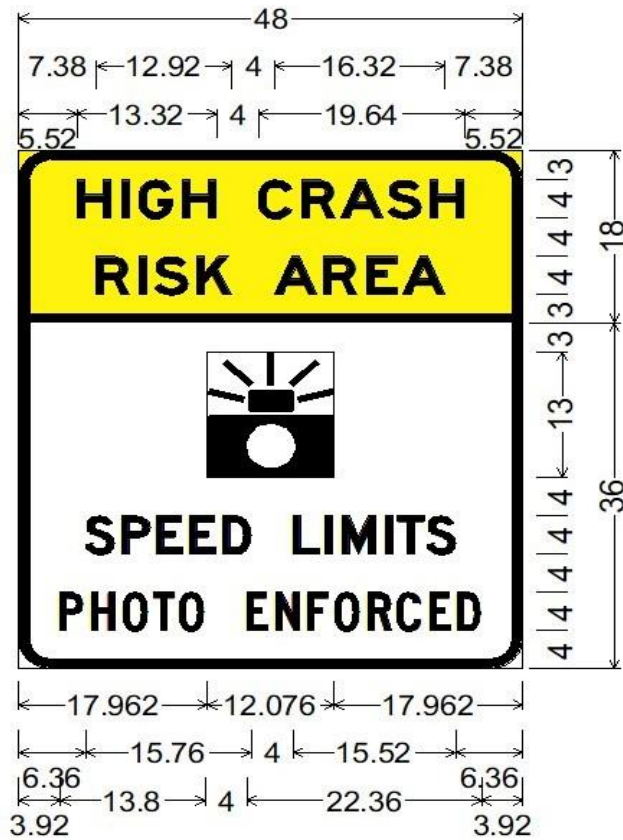
R10-19p

Required: Standalone sign placed 500 feet upstream of the start of the high-crash segment (on signpost or portable sign stand).



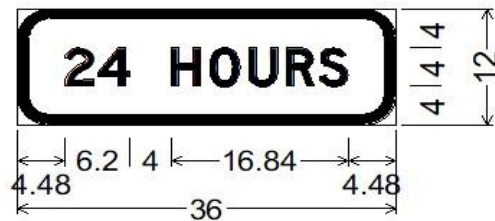
R10-19P Sign plaque placed beneath existing R2-1 sign.

FIGURE 3



3.000" Radius, 1.000" Border, Black on Fluorescent yellow;
 "HIGH CRASH", E 2K;
 "RISK AREA", E 2K;

3.000" Radius, 1.000" Border, Black on White;
 Photo Enforced Symbol;
 "SPEED LIMITS", D 2K;
 "PHOTO ENFORCED", C 2K;



3.000" Radius, 1.000" Border, Black on White;
 "24 HOURS", D 2K;