

CHAPTER 21.

24VAC30-21-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Board" means the Commonwealth Transportation Board.

"Commissioner" means the Commonwealth Transportation Commissioner, the individual who serves as the chief executive officer of the Virginia Department of Transportation (VDOT) or his designee.

"Commonwealth" means the Commonwealth of Virginia.

"Right of way" means that property within the entire area of every way or place of whatever nature within the system of state highways under the ownership, control, or jurisdiction of the board or VDOT, which is open or which is to be opened within the future for the use of the public for purposes of travel in the Commonwealth. The area set out above includes not only the traveled portion but the entire area within and without the traveled portion, from boundary line to boundary line, and also all parking and recreation areas which are under the ownership, control, or jurisdiction of the board or VDOT.

"System of state highways" means all highways and roads under the ownership, control, or jurisdiction of the board including, but not limited to, the primary, secondary, and interstate systems.

"VDOT" means the Virginia Department of Transportation, the Commonwealth Transportation Commissioner, or a designee.

24VAC30-21-20. General provisions concerning permits.

A. No work of any nature shall be performed on any real property under the ownership, control or jurisdiction of the board or VDOT, including but not limited to, the right of way of any highway in the system of state highways until written permission is first obtained from VDOT. Written permission, under this section, is granted by way of permit. In addition, the letting of a contract by and between VDOT and any other party, grants to that party automatically such permission for the area under contract, unless otherwise stated in the contract. VDOT is authorized to establish specific requirements for such permits, including, but not limited to, permit authority, application procedure, and conditions under which a permit may be denied or revoked.

B. No land use permit shall be issued until the applicant has complied with the conditions set forth in and pursuant to applicable VDOT regulations filed as part of the Virginia Administrative Code.

C. Applicants to whom permits are issued shall at all times indemnify and save harmless the 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 by these permits.

D. Any structure placed upon or within the right of way pursuant to a permit issued by VDOT shall be relocated or removed whenever ordered by VDOT. Such relocation or removal shall be accomplished at no expense to the Commonwealth, unless VDOT agrees or has agreed otherwise.

24VAC30-21-30. General provisions concerning use of right of way.

A. No person, firm, or corporation shall use or occupy the right of way of any highway for any purpose except travel, except as may be authorized by VDOT, either pursuant to regulation or as provided by law.

B. Except as permitted by subdivision 2 of this section, the following restrictions apply to activities occurring on bridges forming a part of the system of state highways:

1. No person, firm, or corporation shall stand or park a vehicle of any description on any bridge unless authorized by VDOT.

2. No person shall fish or seine from any bridge except when facilities are provided for such purposes as set out in § 33.1-207 of the Code of Virginia.

3. No person, firm or corporation shall use any bridge as a wharf from which to load or unload any vehicle, or as a place of deposit for any property, or for any other purpose except crossing.

4. No master or owner of any vessel shall make it fast to or lay it alongside such bridge.

5. Provisions of this section shall not apply to highway maintenance vehicles or vessels.

C. No person, firm, or corporation shall, without the consent of VDOT, remove, injure, destroy, break, deface, or in any way tamper with any property, real or personal, which is growing or has been placed on the right of way of any highway within the system of state highways by or with the consent of VDOT.

D. No person, firm, or corporation may cause water to flow from any source upon the right of way of any highway within the system of state highways, nor shall any person, firm, or corporation cause any increase of the water, at present, lawfully on the right of

way of any highway or concentrate the flow of water upon the right of way of any highway in the system of state highways without the written consent of VDOT.

E. No road, railroad, or tracks of any description shall be laid along, upon, or across any portion of a highway in the system of state highways without the written consent of VDOT.

24VAC30-21-40. Board authority to regulate entrances from adjacent property to right of way of highways within the state highway system.

The board, under § 33.1-12(3) of the Code of Virginia, reserves the power to regulate entrances from adjacent property upon the right of way of any highway within the system of state highways. No entrance of any nature shall be made, built, or constructed upon the right of way of any highway within the system of state highways until the location has been determined in the opinion of the commissioner or designee of VDOT to be acceptable from a public safety standpoint, and further, until approval has been granted by VDOT. The design and construction of such entrances as approved by the commissioner pursuant to §§ 33.1-198 and 33.1-198.1 of the Code of Virginia, must comply with VDOT's regulations where applicable.

24VAC30-21-50. Placement of airport or heliport facilities.

No airport runways, heliports, etc., either private or commercial, shall be placed adjacent to highway right of way in such a manner as to impede the safe flow of vehicular traffic. Runways, etc., shall be placed a proper distance to allow a minimum glide slope for aircraft of 3° approaching said runway, or at a height over the roadway of 30 feet, whichever is the greater. All airports or heliports, or both, proposed in the

vicinity of highway rights of way shall take these minimum road clearances into consideration when planning the location of the end of their runways.

24 VAC 30-21-60. Use of electronic means for submitting documents or payments.

Where practicable, VDOT regulations shall allow the alternative of submitting any documents or payments by electronic means.