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CHAPTER 151
LAND USE PERMIT REGULATIONS
Part I

Definitions

24VAC30-151-10. Definitions.

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

"Backfill" means replacement of suitable material compacted as specified around and over a pipe, conduit, casing, or gallery.

"Boring" means a method of installation that is done underground and by which a carrier or casing is jacked through an oversize bore. The bore is carved progressively ahead of the leading edge of the advancing pipe as soil is forced back through the pipe. Directional drilling, coring, jacking, etc., are also considered boring.

"Carrier" means a pipe directly enclosing a transmitted liquid or gas .

"Casing" means a larger pipe enclosing a carrier.

"Central Office Permit Manager" means the VDOT employee assigned to provide management, oversight, and technical support for the state-wide land use permit program.

"Clear zone" means the unobstructed, relatively flat area provided beyond the edge of the traveled way for the recovery of errant vehicles. The width of the clear zone is determined by the type of facility, traffic volume, speed, horizontal alignment and embankment and is detailed in VDOT's Road Design Manual (see 24VAC30-151-760).

"Code of Federal Regulations " or "CFR" means the regulations promulgated by the administrative and regulatory agencies of the federal government.

"Commercial entrance" means any entrance serving land uses other than two or fewer individual private residences. (See "private entrance.")

"Commonwealth" means the Commonwealth of Virginia.

"Commonwealth Transportation Commissioner" means the individual serving as the chief executive officer of the Virginia Department of Transportation or a designee.

"Conduit" means an enclosed tubular runway for carrying wires, cable or fiber optics.

"Cover" means the depth of the top of a pipe, conduit, or casing below the grade of the roadway, ditch, or natural ground.

"Crossing" means any utility facility that is installed across the roadway, either perpendicular to the longitudinal axis of the roadways or at a skew of no less than 60 degrees to the roadway centerline.

"District administrator" means the VDOT employee assigned the overall supervision of the departmental operations in one of the Commonwealth's nine construction districts.

"District administrator's designee" means the VDOT employee assigned to supervise land use permit activities by the district administrator. In districts having centralized functions for the review and approval of site plans, this position may be either:

1. The district land development manager or
2. Any other position specifically designated to perform these functions.

"District roadside manager" means the VDOT employee assigned to provide management, oversight and technical support for district-wide vegetation program activities.

"Drain" means an appurtenance to discharge liquid contaminants from casings.

"Encasement" means a structural element surrounding a pipe.

"Erosion and sediment control" means the control of soil erosion or the transport of sediments caused by the natural forces of wind or water.

"Grounded" means connected to earth or to some extended conducting body that serves instead of the earth, whether the connection is intentional or accidental.

"Highway," "street," or "road" means a public way for purposes of vehicular travel, including the entire area within the right-of-way.

"Limited access highway" means a highway especially designed for through traffic over which abutters have no easement or right of light, air, or access by reason of the fact that their property abuts upon such limited access highway.

"Longitudinal installations" means any utility facility that is installed parallel to the centerline of the roadway or at a skew of less than 60 degrees to the roadway centerline.

"Manhole" means an opening in an underground system that workers or others may enter for the purpose of making installations, inspections, repairs, connections and tests.

"Median" means the portion of a divided highway that separates opposing traffic flows.

"Nonbetterment cost" means the cost to relocate an existing facility as is with no improvements.

"Permit" means a document that sets the conditions under which VDOT allows its right-of-way to be used or changed.

"Permittee" means the person or persons, firm, corporation or government entity that has been issued a land use permit.

"Pipe" means a tubular product or hollow cylinder made for conveying materials.

"Pole line" means poles or a series or line of supporting structures such as towers, cross arms, guys, racks (conductors), ground wires, insulators and other materials assembled and in place for the purpose of transmitting or distributing electric power or communication, signaling and control. It includes appurtenances such as transformers, fuses, switches, grounds, regulators, instrument transformers, meters, equipment platforms and other devices supported by poles.

"Power line" means a line for electric power or communication services.

"Pressure" means relative internal pressure in pounds per square inch gauge (psig).

"Private entrance" means an entrance that serves up to two private residences and is used for the exclusive benefit of the occupants or an entrance that allows agricultural operations to obtain access to fields or an entrance to civil and communication infrastructure facilities that generate 10 or fewer trips per day such as cell towers, pump stations, and stormwater management basins.

"Professional engineer" means a person who is qualified to practice engineering by reason of his special knowledge and use of mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and experience, and whose competence has been attested by the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects through licensure as a professional engineer.

"Relocate" means to move or reestablish existing facilities.

"Right-of-way" means that property within the system of state highways that is open or may be opened for public travel or use or both in the Commonwealth. This definition

includes those public rights-of-way in which the Commonwealth has a prescriptive easement for maintenance and public travel. The property includes the travel way and associated boundary lines, parking and recreation areas and other permanent easements for a specific purpose.

"Roadside" means the area adjoining the outer edge of the roadway. The median of a divided highway may also be considered a "roadside."

"Roadway" means the portion of a highway, including shoulders, for vehicular use. A divided highway has two or more roadways.

"Service connections" means any utility facility installed overhead or underground between a distribution main, pipelines, or other sources of supply and the premises of the individual customer.

"Site plan" means the engineered or surveyed drawings depicting proposed development of land.

"Storm sewer" means the system containing and conveying roadway drainage.

"Stormwater management" means the engineering practices and principles used to intercept stormwater runoff, remove pollutants and slowly release the runoff into natural channels to prevent downstream flooding.

"Structure" means that portion of the transportation facility that spans space, supports the roadway, or retains soil. This definition includes, but is not limited to, bridges, tunnels, drainage structures, retaining walls, sound walls, signs, traffic signals, etc.

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

"Telecommunication service" means the offering of telecommunications for a fee directly to the public or to privately, investor- or cooperatively owned entities.

"Transportation project" means a public project in development or under construction to provide a new transportation facility or to improve or maintain the existing system of state highways.

"Traveled way" means the portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

"Trenched" means installed in a narrow, open excavation.

"Underground utility facilities" means any item of public or private property placed below ground or submerged for use by the utility.

"Utility" means a privately, publicly or cooperatively owned line, facility, or system for producing, transmitting, or distributing telecommunications, cable television, electricity, gas, oil, petroleum products, water, steam, storm water not connected with highway drainage, or any other similar commodity, including any fire or police signal system.

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

"Vent" means an appurtenance to discharge gaseous contaminants from a casing or carrier pipe.

"Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Part II Authority

24VAC30-151-20. Authority.

The General Rules and Regulations of the Commonwealth Transportation Board (see 24VAC30-151-760) are adopted pursuant to the authority of § 33.1-12 of the Code of Virginia, and in accordance with the Virginia Administrative Process Act (Chapter 40 (] § 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia). These rules and regulations 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. Real property includes, but is not limited to, the right-of-way of any highway in the state highways system. Written permission is granted either by permit or a state-authorized contract let by VDOT. 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. Employees of VDOT are authorized to issue permits as described in this chapter. This chapter prescribes the specific requirements of such permits.

24VAC30-151-30. Permits and agreements.

A. The following shall apply to all authorized use or occupancy of the right of way:

1. A permit is required for any type of utility activity occurring within the right-of-way.
2. A permit is required to install any entrance onto a state highway.
3. A permit is required to perform surveying operations within the right-of-way.
4. A permit is required for any agricultural and commercial use and occupancy of the right-of-way.
5. A permit is required for any miscellaneous activity or use of the right-of-way except for mailboxes and newspaper boxes (see 24VAC30-151-560) and public service signs (see 24VAC30-151-570).

B. Single use permits. A single use permit allows the permittee to perform any approved activities not covered by a districtwide permit held by the permittee within limited access and nonlimited access rights-of-way at a specific location.

The district administrator's designee shall be responsible for the issuance of all single use permits, except that those requests for tree trimming and tree removal may be issued by the district roadside manager in consultation with the district administrator's designee. The size of the "specific location" covered by a single use permit shall be at the discretion of the district administrator's designee and may cover work up to two miles along the right-of-way (see 24VAC30-151-40). The land use permit issued for the original installation allows the permittee to repair or perform routine maintenance operations to existing facilities. A single use permit shall be required when the following actions are proposed, even if the activities being conducted are normally allowed under a districtwide permit:

1. Stopping or impeding highway travel in excess of 15 minutes or implementing traffic control that varies from the standard, or any combination of these, as outlined in the Virginia Work Area Protection Manual (see 24VAC30-151-760).
2. Performing work within limited access right-of-way.
3. Trimming or cutting any trees located within the right-of-way.
4. Applying any pesticide or landscaping within the right-of-way.
5. Construction of a permanent entrance to a state highway.

C. Districtwide permits. A districtwide permit allows the permittee to perform multiple occurrences of certain activities on nonlimited access right-of-way without obtaining a single use permit for each occurrence. The central office permit manager shall be responsible for the issuance of all districtwide permits. VDOT may authorize districtwide permits covering multiple districts (see 24VAC30-151-710).

The following is a list of acceptable activities under the jurisdiction of districtwide permits:

1. Utilities.

a. Districtwide permits may be issued granting cities, towns, counties, public agencies, or utility companies the authority to install and maintain service connections to their existing main line facilities. Work under a districtwide permit will allow the permittee to install a service connection across a nonlimited access primary or secondary highway above or below ground, provided the installation can be made from the side of the roadway without impeding travel for more than 15 minutes to pull or drop a service line across a highway, and provided no part of the roadway pavement, shoulders and ditch lines will be disturbed. The installation of parallel utility service connections, not to exceed 500 feet in length, shall be placed along the outer edge of the right-of-way with a minimum of 36 inches of cover. Telecommunications and cable television service connections may be placed with a minimum of 18 inches of cover; however the permittee assumes full responsibility for any and all damages caused by VDOT or VDOT contractors resulting from a service connection buried with less than 30 inches of cover within the right-of-way.

A districtwide permit allows for the overlashing of telecommunication lines onto existing lines or strand.

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

- (1) Cutting highway pavement or shoulders, or both, to locate underground utilities.
- (2) Working within the highway travel lane on a non-emergency basis.
- (3) Constructing a permanent entrance.

- (4) Installing electrical lines that exceed 34.5 KV.
- (5) Installing telecommunication services that exceed 100 pair copper cable or the fiber optic cable diameter equivalent.
- (6) Installing new pole, anchors, parallel lines, or casing pipe extensions to existing utilities where such installation necessitates disturbance to the pavement, shoulder or ditch line.
- (7) Installing underground telephone, power, cable television, water, sewer, gas, etc. service connections or laterals where the roadway or ditch lines are to be disturbed.

c. The installation of parallel utility service connections, not to exceed 500 feet in length, shall be placed along the outer edge of the right-of-way with a minimum of 36 inches of cover. Telecommunications and cable television service connections may be placed with a minimum of 18 inches of cover; however the permittee assumes full responsibility for any and all damages caused by VDOT or VDOT contractors resulting from a service connection buried with less than 30 inches of cover within the right-of-way.

d. A districtwide permit allowing the installation and maintenance of utility service connections 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:

(1) The permittee shall implement all necessary traffic control in accordance with the Virginia Work Area Protection Manual (see 24VAC30-151-760). When warranted, the appropriate Regional Traffic Engineer should be consulted to select or tailor the proper traffic control devices. Each flag-person must be certified by VDOT and carry a certification card when flagging traffic and have it readily available for inspection when requested by authorized personnel.

(2) The permittee shall not perform any activity under the jurisdiction of a districtwide permit that requires the issuance of a single use permit.

e. The permittee must obtain individual land use permits from the district administrator's designee to continue the installation and maintenance of utility service connections during this revocation period.

2. Temporary logging entrances.

a. Districtwide permits may be issued for the installation, maintenance, and removal of temporary entrances onto non-limited access primary and secondary highways for the purpose of harvesting timber.

b. A separate single use permit is required when the following activities associated with timber harvesting operations are proposed:

(1) Installing a permanent entrance.

(2) Making permanent upgrades to an existing entrance. Improvements to existing entrances that are not permanent upgrades will not require a separate single use permit.

(3) Cutting pavement.

(4) Grading within the right-of-way beyond the immediate area of the temporary entrance.

c. A logging entrance permit 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:

(1) The permittee shall implement all necessary traffic control in accordance with the Virginia Work Area Protection Manual (see 24VAC30-151-760). When warranted, the appropriate district traffic engineer should be consulted to select or tailor the proper traffic control measures. Each flag-person must be certified by VDOT and carry a certification card and have it available for inspection upon request by authorized VDOT personnel.

(2) The permittee shall contact the appropriate district administrator's designee prior to installing a new logging entrance or initiating the use of an existing entrance for logging access.

(3) The permittee shall contact the appropriate district administrator's designee for final inspection upon completion of logging activities and closure of the temporary entrance.

(4) The permittee shall restore all disturbed right-of-way at the temporary entrance, including but not limited to ditches, shoulders, and pavement, to

pre-activity condition subject to acceptance by the appropriate district administrator's designee.

(5) The permittee shall remove excessive mud and any debris that constitutes a hazardous condition from the highway pursuant to a request from the appropriate district administrator's designee. Non-compliance may also result in the issuance of a separate citation from the Virginia State Police or a local law enforcement authority.

(6) The permittee shall not perform any activity under the jurisdiction of a districtwide permit that requires the issuance of a single use permit.

d. The permittee must obtain single use permits from the appropriate district administrator's designee to continue accessing state maintained highways for the purpose of harvesting timber during this revocation period.

3. Surveying.

a. Districtwide permits may be issued for surveying operations on nonlimited access primary and secondary highways subject to the following:

(1) No trees are to be trimmed or cut without the district roadside manager's approval, which may be provided electronically or in written form.

(2) No pins, stakes, or other survey markers that may interfere with mowing operations or other maintenance activities are to be placed within the right-of-way.

(3) No vehicles shall be parked so as to create a traffic hazard. Parking on through lanes is strictly prohibited.

b. A separate single use permit is required when the following surveying activities are proposed:

(1) Entering onto limited access right-of-way. Consideration for the issuance of such permits will be granted only when the necessary data cannot be obtained from highway plans, monuments, triangulation, or any combination of these, and the applicant provides justification for entry onto the limited access right-of-way.

(2) Stopping or impeding highway travel in excess of 15 minutes or varying the implementation of standard traffic control, or any combination of these, as

outlined in the Virginia Work Area Protection Manual (see 24VAC30-151-760).

(3) Trimming or cutting any trees located within the right-of-way.

(4) Cutting highway pavement or shoulders to locate underground utilities.

c. A districtwide permit for surveying activities 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:

(1) The permittee shall implement all necessary traffic control in accordance with the Virginia Work Area Protection Manual (see 24VAC30-151-760). When warranted, the appropriate Regional Traffic Engineer should be consulted to select or tailor the proper traffic control devices. Each flag-person must be certified by VDOT and carry a certification card when flagging traffic and have it readily available for inspection when requested by authorized personnel.

(2) The permittee shall not perform any activity under the jurisdiction of a districtwide permit that requires the issuance of a single use permit.

d. The permittee must obtain single use permits from the district administrator's designee to continue surveying activities during this revocation period.

D. In-place permits. In-place permits allow utilities to remain within the right-of-way of newly constructed secondary streets. These utilities shall be installed according to VDOT approved street plans and shall be in place prior to VDOT street acceptance.

E. Prior-rights permits. Prior rights permits allow existing utilities to remain in place that are not in conflict with transportation improvements authorized under the auspices of a land use permit.

F. As-built permits. Agreements for the relocation of utilities found to be in conflict with a transportation project may stipulate that an as-built permit will be issued upon completion of the project.

G. Agreements. In addition to obtaining a single use permit, a utility may be required to enter an agreement with VDOT allowing the utility to use the limited access right-of-

way in exchange for monetary compensation, the mutually agreeable exchange of goods or services, or both.

1. Permit agreement. A permit agreement is required for:
 - a. Any new longitudinal occupancy of the limited access right-of-way where none have existed before, as allowed for in 24VAC30-151-300 and 24VAC30-151-310.
 - b. Any new communication tower or small site facilities installed within the right-of-way, as allowed for in 24VAC30-151-350.
 - c. Any perpendicular crossing of limited access right-of-way, as allowed for in 24VAC30-151-310.

All permit agreements shall specify the terms and conditions required in conjunction with work performed within the right-of-way. If appropriate, all agreements shall provide for the payment of monetary compensation as may be deemed proper by the Commonwealth Transportation Commissioner for the privilege of utilizing the right-of-way.

2. Shared resource agreement. A shared resource agreement allows the utility to occupy the limited access right-of-way in exchange for the utility providing the needed VDOT facility or services. VDOT and the utility will agree upon the appropriate facilities or services to be provided and will establish the length of the term that will be compensated through the infrastructure needs or monetary compensation, or both. Any shared resource agreement shall also provide for compensation as may be deemed proper by the Commonwealth Transportation Commissioner in any renewal term. The shared resource agreement shall specify the initial and renewal terms of the lease.

24VAC30-151-40. General rules, regulations and requirements.

A. A land use permit is valid only on highways and rights-of-way under VDOT's jurisdiction. This permit neither implies nor grants otherwise. County and city permits must be secured for work on roads and streets under their jurisdictions. A land use permit covers the actual performance of work within highway rights-of-way and the subsequent maintenance, adjustments or removal of the work as approved by the central office permit manager or the district administrator's designee. Permits for communications facility towers may only be issued by the Commonwealth Transportation Commissioner. The Commonwealth Transportation Commissioner shall

approve all activities within limited access right-of-way prior to permit issuance. All permits shall be issued to the owner of the facility within highway rights-of-way or adjacent property owner in the case of entrance permits. Permits may be issued jointly to the owner and his contractor as agent. The applicant shall comply with all applicable federal, state, county and municipal requirements.

B. Application shall be made for a district-wide permit through the central office permit manager and for single use permits from the district administrator's designee responsible for the county where the work is to be performed. The applicant shall submit site plans or sketches for proposed installations within the right-of-way to VDOT for review, with studies necessary for approval. VDOT may require electronic submission of these documents. Where work is of a continuous nature along one route, or on several routes within one jurisdiction, it may be consolidated into one permit application. The applicant shall also submit any required certifications for staff performing or supervising the work, and certification that applicable stormwater management requirements are being met. The plans shall include the ultimate development and also any applicable engineering design requirements. VDOT retains the authority to deny an application for or revoke a land use permit to ensure the safety, use, or maintenance of the highway right-of-way, or in cases where a law has been violated relative to the permitted activity.

C. The proposed installation granted by this permit shall be constructed exactly as shown on the permit or accompanying sketch. Distances from edge of pavement, existing and proposed right-of-way line, depths below existing and proposed grades, depths below ditch line or underground drainage structures, or other features shall be shown. Any existing utilities within close proximity of the permittee's work shall be shown. Location of poles, guys, pedestals, relief valves, vent pipes, etc. shall be shown. Height of wires or cables above the crown of the roadway shall be shown.

D. In the event of an emergency situation that requires immediate action to protect persons or property, work may proceed within the right-of-way without authorization from the district administrator's designee; however, the permittee must contact the VDOT Emergency Operations Center as soon as reasonably possible but no later than 48 hours after the end of the emergency situation.

E. The land use permit is not valid unless signed by the central office permit manager or district administrator's designee.

F. The permittee shall secure and carry sufficient insurance to protect against liability for personal injury and property damage that may arise from the work performed under the authority of a land use permit and from the operation of the permitted activity. Insurance must be obtained prior to start of permitted work and shall remain valid through the permit completion date. The central office permit manager or the district administrator's designee may require a valid certificate or letter of insurance from the issuing insurance agent or agency prior to issuing the land use permit.

G. VDOT and the Commonwealth shall be absolved from all responsibilities, damages and liabilities associated with granting the permit. All facilities shall be placed and maintained in a manner to preclude the possibility of damage to VDOT owned facilities or other facilities placed within the highway right-of-way by permit.

H. A copy of the land use permit and approved site plans or sketches shall be maintained at every job site and such items made readily available for inspection when requested by authorized personnel. Strict adherence to the permit is required at all times. Any activity other than that described in the permit shall render the permit null and void. Any changes to the permit shall be coordinated and approved by the district administrator's designee prior to construction.

I. For permit work within the limits of a VDOT construction project, the permittee must obtain the contractor's consent in writing before the permit will be issued. The permittee shall coordinate and schedule all permitted work within the limits of a VDOT construction project to avoid conflicts with contracted work.

J. Disturbances within the right-of-way shall be kept to a minimum during permitted activities. Permit applications for proposed disturbances within the right-of-way that include disturbance on property directly adjacent to the right-of-way, in which the combined area of disturbance constitutes a land-disturbing activity as defined in § 10.1-560 of the Code of Virginia and the Virginia Stormwater Management Program (VSMP) Permit Regulations (see 24VAC30-151-760), must be accompanied by documented approval of erosion and sediment control plans and stormwater management plans, if applicable, from the corresponding jurisdictional local or state government plan approving authority.

K. Restoration shall be made in accordance with VDOT Road and Bridge Specifications ; VDOT Road and Bridge Standards ; Virginia Erosion and Sediment Control Handbook, 3rd Edition, a technical guide to the Erosion and Sediment Control

Regulations ; and the Virginia Stormwater Management Handbook, 1st edition, Volumes 1 and 2, a technical guide to the Virginia Stormwater Management Program (VSMP) Permit Regulations (see 24VAC30-151-760).

Additionally, the permittee shall:

1. Ensure compliance with the Erosion and Sediment Control Regulations and the Virginia Stormwater Management Program (VSMP) Permit Regulations (see 24VAC30-151-760).
2. Ensure copies of approved erosion and sediment control plans, stormwater management plans, if applicable, and all related non-VDOT issued permits are available for review and posted at every job site at all times.
3. Take all necessary precautions to ensure against siltation of adjacent properties, streams, etc. in accordance with VDOT's policies and standards and the Virginia Erosion and Sediment Control Handbook, 3rd edition, and the Virginia Stormwater Management Manual (see 24VAC30-151-760).
4. Keep dusty conditions to a minimum by using VDOT-approved methods.
5. Cut pavement only as approved by the district administrator's designee. Pavement cuts, restoration and compaction efforts, to include all materials, shall be accomplished in accordance with VDOT Road and Bridge Specifications (see 24VAC30-151-760).
6. Ensure that an individual certified by VDOT in erosion and sediment control is present whenever any land-disturbing activity governed by the permit is performed. All land disturbance activities performed under a VDOT land use permit shall be in accordance with all local, state and federal regulations. The installation of underground facilities by a boring method shall only be deemed as a land-disturbing activity at the entrance and exit of the bore hole and not the entire length of the installation.
7. Stabilize all disturbed areas immediately upon the end of each day's work and reseed in accordance with VDOT Road and Bridge Specifications (see 24VAC30-151-760). Temporary erosion and sediment control measures shall be installed in areas not ready for permanent stabilization.
8. Ensure that no debris, mud, water, or other material is allowed on the highways. Permission, documented in writing or electronic communication, must be obtained from VDOT prior to placing excavated materials on the pavement.

When so permitted, the pavement shall be cleaned only by approved VDOT methods.

L. Accurate "as built" plans and profiles of work completed under permit shall be furnished to VDOT upon request, unless waived by the district administrator's designee. For utility permits, the owner shall maintain records for the life of the facility that describe the utility usage, size, configuration, material, location, height or depth and special features such as encasement.

M. All work shall be performed in accordance with the Underground Utility Damage Prevention Act (Chapter 10.3 (§ 56.265.14 et seq.) of Title 56 of the Code of Virginia) and the Rules for Enforcement of the Underground Utility Damage Prevention Act (see 24VAC30-151-760). For work within 1,000 feet of traffic signals or adjacent to other VDOT utilities, the permittee shall contact the district administrator's designee prior to excavation. The permittee shall notify VDOT on the business day preceding 48 hours before excavation.

N. Permission, documented in writing or electronic communication, must be obtained from the district administrator's designee prior to blocking or detouring traffic. Additionally, the permittee shall:

1. Employ safety measures including, but not limited to, certified flaggers, adequate lights and signs.
2. Conduct all permitted activities in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) and related special provisions (see 24VAC30-151-760) and the typical traffic control figures from the Virginia Work Area Protection Manual (see 24VAC30-151-760).
3. Plan construction and maintenance operations with regard to safety and minimum traffic interference.
4. Coordinate notification with all county or municipal officials.
5. Ensure that permitted work does not interfere with traffic during periods of peak flow on heavily traveled highways.
6. Plan work so that closure of intersecting streets, road approaches and other access points is held to a minimum and as noted and approved in the permit documents.

7. Maintain safe access to all entrances and normal shoulder slope of the roadway across the entire width of the entrance.

O. All construction activities shall conform to Occupational Safety & Health Administration (OSHA) requirements.

P. The permittee shall be responsible for any settlement in the backfill or pavement for a period of two years after the completion date of permit, and for the continuing maintenance of the facilities placed within the highway right-of-way. A one year restoration warranty period may be considered, provided the permittee adheres to the following criteria:

1. The permittee retains the services of a professional engineer (or certified technician under the direction of the professional engineer) to observe the placement of all fill embankments, pavement, and storm sewer and utility trench backfill.

2. The professional engineer (or certified technician under the direction of the professional engineer) performs any required inspection and testing in accordance with all applicable sections of VDOT's Road and Bridge Specifications (see 24VAC30-151-760).

3. The professional engineer submits all testing reports for review and approval, and provides written certification that all restoration procedures have been completed in accordance with all applicable sections of VDOT's Road and Bridge Specifications (see 24VAC30-151-760) prior to completion of the work authorized by the permit.

Q. The permittee shall immediately notify the nearest VDOT official who approved the land use permit of involvement in any personal or vehicular accident at the work site.

R. Stormwater management facilities or wetland mitigation sites shall not be located within VDOT rights-of-way unless the Commonwealth Transportation Board has agreed to participate in the use of a regional facility authorized by the local government. Stormwater management facilities or wetlands mitigation sites shall be designed and constructed to minimize impact within VDOT right-of-way. VDOT's share of participation in a regional facility will be the use of the right-of-way where the stormwater management facility or wetland mitigation site is located.

S. The permittee shall notify, by telephone, voice mail message, or email, the VDOT office where the land use permit was obtained prior to commencement of the permitted activity or any nonemergency excavation within the right-of-way.

T. 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.

24VAC30-151-50. Violations of rules and regulations.

A. Objects placed on, above, or under the right-of-way in violation of the general rules and regulations shall be removed within 10 calendar days of VDOT notification. Objects not removed within 10 calendar days shall be moved at the owner's expense. Objects requiring immediate removal for public safety, use, or maintenance of any highway shall be moved immediately at the owner's expense. The provisions of § 33.1-373 of the Code of Virginia shall govern the removal of advertisements from within the right-of-way. The provisions of § 33.1-375 of the Code of Virginia shall govern the removal of other signs from within the right-of-way.

B. 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 this chapter. Violators shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided for in § 33.1-19 of the Code of Virginia.

C. Failure to implement proper traffic control and construction standards mandated by the permit shall be cause for the district administrator's designee to remove the permittee from the right-of-way or revoke the permit, or both.

D. See 24VAC30-151-30 for violations related to specific district-wide permit types.

24VAC30-151-60. Authority of district administrator's designee.

A. The district administrator's designee may suspend the work, wholly or in part, if the permittee fails to correct conditions that are unsafe for workers or the general public or to adequately carry out provisions of the permit. The district administrator's designee may also suspend work within the right-of-way for such periods as deemed necessary because of weather or other conditions unsuitable for work or any other condition or

reason deemed to be in the public interest. The district administrator's designee may delegate this authority.

B. Should the permittee fail to comply immediately with any order of the district administrator's designee made under the provisions of this section, the district administrator's designee may cause unacceptable authorized work to be removed and replaced and unauthorized work to be removed. The district administrator's designee may revoke the permit and restore the right-of-way. Any costs to restore the right-of-way upon revocation of a permit shall be borne by the permittee.

24VAC30-151-70. Plan review and permit inspection.

When a permit request is of extraordinary nature or extent, or both, in lieu of the fee payment outlined in 24VAC30-151-710, VDOT may require the permittee to pay the actual costs associated with plan review, other administrative tasks, inspection and equipment usage. A VDOT inspector, consultant inspector, or both, may be assigned to inspect or monitor, or both, any work performed within the right-of-way. The absence of an inspector does not relieve the permittee from performing the authorized work in accordance with the provisions of the permit.

24VAC30-151-80. Permit time limits and cancellations.

A. The permittee shall provide an estimate of the number of days needed to accomplish the work under permit. The district administrator's designee shall determine the actual time limit of all work being accomplished under permit which shall not normally be less than six months in duration. Weather conditions and seasonal operations such as seeding, paving, etc., will be considered when determining a realistic time limit for work to be completed.

B. It shall be the responsibility of the permittee to ensure that the permitted activity will be completed within the time limit established with the original permit issuance. If it is anticipated that the work covered by the permit cannot be completed during the original permit term the permittee shall provide a request, documented in writing or electronic communication, for an extension of time to the district administrator's designee. The request shall provide reasonable justification for granting the extension. A one time extension of time may be granted if the request is received at least ten calendar days prior to the original permit expiration date. Should the original time limit or the one time permit extension expire, the permittee shall provide a written request for reinstatement to the district administrator's designee. The request shall provide reasonable justification

for granting the reinstatement. At the time of reinstatement, the district administrator's designee shall notify the permittee that no additional extensions of the permit will be allowed and that the work must be completed within the time limits indicated in the reinstatement notice. Consideration will not be given to an extension request for a permit that has been reinstated after an extension.

C. The permittee shall make every effort to ensure that work begins within 30 calendar days of permit issuance. If the permitted work cannot commence within 30 calendar days of permit issuance, the permittee shall notify the district administrator's designee of the delay. Upon request by the permittee, the permit may be cancelled if no work has started.

24VAC30-151-90. Hours and days work authorized; holiday schedule.

Normal hours for work under the authority of a permit single use or districtwide 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.

Permitted nonemergency work will not be allowed on arterial and collector highway classifications from noon on the preceding weekday through the following state observed holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

If the observed holiday falls on a Monday, the permit will not be valid from noon on the preceding Friday through noon on Tuesday. The district administrator's designee may establish alternate time restrictions in normal working hours and days for single use permits. The central office permit manager may establish alternate time restrictions in normal working hours and days for districtwide permits.

24VAC30-151-100. Appeal.

The district administrator is authorized to consider and rule on unresolved differences of opinion between the applicant or permittee and the district administrator's designee that pertain to the interpretation and application of the requirements of this chapter as they relate to single use permits within nonlimited access highways.

To initiate an appeal with the district administrator, the applicant or permittee must provide the district administrator and the district administrator's designee with a written request for such action within 30 calendar days of receipt of written notification of denial or revocation and must set forth the grounds for the appeal. The written request shall

describe any unresolved issue or issues. After reviewing all pertinent information, the district administrator will advise the applicant or permittee in writing within 60 calendar days upon receipt of the appeal regarding the decision of the appeal, with a copy to the district administrator's designee. The applicant or permittee may further appeal the district administrator's decision to the Commonwealth Transportation Commissioner . All correspondence requesting an appeal should include copies of all prior correspondence regarding the issue or issues with VDOT representatives.

The central office division administrator responsible for overseeing the statewide land use permit program is authorized to consider and rule on unresolved differences of opinion that pertain to the interpretation and application of the requirements of this chapter as they relate to districtwide permits. To initiate an appeal, the applicant or permittee must provide the division administrator with a written request for such action within 30 calendar days of receipt of written notification of denial or revocation and must set forth the grounds for the appeal. The written request shall describe any unresolved issue or issues. After reviewing all pertinent information, the division administrator will advise the applicant or permittee in writing within 60 calendar days upon receipt of the appeal regarding the decision of the appeal. The applicant or permittee may further appeal the division administrator's decision to the Commonwealth Transportation Commissioner. All correspondence requesting an appeal should include copies of all prior correspondence regarding the issue or issues with VDOT representatives.

Appeals involving permit requests within limited access rights-of-way and appeals of decisions of the district administrator and the division administrator shall be made to the Commonwealth Transportation Commissioner for resolution. To initiate an appeal, the applicant or permittee must provide the Commonwealth Transportation Commissioner with a written request for such action within 30 calendar days of receipt of written notification of denial or revocation and must set forth the grounds for the appeal. The written request shall describe any unresolved issue or issues. After reviewing all pertinent information, the Commonwealth Transportation Commissioner will advise the applicant or permittee in writing within 60 calendar days upon receipt of the appeal regarding the decision of the appeal.

Part III

Denial or Revocation of Permits

24VAC30-151-110. Denial; revocation; refusal to renew.

A. A land use permit may be revoked upon written finding that the permittee violated the terms of the permit, which shall incorporate by reference these rules, as well as state and local laws and ordinances regulating activities within the right-of-way. Repeated violations may result in a permanent denial of the right to work within the right-of-way. A permit may also be revoked for misrepresentation of information on the application, fraud in obtaining a permit, alteration of a permit, unauthorized use of a permit, or violation of a water quality permit. Upon revocation, the permit shall be surrendered without consideration for refund of fees. Upon restoration of permit privileges a new land use permit shall be obtained prior to performing any work within the right-of-way.

B. Land use permits may be denied to any applicant or company, or both, for a period not to exceed six months when the applicant or company, or both, has been notified in writing by the Commonwealth Transportation Commissioner, the central office permit manager, district administrator or district administrator's designee that violations have occurred under the jurisdiction of a districtwide, or previously issued single use permit. Any person, firm, or corporation violating a water quality permit shall permanently be denied a land use permit. Furthermore, these violators may be subject to criminal prosecution as provided for by § 33.1-19 of the Code of Virginia.

Part IV

Entrances

24VAC30-151-120. Provisions governing entrances.

VDOT's authority to regulate highway entrances is provided in §§ 33.1-197, 33.1-198 [, and 33.198.1 of the Code of Virginia and its authority to make regulations concerning the use of highways generally is provided in § 33.1-12 (3) of the Code of Virginia.

Regulations regarding entrances are set forth in VDOT's regulations promulgated pursuant to § 33.1-198.1 of the Code of Virginia (see 24VAC30-151-760).

24VAC30-151-130. Reserved.

24VAC30-151-140. Reserved.

24VAC30-151-150. Reserved.

24VAC30-151-160. Reserved.

24VAC30-151-170. Reserved.

24VAC30-151-180. Reserved.

24VAC30-151-190. Reserved.

24VAC30-151-200. Reserved.

24VAC30-151-210. Reserved.

Part V

Occupancy of Right-of-Way

24VAC30-151-220. Commercial use agreements.

A. Where wider rights-of-way are acquired by VDOT for the ultimate development of a highway at such time as adequate funds are available for the construction of the highway, including such preliminary features as tree planting, the correction of existing drainage conditions, etc., the Commonwealth Transportation Commissioner does not consider it advisable to lease, rent, or otherwise grant permission for the use of any of the land so acquired except in extreme or emergency cases, and then only for a limited period.

When the land adjoining the highway is used for commercial purposes and where the existing road is located on the opposite side of the right-of-way, thereby placing the business from 65 feet (in the case of 110 feet right-of-way) to 100 feet or more (in the case of 160 feet right-of-way) away from the main traveled road, the owner of the business may continue to locate his driveways and pumps, in the case of a filling station, within the state right-of-way, provided that the driveways and pumps are at least as far from the edge of the existing pavement as existing driveways and pumps in evidence on the road are from the nearest edge of the pavement to their similar structures. No additional driveways or pumps may be constructed within the right-of-way. In such cases, agreements for "commercial uses" may be entered into for use of portions of the right-of-way for temporary or limited periods under the following policies and conditions:

1. Until such time as the Commonwealth Transportation Commissioner deems it necessary to use right-of-way acquired for future construction on a project for

road purposes, agreements may be made with adjoining property owners for the temporary use of sections thereof. The use of this land shall be limited to provisions as set forth in the agreement, which shall cover commercial pursuits consistent with similar operations common to the highway. These operations and special conditions may include gasoline pumps, but not gasoline tanks.

2. The area of right-of-way designated for use of the landowner must not be used for the storing of vehicles, except while the vehicles are being serviced at the gasoline pumps. The area must be kept in a clean and orderly condition at all times.

B. Agreements may be revoked for cause or as outlined in subdivision A 1 of this section, either in whole or for any portion of the prescribed area that may be required for highway purposes, which may include one or more of the following:

1. The storage of road materials when other nearby suitable areas are not available;
2. The planting of trees and shrubs for permanent roadside effects;
3. The correction or improvement of drainage;
4. Development of wayside, parking or turnout areas; or
5. For other purposes as may be deemed necessary by the Commonwealth Transportation Commissioner.

C. Applications for agreements for commercial uses shall be made to the district administrator's designee. Agreements must be accompanied by a sketch showing the location of the roadway, shoulders, ditches and conditions existing within the right-of-way, together with description and plat of the area to be covered by it. The text of the application should describe the specific use for the site.

D. Agreements shall be issued only to owners of property adjoining the area to be used. Agreements may be made for terms not to exceed one year, subject to the cancellation terms in subsection C of this section. VDOT shall not be responsible in any way for the policing of areas subject to commercial agreements. No structures are to be erected on areas subject to commercial agreements without written approval of the Commonwealth Transportation Commissioner.

24VAC30-151-230. Agriculture use agreements.

A. In cases where wider rights-of-way are acquired by VDOT for the ultimate development of a highway at such time as adequate funds are available for the construction of the same, including such preliminary features as tree planting, the correction of existing drainage conditions, etc., the Commonwealth Transportation Commissioner does not consider it advisable to lease, rent, or otherwise grant permission for the use of any of the land so acquired except in extreme or emergency cases, and then only for a limited period.

When this land is being used for agricultural purposes, which would necessitate the owner preparing other areas for the same use, agreements for agricultural uses may be entered into for use of portions of the right-of-way for temporary or limited periods.

B. Agreements for agricultural uses may be made with adjoining property owners, until such time as the Commonwealth Transportation Commissioner deems it necessary to use right-of-way acquired for future construction on a project for road purposes. Agricultural use is not permitted on limited access highways. The use of this land will be limited to provisions as set forth in the agreement, which, in general, will cover agricultural pursuits the same as those carried out on adjoining lands and thereby made an integral part of the agreement. Operations and special conditions covering such operations may include one or more of the following:

1. Grazing of cattle and other livestock is permitted provided the area is securely enclosed by appropriate fence to eliminate any possibility of animals getting outside of the enclosure.
2. Forage crops such as hay, cereals, etc. are permitted provided that their growth will not interfere with the safe and orderly movement of traffic on the highway, and that, after crops are harvested, the land is cleared, graded and seeded with cover crop in such a manner as to prevent erosion and present a neat and pleasing appearance.
3. Vegetable crops are permitted provided that its growth will not interfere with the safe and orderly movement of traffic on the highway, and that all plants will be removed promptly after crops are harvested and the land cleared, graded and seeded with cover crop in such a manner as to prevent erosion and present a neat and pleasing appearance.

4. Fruit trees are permitted to maintain existing fruit trees, provided that they are sprayed to control insects and diseases; fertilized and the area is kept generally clear of weeds, etc., but no guarantee of longevity may be expected.
5. Small fruits are permitted, but no guarantee of longevity may be expected.
6. Other uses as may be specifically approved.

C. Agricultural use agreements will be subject to revocation for cause or as outlined in subsection B of this section, either in whole or for any portion of the prescribed area that may be required for highway purposes, which may include one or more of the following:

1. Storage of road materials when other nearby suitable areas are not available;
2. The planting of trees and shrubs for permanent roadside effects;
3. The correction or improvement of drainage;
4. The development of wayside, parking or turnout areas; or
5. For other purposes as may be deemed necessary by the Commonwealth Transportation Commissioner.

D. Applications for agreements for agricultural uses shall be made to the district administrator's designee. Agreements must be accompanied by a sketch showing the location of the roadway, shoulders, ditches and conditions existing within the right-of-way, together with a description and plat of the area to be covered by it. The text of the application should describe in detail the specific use for which the area is to be utilized.

Agreements shall be issued only to owners of property adjoining the area to be used. Agreements may be made for terms not to exceed one year, subject to the cancellation terms in subsection C of this section. VDOT shall not be held responsible in any way for the policing of areas subject to agricultural use agreements. No structures are to be erected on areas subject to agricultural use agreements without written approval of the Commonwealth Transportation Commissioner.

24VAC30-151-240. Dams.

A. VDOT may permit dams for farm ponds within the right-of-way . The local Soil and Water Conservation District, as defined in § 10.1-500 of the Code of Virginia, will coordinate the approval of all requests to establish farm ponds, including existing or proposed roadway occupation of the dam, with the district administrator's designee. For

the purpose of this section, a roadway will be considered to accommodate a farm pond dam if:

1. Any part of the fill for the roadway and the fill for the dam overlap; or
2. The area between the two embankments is filled in so that the downstream face of the dam is obscured; or
3. A closed drainage facility from a dam extends under a roadway fill.

B. Permittee responsibility. The permittee acknowledges that VDOT's liability is limited to the maintenance of the roadway and that VDOT has no responsibility or liability due to the presence of the dam, the maintenance of which shall remain the responsibility of the permittee.

C. All other roadway occupation of dams shall be in accordance with the Secondary Street Acceptance Requirements (see 24VAC30-151-760).

24VAC30-151-250. Railroad grade crossing or encroachments.

Applications for permits to construct railroad tracks over, under, across or along the right-of-way of a state highway must be made by the railroad company or other company which will use the tracks. Permits shall not be issued to concerns contracting for such operations. All permit applications for highway grade crossings of secondary highways shall be accompanied by resolutions from the county board of supervisors, approving the crossings.

Sketches shall be submitted with the permit application, which show clearly the angle of crossing or location of the tracks with reference to the centerline of the road, the entrance onto the right-of-way, departure from the right-of-way, and width of the right-of-way of both railroad and highway. The grade line of the railroad must conform to the grade line of the highway and be so indicated on the sketch. Any necessary alteration in grade, due to crown of the highway, must be adjusted by the railroad company with the use of plant-mix-asphalt material, or as may be specified by the district administrator's designee.

24VAC30-151-260. Railroad crossing permit requests from railroad companies.

A. Operations by the railroad company shall conform to applicable statutes of the Code of Virginia in regard to construction and maintenance of the crossing surface, signing and other warning devices, blocking of crossing, etc.

B. In the event of future widening of the highway, the permittee shall lengthen the crossing surface, relocate signs and signals, etc., as may be necessary, at no expense to the Commonwealth.

C. Suitable construction bond shall be required when the construction work is to be performed by a contractor for the railroad.

24VAC30-151-270. Railroad crossing permit requests by other companies.

Where a person, firm or chartered company engaged in mining, manufacturing or lumber getting, as defined in § 33.1-211 of the Code of Virginia, applies directly for a permit to construct a tramway or railroad track across the right-of-way, a permit may be issued under the following conditions:

1. Operations by the permittee shall conform to applicable statutes of the Code of Virginia in regard to construction and maintenance of the crossing surface, signing and other warning devices, blocking of crossing, etc.
2. In the event of future widening of the highway, the permittee shall lengthen the crossing surface, relocate signs and signals, etc., as may be necessary, at no expense to the Commonwealth.
3. The permittee shall furnish a performance and indemnifying bond of such amounts as VDOT deems necessary and agree to continue the same in force so long as the crossing is in place.
4. The permittee shall notify VDOT prior to the permittee transferring ownership of a crossing so that proper arrangement can be made for the transfer of permitted responsibilities.

24VAC30-151-280. Springs and wells.

In the acquiring of right-of-way, it is often necessary for VDOT to acquire lands where springs, wells and their facilities are located. It is the policy of VDOT to acquire these springs, wells and their facilities along with the land on which they are located. When so acquired, the landowner having previous use of these springs, wells and their facilities may be granted a permit to use these springs, wells and their facilities until the Commonwealth Transportation Commissioner shall, by written notice, advise that the permit is terminated. The issuing of the permit shall in no way obligate VDOT to maintain the springs, wells or facilities.

24VAC30-151-290. Public telephones.

Public telephone booths may be allowed at rest areas and other locations as provided in 23 CFR 752.5 and allowed at other locations when a definite need is documented. Telephone booths may be allowed when a definite need exists to serve the traveling public, such as:

1. At wayside areas, if well removed from access to off right-of-way public telephone stations.
2. At other isolated areas sufficiently removed from existing off right-of-way public telephone stations as to impair the safety and convenience of traffic, provided that:
 - a. No private land is available or suitable for location of booth;
 - b. The location meets all safety requirements as to sight distance, access roads and parking; and
 - c. All costs incidental to providing turnout and parking area are borne by the telephone company.

**Part VI
Utilities**

24VAC30-151-300. General provisions governing utilities.

Utility installations on all highway rights-of-way shall comply with the following provisions:

1. Overhead or underground utilities may be installed across any right-of-way by a utility under a permit. Requests for accommodations within the right-of-way shall be submitted to and reviewed by the district administrator's designee. These regulations govern all rights-of-way and apply to public and private utilities. These regulations also govern the location, design, methods and financial responsibility for installing, adjusting, accommodating and maintaining utilities.
2. Utility lines shall be located to minimize the need for later adjustments to accommodate future highway improvements and to allow servicing of the lines with minimum interference to highway traffic. Utility lines residing within the highway right-of-way shall conform to the type of highway and specific conditions for the highway section involved. Utility installations within the highway right-of-way and attachments to highway structures shall be of durable materials,

designed for long service life and relatively free from the need for routine servicing and maintenance. All temporary attachments to highway structures must be approved by VDOT.

3. The permittee assumes full responsibility for any and all damages caused by improperly installed facilities within the right-of-way under permit (single use or districtwide); therefore, the permittee must make every effort to install its facilities properly so as to preclude the possibility of damage.

4. The permittee is responsible for the continuing maintenance of its facilities placed within the right-of-way under permit.

5. Any conflicts with existing utility facilities shall be resolved between the permittee and the existing utility owner.

6. Utilities shall not be attached to a bridge or other structure unless the utility owner can demonstrate that the installation and maintenance methods will not interfere with VDOT's ability to maintain the bridge or other structure, will not impact the durability and operational characteristics of the bridge or other structure, and except for installation, will not require access from a limited access highway. The attachment method must be approved by VDOT (see 24VAC30-151-430).

7. The encasement of underground utility crossings shall be in accordance with 24VAC30-151-370.

24VAC30-151-310. Utility installations within limited access highways.

Utility installations on all limited access highways shall comply with the following provisions:

1. Requests for all utility installations within limited access right-of-way shall be reviewed and, if appropriate, be approved by the Commonwealth Transportation Commissioner prior to permit issuance.

2. New utilities will not be permitted to be installed parallel to the roadway longitudinally within the controlled or limited access right-of-way lines of any highway, except that in special cases or under resource sharing agreements such installations may be permitted under strictly controlled conditions and then only with approval from the Commonwealth Transportation Commissioner. However, in each such case the utility owner must show the following:

- a. That the installation will not adversely affect the safety, design, construction, operation, maintenance or] stability of the highway.
 - b. That the accommodation will not interfere with or impair the present use or future expansion of the highway.
 - c. That any alternative location would be contrary to the public interest. This determination would include an evaluation of the direct and indirect environmental and economic effects that would result from the disapproval of the use of such right-of-way for the accommodation of such utility.
 - d. In no case will parallel installations within limited access right-of-way be permitted which involve tree removal or severe tree trimming.
3. Overhead and underground utilities may be installed within limited access right-of-way by a utility company under an agreement that provides for a shared resource arrangement subject to VDOT's need for the shared resource.
 4. All authorized longitudinal utility installations within limited access right-of-way, excluding communication tower facilities, shall be located in a utility area established along the outer edge of the right-of-way. Special exceptions must be approved by the Commonwealth Transportation Commissioner.
 5. Authorized overhead utility installations within limited access right-of-way shall maintain a minimum of 21 feet of vertical clearance.
 6. Authorized underground utility installations within limited access right-of-way shall have a minimum of 36 inches of cover.
 7. Service connections to adjacent properties shall not be permitted from authorized utility installations within limited access right-of-way.
 8. Overhead crossings shall be located on a line that is perpendicular to the highway alignment.
 9. A utility access control line will be established between the proposed utility installation, the through lanes, and ramps.

24VAC30-151-320. Reserved.

24VAC30-151-330. Overhead utility installations within nonlimited access highways .

A. Overhead utility crossings shall be located on a line that is perpendicular to the highway alignment. Longitudinal installations shall be located on a uniform alignment as

near as possible to the right-of-way line to provide a safe environment and space for future highway improvements and other utility installations.

B. Overhead longitudinal utilities may be installed on all nonlimited access highways, except in scenic areas as follows:

1. Overhead utilities may be installed within nonlimited access right-of-way by a utility company under permit, including a districtwide permit as allowed under 24VAC30-151-30 C.1.

2. All overhead installations, excluding communication tower facilities, shall be located adjacent to the right-of-way line and in accordance with clear zone requirements. Repairs and replacement of similar installations may be performed in existing locations under the existing permit providing the work shall not impede the traveled way. Additional poles, taller poles, or cross-arms require a separate permit.

C. Longitudinal installations of overhead lines within the right-of-way shall be limited to single-pole construction. Joint-use, single-pole construction will be encouraged at locations where more than one utility or type of facility is involved, especially where the right-of-way widths approach the minimum needed for safe operations or maintenance requirements, or where separate installations may require extensive removal or alteration of trees.

D. Consideration will not be given to poles placed on a highway right-of-way of less than 40 feet in width. Longitudinal pole line installation shall be located on the outer 15 feet of the right-of-way greater than 40 feet in width.

E. Highway crossings should be grouped at one location whenever practical, and as near as possible to right angles to the center of the road.

F. New overhead installations crossing existing or proposed nonlimited access highways shall provide a minimum of 18 feet of vertical clearance or at a minimum height as established by the National Electric Safety Code, whichever is greater. The overlapping of telecommunications lines onto existing lines or strand is not considered a new overhead installation.

G. Existing overhead utilities that are found to be in horizontal or vertical conflict, or both, with proposed traffic control devices or signage, or both, shall be adjusted, at no cost to VDOT, to provide an unobstructed view for the traveling public and the appropriate clearance from traffic control devices or signage.

H. The vertical clearance for all new overhead installations parallel to an existing or proposed highway and within non-limited access rights-of-way shall be in compliance with standards as specified in the National Electric Safety Code (see 24VAC30-151-760). The overloading of telecommunications lines onto existing lines or strand is not considered a new overhead installation.

I. When crossing a median, all poles or other overhead facilities shall be placed to maintain an adequate clear zone in each direction.

J. Longitudinal pole line installation will not be allowed in the median.

24VAC30-151-340. Underground utility installations within nonlimited access highways.

Underground longitudinal utilities may be installed under permit on all nonlimited access highways, except in scenic areas, as follows:

1. Underground utilities may be installed within nonlimited access right-of-way by a utility company under permit, including a districtwide permit as allowed under 24VAC30-151-30 C.1.

2. All underground utilities within VDOT rights-of-way will require a minimum of 36 inches of cover, except underground cables that provide cable or telecommunications services shall be at a minimum of 30 inches of cover. The district administrator's designee has the discretion to grant an exception to depth of cover requirements if the permittee encounters obstacles preventing the installation of main line facilities at the minimum depth of cover, as long as installation at the minimum depth of cover is resumed when the installation passes by the obstacle.

3. An underground utility shall not be attached to a bridge or other structure unless the utility owner can demonstrate that the installation and maintenance methods will not interfere with VDOT's ability to maintain the bridge or other structure, will not impact the durability and operational characteristics of the bridge or other structure, and will not require access from the roadway or interfere with roadway traffic. The attachment method must be approved by VDOT (see 24VAC30-151-430).

4. The proposed method for placing an underground facility requires approval from the district administrator's designee. All underground facilities shall be

designed to support the load of the highway and any superimposed loads. All pipelines and encasements shall be installed in accordance with 24VAC30-151-360 and 24VAC30-151-370.

5. Underground utilities shall not be installed within the median area except, in special cases or under shared resource agreements, with approval from the Commonwealth Transportation Commissioner.

6. Underground utilities may be installed under sidewalk areas with approval from the district administrator's designee.

24VAC30-151-350. Nonlimited access highways: communication towers and site installations.

Communication tower structures and other types of surface mounted or underground utility facilities may be installed by a utility company under an agreement providing for a shared resource arrangement or the payment of appropriate compensation, or both. The Commonwealth Transportation Commissioner may grant an exception for a non-shared resource arrangement, under strictly controlled conditions. The utility owner must show that any alternative location would be contrary to the public interest. This determination would include an evaluation of the direct and indirect environmental and economic effects that would result from the disapproval of the use of such right-of-way for the accommodation of such utility. Communication pedestals, nodes, and amplifiers may be installed in the right-of-way pursuant to permit unless the District Administrator's designee reasonably concludes that safety concerns at a specific location requires placement of communication pedestals, nodes, or amplifiers elsewhere in the right-of-way. The placement of communication pedestals, nodes, or amplifiers between the edge of pavement or back of curb and the sidewalk shall not be permitted.

24VAC30-151-360. Pipelines.

The permittee shall maintain minimum cover for any underground facility. Where pavement exists, the permittee shall bore, push, or jack and maintain a minimum cover of 36 inches.

The vertical and horizontal clearance between a pipeline and a structure or other highway facility shall be sufficient to permit maintenance of the pipeline and facility. Longitudinal pipeline installations shall be kept out of the ditch line whenever possible.

The pipeline may not be constructed under the pavement or shoulders of a street, except for crossings.

All water, gas, sewer, electrical, communications and any pressurized pipelines carrying hazardous material shall conform to all applicable industry codes, including materials, design and construction requirements. No asbestos cement conduit or pipe shall be used for any installation. The permittee may be required to certify in writing that this restriction has been observed, if requested by VDOT.

Pipelines four inches in diameter or larger and no longer in use shall be cleaned of debris and plugged at open ends with Class A3 concrete. The district administrator's designee may also require such pipes to be filled prior to being plugged.

24VAC30-151-370. Encasement requirements.

A. Encasement pipe shall be required where it is necessary to avoid trenched construction, to protect carrier pipe from external loads or shock, or to convey leaking fluids or gases away from the areas directly beneath the traveled way if the utility has less than minimal cover, is near footings of bridges, utilities or other highway structures, crosses unstable ground, or is near other locations where hazardous conditions may exist. Encasements crossing non-limited access rights-of-way shall extend a suitable distance beyond the slope for side ditches and beyond the back of curb in curbed sections. The district administrator's designee may require encasement pipe even if an installation meets industry standards for nonencasement.

Casing pipe shall be sealed at the ends with approved material to prevent flowing water and debris from entering the annular space between the casing and the carrier. All necessary appurtenances such as vents and markers shall be included.

B. Uncased crossings of welded steel pipelines carrying transmittants which are flammable, corrosive, expansive, energized, or unstable, particularly if carried at high pressure, may be permitted subject to the following conditions:

1. The applicant provides supporting data documenting that its proposed installation meets or exceeds industry standards for unencased crossings, and,
2. The applicant provides supporting data documenting that the pipeline will support the anticipated load generated by highway traffic, and,
3. All unencased pipeline crossings that fail must be relocated a minimum of 36 inches to either side of the failure. The failed line shall then be filled with grout and plugged at both ends.

24VAC30-151-380. Appurtenances.

A. When vents are required they shall be located at the high end of casings less than 150 feet in length and generally at both ends of casings longer than 150 feet. Vent standpipes shall be on or beyond the right-of-way line to prevent interference with maintenance or pedestrian traffic.

B. A permit may be granted to install drains for any underground facility. The permittee shall ensure the achievement of positive drainage.

C. National uniform color codes for identification of utilities shall be used to place permanent markers.

D. Manholes shall be placed in the shoulders, utility strips, or other suitable locations. When no other alternative is available, consideration will be given to placement of manholes in the pavement surface. Every effort should be made to minimize manhole installations at street intersections and in the normal wheel path of the travel lanes. Manholes shall be designed and located in such a manner that shall cause the least interference to other utilities and future highway expansion.

E. Manhole frames and covers, valve boxes, and other castings located within the paved roadway, shoulder, or sidewalk shall be constructed flush with the finished grade. Manhole frames and covers, valve boxes, and other castings located within sidewalk areas shall be constructed in accordance with the Americans with Disabilities Act (42 USC 12101 et seq.).

F. The permittee shall install shutoff valves, preferably automatic, in lines at or near the ends of structures and near unusual hazards, unless other sectionalizing devices within a reasonable distance can isolate hazardous segments.

24VAC30-151-390. In-place and prior-rights permits.

A. Prior to VDOT's acceptance of a secondary street into the VDOT system, the public utility owner shall quitclaim its prior rights within the right-of-way to the Commonwealth in exchange for a permit for in-place utilities on new subdivision streets. The utility may continue to occupy such street in its existing condition and location. The public utility owner shall be responsible for the utility and resulting damages to persons and property that might result from the presence of the utility. Should VDOT later require the public utility owner to alter, change, adjust, or relocate any utility, the non-betterment cost will be the responsibility of the Commonwealth.

B. In cases where existing utilities are not in conflict with transportation improvements authorized under the auspices of a land use permit, but would be located beneath transportation facility features, a prior rights permit may be issued that allows the existing utilities to remain in place.

C. Utilities without prior rights but located within the right-of-way of new subdivision streets shall obtain an in place permit to occupy that portion of the right-of-way.

24VAC30-151-400. Utility adjustments in conjunction with a VDOT project.

A permit is required for facilities relocated in conjunction with a VDOT project. For specific information, see the Right-of-Way Utilities Relocation Policies and Procedures Manual (see 24VAC30-151-760). Utilities may be placed within the highway right-of-way by permit, including adjustments and work performed in connection with utilities agreements. Utilities placed within the right-of-way shall conform to the requirements of this chapter.

24VAC30-151-410. Utility installations in scenic areas.

Any new utility installations within the right-of-way or on other lands that were acquired or improved with federal-aid or direct federal highway funds, and are located within or adjacent to areas of scenic enhancement and natural beauty are discouraged. Such areas include public parks and recreational lands, wildlife and waterfowl refuges, historic sites, scenic strips, overlooks and scenic byways.

Any new utility installation in the above-mentioned areas shall be accordance with 23 CFR 645.209h.

24VAC30-151-420. Lighting facilities.

A. A permit is required for any lighting that will be on or overhanging the right-of-way. Lighting on or overhanging the right-of-way is classified as roadway lighting or nonroadway lighting. Roadway lighting is lighting intended to improve visibility for users of the roadway. Nonroadway lighting is lighting intended to improve visibility or to enhance safety for pedestrians or adjacent properties. Lighting facilities are not considered a utility.

B. Design of roadway lighting facilities shall be based upon the specifications developed by the Illuminating Engineering Society in the manual, American National Standard Practice for Roadway Lighting (see 24VAC30-151-760). The Roadway Lighting Design Guide by the American Association of State Highway and Transportation Officials (AASHTO) (see 24VAC30-151-760) may be used as a supplemental guide.

C. The permittee shall submit to the district administrator's designee two copies of scale drawings depicting lighting pole locations, mounting heights, pole and base type (breakaway or nonbreakaway), type and wattage of luminaries and arm lengths. The lighting shall be installed in accordance with VDOT's Road and Bridge Specifications (see 24VAC30-151-760).

D. Nonroadway lighting may be allowed within the right-of-way, provided such lighting does not adversely affect the visibility of roadway users, and lighting supports and support locations do not compromise VDOT clear zone and safety standards.

24VAC30-151-430. Attachments to bridge structures.

A. Utilities may be located on highway grade separation structures across interstate, or other controlled access highways, over crossroads and across major streams or valleys only in extreme cases, and with approval of the district structure and bridge engineer.

B. Communication and electric power lines shall be insulated, grounded and installed in a conduit or pipe to manholes or poles at either end of the structure, as applicable.

C. If a utility is placed on a structure, the installation shall be located beneath the structure's floor between the girders or beams, and at an elevation above the bottom flange of the beam. The utility shall not be attached to the outside of the exterior beam, parapets or sidewalks.

D. Water and sewer attachments shall follow general controls previously listed for providing encasement and allied mechanical protection. In addition, shut-off valves shall be provided outside the limits of the structure.

E. Utilities attached to structures crossing waterways may require a water quality permit.

F. Natural gas and petroleum mains may not be attached to highway structures.

Part VII

Miscellaneous Provisions

24VAC30-151-440. Miscellaneous permits.

In accordance with the General Rules and Regulations of the Commonwealth Transportation Board (see 24VAC30-151-760), no use of any real property under the ownership, control or jurisdiction of VDOT shall be allowed until written permission is first

obtained from VDOT. A permit, which shall constitute such permission, is required for the uses of right-of-way described in this part.

24VAC30-151-450. Banners and decorations.

A county, town, or religious or civic organization shall obtain a single use permit to hang banners or erect holiday decorations (such as lights) across state highways. Banners and decorations shall not remain in place more than 30 calendar days and shall be a minimum of 21 feet above the center of the road. They shall not detract from, interfere with, or conflict with any existing highway signs or signals.

24VAC30-151-460. Building movements.

A single use permit shall be obtained for all building movements over 16 feet wide. All requests for building movements require the approval of the district administrator's designee after the mover provides the required investigative report and route certification documents. All building movements shall be covered by a performance bond that is commensurate with the type of move requested. Application for a building movement shall be made through the district administrator's designee in the district where the move initiates.

24VAC30-151-470. Bicycle and road races, parades and marches.

A single use permit shall be obtained for bicycle and road races, parades and marches. Approval of such permit may be granted only under conditions that assure reasonable safety for all participants, spectators and other highway users, and will prevent unreasonable interference with traffic flow.

24VAC30-151-480. Chutes and tipples and other similar structures.

A single use permit shall be obtained for chutes, tipples or other structures to transport coal, gravel or other material across the right-of-way. The permit surety shall be sufficient to restore the appearance of the right-of-way and to remove the structure should it become dangerous or when it is no longer being used. Advertising signs or the names of owners shall not be placed on such structures located on the right-of-way.

The applicant shall obtain written approval from the local officials prior to permit application for such structures.

24VAC30-151-490. Construction or reconstruction of roads, bridges, or other drainage structures.

A permit is required for construction or reconstruction of roads, bridges or other drainage structures. Such activities may be permitted based upon evaluation, an engineering analysis provided by the applicant, and approval of the district administrator's designee. Approval by the relevant county board of supervisors may also be necessary.

24VAC30-151-500. Crest stage gauges, water level recorders.

Permits may be issued to any governmental state agency to install hydrological study equipment within highway rights-of-way. Maintenance of these facilities is the responsibility of the permittee.

24VAC30-151-510. Emergency vehicle access.

A single use permit shall be obtained for the installation of signals along and over streets or highways at a fire station to facilitate the safe and expeditious entry of emergency vehicles. These signals include warning beacons, traffic signals to allow direct access to a roadway and modifications to existing signals. Maintenance of these facilities is the responsibility of the permittee.

24VAC30-151-520. Filming for movies.

A single use permit shall be obtained for movie filing within the highway rights-of-way and shall be coordinated through the Film Office of the Virginia Tourism Corporation.

24VAC30-151-530. School signs.

A single use permit shall be obtained for the installation and maintenance of time actuated flashing school speed limit signs within highway rights-of-way, subject to approval of the district administrator's designee].

24VAC30-151-540. Grading on right-of-way.

Grading that does not adversely affect the maintenance, safety and operations of vehicles on nonlimited access rights-of-way may be permitted. Permits shall not be granted for grading slopes and banks or otherwise changing their appearance within limited access rights-of-way, except in unusual circumstances where such work would improve the safety or operation of the highways.

24VAC30-151-550. Roadside memorials.

A. Section 33.1-206.1 of the Code of Virginia directs the Commonwealth Transportation Board to establish regulations regarding the authorized location and removal of roadside memorials. Roadside memorials shall not be placed on state right-of-way without first obtaining a permit. At the site of fatal crashes or other fatal incidents, grieving families or friends often wish for a roadside memorial to be placed within the highway right-of-way. The following rules shall be followed in processing applications to place roadside memorials within the highway right-of-way:

1. Applications for a memorial shall be submitted to the district administrator's designee. The district administrator's designee will review, and if necessary, amend or reject any application.
 2. If construction or major maintenance work is scheduled in the vicinity of the proposed memorial's location, the district administrator's designee may identify an acceptable location for the memorial beyond the limits of work, or the applicant may agree to postpone installation.
 3. If the applicant requests an appeal to the district administrator's designee's decision regarding amendment or rejection of an application, this appeal will be forwarded to the district administrator.
 4. Criteria used to review applications shall include, but not be limited to, the following factors:
 - a. Potential hazard of the proposed memorial to travelers, the bereaved, VDOT personnel, or others;
 - b. The effect on the proposed site's land use or aesthetics; installation or maintenance concerns; and
 - c. Circumstances surrounding the accident or incident.
 5. Approval of a memorial does not give the applicant, family, or friends of the victim permission to park, stand, or loiter at the memorial site. It is illegal to park along the interstate system, and because of safety reasons and concerns for the public and friends and family of the deceased, parking, stopping, and standing of persons along any highway is not encouraged.
- B. The following rules will be followed concerning roadside memorial participation:

1. Any human fatality that occurs on the state highway system is eligible for a memorial. Deaths of animals or pets are not eligible.
2. The applicant must provide a copy of the accident report or other form of information to the district administrator's designee so that the victim's name, date of fatality, and location of the accident can be verified. This information may be obtained by contacting the local or state police. The district administrator's designee may also require that the applicant supply a copy of the death certificate.
3. Only family members of the victim may apply for a memorial.
4. The applicant will confirm on the application that approval has been obtained from the immediate family of the victim and the adjacent property owner or owners to locate the memorial in the designated location. If any member of the immediate family objects in writing to the memorial, the application will be denied or the memorial will be removed if it has already been installed.
5. If the adjacent property owner objects in writing, the memorial will be relocated and the applicant will be notified.
6. Memorials will remain in place for two years from the date of installation, at which time the permit shall expire. The Commonwealth Transportation Commissioner may, upon receipt of a written request, grant an extension of the permit. An extension may be granted for a period of one year, and requests for further extensions must be submitted for each subsequent year. The applicant or the family of the victim may request that the memorial be removed less than two years after installation.
7. The applicant shall be responsible for the fabrication of the memorial. VDOT will install, maintain, and remove the memorial, but the cost of these activities shall be paid by the applicant to VDOT.

C. Roadside memorial physical requirements.

1. The memorial shall be designed in accordance with Chapter 7 (§ 33.1-351 et seq.) of Title 33.1 and § 46.2-831 of the Code of Virginia and the Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices and Vegetation Control Regulations on State Rights-Of-Way (see 24VAC30-151-760). The use of symbols, photographs, drawings, logos, advertising, or similar forms of medium is prohibited on or near the memorial.

2. Only one memorial per fatality shall be allowed.
3. VDOT reserves the right to install a group memorial in lieu of individual memorials to commemorate a major incident where multiple deaths have occurred.
4. The memorial shall be located as close as possible to the crash site, but location of the memorial may vary depending on the site and safety conditions.
 - a. Memorials shall be installed outside of the mowing limits and ditch line and as close to the right-of-way line as reasonably possible.
 - b. Memorials shall be located in such a manner as to avoid distractions to motorists or pose safety hazards to the traveling public.
 - c. Memorials shall not be installed in the median of any highway, on a bridge, or within 500 feet of any bridge approach.
 - d. Memorials shall not be permitted in a construction or maintenance work zone. VDOT reserves the right to temporarily remove or relocate a memorial at any time for highway maintenance or construction operations or activities.
 - e. If VDOT's right-of-way is insufficient for a memorial to be installed at the crash site, the district administrator's designee will locate a suitable location as close as possible to the incident vicinity to locate the memorial where sufficient right-of-way exists.

D. Removal. After the two-year term, the memorial shall be removed by VDOT personnel. The memorial nameplate will be returned to the applicant or the designated family member, if specified on the application. If the applicant does not wish to retain the nameplate, the nameplate will be reused, recycled, or disposed at VDOT's discretion.

24VAC30-151-560. Mailboxes and newspaper boxes.

Mailboxes and newspaper boxes may be placed within VDOT right-of-way without a permit; however, placement should not interfere with safety, maintenance and use of the roadway. Lightweight newspaper boxes may be mounted on the side of the support structure. Breakaway structures will be acceptable as a mailbox post. Breakaway structures are defined as a single four-inch by four-inch square or four-inch diameter wooden post or a standard strength, metal pipe post with no greater than a two-inch diameter.

24VAC30-151-570. Miscellaneous signs.

A. In cooperation with local, state and federal organizations, certain public service signs may be placed within the right-of-way without a permit. The district administrator's designee shall determine the appropriate location for the following signs.

1. Forestry. Authorized representatives of the National and State Forest Service may place forest fire warning signs within the right-of-way without a permit. Fire warning signs will be placed near forest reservations or wooded areas; however, only a limited number of the small cardboard or metal signs should be allowed within the right-of-way within the forest reservations. The Department of Forestry may utilize other types of signs to more forcibly impress the public with the need for protecting forest areas. Sign placement shall be accomplished under an agreement, subject to the following conditions:

- a. No highway sign should carry more than one message, no other signs shall appear on posts bearing highway signs;
- b. No signs shall be erected that would restrict sight distance, or are close to highway warning and directional signs; and
- c. Signs regarding forest fires should be placed by fire wardens at locations suitable to VDOT.
- d. Signs shall be maintained by the Department of Forestry.

In all cases, the forest warden is to coordinate the desired location of these signs with the district administrator's designee prior to placement.

2. Garden week. These signs are erected and removed by employees of VDOT. The appropriate committee of the Garden Club of Virginia will designate the gardens and places that are to be officially opened during Garden Week and notify the district administrator's designee accordingly, who will ensure the appropriate placement of these signs.

3. Roadside acknowledgement. These signs acknowledge the name and logo of businesses, organizations, communities or individuals participating in the landscape of a segment of the right-of-way in accordance with the Comprehensive Roadside Management Program (see 24VAC30-151-760). As the landscaping is accomplished under a land use permit, the signs are considered to be covered by that permit.

4. Rescue squad. These signs are fabricated, erected and maintained by VDOT. The signs may be used on the approaches to the rescue squad headquarters as shown in the Virginia Supplement to the Manual on Uniform Traffic Control Devices (see 24VAC30-151-760).

5. Fire station. These signs are fabricated, erected and maintained by VDOT. The signs may be used on the approaches to fire station headquarters as shown in the Virginia Supplement to the Manual on Uniform Traffic Control Devices (see 24VAC30-151-760).

6. Bird sanctuary. Upon receipt of a request from a town or city, VDOT will fabricate and erect these signs, at the expense of the municipality, at the corporate limits of the town or city under the municipality name sign as shown in the Virginia Supplement to the Manual on Uniform Traffic Control Devices (see 24VAC30-151-760). In order for a municipality to be designated as a bird sanctuary, the municipality must pass a resolution to that effect. The municipality shall be responsible for maintenance of bird sanctuary signs.

7. Historical highway markers. Information regarding the historical highway marker program may be obtained from the Virginia Department of Historic Resources. Applications for historical highway markers shall be obtained from and submitted to the Virginia Department of Historic Resources.

B. The district administrator's designee may authorize the placement of the following miscellaneous signs within right-of-way under the auspices of a single use permit:

1. Locality identification or "welcome to" signs. Requests for locality identification or "welcome to" signs to be located within nonlimited access right-of-way. These signs shall not be placed on limited access right-of-way. Locality identification or "welcome to" signs that interfere with roadway safety, traffic capacity, or maintenance shall not be permitted. A permit application requesting placement of a locality identification or "welcome to" sign within the right-of-way must be accompanied by a formal resolution from the local governing body or a letter from the chief executive officer of the local government. Such signs shall meet all VDOT breakaway requirements (see Road Design Manual, 24VAC30-151-760) or be erected outside of the clear zone. No advertising shall be placed on these signs. The local governing body shall be responsible for maintenance of a locality identification and/or "Welcome to" signs in perpetuity.

2. VDOT may authorize any individual, group, local government and other entities to place storm drain pollution prevention markers or stenciling on VDOT storm drain inlet structures accessible by pedestrian facilities. A local government, through coordination with the district administrator's designee, may apply for a countywide permit to enable this type of activity of behalf of clubs, citizens groups and other entities. The permit application must include, at a minimum, a graphic sample or samples of the proposed markers, structure locations and a comprehensive list of streets, if a wide distribution of marker placement is anticipated. Stencil measurements shall not exceed 15" L x 20" W.
3. VDOT may authorize a local government to install "no loitering" signs within the right-of-way. The district administrator's designee shall determine the appropriate location for these signs.

24VAC30-151-580. Ornamental posts, walls, residential and commercial development identification signs, or other nontransportation related elements.

Ornamental posts, walls, residential and commercial development identification signs, or other nontransportation elements, or any combination of these, that do not interfere with roadway safety, traffic capacity or maintenance may be authorized under the auspices of a single use permit. These non-transportation related elements shall not be placed on limited access rights-of-way. Requests for the placement of ornamental posts, walls, residential and commercial development identification signs, or other nontransportation related elements, or any combination of these, may be permitted as authorized by the district administrator's designee. Permit applications requesting placement of ornamental posts, walls, residential and commercial development identification signs, other nontransportation related elements, or any combination of these, within the right-of-way must be accompanied by documentation indicating the issuance of all required approvals and permissions from the local jurisdictional authority. Such ornamental posts, walls, residential and commercial development identification signs and other nontransportation related elements shall meet all VDOT breakaway requirements (see Road Design Manual, 24VAC30-151-760) or be erected outside of the clear zone. No advertising shall be placed on these nontransportation related elements permitted within the right-of-way. The permittee shall be responsible for maintenance of these nontransportation related elements in perpetuity.

24VAC30-151-590. Outdoor advertising adjacent to the right-of-way.

Permits for outdoor advertising located off the right-of-way are obtained through the roadside management section at any VDOT district office or the Maintenance Division in accordance with Chapter 7 (] § 33.1-351 et seq.) of Title 33.1 of the Code of Virginia. Selective pruning permits for outdoor advertising shall be issued in accordance with § 33.1-371.1 of the Code of Virginia.

24VAC30-151-600. Pedestrian and bicycle facilities.

The installation of sidewalks, steps, curb ramps, shared use paths, pedestrian underpasses and overpasses within right-of-way may be authorized under the auspices of a single use permit. VDOT shall maintain those facilities that meet the requirements of the Commonwealth Transportation Board's Policy for Integrating Bicycle and Pedestrian Accommodations (see 24VAC30-151-760). The maintenance of sidewalks, steps, curb ramps, shared use paths, pedestrian underpasses and overpasses not meeting these requirements shall be subject to permit requirements, and the permittee shall be responsible for maintenance of these facilities.

The installation of pedestrian or bicycle facilities within limited access right-of-way shall be considered a change in limited access control and requires approval of the Commonwealth Transportation Board prior to permit issuance (see Change of Limited Access Control, 24VAC30-151-760). The installation of pedestrian or bicycle facilities parallel to and within the right-of-way of nonlimited access highways crossing limited access highways by way of an existing bridge or underpass shall not be considered a change in limited access but shall require the approval of the Commonwealth Transportation Commissioner prior to issuance of a permit for such activity.

24VAC30-151-610. Permits for certain oversized haulers and loaders.

Permits for unladen, oversized and overweight, rubber-tired self-propelled haulers and loaders shall be issued in accordance with § 46.2-1149 of the Code of Virginia and shall be obtained from the district administrator's designee.

24VAC30-151-620. Roadside management, landscaping.

Placement and maintenance of plant materials by individuals or organizations may be allowed under permit in strict accordance with VDOT Road and Bridge Specifications (see 24VAC30-151-760), VDOT Road and Bridge Standards (see 24VAC30-151-760), § 33.1-223.2:9 of the Code of Virginia, and the Comprehensive Roadside Management Program (see 24VAC30-151-760). The applicant shall maintain any altered roadside

area in perpetuity. All related permit applications shall be accompanied by a corresponding maintenance agreement. If permit conditions, including the maintenance agreement are violated at any time, VDOT reserves the right to reclaim and restore such permitted area to its original condition or otherwise establish turf in accordance with VDOT Road and Bridge Specifications (see 24VAC30-151-760). The costs of reclamation and restoration activities shall be paid by the permittee. Tree pruning or removal may be allowed on right-of way for maintenance purposes for utility facilities or as part of a roadside beautification project sponsored by the local government or to daylight an outdoor advertising structure in accordance with Vegetation Control Regulations on State Rights-of-Way (see 24VAC30-151-760). See VDOT's Tree and Brush Trimming Policy (see 24VAC30-151-760) for further information.

All pesticide applicators shall meet the applicable requirements established by the Department of Agricultural and Consumer Services. Pesticide activities shall comply with all applicable federal and state regulations.

24VAC30-151-630. Transit and school bus shelters.

School bus shelters, public transit shelters or share ride stations may be authorized under the auspices of a single use permit. Approval of such structures must be obtained in accordance with Virginia Department of General Services requirements. Shelters shall be located in accordance with all clear zone requirements described in Appendix A-2 of VDOT's Road Design Manual (see 24VAC30-151-760).

24VAC30-151-640. Trash containers and recycling sites.

The placement of trash receptacles on nonlimited access highways may be authorized under the auspices of a single use permit. Trash receptacles shall be located as close to the right-of-way line as possible. The site shall have a clearly defined entrance and exit. Appropriate screening and landscaping may be required.

The site shall be maintained in a neat condition and sprayed as needed to minimize flies, odors, etc. VDOT will remove improperly maintained receptacles from the right-of-way at the owner's expense.

The permittee shall secure written permission from the adjacent property owners prior to locating the receptacle within the state right-of-way.

24VAC30-151-650. Test holes.

Test holes may be excavated in the roadway or right-of-way for the purpose of geological surveys or studies, monitoring wells and for locating existing utilities within the

right-of-way. A single use permit shall be obtained for test holes. All test holes shall be kept to the smallest size and number possible. A surety will be required to sufficiently restore the appearance of the right-of-way or to repair the pavement of the roadway. The permittee shall demonstrate to the satisfaction of the district administrator's designee that the location of the site will not compromise the safety, use or maintenance of the roadway.

24VAC30-151-660. Special requests and other installations.

Any special requests may be permitted upon review and approval by the Commonwealth Transportation Commissioner.

24VAC30-151-670. Prohibited use of right-of-way.

No permit shall be issued for the following uses of the right-of-way:

1. Signs. Signs not otherwise allowed in this chapter shall not be placed on the highway right-of-way or overhang the right-of-way.
2. Vendors on right-of-way. Permits will not be issued to vendors for operation of business within state rights-of-way, except as may be allowed for waysides and rest areas under the Rules and Regulations for the Administration of Waysides and Rest Areas (see 24VAC30-151-760). Vendors of newspapers and written materials enjoy constitutional protection under the First Amendment to place or operate their services within rights-of-way, provided they neither impede traffic nor impact the safety of the traveling public. Newspaper vending machine size, placement and location shall be as directed by the district administrator's designee for that area.
3. Dwellings. No private dwellings, garages, or similar structures shall be placed or constructed within the right-of-way, except as may be allowed under 24VAC30-151-220 and 24VAC30-151-230.

Part VIII

Hazardous Materials

24VAC30-151-680. Hazardous materials, waste, or substances.

In the event that the permittee, in pursuit of the activities allowed by the permit, encounters underground storage tanks, buried drums, petroleum-saturate soils, or other potentially hazardous materials, waste, or substances within the right-of-way, the permittee shall immediately cease all activities in the vicinity of such discovery and

immediately notify the VDOT official who approved the land use permit. The permittee shall also immediately notify any local emergency response organizations, as appropriate. The permittee shall not attempt to remove any containers or wastes without VDOT concurrence. The district administrator's designee will take necessary actions to ensure that the materials/wastes/substances are managed in accordance with state and federal laws and regulations. The permittee shall not be allowed within the potentially contaminated area until the district administrator's designee obtains clearance from the district environmental section. The permittee shall abide by any conditional use restrictions developed by VDOT as a result of such discovery and, as necessary, to comply with state and federal laws and regulations. The permittee shall be solely responsible for properly managing any contaminated soil or groundwater, or both, that is not otherwise required under regulation to be remediated, but which must be removed in order to properly complete the proposed activities within the right-of-way.

24VAC30-151-690. Permitted discharge to VDOT right-of-way.

A. Permits to discharge to VDOT right-of-way may be issued upon written approval of the local public health department or the Virginia Department of Environmental Quality, or both, and this written approval shall be made part of the permit application. Discharges made to VDOT right-of-way pursuant to a Virginia Pollutant Discharge Elimination System (VPDES) Permit shall demonstrate prior to discharge that no feasible alternative discharge point exists. If discharge is made to VDOT right-of-way, the permittee shall notify the district administrator's designee of any instances where the regulated discharge limits are exceeded and take immediate corrective action to ensure future excursions are prevented, and any damage to VDOT property is remediated. Any discharges made pursuant to the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges from Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Test (see 24VAC30-151-760) shall be prohibited from containing any water exhibiting visible oil sheen.

B. Any damages to VDOT property, regardless of authorization implied by any non-VDOT issued permit, shall be remedied or repaired immediately by the permittee.

Part IX
Fees and Surety

24VAC30-151-700. General provisions for fees, surety and other compensation.

Except as otherwise provided in this part, the applicant shall pay an application fee to cover the cost of permit processing, pay additive fees to offset the cost of plan review and inspection and provide surety to guarantee the satisfactory performance of the work under permit. For locally administered VDOT projects, the permit fees are waived and in lieu of a surety, the locality may provide a letter that commits to using the surety in place or to have the contractor execute a dual obligation rider that adds VDOT as an additional obligee to the surety bond provided to the locality, with either of these options guaranteeing the work performed within state maintained right-of-way under the terms of the land use permit for that purpose. A copy of the original surety and letter or rider shall be attached to the land use permit. Except as provided in 24VAC30-151-740, utilities within the right-of-way shall pay an annual accommodation fee as described in 24VAC30-151-730. In the event of extenuating circumstances, the Commonwealth Transportation Commissioner may waive all or a portion of any of the fees or surety.

24VAC30-151-710. Fees.

A. Single use permit. A nonrefundable application fee shall be charged to offset the cost of reviewing and processing the permit application and inspecting the project work, in accordance with the requirements below:

1. The application fee for a single permit is \$100.
2. Additive costs shall be applied as indicated below. The district administrator's designee will determine the total permit fees using the following schedule:

Activity	Fee
Private Entrances	none
Commercial Entrance	\$150 for first entrance \$50 for each additional entrance
Street Connection	\$150 for first connection

Activity	Fee
	\$50 for each additional connection
Temporary Logging entrance	\$10 for each entrance
Temporary Construction Entrance	\$10 for each entrance
Turn Lane	\$10 per 100 linear feet
Crossover	\$500 per crossover
Traffic Signal	\$1,000 per signal installation
Reconstruction of Roadway	\$10 per 100 linear feet
Curb and Gutter	\$10 per 100 linear feet
Sidewalk	\$10 per 100 linear feet
Tree Trimming (for outdoor advertising)	in accordance with § 33.1-371 of the Code of Virginia
Tree Trimming (all other activities)	\$10 per acre or 100 feet of frontage
Landscaping	\$10 per acre or 100 feet of frontage
Storm Sewer	\$10 per 100 linear feet
Box Culvert or Bridge	\$5 per linear foot of attachment
Drop Inlet	\$10 per inlet
Paved Ditch	\$10 per 100 linear feet
Under Drain or Cross Drain	\$10 per crossing
Above-ground structure (including poles, pedestals, fire hydrants, towers, etc.)	\$10 per structure
Pole Attachment	\$10 per structure
Span guy	\$10 per crossing
Additive guy and anchor	\$10 per guy and anchor
Underground Utility - Parallel	\$10 per 100 linear feet

Activity	Fee
Overhead or Underground Crossing	\$10 per crossing
Excavation Charge (including Test Bores and Emergency Opening)	\$10 per opening

3. Time extensions for active permits shall incur a monetary charge equal to one-half the application fee charged to the initial permit. Expired permits may be reinstated; however, fees for reinstatement of expired permits shall equal the application fee.

4. If a permit is cancelled prior to the beginning of work, the application fee and one-half of the additive fee will be retained as compensation for costs incurred by VDOT during plan review.

5. The district administrator's designee may establish an account to track plan review and inspection costs, and may bill the permittee not more often than every 30 calendar days. If an account is established for these costs, the permittee shall be responsible for the nonrefundable application fee and the billed costs. When actual costs are billed, the district administrator's designee shall waive the additive fees above.

B. Districtwide permits. Districtwide permits, as defined in 24VAC30-151-30, are valid for a period of two years. The biannual fee for a districtwide permit for utilities and logging operations is \$750 per district. The biannual fee for a districtwide permit for surveying is \$200 per district. The central office permit manager may exercise discretion in combining requests for multijurisdictional districtwide permits.

C. Miscellaneous permit fees. The operator of a nonutility renewable energy facility that produces not more than two megawatts of electricity from a renewable energy source, not more than 5,000 mmBtus/hour of steam from a renewable energy source, or landfill gas from a solid waste management facility, to connect the facility to the transmission grid pipeline shall remit to VDOT a one time permit fee of \$1,500 per mile as full compensation for the use of the right-of-way in accordance with § 67-1103 of the Code of Virginia.

D. No-fee permits. The following permits shall be issued at no cost to the applicant:

1. In-place permits as defined in 24VAC30-151-30 and 24VAC30-151-390.
2. Prior-rights permits as defined in 24VAC30-151-30 and 24VAC30-151-390.

3. As-built permits as defined in 24VAC30-151-30.
4. Springs and wells as defined in 24VAC30-151-280.
5. Crest stage gauges and water level recorders as defined in 24VAC30-151-500.
6. Filming for movies as defined in 24VAC30-151-520.
7. Roadside memorials as defined in 24VAC30-151-550.
8. No loitering signs as defined in 24VAC30-151-570.

24VAC30-151-720. Surety.

A. Performance surety. The permittee shall provide surety to guarantee the satisfactory performance of the work. Surety shall be based on the estimated cost of work to be performed within the right-of-way. Surety may be in the form of a check, cash, irrevocable letter of credit, insurance bond, or any other VDOT-approved method. Under no circumstances shall VDOT or any agency of the Commonwealth be named the escrow agent, nor shall funds deposited with VDOT as surety be subject to the payment of interest. The surety will be refunded or released upon completion of the work and inspection by VDOT subject to the provisions of § 2.2-1151.1 of the Code of Virginia. If a permit is cancelled prior to the beginning of work, the surety shall be refunded or released.

Should the permittee fail to complete the work to the satisfaction of the district administrator's designee, then all or whatever portion of the surety that is required to complete work covered by the permit or to restore the right-of-way to its original condition shall be retained by VDOT.

B. Continuous surety. Permittees installing, operating and maintaining facilities within the highway right-of-way shall secure and maintain a continuous bond. Governmental customers may use a resolution in lieu of a continuous bond. The continuous surety shall be in an amount sufficient to restore the right-of-way in the event of damage or failure. The surety shall remain in full force as long as the work covered by the permit remains within the right-of-way. A private or commercial entrance does not require a continuous surety. Any other installation may require a continuous surety as determined by the district administrator's designee. An applicant for a districtwide permit for utilities shall provide a continuous surety in the amount of \$10,000 per county. An applicant for a districtwide permit for logging entrances shall provide a continuous surety in the amount

of \$10,000 per district. There is no surety requirement for district-wide permits for surveying.

24VAC30-151-730. Accommodation fees.

After initial installation, the Commonwealth Transportation Commissioner or a designee shall determine the annual compensation for the use of the right-of-way by a utility, except as provided in 24VAC30-151-740. The rates shall be established on the following basis:

1. Limited Access Crossings - \$50 per crossing.
2. Limited Access Longitudinal Installation - \$250 per mile annual use payment.
3. Communication Tower Sites (limited and nonlimited access):
 - a. \$24,000 annual use payment for a communication tower site, and
 - b. \$14,000 annual use payment for colocation on a tower site. This payment does not include equipment mounted to an existing wooden utility pole.

24VAC30-151-740. Exceptions and provisions to the payment of fees and compensation.

A. Pursuant to §§ 56-462 and 56-468.1 of the Code of Virginia, a certificated provider of telecommunication service shall collect and remit to VDOT a Public Right-of-Way Use Fee as full compensation for the use of the right-of-way by those utilities.

B. Pursuant to §§ 15.2-2108.1:1 and 56-468.1 of the Code of Virginia, a cable television operator subject to the public right-of-way use fee shall not be charged an annual use payment for the use of public right-of-way .

C. Pursuant to § 56-468.1 of the Code of Virginia, certified providers of telecommunications service shall not be charged land use permit application and additive fees or an annual payment under a resource sharing agreement for the use of public right-of-way.

D. Municipal or authority owned sewer and water facilities and renewable energy generation transmission facilities shall not be charged an accommodation fee pursuant to section 730 of this chapter for the use of public right-of-way.

E. At VDOT's discretion, under the provisions of resource sharing as defined in 24VAC30-151-30, compensation for the use of the limited access right-of-way may be negotiated and agreed upon through one of the following methods:

1. The mutually agreeable exchange of goods or services only; or

2. Cash only; or
3. A combination of both.

VDOT will ensure that the goods or services provided in any mutually agreeable exchange are equal to the monetary compensation amount established for the use and occupancy of the right-of-way.

24VAC30-151-750. Reserved.

Part X

Reference Documents

24VAC30-151-760. Listing of documents (publications) incorporated by reference.

Requests for information pertaining to the availability and cost of any of these publications should be directed to the address indicated below the specific document. Requests for documents available from VDOT may be obtained from the department's division and representative indicated; however, department documents may be available over the Internet at www.VirginiaDOT.org. Documents with a Virginia Administrative Code (VAC) number may be accessed from the Internet at: <http://leg1.state.va.us/000/srr.htm>.

1. Access Management Regulations: Minor Arterials, Collectors, and Local Streets (24VAC30-73)

Maintenance Division Administrator (VDOT)
1401 E. Broad St.
Richmond, VA 23219

2. Access Management Regulations: Principal Arterials (24VAC30-72)

Maintenance Division Administrator (VDOT)
1401 E. Broad St.
Richmond, VA 23219

3. Change of Limited Access Control (24VAC30-401)

State Right-of-Way Director (VDOT)
1401 E. Broad St.
Richmond, VA 23219

4. Comprehensive Roadside Management Program (24VAC30-121)

Maintenance Division Administrator (VDOT)
1401 E. Broad St.
Richmond, VA 23219

5. Erosion and Sediment Control Regulations (4VAC50-30)

Department of Conservation and Recreation
Division of Soil and Water Conservation
Governor Street, Suite 206
Richmond, Virginia 23219

6. General Rules and Regulations of the Commonwealth Transportation Board (20VAC30-20)

Maintenance Division Administrator (VDOT)
1401 E. Broad St.
Richmond, VA 23219

7. General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Discharges from Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests (9VAC25-120)

Regulatory Coordinator
State Water Control Board
P. O. Box 10009
Richmond, VA 23240

8. Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) (effective December 22, 2003, revised November 2004)

Federal Highway Administration
Superintendent of Documents
U.S. Government Printing Office
P.O. Box 371954
Pittsburgh, PA 15250-7954

**9. National Electric Safety Code (2007 edition)
Institute of Electrical and Electronics Engineers, Inc.**

10662 Los Vaqueros Circle
P.O. Box 3014
Los Alamitos, CA 90720-1264

10. Policy for Integrating Bicycle and Pedestrian Accommodations (effective 2004)

Transportation and Mobility Planning Division (VDOT)
1401 E. Broad St.
Richmond, VA 23219

11. Right-of-Way Utilities Relocation Policies and Procedures Manual (effective November 2003)

State Right of Way Director (VDOT)
1401 E. Broad St.
Richmond, VA 23219

12. Road and Bridge Specifications 2007, revised 2008

Scheduling and Contract Division (VDOT)
State Contract Engineer
1401 E. Broad Street
Richmond, Virginia 23219

13. Road and Bridge Standards (effective 2009)

Location and Design Engineer (VDOT)
1401 E. Broad Street
Richmond, Virginia 23219

14. Road Design Manual (effective 2005, revised 2009)

Location and Design Engineer (VDOT)
1401 E. Broad Street
Richmond, Virginia 23219

15. Roadway Lighting, American National Standard Practice for Roadway Lighting (effective 2000, reaffirmed 2005)

The Standard Practice Subcommittee of the IESNA Roadway Lighting Committee
The Illuminating Engineering Society of North America
120 Wall Street
New York, NY 10005

16. Roadway Lighting Design Guide (effective 2005)

American Association of State Highway and Transportation Officials (AASHTO)
444 North Capitol St. N.W., Suite 225
Washington, D.C. 20001

17. Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices (24VAC30-120)

Maintenance Division Administrator (VDOT)
1401 E. Broad St.
Richmond, VA 23219

18. Rules and Regulations for the Administration of Waysides and Rest Areas (24VAC30-50)

Maintenance Division Administrator (VDOT)
1401 E. Broad St.
Richmond, VA 23219

19. Rules for Enforcement of the Underground Utility Damage Prevention Act (20VAC5-309)

State Corporation Commission
Department of Energy Regulation
P. O. Box 1197
Richmond, VA 23218

20. Secondary Street Acceptance Requirements (24VAC30-92)

Maintenance Division Administrator (VDOT)
1401 E. Broad St.
Richmond, VA 23219

21. Vegetation Control Regulations on State Rights-of-Way (24VAC30-200)

Maintenance Division Administrator (VDOT)
1401 E. Broad St.
Richmond, VA 23219

22. VDOT Tree and Brush Trimming Policy (effective 2004)

Maintenance Division Administrator (VDOT)
1401 E. Broad St.
Richmond, VA 23219

23. Virginia Erosion and Sediment Control Handbook, 3rd edition (effective 1992), a Technical Guide to The Virginia Erosion and Sediment Control Law and Regulations (4VAC50-30)

Department of Conservation and Recreation
Division of Soil and Water Conservation
Governor Street, Suite 206
Richmond, Virginia 23219

24. Virginia Stormwater Management Handbook, 1st edition, Volumes 1 and 2, (effective 1999), a Technical Guide to the Virginia Stormwater Management Program Permit Regulations (4VAC50-60)

Department of Conservation and Recreation
Division of Soil and Water Conservation
Governor Street, Suite 206
Richmond, Virginia 23219

25. Virginia Stormwater Management Program (VSMP) Permit Regulations (4VAC50-60)

Department of Conservation and Recreation
Division of Soil and Water Conservation
Governor Street, Suite 206
Richmond, Virginia 23219

26. Virginia Supplement to the Manual on Uniform Traffic Control Devices (24VAC30-310, includes the Virginia Work Area Protection Manual)

Traffic Engineering Division (VDOT)
1401 E. Broad St.
Richmond, VA 23219

FORMS (24VAC30-151)

LUP-A - Land Use Permit Application (1/05).

LUP-SP - Special Provisions (Notice of Permittee Liability) (1/05).

LUP-HM - House Movement Application (1/05).

LUP-CSB - Corporate Surety Bond (1/05).

LUP-LC - Irrevocable Letter of Credit Bank Agreement (1/05).

LUP-SB - Surety Bond (1/05).

LUP-OC - Special Provisions for Open Cuts (1/05).

LUP-IPP - In Place Permit for Subdivision Street Utility (1/05).