

April 1, 2017



**LAND USE PERMIT
LUP-RWZU**

Regional Permit – Work Zone Traffic Control for Utility Work located off Right-of-way

Permittee Agreement for Land Use Permit Issuance

I the undersigned applicant representative hereby acknowledge that I am fully cognizant of all of the following requirements associated with the issuance of a regional VDOT Land Use Permit authorizing placement of construction equipment and related work zone traffic control on state maintained secondary highway right-of-way associated with the installation or maintenance of utility facilities located off the highway right-of-way:

Applicant Name: _____

Applicant Representative's Signature: _____

VDOT Land Use Permit Required by Law

The General Rules and Regulations of the Commonwealth Transportation Board provide that no work of any nature shall be performed on any real property under the ownership, control, or jurisdiction of VDOT until written permission has been obtained from VDOT. Written permission is granted for the above-referenced activity through the issuance of a land use permit.

By issuing a permit, VDOT is giving permission only for whatever rights it has in the right-of-way; the permittee is responsible for obtaining permission from others who may also have an interest in the property.

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 [§33.2-210](#) of the Code of Virginia.

Application Requirements

Application shall be made for a regional VDOT Land Use Permit for placement of construction equipment and related work zone traffic control on state maintained rural secondary highway right-of-way associated with the installation or maintenance of utility facilities located off the highway right-of-way through the district land use office. The counties for which this permit is applicable are at the discretion of the district designee.

Application forms and general information regarding VDOT land use permitting placement of construction equipment and related work zone traffic control on state maintained highway right-of-way associated with the installation or maintenance of utility facilities located off the highway right-of-way can be obtained by contacting the district land use office or the central office permit manager.

In addition to an executed copy of this document, the following forms are necessary to make application:

[LUP-A](#) Land Use Permit Application

[LUP-SB](#) Permit Surety Bond (if necessary)

Contact Information

A list of counties with their corresponding VDOT district offices and contact information may be obtained on the VDOT web site at: <http://www.virginiadot.org/about/districts.asp>

Permit Term and Fees

This regional permit is valid for a maximum period of one (1) year. The first term of the permit will be for six (6) months with a renewal for an additional six (6) months, assuming the permittee has, in the opinion of the district administrator's designee, adequately complied with permit conditions during the initial six (6) month term. The fee for a regional permit for placement of construction equipment and related work zone traffic control on state maintained highway right-of-way associated with the installation and maintenance of utility facilities located off the highway right-of-way is \$400 per district.

Surety Requirement

A continuous surety in the amount of twenty-thousand dollars (\$20,000.00) per district is required to restore the right-of-way in the event of damage to state maintained facilities resulting from the authorized activity. The continuous surety may be in the form of cash, check, or surety bond.

Insurance Requirements

The permittee or their agent shall secure and maintain insurance to protect against liability for personal injury and property damage that may arise from the activities performed under the authority of a land use permit and from the operation of the permitted activity up to one million dollars (\$ 1,000,000) each occurrence to protect the Board members and the Department's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Board, the Department, or the Commonwealth in event of suit. Insurance must be obtained prior to start of the permitted work and shall remain valid through the permit completion date. VDOT staff may require a valid certificate or letter of insurance from the issuing insurance agent or agency prior to issuing the land use permit.

General Requirements

- 1) Permittee acceptance and use of a Virginia Department of Transportation (VDOT) land use permit is prima facie evidence that the permittee has read and is fully cognizant of all required permit provisions, applicable traffic control plans and associated construction standards to be employed. All applicants to whom permits are issued shall at all times indemnify and save harmless the Commonwealth Transportation Board, members of the Board, the Commonwealth, and all Commonwealth employees, agents, and officers, from responsibility, damage, or liability arising from the exercise of the privileges granted in such permit to the extent allowed by law including any sums ordered to be paid or expended by VDOT by any governmental entity as a fine, penalty or damages for any violation of any applicable environmental law, or to remediate any hazardous or other material, including illicit discharge into VDOT maintained storm sewer systems.
- 2) The permittee assumes full responsibility for any and all damages that may occur as a result of the work performed under a VDOT land use permit and agrees to secure and carry insurance against liability for personal injury and property damage that may arise from the permitted activity.
- 3) All work authorized under the auspices of a VDOT land use permit for placement of construction equipment and related work zone traffic control on state maintained highway right-of-way associated with the installation or maintenance of utility facilities located off the highway right-of-way shall be subject to VDOT's direction.

- 4) A copy of the VDOT land use permit for placement of construction equipment and related work zone traffic control on state maintained highway right-of-way associated with the installation and maintenance of utility facilities located off the highway right-of-way shall be maintained at each work site at all times.
- 5) A separate permit is required for activities associated with the installation or maintenance of utility facilities within, under, or over highway right-of-way.
- 6) A single use permit is required if the permittee desires to place construction equipment and related work zone traffic control on state maintained primary highway right-of-way associated with the installation or maintenance of utility facilities located off the highway right-of-way.
- 7) The permittee's contract crews shall notify the district administrator's designee by telephone or electronic communication at least 48 hours prior to the placement of construction equipment and related work zone traffic control on state maintained secondary highway right-of-way associated with the installation and maintenance of utility facilities located off the highway right-of-way. Failure to provide this information shall result in the suspension or revocation of the VDOT land use permit.
- 8) The permittee's contractor shall notify the district administrator's designee by telephone or electronic communication upon the completion of work at each site.
- 9) It shall be the permittee's responsibility to obtain any and all necessary permits that may be required by any other government agencies.

No tree cutting, tree trimming or land disturbance shall be allowed under the auspices of a VDOT land use permit authorizing the placement of construction equipment and related work zone traffic control on state maintained secondary highway right-of-way associated with the installation or maintenance of utility facilities located off the highway right-of-way.

Traffic Control and Safety

- 1) The permittee shall at all times give strict attention to the safety and rights of the traveling public, their employees, and contractors. Any permit may be revoked or suspended when in the opinion of the district administrator's designee, the safety, use or maintenance of the highway so requires.
- 2) In accordance with the Virginia Department of Transportation (VDOT) Road and Bridge Specification, Special Provision 105.14, all activities performed under the auspices of a VDOT Land Use Permit involving the installation, maintenance and removal of work zone traffic control devices must have at least one (1) person on-site who, at a minimum, is accredited by VDOT in Basic Work Zone Traffic Control. The accredited person must have their VDOT Work Zone Traffic Control accreditation card in their possession while on-site.
- 3) A person accredited by VDOT in Intermediate Work Zone Traffic Control must be on-site to provide supervision for adjustment to the approved layout or implementation of any standard Typical Traffic Control (TTC) layouts outlined in the Virginia Work Area Protection Manual.
- 4) All traffic control plans shall be prepared by a person accredited by VDOT in Advanced Work Zone Traffic Control.
- 5) All activities that require the disruption (stoppage) of traffic shall utilize VDOT certified flaggers. Flag persons shall be provided in sufficient number and locations as necessary for control and protection of vehicular and pedestrian traffic in accordance with the Virginia Work Area Protection Manual. All flaggers must have their certification card in their possession when performing flagging operations within state maintained right-of-way. Any flag person found not in possession of his/her certification card shall be removed from the flagging site and the district administrator's designee will suspend all permitted activities.

- 6) Any VDOT certified flag person found to be performing their duties improperly shall have their certification revoked.
- 7) The permittee shall be exempt from the requirements of Virginia Department of Transportation (VDOT) Road and Bridge Specification, Special Provision 105.14 if the authorized activity does not involve the installation, maintenance and removal of work zone traffic control devices within the roadway (as defined in 24VAC30-151) of a state maintained highway.
- 8) All signs shall be in accordance with the current edition of the Manual of Uniform Traffic Control Devices (MUTCD).
- 9) The permittee shall immediately correct any situation that may arise as a result of these activities that the district administrator's designee deems hazardous to the traveling public.
- 10) During authorized activities, the permittee shall furnish all necessary signs, flag persons and other devices to provide for the protection of traffic and workers in accordance with the Virginia Work Area Protection Manual or as directed by the district administrator's designee.
- 11) Traffic shall not be blocked or detoured without permission, documented in writing or electronic communication, being granted by the district administrator's designee.
- 12) If directed by the district, requests for the implementation of temporary lane closures must be entered into the VDOT Lane Closure Advisory Management System (LCAMS) and VaTraffic a minimum of one (1) week prior to the planned execution of lane closure activities on state maintained highways. The permittee or their contractor(s) may enter their requests directly or provide written requests to the VDOT Regional Operations Center as follows:
 - Lane closure requests in all the counties listed below are within the Northern Region and shall be sent to: nrolanecloturerequests@vdot.virginia.gov.

Counties: Arlington, Fairfax, Loudoun, Prince William, Spotsylvania, and Stafford
 - Lane closure requests in all the counties listed below are within the Northwest Region and shall be sent to: StauntonTrafficManagementCenter@vdot.virginia.gov.

Counties: Albemarle, Alleghany, Augusta, Bath, Clarke, Culpeper, Fauquier, Fluvanna, Frederick, Greene, Highland, Louisa, Madison, Orange Page, Rappahannock, Rockbridge, Rockingham, Shenandoah and Warren
 - Lane closure requests in all the counties listed below are within the Southwest Region and shall be sent to: SalemSmartTrafficCenter@VDOT.Virginia.gov.

Counties: Amherst, Appomattox, Bedford, Bland, Botetourt, Buchanan, Buckingham, Campbell, Carroll, Charlotte, Craig, Cumberland, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Lee, Montgomery, Nelson, Patrick, Pittsylvania Prince Edward, Pulaski, Roanoke, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe.
 - Lane closure requests in all the counties listed below are within the Eastern Region and shall be sent to: HamptonRoadsTOCControllers@VDOT.Virginia.gov.

Counties: Accomack, Greensville, Isle of Wight, James City, Northampton, Southampton, Surry, Sussex and York

- Lane closure requests in all the counties listed below are within the Central Region and shall be sent to: RichmondDist.SmartTraffic@vdot.virginia.gov

Counties: Amelia, Brunswick, Caroline, Charles City, Chesterfield, Dinwiddie, Essex, Gloucester, Goochland, Hanover, Henrico, King and Queen, King George, King William, Lancaster, Lunenburg, Mathews, Mecklenburg, Middlesex, New Kent, Northumberland, Nottoway, Powhatan, Prince George, Richmond, and Westmoreland

Written requests for implementation of temporary lane closures must be submitted to the appropriate VDOT Regional Operations Center by close of business on the preceding Wednesday for the upcoming week's planned lane closures. All requests being directly input into LCAMS and VaTraffic must be entered no later than 2:00 pm on the preceding Thursday for the upcoming week's lane closure activities. Any conflicts with other roadway work must be resolved by close of business on Thursday the week prior to the scheduled lane closure activities with documented resolution sent to the VDOT point of contact provided by the regional traffic operation center LCAMS Administrator. Any requests received after these time limitations will not be approved and the proposed work within VDOT right of way requiring lane closures must be rescheduled.

Lane closure requestors wanting direct access to LCAMS and VaTraffic must complete [ITD-35E](#) & [ITD-36E](#) forms and return to Ms. Carlene McWhirt at Carlene.McWhirt@VDOT.Virginia.gov. Online training is available for LCAMS and VaTraffic and VDOT can accommodate any additional training needs. Please contact Ms. McWhirt at (571) 350-2078 to schedule training.

Authorized Hours and Days of Work

Normal hours for work under the authority of a regional permit for placement of construction equipment and related work zone traffic control on state maintained secondary highway right-of-way associated with the installation or maintenance of utility facilities located off the highway right-of-way are from 9:00 a.m. to 3:30 p.m., Monday through Friday for all secondary highways. The permit work on locals roads have unrestricted hours as designated by the Area Land Use Engineer or the Assistant Resident Engineer.

The district administrator's designee may establish alternate time restrictions in normal working hours and days for VDOT land use permits.

Holiday Restrictions

Permitted activities 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.

Inspections

The absence of a VDOT inspector does not in any way relieve the permittee of their responsibility to perform the work in accordance with these provisions.

Upon completion of work at a site, the permittee shall provide notification, documented in writing, by telephone or electronic communication, to the district administrator's designee requesting final inspection. This request shall include the name of the permittee, permit number, county name, route number(s), and specific location of the authorized activity.

Permit Revocation

A regional permit authorizing the placement of construction equipment and related work zone traffic control on state maintained secondary highway right-of-way associated with the installation or maintenance of utility facilities located off the highway right-of-way may be revoked for a minimum of 30 calendar days upon written finding that the permittee violated the terms of the permit or any of the requirements of this chapter, including but not limited to any, all, or a combination of the following:

- The permittee fails to make any/all documented corrections and contact the district administrator's designee for re-inspection within 30 calendar day's receipt of initial final inspection correspondence from VDOT outlining the deficiencies in the work performed.
- The permittee fails to implement all necessary traffic control in accordance with the [Virginia Work Area Protection Manual](#).
- The permittee fails to utilize VDOT certified flag persons for traffic control.
- The permittee fails to contact VDOT at least 48 hours prior to the placement of construction equipment and related work zone traffic control on VDOT R/W.
- The permittee performs any activity under the jurisdiction of a regional permit that requires the issuance of a single use permit.

The permittee must obtain single use permits from the local district permit office to continue activities during this revocation period.

Permittee Notice

The preceding provisions are intentionally condensed in format and should not be loosely interpreted by the permittee without consultation with the district administrator's designee or the central office permit manager and affirmation from the [Land Use Permit Regulations](#).

VIRGINIA WORK ZONE TRAFFIC CONTROL TRAINING OPTIONS

The following three options are available to receive Work Zone Traffic Control (WZTC) training based on an individual's job duties and responsibilities as required by the FHWA Final Rule on Work Zone Safety and Mobility and the Virginia Department of Transportation:

OPTION 1 – Have someone trained to become a qualified instructor in your company who can then instruct others, utilizing training material provided by VDOT. The following qualifications must be met in order to teach the VDOT Basic, Intermediate, or Advanced WZTC training courses:

- **Basic** – Be flagger certified either by VDOT or by the American Traffic Safety Services Association (ATSSA); possess two years of practical experience in Highway Design, Construction, Maintenance, or Traffic Operations; possess two years of documented experience in conducting training courses; and successfully complete the VDOT WZTC Intermediate or Advanced course or complete the ATSSA Virginia Intermediate/Traffic Control Supervisor (TCS) course.
- **Intermediate** - Be flagger certified either by VDOT or by ATSSA; possess two years of practical experience in Highway Design, Construction, Maintenance, or Traffic Operations; possess two years of

documented experience in conducting training courses; complete and possess the ATSSA Virginia Intermediate/TCS certification.

- **Advanced** - Be flagger certified either by VDOT or by ATSSA; possess two years of practical experience in Highway Design, Construction, Maintenance, or Traffic Operations; possess two years of documented experience in conducting training courses; complete and possess the ATSSA Virginia Advanced Traffic Control Design Specialist (TCDS) certification or ATSSA Virginia Intermediate TCS certification.

To become an approved instructor, an application must be completed listing the above qualifications and sent to the chairman of VDOT's WZST committee at the following location:

http://www.viriniadot.org/business/resources/wztc/wztc_inst_app_form.pdf

Once a person has become an approved instructor, training material can be obtained from VDOT using the order form obtained from the following location (requires an approved instructor identification number): http://www.viriniadot.org/business/resources/wztc/WZTC_order_form.pdf

OPTION 2 – Obtain the services of an approved instructor from VDOT's Approved WZTC Instructor List to teach the course or courses you need for your employees.

The Approved WZTC Instructor's List can be obtained at the following location:

http://www.viriniadot.org/business/resources/wztc/Approved_WZTC_Instructors.pdf

A list of Approved Providers of training can be obtained at the following location:

http://www.viriniadot.org/business/resources/wztc/wztc_training_sponsors.pdf

OPTION 3 – Send personnel to classes conducted by approved sources such as ATSSA Virginia or the Virginia Local Technical Assistance Program (LTAP).

Courses by ATSSA Virginia can be found at the following location:

http://atssa.com/cs/course_information/courses_by_state?state=56

Courses by the Virginia LTAP can be found at the following location:

<http://ltap.cts.virginia.edu/2%20Page%20Calendar%20June%20-%20Sept%2009.pdf>

Basic WZTC courses by the Virginia Rural Water Association can be found at the following location:

<http://www.vrwa.org/> (See Training Schedule)

Training by the Virginia Transportation Construction Alliance (VTCA) can be found at the following location:

<http://vtca.org/>

Visit the following site for additional information regarding Virginia's Work Zone Traffic Control training program:

<http://www.viriniadot.org/business/trafficeng-WZS.asp>