

TOWN OF BERRYVILLE, VIRGINIA
REQUEST FOR PROPOSAL
Tree/Brush Removal and Tree/Brush Takedown Services
RFP # 2023-03

Addendum 4
Issued December 12, 2023

SUBJECT: VDOT permitting and bonding

- The Town confirms that the Contractor will be responsible for meeting VDOT requirements.
- On VDOT LUP-A form, which must be completed and submitted to and approved by VDOT; the Town will be listed as the applicant and the Contractor listed as agent.

The *Request permission to perform the following activity(s)* line on the LUP-A shall be completed as follows:

“To remove all trees and brush within 15 feet each side of the raw water intake and proposed communication lines within VDOT right-of-way as per the attached plan by Pennoni. Removal of trees larger than 3 inches diameter at breast height (DBH) and cutting limbs larger than 3” in diameter shall only be performed between November 15 and March 31. All debris shall be removed from the right-of-way and all stumps shall not be more than three (3) inches in height and shall be cut following the contour of the existing grade. Disturbed ground shall be permanently stabilized to VDOT’s satisfaction”.

- Contractor/Agent will utilize VDOT Surety Bond LUP-SB when it posts required bond.

The *Explain below the exact purpose for which surety coverage is being obtained* portion of the LUP-SB shall be completed as follows:

“To remove all trees and brush within 15 feet each side of the raw water intake and proposed communication lines within VDOT right-of-way as per the attached plan by Pennoni. Removal of trees larger than 3 inches diameter at breast height (DBH) and cutting limbs larger than 3” in diameter shall only be performed between November 15 and March 31. All debris shall be removed from the right-of-way and all stumps shall not be more than three (3) inches in height and shall be cut following the contour of the existing grade. Disturbed ground shall be permanently stabilized to VDOT’s satisfaction”.

- **Please find attached:**
 - o **VDOT Land Use Permit LUP-SPG Special Provisions – General**
 - o **VDOT Land Use Permit Application (LUP-A)**
 - o **VDOT Surety Bond LUP-SB**

Approved and Issued:



Keith R. Dalton, Town Manager

12/12/23

Date

Bidder Acknowledgement

I acknowledge that I have received and reviewed this IFB addendum.

Authorized Signature

Date



**LAND USE PERMIT
LUP-SPG
Special Provisions – General**

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 VDOT land use permits through the local district permit office where the activity is to take place.

Application forms and general information regarding VDOT land use permitting can be obtained by contacting the central office permit manager or at the following VDOT web site: <http://www.virginiadot.org/business/bu-landUsePermits.asp>

The applicant shall provide a notarized affidavit indicating compliance with the registration and notification requirements outlined in [§ 2.2-1151.1](#) of the Code of Virginia.

Permit Fees

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

Surety Requirement

A performance surety in the amount determined by the district administrator's designee is required to restore the right-of-way in the event of damage or default. This surety may be in the form of cash, check or surety bond [LUP-SB](#), or [LUP-LC](#) irrevocable letter of credit.

Cash Surety Refund

Applicants owing the Internal Revenue Service or the Commonwealth of Virginia may not receive a refund of the cash guarantee provided for the issuance of a VDOT land use permit unless the amount owed is less than the amount of cash guarantee provided. Applicants providing cash guarantee for the issuance of a VDOT land use permit must provide an executed copy of the Commonwealth of Virginia's Substitute Form W-9 to receive a refund of the cash guarantee provided for the issuance of a VDOT land use permit.

Insurance Requirements (excluding County, Town or City)

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

Any of the following provisions that may apply, shall apply:

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 (downstream flooding, erosion, siltation, etc.) damages that may occur as a result of the work performed under this permit. Furthermore, the Department will in no way be responsible for any damage to the facility being placed as a result of future maintenance or construction activities performed by the Department.
- 3) The permittee agrees to move, remove, alter, or change any installation that interferes with the ultimate construction of the highway in alignment or grade at no cost to the Department unless otherwise stipulated and agreed to by the Department.
- 4) The permittee shall immediately correct any situation that may arise as a result of these activities that the district administrator's designee deems hazardous to the traveling public.
- 5) Any and all highway signs, right-of-way markers, etc., disturbed as a result of work performed under the auspices of a land use permit shall be accurately reset by the permittee immediately following the work in the vicinity of the disturbed facility. The services of a certified land surveyor with experience in route surveying may be required.
- 6) It shall be the permittee's responsibility to obtain any and all necessary permits that may be required by any other government agencies, i.e., U.S. Army Corp. of Engineers, Department of Environmental Quality, Department of Conservation and Recreation, etc.
- 7) A copy of the VDOT land use permit shall be maintained at the work site and made readily available for inspection when requested by authorized VDOT personnel. District administrator's designee may request the permittee to install on site a project information sign to help the public and VDOT personnel identify activities in the right of way (see LUP-IS).
- 8) The permittee shall notify the local district permit office at least 48 hours prior to commencement of any work requiring inspection and/or testing as stipulated in VDOT's Road and Bridge Standards (current edition) and VDOT's Road and Bridge Specifications (current edition). Failure to carry out this requirement may result in permit revocation.
- 9) The permittee or their agent must contact the VDOT Customer Service Center at 1-800-367-7623 a minimum of 48 hours prior to initiating any planned excavation within 1,000 feet of a signalized intersection and/or near VDOT ITS infrastructure. Excavation activities may proceed only after the VDOT regional utility location agent has notified the permittee that the utility marking has been completed.

Alternately, within all localities in the Northern Virginia Construction District, including the Counties of Arlington, Fairfax, Loudoun & Prince William, the Cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park, and the Towns of Clifton, Dumfries, Hamilton, Haymarket, Herndon, Hillsboro, Leesburg, Lovettsville, Middleburg, Occoquan, Purcellville, Quantico, Round Hill and Vienna, and on Interstate 95 in the counties of Stafford, Spotsylvania and Caroline, the permittee may request VDOT regional utility marking at: <http://www.vdotutilitymarking.virginia.gov>

- 10) The permittee shall to notify "VA811" (or each operator of an underground utility where notification center exists) of any planned excavation within state maintained right-of-way. This notification must be provided at least 48 hours (excluding weekends and holidays) in advance of commencing with any planned excavation within state maintained right-of-way. Failure to carry out this requirement may result in permit revocation.
- 11) 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.
- 12) The permittee shall at all times give strict attention to the safety and rights of the traveling public, their employees and themselves. VDOT reserves the right to stop work at anytime due to safety problems and/or non-compliance with the terms of the permit. The Department may, at its discretion, complete any of the work covered in the permit or restore the right-of-way to the department's standards and invoice the permittee for the actual cost of such work. The permittee may be required to move, alter, change or remove from state maintained right-of-way, in a satisfactory manner, any installation made under this permit.
- 13) All work authorized under the auspices of a VDOT land use permit shall be subject to VDOT's direction and be in accordance with VDOT's Road and Bridge Standards (current edition) and VDOT's Road and Bridge Specifications (current edition).

14) Design changes, specified material changes and/or field changes from the approved plans shall be submitted to the appropriate district administrator's designee for review and approval prior to proceeding with the proposed changes. This submittal shall include written justification, supplemental documentation and/or engineering calculations that support the requested changes.

15) The permittee shall meet or exceed the existing pavement design and typical section when constructing pavement widening adjacent to an existing state maintained roadway. The proposed pavement design and typical section shall be approved by the district administrator's designee prior to commencing with any work within state maintained right-of-way. All pavement widening shall be in accordance with VDOT's Road and Bridge Standard 303.02.

16) Within the limits of a VDOT construction project it is the responsibility of the permit applicant to obtain the contractor's consent in writing prior to permit issuance. Information regarding current and/or planned VDOT construction and maintenance activities can be obtained at: <http://www.virginiaroads.org/>.

17) Permittee must notify Virginia Department of Transportation "TOC" Traffic Operation Center when there is a crash in a work zone.

TOC Contact Numbers

Northern Virginia
703-877-3401

Hampton Roads
757-424-9923
757-424-9924

Richmond (Richmond and Fredericksburg)
804-796-4520

Staunton (Staunton and Culpeper)
540-332-9500
540-332-9114
540-332-7789

Salem (Bristol, Lynchburg, and Salem)
540-375-0170
888-782-7982 (toll free)
540-537-1535 (cell backup)

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 an individual on-site who, at a minimum, is accredited by VDOT in Basic Work Zone Traffic Control. The accredited person must have their VDOT Work Zone Traffic Control accreditation card in their possession while on-site.
- 3) The individual accredited in Basic Work Zone Traffic Control is responsible for the placement, maintenance and removal of work zone traffic control devices within the project limits in compliance with the permit requirements and conditions, the approved plans and specifications, the Virginia Work Area Protection Manual, and the Manual of Uniform Traffic Control Devices.
- 4) A person accredited by VDOT in Intermediate Work Zone Traffic Control must be on-site to provide supervision for adjustment to the approved layout of any standard Typical Traffic Control (TTC) layouts outlined in the Virginia Work Area Protection Manual.
- 5) All traffic control plans shall be prepared by a person verified by VDOT in Advanced Work Zone Traffic Control.
- 6) Individuals responsible for implementation of work zone traffic control measures shall provide evidence of their accreditation upon request from VDOT personnel.
- 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 is not within the roadway (as defined in 24VAC30-151) of a state maintained highway.
- 8) Non-compliance with the requirements outlined in VDOT Road and Bridge Specification, Special Provision 105.14 may result in a stop work order and / or permit revocation.
- 9) 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.
- 10) Any VDOT certified flag person found to be performing their duties improperly shall have their certification revoked.
- 11) All signs shall be in accordance with the current edition of the Manual of Uniform Traffic Control Devices (MUTCD).
- 12) 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.
- 13) 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.
- 14) Traffic shall not be blocked or detoured without permission, documented in writing or electronic communication, being granted by the district administrator's designee.

- 15) All lane or shoulder closures on highways in the Northern Virginia construction district classified as arterial or collector routes must be authorized, documented in writing or by electronic communication by the VDOT Transportation Operations Center (NRO/TOC).
- 16) 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) shall 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:
NROLaneClosureRequests@vdot.virginia.gov

Contact information:

NRO-(571) 581-8290
David Calhoun, Lane Closure Coordinator
dave.calhoun@vdot.virginia.gov

Northern Virginia District:

Counties: Arlington, Fairfax, Loudoun and Prince William

Fredericksburg District:

Counties: Spotsylvania, Stafford

Lane closure requests in all the counties listed below are within the Northwest Region and shall be sent to:

StauntTrafficManagementCenter@vdot.virginia.gov.

Contact information:

NWRO (540) 332-9500
Sandy Wyrick, Lane Closure Coordinator
Sandy.Wyrick@VDOT.Virginia.gov

Culpeper District:

Counties: Albemarle, Culpeper, Fauquier, Fluvanna, Greene, Louisa, Madison, Orange and Rappahannock

Staunton District:

Counties: Alleghany, Augusta, Bath, Clarke, Frederick, Highland, Page, Rockbridge, Rockingham, Shenandoah and Warren

Lane closure requestors are required to have direct access to LCAMS and VaTraffic. Training is available for both programs, however requestors must complete [ITD-35E](#) & [ITD-36E](#) and return to Ms. Sandy Wyrick at Sandy.Wyrick@vdot.virginia.gov. Please contact Ms. Wyrick at 540-332-9881 to schedule training.

Lane closure requests in all the counties listed below are within the Southwest Region and shall be sent to:

SalemTOC@vdot.virginia.gov

Contact information:

SWRO- (540)798-8108
Vicky Reed, Lane Closure Coordinator
vicky.reed@vdot.virginia.gov

Bristol District:

Counties: Bland, Buchanan, Dickenson, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe

Salem District:

Counties: Bedford, Botetourt, Carroll, Craig, Floyd, Franklin, Giles, Henry, Montgomery, Patrick, Pulaski and Roanoke

Lynchburg District: Counties: Amherst, Appomattox, Buckingham, Campbell, Charlotte, Cumberland, Halifax, Nelson, Pittsylvania and Prince Edward

- Lane closure requests in all the counties listed below are within the Eastern Region and shall be sent to:

HRPermits@VDOT.Virginia.gov

(757) 424-9915

Sam Holzemer, Lane Closure Coordinator

<mailto:sam.holzemer@vdot.virginia.gov>

Hampton Roads District:

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

- Lane closure requests in all the counties listed below are within the Central Region and shall be sent to:

RichmondDist.SmartTraffic@vdot.virginia.gov

Contact information:

CRO- 804-609-5338 / 804-401-2756

Sharod Taylor, Lane Closure Coordinator

sharod.taylor@vdot.virginia.gov

Richmond District:

Counties: Amelia, Brunswick, Charles City, Chesterfield, Dinwiddie, Goochland, Hanover, Henrico, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan and Prince George

Fredericksburg District:

Counties: Caroline, Essex, Gloucester, King and Queen, King George, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland

All requests being directly input into LCAMS and VaTraffic must be entered no later than 12:00 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 David Calhoun at dave.calhoun@vdot.virginia.gov. Online training is available for LCAMS and VaTraffic and VDOT can accommodate any additional training needs. Please contact David Calhoun at (571) 581-8290 to schedule training.

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

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:

https://www.virginiadot.org/business/resources/traffic_engineering/memos2/TE-345_Work_ZoneTrafficControl_Training_Procedures.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.virginiadot.org/business/trafficeng-WZS.asp>

Authorized Hours and Days of Work

Normal hours for work under the authority of a VDOT land use permit are from 9:00 a.m. to 3:30 p.m. Monday through Friday for all highways classified as arterial or collector. All highways classified as local roads will have unrestricted work hours and days. The district administrator's designee may establish alternate time restrictions in normal working hours for single use permits.

The central office permit manager may establish alternate time restrictions in normal working hours for district-wide permits.

The classifications for all state maintained highways can be found at the following link:

http://www.virginiadot.org/projects/fxn_class/maps.asp

Emergency Repair

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 utility owner must contact the VDOT Emergency Operations Center at 1-800-367-7623 as soon as reasonably possible but no later than 48 hours after the end of the emergency situation.

The utility owner must apply for a separate land use permit from the local district permit office for any emergency work performed on state maintained right-of-way when the following actions are proposed:

- Stopping or impeding highway travel in excess of 15 minutes, or,
- Accessing facilities within limited access right-of-way, or,
- Cutting the highway pavement or shoulders.

The district administrator's designee shall determine the applicable permit fee for emergency repair permit

The Implementation of Portable Temporary Rumble Strips in Land Use Permits and Utility Operations

Distracted driving and speeding crashes continue to make up a large percentage of work zone crashes across the Commonwealth. In 2019, VDOT initiated a requirement for the use of Portable Temporary Rumble Strips (PTRS) in some instances to help reduce the rate of such crashes. In 2020, 50% of the 3757 work zone crashes were distracted and/or speeding related crashes. In order to address this, VDOT will expand the PTRS requirement in 2022 to work associated with Land Use permits and utility operations when the following conditions are met concurrently:

- a. The work operation involves flaggers on a two-lane roadway during daylight hours;
- b. The work duration of the activity at a location is greater than three hours but less than 72 consecutive hours (the use of PTRS may run into nighttime conditions in this case);
- c. The existing posted or regulatory speed limit is 35 mph or greater; and
- d. The roadway has at least 500 vehicles per day (usually has a marked centerline).

Regardless of the above, if the following conditions exist, then the use of PTRS would not be required:

- If the roadway has loose gravel such as after a surface treatment operation,
- If the roadway has bleeding asphalt or heavily rutted pavements which would cause the PTRS to move excessively,
- PTRS shall not be placed through pedestrian crossings or marked bicycle lanes,
- PTRS are not required if the work is of an emergency nature, or is in rain, snow, or icy weather conditions.

PTRS creates an audible noise and vibration to approaching motorists. The advantages of using it include:

- Raising motorists attentiveness to flagging operations and surrounding conditions;
- Providing an audible warning to flaggers, increasing their awareness of approaching vehicles; and
- Reducing speeding, rear end collisions, and roadway departures

For more information on the use of PTRS, please refer to Section 6F.99 of the 2011 Virginia Work Area Protection manual: https://www.virginiadot.org/business/resources/traffic_engineering/workzone/wapm/2011_WAPM_REV_2_1.pdf

Holiday Restrictions

Permitted non-emergency 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.

Excavation

All excavation within state maintained rights-of-way shall comply with OSHA Technical Manual, Chapter 2, Title Excavation: Hazard Recognition in Trenching and Shoring. A professional engineer shall certify all shoring and/or trench boxes.

No excavated material is to be placed or tracked on the pavement without written permission from the District Administrator's designee. When so authorized, the pavement shall be satisfactorily cleaned by a VDOT approved method. No cleated (track-mounted) equipment is to be used on the pavement without properly protecting the pavement from damage.

Trenchless Construction

Site specific geotechnical sub-surface investigation reports, compiled in accordance with the provisions of VDOT Materials Division Manual of Instructions, shall be submitted to the district administrator's designee if the following trenchless installation(s) are proposed:

- The proposed pipe diameter is 24-inches or greater, and;
- The proposed pipe cover is less than 3 times the pipe diameter, and;
- The AADT of roadway is greater than 25,000, or;
- The proposed pipe diameter is 60-inches or greater, or;
- Any situation where there is a significant risk identified.

Inspection and Restoration

- 1) Inspection and testing of all backfill and pavement sections shall be performed in accordance with all applicable sections of VDOT's Road and Bridge Specifications (current edition).
- 2) If during or before construction it is deemed necessary for the local district permit office to assign an inspector to the project, the permittee shall pay the Department an additional inspection fee in an amount that will cover the salary, expense allowance, and mileage allowance for the inspection(s) assigned by the Department for handling work covered by this permit. Said inspection fee shall be paid promptly each month on invoices rendered by the Department.
- 3) It shall be the decision of the district administrator's designee whether to assign an inspector to monitor the placement of all backfill and pavement restoration activities.
- 4) The absence of a VDOT inspector does not in any way relieve the permittee of their responsibility to perform the work in accordance with the approved plans, provisions of the attached permit, VDOT's Road and Bridge Standards (current edition) and VDOT's Road and Bridge Specifications (current edition).
- 5) The permittee shall be responsible for any settlement of all backfill or pavement restoration necessitated by authorized excavation activities for a period of two (2) years after the completion date of permit, and for the continuing maintenance of the facilities placed within the highway right-of-way. A one (1) year restoration warranty period may be considered, provided the permittee adheres to the following criteria:
 - 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 backfill and pavement restoration.
 - 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.
 - 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 prior to completion of the work authorized by the permit.

- 6) Whenever existing pavement is permitted to be cut, not over one-half of the roadway width shall be disturbed at one time and the first open cut trench section shall be satisfactorily restored to allow for the passage of traffic prior to the second half of the roadway surface can be disturbed.
- 7) All crossing of existing pavement shall be bored, pushed or jack ed an appropriate distance from the edge-of-pavement so as not to impede the normal flow of traffic or damage the existing pavement section. Existing pavement shall not be cut unless approved by the district administrator's designee and then only if justifiable circumstances prevail or proof is shown that a thorough attempt has been made to push, bore or jack.
- 8) Authorized daily trench excavation within pavement sections shall not exceed 500 feet in length.
- 9) Pavement restoration shall be in accordance with the VDOT [LUP-OC](#) Pavement Open Cut Special Provisions. This document can also be found at: <http://www.virginiadot.org/business/bu-landUsePermits.asp>
- 10) Where the pavement is disturbed or deemed weakened in its entirety or such portions as deemed desirable by the Department, the pavement shall be restored or replaced in a manner that is satisfactory to the district administrator's designee.

Environmental

- 1) In accordance with the Virginia Department of Transportation (VDOT) Road and Bridge Specification [§107.16](#), all contractors performing regulated land disturbing activities within VDOT right-of-way must have at least one (1) employee that has successfully completed the VDOT Erosion & Sediment Control Contractor Certification training. This person shall be on site during all land disturbance activities and will be responsible for insuring compliance with all applicable local, state and federal erosion and sediment control regulations during land disturbance activities. This person must have their certification card with them while on the project site. The land use permit will be suspended if proof of certification cannot be provided. Regulated land disturbing activities are defined as those activities that disturb 2,500 square feet or greater in Tidewater, Virginia or 10,000 square feet or greater in all other areas of the State. The Department will require evidence of this certification with any land use permit application that involves utility and/or commercial right of way improvement. Improper installation, maintenance and removal of erosion and sediment control devices may result in revocation of VDOT Erosion & Sediment Control Contractor Certification.

NOTE: Training for the VDOT Erosion & Sediment Control Contractor Certification can be obtained from any of the sources listed under "Upcoming Courses" at: http://www.virginiadot.org/business/locdes/ms4_stormwater_management.asp

- 2) The permittee is responsible for pursuing and obtaining any and all environmental permits which may be required to pursue the proposed activity prior to any work beginning within state maintained right-of-way.
- 3) In the event hazardous materials or underground storage tanks are encountered within state maintained right-of-way during authorized activities, the permittee shall suspend all work immediately then notify the local district permit office and other responsible parties, i.e., the local fire department, emergency services, Department of Environmental Quality, etc. The permittee is responsible for coordination and completion of all required remediation necessary to complete the permitted activities within the state maintained right-of-way. The permittee shall provide evidence of such compliance to the local district permit office prior to recommencement of permitted activities.
- 4) In the event cultural resources, archaeological, paleontological, and/or rare minerals are encountered within the right of way during authorized activities, the permittee shall suspend all work immediately then notify the local district permit office and the proper state authority charged with the responsibility for investigation and evaluation of such finds. The permittee will meet all necessary requirements for resolving any conflicts prior to continuing with the proposed activities within the state maintained right-of-way, and shall provide evidence of such compliance to the local district permit office.
- 5) Roadway drainage shall not be blocked or diverted. The shoulders, ditches, roadside, drainage facilities and pavement shall be kept in an operable condition satisfactory to the Department. Necessary precautions shall be taken by the permittee to insure against siltation of adjacent properties, streams, etc., in accordance with VDOT's current standards or as prescribed by the Department's Environmental Manual and the district administrator's designee.

Entrances

- 1) VDOT's authority to regulate highway entrances is provided in §, [§33.2-240](#), and [§33.2-241](#) of the Code of Virginia and its authority to make regulations concerning the use of highways generally is provided in [§33.2-210](#) of the Code of Virginia. Regulations regarding entrances are set forth in VDOT's regulations promulgated pursuant to [§33.2-245](#) of the Code of Virginia.
- 2) The permittee shall be responsible for the design and installation of a private entrance under the auspices of a VDOT land use permit however the permittee may request that VDOT forces install the private entrance at the permittee's expense.

- 3) Street connections, private entrances, and construction entrances shall be kept in satisfactory condition during all activities authorized under the auspices of a VDOT I and use permit. Entrances shall not be blocked. Ample provisions must be made to provide safe ingress and egress to adjacent properties at all times. Entrances that are disturbed shall be restored to the satisfaction of the property owner and the district administrator's designee.

Utilities

- 1) Prior to any excavation, the permittee shall comply with the terms of [Title 56, Chapter 10.3](#) of the Underground Utility Damage Prevention Act and [§56-265.14](#) through [§56-265.20](#) of the Code of Virginia. This permit does not grant permission to grade on or near property of others, or, adjust or disturb in anyway existing utility poles or underground facilities within the permitted area. Permission to do so must be obtained from the impacted utility company and any expense involved shall be borne by the permittee. Any conflicts with existing utility facilities must be resolved between the permittee and the utility owner(s) involved.
- 2) All underground utility installations within limited access right-of-way shall have a minimum of 36 inches of cover. All underground utilities within non-limited access right-of-way will require a minimum of 36 inches of cover, except underground cables that provide telecommunications service shall be at a minimum of 30 inches of cover.
- 3) Where feasible, all aboveground installations (such as fire hydrants, telephone pedestals, markers, etc.) shall be located adjacent to the outside edge of the right-of-way line and in accordance with minimum clear zone requirements. All manhole covers, valve box, etc., shall be installed two inches below existing ground line and shall conform to existing contours.
- 4) No poles, guys, anchors, etc., are to be placed on state maintained right-of-way unless authorized under the auspices of a VDOT land use permit. At no time will any such facilities be allowed between the ditch line and the traveled roadway.
- 5) All overhead installations crossing non-limited 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. All overhead utility installations within limited access right-of-way shall maintain a minimum of 21 feet of vertical clearance. The vertical clearance for all new overhead parallel installations within non-limited access rights-of-way shall be in compliance with standards as specified in the National Electric Safety Code.

Final Inspection and Completion of Permit

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

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

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

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

Permit Revocation

At the discretion of the district administrator's designee, a land use permit may be revoked upon written finding that the permittee was not in compliance with all requirements contained herein and/or violated the terms of the permit, or any state and local laws and ordinances regulating activities within the right-of-way. In addition VDOT may apply additional penalties in accordance with §33.2-1221.

Permittee Notice

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

WORK BY

VDOT PERMIT #

QUESTIONS ?

CALL _____

1. Sign must not be oriented facing traffic approaching from any direction
2. Sign must be non-reflective
3. Sign must use Times New Roman font and should not use MUTCD sign fonts (or Clearview)
4. Sign must not show any logos
5. Sign must not contain the contractor's name (unless the contractor is the permittee)
6. Sign must be installed outside clear zone within 50' of work area
7. Sign must remain on site until final restoration of right of way
8. For multiple work locations within subdivisions, at least one sign may be installed at the main work area
9. Sign must be at least 36"X36" and made of water-resistant material and firmly secured
10. Sign must be blue with white 3" lettering
11. Sign shall not be installed on existing VDOT sign posts and should not impede pedestrian mobility



Land Use Permit Application (LUP-A)

APPLICATION is hereby made for permit as shown on the accompanying plan or sketch and as described below. Said activity(s) will be done under and in accordance with the rules and regulations of the Commonwealth Transportation Board of Virginia, in so far as said rules are applicable thereto and any agreement between the parties herein before referred to. Where applicable agreements may be attached and made a part of the permit assembly including any cost responsibilities covering work under permit. Applicant agrees to maintain work in a manner as approved upon its completion. Applicant also hereby agrees and is bound and held responsible to the owner for any and all damages to any other installations already in place as a result of work covered by resulting permit. 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 offices, from responsibility, damage, or liability arising from the exercise of the privileges granted in such permit to the extent allowed by law. In consideration of the issuance of a permit the applicant agrees to waive for itself, successors in interest or assigns any entitlements it may otherwise have or have hereafter under the Uniform Relocation and Assistant Act of 1972 as amended in event the Department or its successor, chooses to exercise its acknowledged right to demand or cause the removal of any or all fixtures, personality of whatever kind or description that may hereafter be located, should this application be approved.

Applicant information:	
Driver's License or Tax ID No. _____	Contact Name _____
Owner Name _____	E-mail Address _____
Address _____	Telephone Number _____
City _____ State _____ Zip Code _____	Emergency Telephone Number _____
	Fax Number _____
Agent information:	
Driver's License or Tax ID No. _____	Contact Name _____
Owner Name _____	E-mail Address _____
Address _____	Telephone Number _____
City _____ State _____ Zip Code _____	Emergency Telephone Number _____
	Fax Number _____

Permit Term Requested _____ Fees Enclosed \$ _____ Check Number _____ Money Order _____
 Estimated cost of work to be performed on VDOT Right of Way \$ _____

Surety Information:

Surety Posted by Owner Agent County Resolution

If cash/check surety is posted, please complete Commonwealth of Virginia's Substitute Form W-9.

Waived Bonding Company Name _____
 Bond # _____

Irrevocable Letter of Credit - Bank Name _____ Irrevocable Letter of Credit # _____
 Surety paid by Check - Check Number _____

Amount of Surety \$ _____ Obligation Amount \$ _____

Request permission to perform the following activity(s): _____

 _____ as per attached plans.

Location: County Town City of _____ Route No. _____ Street Name _____
 Between Route No. _____ Street Name _____ and Route No. _____ Street Name _____
 Latitude _____ Longitude _____ Tax Map Number _____ Applicant Job No. _____

Applicant shall provide proof of registration as an operator with the appropriate notification center in accordance as defined in §2.2-1151.1 of the Code of Virginia & must provide a notarized affidavit, stating that the utility owner has notified the commercial and residential developer, owner of commercial or multifamily real estate, or local government entities with a property interest in any parcel of land located adjacent to the property over which the land use is being requested, that application for the permit has been made.

IF APPLICABLE, I AGREE TO PAY THE FULL SALARY AND EXPENSES OF A STATE ASSIGNED INSPECTOR IN CONJUNCTION WITH ACTIVITIES AUTHORIZED UNDER THE AUSPICES OF A VDOT LAND USE PERMIT. By signing below, I acknowledge that I am fully cognizant of all the LUP-SPG requirements associated with the issuance of a VDOT Land Use Permit.

The permittee or their agent must contact the VDOT Customer Service Center at 1-800-367-7623 a minimum of 48 hours prior to initiating any planned excavation within 1,000 feet of a signalized intersection and/or near VDOT ITS infrastructure.

Signature of Applicant: _____ Title _____ Date _____
 Signature of Agent: _____ Title _____ Date _____

All applicable items on this form must be completed to avoid delay in processing the issuance of a VDOT Land Use Permit. Prepayment required with remittance payable to Virginia Department of Transportation.

VDOT USE ONLY

Receipt is hereby acknowledged for: CHECK No.: _____ MONEY ORDER No.: _____
 In the Amount of \$ _____ for PERMIT FEE \$ _____ CASH SURETY \$ _____
 Authorized VDOT Signature: _____ Date: _____

*Agent mean: Applicant contractor's or a person or business authorized to act on another's behalf.

Surety Bond LUP-SB

BE KNOWN THAT WE _____ as Principal, and _____, a corporation duly incorporated under the Laws of the State of _____, as Surety, are held and firmly bound unto the Commonwealth of Virginia in the full and just sum of _____ U.S. Dollars (\$ _____), to be paid to the Commonwealth of Virginia to the payment whereof we hereby bind ourselves and our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, sealed and dated this _____ day of _____ (month), 20____ (year).

WHEREAS, The said Principal hereunder has been or will be granted permit(s) authorizing one or more of the following activities;(A) to move house property upon public highways of Virginia (B) to cut surface of the highways of Virginia, or to tunnel under such highways; (C) to install and/or erect and maintain telephone, electric power lines, water, sewer, gas or other utilities on, under or over such highways, bridges or tunnels;(D) to install an entrance or tie-in into a public roadway and/or grading upon the Right -of- way; or (E) for the following purposes: Explain below exact purpose(s) for which surety coverage is being obtained.

Work to be performed in the county, city or town of: _____

THEREFORE, The conditions of this obligation are such that if the said Principal shall in all respects comply with the terms and conditions of said permit(s), and fully meet and perform obligations thereunder in accordance with requirements for permits as set forth in the Land Use Permit Manual in effect at time of permit issuance, and shall satisfactorily complete the work permitted, and shall indemnify and save harmless the Commonwealth of Virginia against and from all loss, cost, expense damage or injury to highways and bridges and to persons and property lawfully on such highways, growing out of the granting of such permit(s) to said Principal, then this obligation be void, otherwise to be and remain in full force and virtue.

NOW, THEREFORE, It is expressly understood that this Bond may be canceled by the Surety at the expiration of sixty (60) days from the date which the Surety shall have lodged with the Commonwealth Transportation Commissioner or his designees written notice to so cancel. This provision, however, shall not operate to relieve, release or discharge the Surety from any liability already accrued, or which shall accrue, on permits issued before the expiration of the sixty-day period. Bonds securing performance on specified active permit(s) may be canceled only upon satisfactory completion of permit(s), as determined by the Department Engineer. NOTE: Continuous Bond cannot be canceled unless facilities covered by the permit have been removed from the Right -of-way, or the principal has arranged for replacement surety protection. **ALL permit work covered under section (C) above shall be covered by a bond at all times.**

Said principal and surety, being properly authorized, have caused these presents to be executed and their seals affixed the day and year first above written.

Surety name _____	Principal name _____
Bond number _____	TAX ID # or DMV ID # _____
Address _____	Address _____
City _____ State _____ ZIP _____	City _____ State _____ ZIP _____
Contact person _____	Contact person _____
Phone number _____	Phone number _____
Attorney-in-Fact Name _____	Signature _____
Signature _____	

Attorney-In-Fact
(Seal)

POWER OF ATTORNEY AUTHORIZATION TO BE ATTACHED

Acknowledgement of Principal

STATE OF _____ COUNTY / TOWN / CITY OF _____
I, the undersigned, a Notary Public in and for the County / Town / City aforesaid, in the State aforesaid, do certify that, _____ whose name as Principal is signed to the foregoing writing bearing date this _____ day of _____ (month), 20____ (year), personally appeared before me and acknowledged the same.

Given under my hand this _____ day of _____ (month), 20____ (year) My Commission expires: _____

Notary Public

Affidavit and Acknowledgement of Surety

STATE OF _____ COUNTY/TOWN/CITY OF _____
I, the undersigned, a Notary Public in and for the County/Town/City aforesaid, in the State aforesaid do certify that _____ (Name of Attorney in Fact) personally appeared before me and made oath that he is _____ (Title) of the (Name of Surety), that he is duly authorized to execute the foregoing bond by virtue of a certain power of attorney of said company; that said power of attorney has not been revoked; that the said company has complied with all the requirements of law regulating the admission of such companies to transact business in the State of Virginia; that the said company holds the certificate of the Commissioner of Insurance authorizing it to do business in the State of Virginia; that it has a paid-up cash capital of not less than \$250,000; that the paid-up capital plus the surplus and undivided profits of said company is \$ _____; that the penalty of the foregoing bond is not in excess of ten percentum of said sum; that the said company is not by said bond incurring in the aggregate, on behalf or on account of the principal names in said bond, a liability for an amount larger than one-tenth of its paid-up capital, plus its surplus and undivided profits; that the said company is solvent and fully able to meet promptly all its obligations, and the said _____ (Attorney in fact name) thereupon, in the name and on behalf of the said company, acknowledged the foregoing writing as its act and deed.

Given under my hand this _____ day of _____ (month), 20____ (year) My Commission expires: _____

Notary Public

Original to be filed with the Virginia Department of Transportation
Request for Land Use Permit Surety Bond Cancellation may be addressed to:
Virginia Department of Transportation