

October 17, 2018



**Land Use Permit
LUP-CWOFC
Countywide Permit – Overhead Fiber Co-Location**

The installation of overhead utilities along and across state maintained highway right-of-way is authorized by Sections [24VAC30-151-300](#) through [24VAC30-151-410](#) of the Commonwealth Transportation Board's Land Use Permit Regulations.

Permittee Agreement for Land Use Permit Issuance

I the undersigned hereby acknowledge that I am fully cognizant of all of the following requirements associated with the issuance of a Virginia Department of Transportation (VDOT) Countywide Overhead Fiber Co-Location Permit authorizing the installation and maintenance of fiber optic lines on existing poles, within state maintained right-of-way:

Type or Print Clearly

Name of Applicant: _____

Applicant's Tax ID No. / Driver's License No.: _____

Applicant's Address: _____

City: _____ State: _____ Zip Code: _____

Business Telephone No.: (____) ____ - _____ 24-Hour Telephone No.: (____) ____ - _____

Fax No.: (____) ____ - _____ E-mail Address: _____

Location(s): _____

Name of Applicant's Duly Authorized Representative: _____

Representative's Title: _____

Representative's Signature: _____

Name of Agent: _____

Agent's Tax ID No.: _____

Agent's Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Primary Telephone No.: (____) ____ - _____ 24-Hour Telephone No.: (____) ____ - _____

Fax No.: (____) ____ - _____ E-mail Address: _____

Name of Agent's Duly Authorized Representative: _____

Representative's Title: _____

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 countywide permit for the installation and maintenance of fiber optic lines on existing poles (overhead fiber co-location) through the land use section of the local residency office.

Application forms and general information regarding VDOT land use permitting for the installation and maintenance of end user utility service connections 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.

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

[LUP-SB](#) Permit Surety Bond

Governmental customers may use a [Resolution](#) in lieu of a Permit Surety Bond.

Contact Information

A list of counties with their corresponding VDOT district offices and contact information may be obtained at <http://www.virginiadot.org/about/districts.asp>. Contact information for residency offices is available at http://www.virginiadot.org/about_vdot/residencies.asp.

Permit Term and Fees

Countywide overhead fiber co-location permits are valid for a period of one (1) year. The 1-year fee for a countywide overhead fiber co-location permit for the installation and maintenance of fiber optic lines on existing poles is \$200 per county.

Surety Requirement

A continuous surety in the amount of ten-thousand dollars (\$10,000.00) per county is required to restore the right-of-way in the event of damage or facility failure. The continuous surety may be in the form of cash, check or surety bond.

Cash Surety Refund

If providing a cash surety, by signing this document, I hereby acknowledge the following:

- 1) Should I owe the Internal Revenue Service or the Commonwealth of Virginia, I 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.
- 2) That failure to satisfactorily complete the work authorized under the auspices of a land use permit may also result in the forfeiture of the cash guarantee provided.
- 3) That I 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

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 or their agent shall adhere to the terms and conditions as stipulated in the permit assembly without exception. Any deviation may result in the temporary revocation of the land use permit for a term not less than 30 days.
- 3) The issuance of a countywide permit is in no way to be inferred as a conveyance of any interest in real estate property or facilities owned in whole or part by the Virginia Department of Transportation.
- 4) The countywide land use permit is not valid unless endorsed by the appropriate district administrator's designee. The permit is automatically cancelled if the authorized activities are not under the direct supervision of the permittee or their agent named on the face of the permit.

- 5) The countywide land use permit authorizes the installation of fiber optic lines on existing or replacement poles across or along a non-limited access primary or secondary highway, provided:
 - a. The installation can be made without impeding the normal flow of traffic for more than 15 minutes;
 - b. No ground disturbance activity is involved within highway right-of-way (note that installing replacement poles generally involves ground disturbance);
 - c. No vegetation cutting or pruning is involved within highway right-of-way; and
 - d. No work is performed on limited access right-of-way.
- 6) Photo duplication and distribution of a countywide land use permit, along with any/all special provisions is authorized so that the permittee or their agent can provide their respective work crew(s) and other employees with information necessary to perform the authorized activities in a safe and expedient manner.
- 7) A copy of the VDOT land use permit shall be maintained at the work site and made readily available for inspection when requested by authorized VDOT personnel.
- 8) The permittee or their agent should immediately contact the nearest land use section of the local residency office with any interpretive questions or if involved in an accident.
- 9) The permittee must provide notification to the district administrator's designee of the location and specific work to be accomplished under the auspices of the countywide overhead fiber co-location permit at least one (1) week prior to the work. Notification may be via email or phone, as required by the district administrator's designee, and may be required to include a KMZ or similar file showing the locations of the work.
- 10) 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 working within the limits of the project. Information regarding current and/or planned VDOT construction and maintenance activities can be obtained at: <http://www.virginiaroads.org/>.
- 11) 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.
- 12) A separate single use permit will be required when the following activities associated with the installation and maintenance of end user utility service connections are proposed:
 - Cutting highway pavement or shoulders, or both;
 - Constructing a permanent entrance;
 - Conducting ground disturbance on the highway right-of-way;
 - 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, or;
 - Stopping or impeding highway travel in excess of 15 minutes to pull or drop a line across a highway or implementing traffic control that varies from the standard, or any combination of these, as outlined in the [Virginia Work Area Protection Manual](#).

Inspection of the Work

All activities authorized under the auspices of a countywide land use permit may be subject to inspection by authorized VDOT personnel. When warranted, any/all costs associated with said inspections shall be borne by the permittee.

Emergency Repair

- 1) 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 Customer Service Center at 1-800-367-7623 as soon as reasonably possible but no later than 48 hours after the end of the emergency situation.
- 2) The district administrator’s designee shall determine the applicable permit fee for emergency repair permits, if a separate permit is required.

Authorized Hours and Days of Work

Normal hours for work under the authority of a 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 and days for countywide permits.

The classifications for all state maintained highways can be found at the following link: http://www.virginiadot.org/projects/fxn_class/maps.asp

Holiday Restrictions

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.

Traffic Control & Safety

Name of Permittee’s Traffic Control Plan (TCP) Lead: _____

TCP Lead’s Phone Number: _____

TCP Lead’s Email Address: _____

Does TCP Lead have: PE or Advanced WZTC Accreditation? (Check appropriate box)

- 1) If the permittee’s lead for traffic control plan changes during the term of the permit, the permittee shall provide the above information for the new TCP lead to the land use office that issued the permit.
- 2) The Permittee shall at all time give strict attention to the safety and rights of the traveling public and all other persons on the right-of-way. Any permit may be revoked or suspended when in the opinion of the local residency permit office, the safety, use, or maintenance of the highway so requires.
- 3) In accordance with the Virginia Department of Transportation (VDOT) Road and Bridge Specifications, 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.
- 4) 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.

- 5) 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.
- 6) All traffic control plans shall be prepared by a person accredited by VDOT in Advanced Work Zone Traffic Control.
- 7) Individuals responsible for implementation of work zone traffic control measures shall provide evidence of their accreditation upon request from VDOT personnel.
- 8) The permittee shall be exempt from the requirements of Virginia Department of Transportation (VDOT) Road and Bridge Specifications, Special Provision 105.14 if the authorized activity does not involve the installation, maintenance and removal of work zone traffic control devices and is not within the roadway (as defined in 24VAC30-151) of a state maintained highway.
- 9) Non-compliance with the requirements outlined in VDOT Road and Bridge Specifications, Special Provision 105.14 may result in a stop work order and / or permit revocation.
- 10) All activities that require the disruption (stoppage) of traffic shall utilize VDOT certified flaggers or other VDOT-approved traffic control. Flaggers 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 flaggers found not in possession of their certification card shall be removed from the work site and the local residency permit office will suspend all permitted activities.
- 11) Any VDOT certified flag person found to be performing their duties improperly shall have their certification revoked.
- 12) The Permittee shall immediately correct any situation that may arise as a result of these activities that the local residency permit office deems hazardous to the traveling public, including, but not limited to, removing, relocating, or adjusting the power of permitted facilities if such facilities impact the operation of government traffic equipment or systems.
- 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 local residency permit office.
- 14) All signs shall be in accordance with the current edition of the Manual of Uniform Traffic Control Devices (MUTCD) and the Virginia Supplement to the MUTCD.
- 15) Traffic shall not be blocked or detoured without permission, documented in writing or electronic communication, being granted by the local residency permit office.
- 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) 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: nrolaneclousurerequests@vdot.virginia.gov

Counties: Arlington, Fairfax, Loudoun, Prince William, Spotsylvania, 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, 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, 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, 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, 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.

Overhead Fiber Co-Location

- 1) Overhead fiber co-locations crossing existing or proposed non limited access primary and secondary highways shall be located on a line that follows existing lines or cables on the poles, and should be perpendicular to the highway alignment.
- 2) The installation of overhead fiber co-locations that cross existing or proposed non limited access primary or secondary 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.
- 3) Overhead installations shall not be installed in horizontal or vertical conflict, or both, with existing traffic control devices or signage, or both and shall provide an unobstructed view for the traveling public.
- 4) Overhead installations shall provide the appropriate clearance from traffic control devices or signage.

Permit Revocation

A countywide permit authorizing the installation and maintenance of end user 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:

- 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 performs any activity under the jurisdiction of a countywide permit that requires the issuance of a single use permit.

The permittee must obtain single-site single use permits from the local permit section where the activity is to occur to continue the overhead co-location of fiber optic lines during this revocation period. In addition, if applicable, 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](#).