



**LAND USE PERMIT
LUP-PU
Private Utility Service Crossing**

The provisions of subsection B § [2.2-1151.1](#) of the Code of Virginia. Conveyances of right-of-way usage to certain nonpublic service companies by the Department of Transportation shall not apply to a land use permit issued by the Department to (i) a person providing utility service solely for his own agricultural or residential use, provided that the utilities are located on property owned by the person, or (ii) the owner of a private residence or business for water or sewer service to cross the Department's right-of-way when no viable alternative exists to provide potable water or to transfer sewer effluent to a qualified drain field is authorized under Section [24VAC30-151-660](#) of the 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 VDOT Land Use Permit authorizing the installation of private utility service across state maintained right-of-way:

Type or Print Clearly

Name of Applicant: _____

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

Applicant's Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

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

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

Location(s): _____

Applicant Contact Name: _____

Applicant Contact Signature: _____

Applicant Contact Title: _____

VDOT Land Use Permit Required by Law

The General Rules and Regulations of the Commonwealth Transportation 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 installation and maintenance of private utility service across state maintained highway right-of-way 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 for a land use permit authorizing the installation of privately owned agricultural or residential utility service across state maintained highway right-of-way shall be made through the local residency permit office where the activity is to take place.

The permit applicant shall provide a detailed sketch for the proposed installation of the private utility service across state maintained highway right-of-way. The sketch shall include, but not be limited to, distance(s) from the edge of pavement to the proposed utility, the existing right-of-way line(s), installation depth(s) below existing grades and ditch line(s), underground drainage structures, existing aerial and underground utilities and other existing features within close proximity to the permitted activities.

The local residency permit office receiving the request shall coordinate review and approval of the request with all appropriate district personnel.

Application forms and general information regarding VDOT land use permitting for the installation of privately owned agricultural or residential utility service across highway right-of-way can be obtained by contacting the local residency permit office or at the following VDOT web site:

<http://www.virginiadot.org/business/bu-landUsePermits.asp>

Contact Information

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

Permit Fees & Charges

A nonrefundable application fee of \$100 shall be charged to offset the cost of reviewing and processing the permit application and inspecting the permit work.

Surety Requirement

The permittee shall provide surety to guarantee the satisfactory performance of the activity authorized under the auspices of the land use permit issued for the initial installation. The surety may be in the form of a check, cash, [LUP-SB](#) Permit Surety Bond or, [LUP-LC](#) Irrevocable Letter of Credit Bank Agreement, or any other VDOT-approved method. The surety will be refunded or released upon satisfactory completion of the initial installation and final inspection by VDOT. Prior to release of the performance surety provided for the initial installation the permittee shall provide VDOT with a continuous surety in an amount sufficient to restore the right-of-way in the event of damage, failure or default. The surety amount shall be determined by the local residency permit office and may be in the form of a check, cash, [LUP-SB](#) Permit Surety Bond, or any other VDOT-approved method.

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 [W9-COV](#) to receive a refund of the cash guarantee provided for the issuance of a VDOT land use permit.

Insurance Requirements

It is recommended that the permittee secure and maintain sufficient insurance to protect against liability for personal injury and property damage that may arise from the installation and use of private utility services located within state maintained highway right-of-way.

General Requirements

- 1) The placement of private utility service across state maintained right-of way shall be restricted to highways designated as non-limited access secondary routes where the private utility owner is also the underlying property owner.
- 2) The private utilities are to be marked in accordance with requirements established by VDOT
- 3) The permittee shall be responsible for any pavement settlement for a period of two (2) years after the completion date of the permit and for the continuing maintenance of the private utility service placed within highway right-of-way.
- 4) The permittee shall notify, by telephone, voice mail message, or email, the VDOT office where the land use permit was obtained prior to commencement of the permitted activity or any excavation within the highway right-of-way.
- 5) 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. Additional information can be found at:
http://www.virginiadot.org/business/resources/IIM/TE383_Request_for_Marking_VDOT_Utility_Location.pdf

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>

Failure to carry out this requirement may result in permit revocation.

- 6) 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/>.
- 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) 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.
- 9) Any conflicts with existing utility facilities located within highway right-of-way shall be resolved between the permittee and the existing utility owner.
- 10) The property owner must notify the local residency permit office prior to initiating maintenance activities on private utility service facilities located within state maintained highway right-of-way.

Utility Marker Requirements

- 1) The location of each proposed underground private utility service crossing shall be identified by the private utility owner with surface utility markers placed at edge of both sides of the highway right-of-way.
- 2) All surface utility marker signs shall be fabricated in accordance with the current edition of the VDOT Road & Bridge Specifications and the approved design specifications contained herein.
- 3) The property owner is responsible for the fabrication, installation and maintenance of surface utility markers to be located on state maintained highway right-of-way.
- 4) The surface utility markers should be color coded by utility type as established under [§56-265.21](#) of the Code of Virginia. The required uniform colors are as follows:
 - BLUE – Water and slurry pipeline systems
Sign panel background color = Blue #3995*
Sign panel lettering color = White #3990
 - GREEN - Storm and sanitary sewer systems
Sign panel background color = Green #3997
Sign panel lettering color = White #3990

*Blue # 1175 electro-cut transparent film on a White #3990 background may also be utilized on surface utility markers for water and slurry pipeline systems.

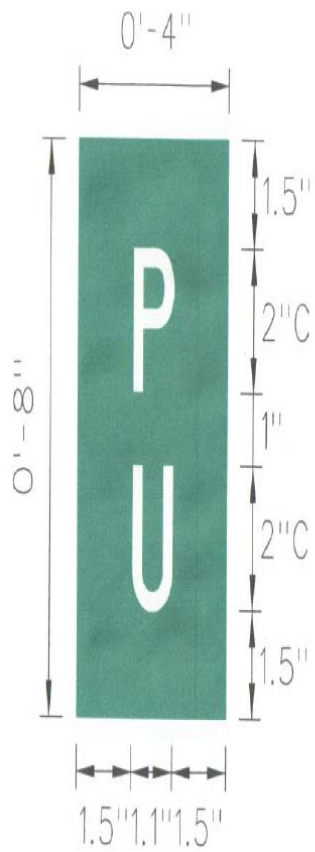
- 5) The sign panel sheathing material shall be 3M diamond grade, Type IX or equivalent.
- 6) Sign posts shall meet current VDOT breakaway design standards and be approved by the local residency permit office prior to permit issuance.
- 7) Surface utility markers shall be mounted at a height of at least 4 feet, measured vertically from the bottom of the sign panel to the nearest edge of pavement and no closer than 6 feet, measured horizontally from the closest edge of the sign panel to the nearest edge of pavement.
- 8) All surface utility markers must be located as close to the right-of-way line as possible and in such a manner as to avoid distractions to motorists or pose safety hazards to the traveling public.
- 9) Damaged or deteriorated surface utility markers shall be replaced by the property owner at their expense.

Permit Revocation

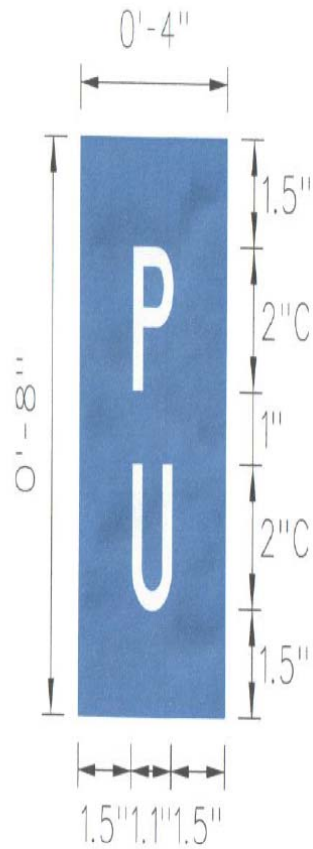
At the discretion of the local residency permit office, the land use permit may be revoked and the private utility service removed from the state maintained highway right-of-way for non-compliance with all requirements contained herein and/or specific conditions of the permit. In addition VDOT may apply 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 permit applicant without consultation with the local residency permit office or the central office permit manager and affirmation from the [Land Use Permit Regulations](#).



Panel Style: Green UD.ssi
 M.U.T.C.D.: 2009 Edition



Panel Style: BLUE UD.ssi
 M.U.T.C.D.: 2009 Edition