



## **Frequently Asked Questions about Land Use Permits**

### 1. What is the difference between a single-use permit and a district-wide permit?

A single-use permit allows the permittee to perform any approved activity within limited access highways and on primary and secondary roads rights-of-way at a specific location.

A district-wide permit allows the permittee to perform multiple occurrences of the same activity on non-limited access primary and secondary right-of-way without obtaining a single use permit for each occurrence. A district is defined as no more than nine (9) contiguous counties or all counties within a single VDOT construction district.

### 2. What is the difference between a limited access highway and non-limited access highway?

A limited access highway is especially designed for through traffic over which abutting properties have no direct access to the highway. Limited access highways include interstate system routes, interchanges and bypasses.

A non-limited access highway allows abutting properties direct access to the highway. These highways include primary and secondary routes maintained by VDOT.

### 3. Who needs a land use permit?

Anyone who plans to work or perform an activity, work upon, or plan an event on or across any right-of-way under the jurisdiction of VDOT must first obtain a land use permit.

4. When a permit is not required?

A motorcycle ride or bicycle ride where the participants obey all traffic controls does not need to have a land use permit. A permit is also not required for the installation of [mailboxes](#) and newspaper boxes ([24VAC30-151-560](#)), and public service signs ([24VAC30-151-570](#)).

5. Who can be issued a land use permit?

Land use permits can be issued to the following entities:

- The owner of a facility or utility located within the highway right-of-way;
- The abutting property owner to install entrances and road frontage improvements;
- A person, organization, or government authorized to assume the responsibility and liability for an approved activity within the highway right-of-way;
- A utility company registered with the State Corporation Commission in accordance to the Section [2.2-115.1](#) of the Code of Virginia;
- Jointly to the contractor as agent and owner of a facility located within the highway right-of-way.

Why is a land use permit required?

The issuance of a land use permit is a requirement of the General Rules and Regulations of the Commonwealth Transportation Board ([24VAC30-21-20](#)). It ensures that all work performed in the right-of-way of any highway in the state highway system meets VDOT standards and policies, complies with highway laws and regulations, preserves the integrity and function of the highway, and most importantly, provides for the safety of workers and the traveling public.

6. What happens if I do not obtain a land use permit?

VDOT will suspend any activity being performed within state maintained right-of-way if a land use permit has not been issued and if necessary, implement remedial measures to restore the right-of-way to its pre-activity condition. Those found in violation may be guilty of a misdemeanor and if convicted, may result in punishment as provided for in Section [33.2-210](#) of the Code of Virginia. Violators may also be held civilly liable to the Commonwealth of Virginia for expenses and damages incurred by VDOT.

## 7. How much does a land use permit cost?

A non-refundable application fee of \$100 for a single use permit is required to offset the cost of reviewing and processing the permit application and inspecting the work. Additive fees may be applicable based on the requested activity. Additive fees can be found in 24VAC30-151-710 of the [Land Use Permit Regulations](#).

The biennial fee for a district-wide permit for utility service connections and temporary logging entrances is \$750 per district. The biennial fee for a district-wide permit for surveying is \$200 per district.

Certified providers of telecommunications service are not charged a land use permit application fee, additive fees, or an annual payment under a resource sharing agreement for the use of VDOT maintained right-of-way.

The following permits shall be are issued at no cost to the applicant:

- In-place permits as defined in [24VAC30-151-30](#) and [24VAC30-151-390](#);
- Prior-rights permits as defined in [24VAC30-151-30](#) and [24VAC30-151-390](#);
- As-built permits as defined in [24VAC30-151-30](#);
- Installing springs and wells as defined in [24VAC30-151-280](#);
- Installing crest stage gauges and water level recorders as defined in [24VAC30-151-500](#);
- Filming for movies as defined in [24VAC30-151-520](#);
- Installing roadside memorials as defined in [24VAC30-151-550](#);
- Installing no loitering signs as defined in [24VAC30-151-570](#).

## 8. Why is a surety required?

A surety is required to guarantee the satisfactory performance of the work being performed within VDOT maintained right-of-way. The amount of the surety is based on the estimated cost of the work to be performed in the right-of-way or an amount sufficient to restore the right-of-way in the event the permittee fails to satisfactorily complete the authorized activity. The surety will be refunded upon completion of the work and inspection by VDOT.

## 9. Where do you apply for a permit?

All applications for single-use land use permits shall be submitted to the local VDOT permit office having jurisdiction within the county in which the work is to be

performed. All applications for district-wide land use permits shall be submitted to the central office permit manager in the Office of Land Use. Applications are available at the local permit offices, the Office of Land Use, and at: <http://www.virginiadot.org/business/bu-landUsePermits.asp>

10. What forms do I need to apply for a permit?

- a. Land Use Permit application [LUP-A](#) or other permittee agreement/application;
- b. Surety in the form of Irrevocable [Letter of Credit](#), [Surety Bond](#) or Cash/Check\*;
- c. Compliance with the [LUP-SPG](#) and/or other permittee agreements;
- d. Plans and/or sketches, and any/all other documentation necessary to clearly depict the requested activity.

11. Where can one find packages that can be used to apply for a specific type of permit?

The documents detailing many of the typical land use permit types can be found at: <http://www.virginiadot.org/business/bu-landUsePermits.asp>.

Please consult with the local VDOT permit office or the central office permit manager for guidance relating to unique requests.

\*NOTE: Applicants providing a 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. 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.