



**Land Use Permit
LUP-SUSCF**

Single-Use Permit - Wireless Small Cell Facilities (Co-location)

January 1, 2018

§ [56-484.26](#) through [56-484.31](#) of the Code of Virginia stipulates that a single use permit may be issued granting wireless service providers and wireless infrastructure providers the authority to install and maintain small cell facilities on existing non-VDOT structures located within state maintained right-of-way.

Applicant Agreement for Land Use Permit Issuance

I the undersigned hereby acknowledge that I am fully cognizant of and, in my individual capacity and as a duly authorized representative of the entity applying for this permit, agree to all of the following requirements associated with the issuance of a single use permit authorizing the installation and maintenance of small cell facilities on existing non-VDOT structures located within state maintained right-of-way:

Type or Print Clearly

Name of Applicant: _____

Applicant's Tax ID No.: _____

Applicant's Mailing Address: _____

City: _____ State: _____ Zip Code: _____

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

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

Work Location(s): _____

Work Description: _____

Name of Applicant'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 solely responsible for determining all entities that may have a property interest of any kind or nature in the right-of-way and for obtaining permission from all such entities for the Permittee's use of the right-of-way and shall be solely liable for any failure to obtain from any and all entities having a property interest in the right-of-way.

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 [24VAC30-151](#). 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 co-location of small cell facility on state maintained highways shall be made through the local residency permit office where the activity is to take place.

The permit application shall include plan/sketches showing distances from edge of pavement, existing and proposed right-of-way line, depths below existing and proposed grades, depths below ditch line or underground drainage structures, or other relevant features. Any existing utilities within close proximity of the applicant's work shall be shown. Location of poles, guys, pedestals, relief valves, vent pipes, etc. shall be shown. Height of wires or cables above the crown of the roadway shall also be shown.

Additionally, a Radio Frequency Emissions Compliance Report; an Intermodulation Study showing no expected impact with existing Commonwealth of Virginia, toll agency, Departments of Energy and Homeland Security, and locality equipment (if within radius of impact of such equipment); and a Structural Evaluation showing that the small cell facility can be safely located on the structure upon which it is intended to be located shall also be provided. These documents shall be stamped and sealed by an engineer licensed to practice in Virginia in accordance with regulations issued by the Virginia Department of Professional and Occupational Regulation.

The applicant shall provide a notarized affidavit certifying compliance with the registration and notification requirements outlined in [§ 2.2-1151.1](#) of the Code of Virginia, a work area protection plan (if necessary), approval from the locality (if appropriate), and documentation showing approval for the co-location by the structure owner.

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 Term and Fees

The land use permit application shall include payment in the amount of \$150.00 for processing of the request.

Surety Requirement

A continuous surety in the amount of ten-thousand dollars (\$10,000.00) is required per county 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 [LUP-SB](#) surety bond.

Cash Surety Refund

Applicants owing the Internal Revenue Service or the Commonwealth of Virginia may not receive a refund of the cash surety provided for the issuance of a VDOT land use permit unless the amount owed is less than the amount of cash surety provided. Applicants providing cash surety 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 surety 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, is fully cognizant of, and agrees to 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 out of claims, suits, demands, or causes of action as a result of the permit process, granted permit, construction, erection of wireless facilities, location, performance, operation, maintenance, repair, installation, replacement, removal, unintended consequences, or restoration of the wireless facility in the public right-of-way, and any other 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 single use 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 Permittee or their agent must contact (800) 552-7001 to have any/all existing underground utilities located prior to commencing with any excavation within state maintained rights-of-way.
- 5) The Permittee or their agent should immediately contact the nearest local residency permit office with any interpretive questions or if the permittee, their agent, and/or permittee's facility or equipment is involved in a crash at the work site.
- 6) The Permittee or their agent shall provide notification, including permit number, locality name, route number, latitude/longitude coordinates, and approximate construction dates, to the local residency permit office prior to initiating activities at each site and immediately after concluding activities at each site.
- 7) The single-use permit issued for the original installation allows the wireless services provider or wireless infrastructure provider to repair, replace, or perform routine maintenance operations to small cell facilities located on existing structures within state maintained non-limited access right-of-way. A separate land use permit is required each time the wireless services or infrastructure provider desires to repair, replace, or perform routine maintenance operations on such facilities within limited access right-of-way.
- 8) 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.
- 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. Additional information can be found at:

http://www.virginiadot.org/business/resources/IIM/TE-383_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.

- 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 permit issuance. Information regarding current and/or planned VDOT construction and maintenance activities can be obtained at: <http://www.virginiaroads.org/>.
- 11) Small cell facilities or related equipment installed over a sidewalk shall provide at least 7 feet clearance or, if installed over a road, at least 18 feet clearance (21 feet in limited access right of way), measured vertically from the bottom of the small cell facility or equipment to the crown (or a line extended horizontally from the crown) of the paved surface.
- 12) 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.
- 13) A permanent tag, label, or sign in accordance with FCC and OSHA guidance shall be attached to, or adjacent to, each installation and shall include:
 - a. A readily visible identifying alphanumeric code;
 - b. Maximum operating voltage and maximum radio frequency;
 - c. RF exposure warning;
 - d. 24 hours a day/7 days a week emergency contact phone number.

The Permittee shall update the tag, label, or sign within 10 business days of any changes.

- 14) The Permittee shall make provisions for lowering RF or turning off service while Department officers, agents, employees, volunteers, contractors, or permittees are performing work within the vicinity of the wireless equipment. The Department will give the Permittee three calendar days' notice if wireless radio frequency exposure must be reduced or power turned off due to planned, non-emergency work by VDOT around the structure. In the event of an emergency or unscheduled work, the Department will call the emergency contact phone number on the tag/label/sign to notify the Permittee of any action taken.
- 15) If any FCC, State, or other governmental license or any other governmental approval to provide communication services is ever revoked to the Permittee or any site permitted or authorized by the Department, the Permittee shall inform the Department of the revocation within 30 days of receiving notice of such revocation and provide a timeline for removal of the wireless facilities or transfer of ownership to a licensed successor who shall assume all obligations and responsibilities of the Permittee.
- 16) The following document [LUP-GWG](#) provides guidance for the permit application process, design submittal, installation requirements, and associated VDOT review of the wireless equipment facilities to be located within the Department's right-of-way.

Traffic Control & Safety

- 1) 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.
- 2) 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.

- 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 or implementation 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 accredited 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 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.
- 8) 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.
- 9) 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.
- 10) Any VDOT certified flagger found to be performing their duties improperly shall have their certification revoked.
- 11) 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.
- 12) During authorized activities, the permittee shall furnish all necessary signs, flaggers, 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.
- 13) 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.
- 14) Traffic shall not be blocked or detoured without permission, documented in writing or electronic communication, being granted by the local residency permit office.
- 15) 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.

Environmental

- 1) In accordance with the Virginia Department of Transportation (VDOT) Road and Bridge Specification 107.16 (a), 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 possible land disturbance. Improper installation, maintenance and removal of erosion and sediment control devices may result in revocation of VDOT Erosion & Sediment Control Contractor Certification.

- 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 residency 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, and shall provide evidence of such compliance to the local residency 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 residency 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 residency 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 local residency permit office.

Inspection of the Work

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

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 local residency permit office; however, the wireless service provider or wireless infrastructure provider must contact the VDOT Emergency Operations Center as soon as reasonably possible but no later than 48 hours after the end of the emergency situation.

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](#).