

VIRGINIA DEPARTMENT OF TRANSPORTATION

OFFICE OF LAND USE

INSTRUCTIONAL AND INFORMATIONAL MEMORANDUM

GENERAL SUBJECT: Land Use Permit Regulations	NUMBER: IIM-LU-300.1
SPECIFIC SUBJECT: Land Use Permit Process	DATE: June 1, 2020
	SUPERSEDES: IIM-LU-300
APPROVED:	Robert W. Hofrichter Director, Office of Land Use Approved <u>June 1, 2020</u>

EFFECTIVE DATE

This memorandum applies to all applications for land use permits submitted to VDOT on or after **July 1, 2020**.

PURPOSE/SCOPE/REQUIREMENTS

In order for any entity to work on or occupy VDOT highway right-of-way, that entity must obtain permission from VDOT. The General Rules and Regulations of the Commonwealth Transportation Board, [24VAC30-21-20](#), directs that all such work in state highway R/W be conducted only after written permission is provided either by way of a construction contract issued by VDOT or a land use permit issued pursuant to the [Land Use Permit Regulations](#).

Permission for work at a wayside, rest area, or park-and-ride lot or occupancy of such areas contrary to the posted rules for such lots is also provided through a land use permit.

Land use permits are also used to provide permission related to vegetation control on state right of way, including with regards to daylighting businesses and billboards.

The overall purpose for review and issuance of land use permits is to:

- Ensure the safety of the traveling public
- Protect the public investment in highways, waysides, and park-and-ride lots
 - Preserve the operation of highways, waysides, and park-and-ride lots
 - Preserve the condition of public facilities (highways, waysides, and park-and-ride lots)
 - Minimizing interference with the maintenance of the highway
- Support the economic development of the Commonwealth

The Land Use Permit Regulations ([24VAC30-151-30](#)) contain two broad categories of permits:

- Single use permits, usually issued by the district and residency offices, for most activities. These permits can be intrusive activities such as lane closures, cutting of pavements and shoulders, or other activities
 - Utility installation and maintenance activity
 - Installation of an entrance onto a state highway
 - Surveying operations within the right-of-way
 - Agricultural and commercial use and occupancy of the right-of-way
 - Street or sidewalk widening or improvement
 - Parades, races, or other events that involve lane closures or similar disruptions to traffic
 - Miscellaneous items such as locality welcome signs, bus stop shelters, and emergency vehicle access signals.
- District-wide permits, issued by the Office of Land Use, which cover certain activities that have minimal direct impact to highway R/W, for the following activities:
 - Surveying
 - Temporary logging entrances
 - Utility service connections and maintenance of such connections, such as (electric power water, sewer, gas, cable TV, telecommunications services to individual customers).

PROCEDURES

The land use permit procedure begins when an applicant submits a completed land use permit application ([LUP-A](#)) and required supplemental forms along with plans, sketches,

or other documents required to adequately describe the proposed activity to the appropriate VDOT land use office.

The [land use permit page](#) on VDOT's external website contains links to documents that set out the required attachments for each type of permit, as well as providing additional information.

After a permit request has been submitted, VDOT staff shall:

- Ensure that all required forms and attachments are present
- Log the submitted package into the Land Use Permit System ([LUPS](#))
- Review the proposed work, including the location, the timing, and length of permitted activity
- Coordinate with other work units (and the locality, if appropriate), when necessary, to secure required VDOT approvals and so that impacted units (including the residency) are aware of the proposed work
- Calculate the permit fees and required surety and communicate these to the applicant
- Collect fees and surety and deposit or file these in the appropriate manner
- Issue the permit to the applicant or their agent
- Conduct periodic and final inspection of the work
- Close out the permit and return any surety if appropriate, in a timely manner

Some of the above activities may occur simultaneously, such as submission of permit request and payment of estimated fee and surety.

While district-wide permits are issued by the central office, inspection activities related to the work covered by such permits are accomplished by district or residency land use staff. If such inspection reveals a lack of compliance with permit requirements, the district or residency staff must contact the Office of Land Use so that appropriate action (including possible revocation or suspension of the permit) may be taken. If the inspection reveals safety issues (for example, poor work zone traffic control), the local VDOT office's staff should immediately address such issues with the permittee on-site. If the issues are not resolved quickly, the district or residency's staff may shut down the work. In cases where work is shut down, the State Land Use Permit Manager shall be notified immediately.

In many cases, the plans or sketches (or the basis for them) accompanying permit applications will have already been reviewed by the locality as part of the locality's land development processes and, in cases where the locality involves VDOT in the review process, by VDOT. The level of detail and information shown on these plans or sketches will vary based upon the type of permit being applied for and local requirements, but will frequently include:

- Installation location with respect to roadway
- Existing and proposed right-of-way lines
- Depths below (or above) existing and proposed grades
- Existing utilities in close proximity

Generally speaking, Area Land Use Engineers and Land Use Permit Specialists are authorized to sign and issue single use land use permits and Roadside Managers are authorized to issue landscaping and vegetation control land use permits, but each district's organization varies and the authority to issue permits may rest with other positions. District-wide permits are issued by the State Land Use Permits Manager or the Land Use Permits Specialist in the Office of Land Use.

Land use permit requests involving limited access right of way must be forwarded to the Office of Land Use with district endorsement. The State Land Use Permit Manager will then provide a recommendation to the Chief Engineer and then forward the Chief Engineer's endorsement or rejection to the district. Endorsement by the Chief Engineer is required for any limited access land use permit, except for those delegated to the District Engineer/District Administrator.

Permit requests regarding resource sharing program along limited access highways must be coordinated with the ITS Operations Systems Supervisor in Operations Division.

Special permit requests may be allowed upon review and approval of the Director of the Office of Land Use.

Approved construction plans and any associated waivers or exceptions for permits which involve permanent changes to highway infrastructure (including commercial entrances) shall be saved by the district or residency to the appropriate district folder in [ProjectWise](#). The naming convention for the files shall be *County # Route Number # Development Name – Phase # Permit Number (if available)*.

NOTES

- Regulations covering wayside and rest area use are contained in [24VAC30-50](#) of the Virginia Administrative Code.
- Regulations covering the use of park and ride lots are contained in [24VAC30-100](#) of the Virginia Administrative Code.
- Regulations covering vegetation control on state right of way (especially related to daylighting businesses and signs) are contained in [24VAC30-200](#) of the Virginia Administrative Code.
- [MDD-6.02](#) of the Maintenance Division Program Manual outlines the requirements related to supplemental right of way that may be provided VDOT related to land use permit work (generally turn lanes) and quitclaims.

- The Local Assistance Division's [Locally Administered Projects Manual](#) provides guidance with respect to land use permits issued to localities or their contractors and provides several options with regards to the required surety.
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REFERENCES

- Information on Land Use Permit Regulations and forms are available on VDOT's external website at <http://www.virginiadot.org/business/bu-landUsePermits.asp>