COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

(804) 482-5818
Fax: (804) 786-2940

Agenda item # 7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 16, 2025

MOTION

Made By: Dr. Smoot**, Seconded By:** Mr. Davis
Action: Motion Carried, Unanimously

Title: Final Regulatory Amendments and Response to Public Comments: Land Use Permit Regulations (24VAC30-151)

WHEREAS, pursuant to the resolution titled *Regulatory Reduction Program and Proposed Regulatory Amendments: Land Use Permit Regulations (24VAC30-151) and Vegetation Control Regulations on State Rights of-Way (24VAC30-200)* approved at the Commonwealth Transportation Board's January 16, 2024, Action meeting, the Virginia Department of Transportation (VDOT) filed the approved Proposed regulatory amendments and associated Agency Background Document for the Land Use Permit Regulations (24VAC30-151) on the Virginia Regulatory Town Hall website to initiate the process of amending the regulations; and

WHEREAS, pursuant to the same resolution, the CTB authorized and directed the Commissioner of Highways or his designees to bring Final amendments to 24 VAC30-151 back to the Board for approval, prior to finalization, only if public comments are received, substantive changes are suggested to the proposed amendments attached hereto, or additional amendments are suggested for that regulation; and

WHEREAS, one set of public comments was received during the 60-day public comment period held in conjunction with publication of the Proposed stage in the *Virginia Register of Regulations,* and VDOT has developed proposed responses to the issues raised in the public comments (Attachment A), as well as additional changes and clarifications to the regulatory amendments to 24 VAC30-151 (Attachment B) in response to the comments; and

WHEREAS, pursuant to the Administrative Process Act, the final amendments to the regulations must now be posted on the Virginia Regulatory Town Hall in conjunction with the Final stage of the regulatory process and published in the *Virginia Register of Regulations* for a public comment period of 30 days before the amended regulation may become effective; and

WHEREAS, VDOT has completed an Agency Background Document (TH-03) to be filed on Town Hall in conjunction with the Final stage of the regulatory process for 24 VAC30-151 (Attachment C); and

WHEREAS, the Commonwealth Transportation Board originally adopted 24VAC30-151 pursuant to its authority set forth in § 33.2-210 of the *Code of Virginia* and other relevant sections of the *Code of Virginia,* and is authorized to take action to amend, repeal or retain said regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves the responses proposed by VDOT to the public comment (Attachment A) received during the Proposed stage of the regulatory process to amend the Land Use Permit Regulations (24VAC30-151).

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board hereby approves the final amendments to the Land Use Permit Regulations (24VAC30-151), attached hereto (Attachment B), including the changes added in response to the public comment received at the Proposed stage.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs the Commissioner of Highways or his designees to take all necessary actions to promulgate the final amended regulation, filing the necessary forms, including the Final Regulation Agency Background Document (Attachment C), as may be required by the Virginia Administrative Process Act.

####

CTB Decision Brief

Final Regulatory Amendments and Response to Public Comments: Land Use Permit Regulations (24VAC30-151)

Issue: The Commonwealth Transportation Board (CTB) approved proposed amendments to the Land Use Permit Regulations (24VAC30-151) in January 2024. During the public comment period for the Proposed stage, one set of public comments was received from the Virginia Cable Telecommunications Association (VCTA). The Virginia Department of Transportation (VDOT) has developed and is recommending that the CTB approve proposed responses to VCTA's comments, adjustments to the proposed regulatory amendments, and the relevant Agency Background Document to be filed pursuant to the Final stage of the regulatory process.

Facts: Pursuant to the resolution titled *Regulatory Reduction Program and Proposed Regulatory Amendments: Land Use Permit Regulations (24VAC30-151) and Vegetation Control Regulations on State Rights of-Way (24VAC30-200)* approved at the CTB's January 16, 2024, Action meeting, VDOT filed the approved Proposed regulatory amendments and associated Agency Background Document for the Land Use Permit Regulations (24VAC30-151) on the Virginia Regulatory Town Hall website to initiate the process of amending the regulations. In its resolution, the CTB authorized and directed the Commissioner of Highways or his designees to bring Final amendments back to the Board for approval, prior to finalization, only if public comments are received, substantive changes are suggested to the proposed amendments, or additional amendments are suggested for that regulation.

One set of public comments was received during the 60-day public comment period held in conjunction with publication of the Proposed stage in the *Virginia Register of Regulations.* In general, the comments, submitted by the Virginia Cable Telecommunications Association (VCTA), highlighted concerns specific to broadband providers relating to, among other things, the treatment of broadband as a utility, relocation costs, shared resource agreements and permit conditions, as well as permittee liability. VDOT has developed proposed responses to the issues raised and regulatory amendments requested in the VCTA's comments (Attachment A), as well as additional changes and clarifications to the final regulatory amendments (Attachment B) in response to the comments.

VDOT is seeking CTB approval of the proposed responses to the VCTA comments (Attachment A) and revised regulatory amendments to 24VAC30-151 (Attachment B). VDOT is also seeking approval to move forward with the Final stage of the regulatory process for the amendments to 24VAC30-151. This process will entail posting the final regulatory amendments and necessary forms, including the TH-03 Agency Background Document (Attachment C), to Town Hall and publication of the Final stage in the *Virginia Register of Regulations*, upon which a 30-day public comment period will commence. Unless objections are received, the amendments will become effective upon the close of the public comment period.

Recommendations: VDOT recommends the CTB approve the responses to the VCTA comments and revised regulatory amendments and authorize VDOT to file the Final regulatory stage, including the final amendments and associated Agency Background Document, for

24VAC30-151.

Action Required by CTB: The CTB will be presented with a resolution and the corresponding responses to the VCTA comments, regulatory amendments, and Agency Background Document for a formal vote.

Result, if Approved: VDOT will submit the responses to the VCTA comments and advance the final amendments to 24VAC30-151 by filing the necessary documentation for the Final stage of the regulatory process.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: A 30-day public comment period will be held in conjunction with publication of the Final stage in the *Virginia Register of Regulations*.

Attachment A

Response to VCTA Comments

Proposed Land Use Permit Regulations

June __, 2025

The Commonwealth Transportation Board (CTB) and the Virginia Department of Transportation (VDOT) appreciate the comments of the Virginia Cable Telecommunications Association (VCTA) on the proposed changes to the Land Use Permit Regulations of the Commonwealth Transportation Board (24VAC30-151). VCTA's requests are organized by subject area below, followed by a response to each request.

Broadband is a utility

Proposal: VCTA requests broadband be explicitly included in the definition of a "Utility" in 24VAC30-151 by inserting "broadband" after "cable television."

Response: The CTB and VDOT agree with this recommendation and will amend the regulation as requested.

Relocation costs

Proposal: VCTA requests the following definition of "Prior Rights" be added to 24VAC30-151-10:

> "'Prior rights': in the case of a utility which does not offer broadband services through facilities in a right of way, means a recorded easement or franchise granting such utility the right to occupy the right of way; and in the case of a broadband provider, any such utility shall be deemed to have 'prior rights' with respect to existing facilities in an electrical or communications easement."

Response: As explained in subsection 30(D) of the proposed amendments, prior-rights permits allow utilities with existing facilities within the right-of-way to remain in place as long as those facilities are not in conflict with a transportation project or other use of the right-of-way by the public or the Commonwealth. Prior rights do not apply to franchises, nor to utility easements that were placed after the highway right of way was established; prior rights only apply to situations where a utility had an easement and was in place prior to highway right of way being established at that location. The definition of "prior rights" requested by VCTA expands beyond the current or generally accepted meaning or

application of prior rights. This regulatory amendment process is not the appropriate venue for establishing a definition of "prior rights" nor a definition that would alter and expand upon the generally accepted meaning in the manner proposed. As such, the CTB and VDOT respectfully reject the requested change.

Proposal: VCTA requests relocation costs to be borne by VDOT when fiber is installed with federal or state grants or financial incentives for installation of broadband services along a specific route.

Response: This request would shift the cost of broadband relocation from the broadband provider and the parties that benefit from the presence of the broadband facility to the transportation system of the Commonwealth, taking much needed transportation funding away from transportation facilities. It would further remove an incentive for broadband providers to place broadband facilities as far from the built highways as possible and would encourage an approach to the planning of broadband facilities that would disregard future impacts of broadband facilities situated in the right of way on, and at the expense of, transportation. The CTB and VDOT respectfully reject this requested change.

Shared resource agreements

Proposal: VCTA requests the following sentence be added to the definition of "Shared resource agreements" in 24VAC30-151-10:

> "Broadband providers shall be exempt from shared resource agreement requirements."

VCTA asserts that broadband providers should be exempt from shared resource agreements due to uncertainty over the compensation demanded and the inability to recover the unknown cost of a "shared resource agreement" through federal or state grants. VCTA also asserts that shared resource agreements discourage broadband deployment and are inconsistent with both federal and state policies for broadband deployment.

Response: Shared resource agreements are only utilized for longitudinal occupancy of limited access highways, which account for roughly 8% of VDOT's total highway network. Since resource sharing started in the 1990s, VDOT has secured shared resource agreements from 41 broadband providers. If shared resource agreements were discouraging to broadband deployment, these providers would have shifted their planned

networks to other non-limited access highways, where the fees for broadband were minimal (a one-time fee of $100 + $10 per 100 linear feet as set out in 24VAC30-710).

As described in 24VAC30-151-740(E), VDOT ensures that shared resource agreement compensation is equal to the monetary compensation amount established for the use and occupancy of the right-of-way and the method for providing that compensation, whether through goods, facilities, services, or cash, is determined through a negotiation with the broadband company. Limited access highways are established to ensure maximum throughput of traffic and to minimize the interference with traffic by minimizing installations in and connections to the highways. Thus, historically, limited access highways have been used for long-distance communication and broadband lines, not service lines (service connections to individual customers are not permitted off limited access highways). Furthermore, the use of shared resource agreements is consistent with Federal Highway Administration guidance, and some version of shared resource agreements is utilized by at least 14 other states. As the requested exemption would allow for disparate use of limited access roadways by broadband providers without providing compensation, the CTB and VDOT respectfully reject this requested change.

Permit conditions

Proposal: VCTA requests the replacement of the 4th sentence of 24VAC30-151-40(B) in the proposed regulations with:

> "VDOT shall encourage the consolidation into one permit application of proposed work which is of a continuous nature along one route (ignoring entrances or intersecting roads) or on several routes within one jurisdiction, and wherever possible proposed work of a continuous nature shall be covered by a single permit, regardless of proposed length."

Response: The removal of the 5th sentence in 24VAC30-151-40(B) is proposed to eliminate the current maximum distance length for a permit, meeting the same goal as the suggested language. The applicant and VDOT must retain flexibility with respect to permit length to provide adequate oversight in complicated environments or to limit surety requirements to meet applicant capability. The CTB and VDOT will maintain the recommendation to delete the 5th sentence of 24VAC30-151-40(B) and will modify the 4th sentence of that subsection to read:

> *"Applicants are encouraged to submit work of a continuous nature along one route or connected routes within one jurisdiction into one permit application, regardless of length."*

Proposal: VCTA requests the second sentence of 24VAC30-151-40(C) in the proposed regulations be modified to replace the word "exactly" with "approximately." Permittees would be able to construct facilities "approximately" as shown on the approved permit application, including distances, depths, and location of existing infrastructure.

Response: While there are situations in which approximate compliance with approved plans for installing a cable underground may be permissible, there are others in which this could cause significant damage, such as VDOT underdrains being destroyed. Furthermore, in the case of entrance details, "approximate" conformity with plans could reduce sight distance or impact the ability of vehicles to enter or exit due to excess changes in grade. Finally, the definition of "approximately" is fluid, making enforcement difficult. VDOT's process for coordination and approval of changes to previously approved plans is set out in subsection 40(J) of the proposed regulations. The CTB and VDOT respectfully reject this requested change.

Proposal: VCTA requests that the following text be added to the end of the first sentence of subsection 2 of section 340:

> "…and except that telecommunications and cable television service connections may be placed with a minimum 18 inches of cover."

Response: Subsection 30(B)(1) already provides for the requested flexibility but also includes the proviso that telecommunications and cable television providers take full responsibility for cuts of line installed with less than 30" of cover. For clarity, the CTB and VDOT propose to add "broadband" to the list of providers granted flexibility in subsection 30(B)(1) and to add following text to the end of the first sentence in subsection 2 of section 340:

> *"…and except as authorized pursuant to section 30(B)(1)."*

Liability

Proposal: VCTA asserts that the liability language proposed to be added to the regulatory text is too broad. VCTA requests that the following text be added to the end of the first sentence in both subsections 40(F) and 40(G):

> "…by permittee and for which permittee is responsible."

In addition, in subsection 40(I), VCTA requests the text after the semi-colon in the proposed third sentence containing indemnification language be replaced with:

> "...for which permittee is responsible, and from any of the permittee's contractors, subcontractors, agents, or employees, for which the permittee is responsible."

Response: The proposed text of subsections 40(F) and 40(G) already includes limiting this liability to "activities undertaken under permit". Subsection 40(I) of the proposed text also limits liability and reads:

> *"VDOT and the Commonwealth shall be absolved from all responsibilities, damages, and liabilities associated with granting the permit and the permittee's activities in the right-of-way, including activities performed by the permittee's contractors or agents. All facilities shall be placed and maintained in a manner to preclude the possibility of damage to VDOT-owned facilities or other facilities placed within the right-of-way by permit. A permittee shall indemnify and hold harmless the Commonwealth, the Commonwealth Transportation Board, the Commissioner of Highways, VDOT, and the consultants, representatives, agents, and employees of those agencies from and against any and all claims, causes of action, losses, costs, attorney fees, expenses, and damages that directly or indirectly result from or arise out of the permittee's activities or violations in the right-of-way; from any of the permittee's contractors, subcontractors, consultants, representatives, agents, or employees; or from anyone for whom acts or violations the permittee is or may be liable. A permittee shall be civilly liable to the Commonwealth for all actual damage caused by a violation of the terms of a permit or this chapter. Injunctive remedies available to VDOT include providing private property access to VDOT to rectify concerns to public safety in the right-of-way caused by violations of the permit or this chapter."*

As such, the CTB and VDOT respectfully reject these requested changes.

Proposal: VCTA requests the last sentence of the proposed text for subsection 40(I) be struck. The sentence reads:

> "Injunctive remedies available to VDOT include providing private property access to VDOT to rectify concerns to public safety in the right-of-way caused by violations of the permit or this chapter."

Response: The sentence requested to be removed lays out potential actions that VDOT may take to rectify public safety issues caused by violations of the permit or the regulations

by the permittee. This should not be interpreted as a method for improperly taking property. However, the CTB and VDOT have determined that the referenced sentence is not necessary and will revise the regulatory amendments as requested.

Proposal: VCTA requests striking the two proposed sentences at the end of subsection 40(V) which read:

> "The permittee may not rely upon any act, statement, or failure to act on the part of VDOT with respect to inspection. The failure of VDOT to fully or properly inspect any work shall not excuse in any way the permittee from any of the permittee's duties or obligations under the permit, law, or regulation."

Response: The intention of the language is to make it clear that the permittee is responsible for the work they are doing and VDOT's inspection or lack of inspection does not absolve the permittee of doing the work correctly. With open cuts, if the VDOT inspector is not onsite during placement of fill, it is unlikely VDOT can verify proper compaction in the lower levels of the fill or verify depth effectively. The permittee could also hit traffic loop detectors when saw cutting in preparation for an excavation, and VDOT's signals team may not detect this until weeks after the work is complete. For directional boring, if the inspector is not onsite during activities and watching the equipment operation, it is unlikely VDOT can verify exact placement (vertical and horizontal). If the utility installer cuts VDOT underdrains, cross pipes, private entrance pipes, guardrail posts and other department assets, this may not become known until sometime later. When installing facilities on a steep slope or embankment, slope slides or other erosion issues caused by disruption of adjacent soil or improper compaction tend to occur after permit completion. Due to the number of permits issued annually, VDOT would be forced to significantly increase permit fees to fund consultant inspectors to provide full-time inspection of all permittees. The CTB and VDOT respectfully reject this requested change.

CHRISTIAN & BARTON, LLP
ATTORNEYS AT LAW

PETER E. BROADBENT, JR.
Direct Dial: 804.697.4109
Direct Fax: 804.697.6109
E-mail: pbroadbent@cblaw.com

June 5, 2025

Ms. Jo Anne P. Maxwell
Agency Regulatory Coordinator
Governance and Legislative Affairs Division
Department of Transportation
1401 East Broad Street
Richmond, VA 23219

Re: Comments of the Virginia Cable Telecommunications Association on the Proposed Land Use Permit Regulations of the Commonwealth Transportation Board, 24 VAC 30-151 et seq.

Dear Ms. Maxwell,

Thank you for giving the Virginia Cable Telecommunications Association ("VCTA") the opportunity to offer suggested changes to the Commonwealth Transportation Board's proposed Land Use Permit Regulations, 24 VAC 30-151 et seq., as published in 41 VRR 1859 et seq. (April 7, 2025).

Attached please find a copy of the VCTA's Comments.

Best regards,

Peter E. Broadbent, Jr.

PEBjr/cr
Enclosure

cc: Mr. Ray LaMura
Timothy G. McCormick, Esq.
Christian F. Tucker, Esq.

4917-0062-4203, v. 1

BEFORE THE VIRGINIA DEPARTMENT OF TRANSPORTATION

***In re*: 2025 Proposed Land Use Permit Regulations of the Commonwealth Transportation Board**

Comments of the Virginia Cable Telecommunications Association on the Proposed Land Use Permit Regulations

The Virginia Cable Telecommunications Association ("VCTA"), by counsel, hereby submits comments to the Virginia Department of Transportation ("VDOT") regarding the proposed *Land Use Permit Regulations of the Commonwealth Transportation Board*, 24 VAC30-151 *et seq.*, as published in 41 VRR 1859 *et seq.* (April 7, 2025).

I. Introduction

Since 1966, the VCTA has served as the trade association for Virginia cable television operators and their affiliates. Cable television operators have enhanced their networks to include broadband internet access services as well as Voice over Internet Protocol services, and a variety of information services. Today, VCTA members are collectively the largest group of broadband/internet service providers in the Commonwealth.

II. Overview

The VCTA understands that in periodic regulatory updates, like this, the Board may be focused primarily on technical issues of concern to facilitate appropriate highway administration. However, the VCTA believes that the Board must also consider broader issues of changing technology and public policy concerns.

While specific concerns on land use permit issues are noted below, the principal concerns of the VCTA are that other provisions in the regulations must be changed and updated to reflect changes in usage and public policy.

Specifically, the existing VDOT policies on relocation costs and shared resource agreements must be modified to reflect, at least when broadband is included in the "utility" service in question, changes in federal and state public policy requirements to facilitate and encourage broadband development.

With respect to relocation costs, the proposed Regulations, 24 VAC 30-151-30 E, at 41 VRR 1868, first reference relocation in the context of as-built permits. Under proposed 24 VAC 30-151-390 A on page 1878, utility owners with prior rights in a right of way are responsible for relocation costs only to the extent that there are improvements (betterment costs) in the new line; to the extent that a new line merely duplicates a replaced line, then the utility bears no relocation costs. Under proposed 24 VAC 30-151-390 C, utilities "without prior rights" but located in the right of way are responsible for all relocation costs. Under 24 VAC 30-151-400 on page 1876, where a VDOT transportation project is involved, relocation will generally be at the permittee utility's sole expense.

With respect to the "shared resource agreements," under 24 VAC 30-151-30 F, at 41 VRR 1868, "shared resource agreements" requiring unspecified monetary compensation, or goods or services for a utility's use of limited access right of way (highway or bridges), are expressly authorized.

Also under the proposed regulations, 24 VAC 30-151-310, regarding utility installations within limited access highways, "resource sharing agreements" are referenced, 41 VRR 1876.

At least where broadband services are included in the provision of utility services, the VCTA believes that changes in federal and state policy require new approaches by VDOT, to exclude broadband providers from relocation costs and shared resource agreement burdens.

1. Ensuring Access to Broadband is a National Priority.

The nation's policy is to "ensure that all people of the United States have access to broadband capability." 47 U.S.C. § 1305(k)(2). The Federal Communications Commission ("FCC") has updated the nation's historic commitment to universal service by including government subsidies to deploy broadband in rural areas and made closing the digital divide its "top priority."[1] In 2021, Congress enacted the Broadband Equity, Access, and Deployment ("BEAD") program, allocating $42.5 billion in taxpayer funds among the states for broadband deployment. *See* 47 U.S.C. § 1701 *et seq.* In creating the BEAD program, Congress identified that (1) broadband access is "essential to full participation in modern life;" (2) the "persistent digital divide" creates a "barrier to the economic competitiveness of the Unite States;" (3) broadband access is necessary for the "equitable distribution of essential public services, including health care and education;" and (4) the "digital divide disproportionately affects communities of color, lower-income areas, and rural areas, and the benefits of broadband should be broadly enjoyed by all." 47 U.S.C. § 1701. These findings emphasize a commonsense conclusion, that the deployment of broadband infrastructure and facilities serves an important public purpose.

2. Ensuring Access to Broadband is a Priority of the Commonwealth of Virginia.

Virginia has a goal to achieve universal broadband throughout the Commonwealth.[2] To achieve this goal, the General Assembly has deemed the installation of broadband infrastructure in the public interest. Va. Code § 55.1-306.1. The current lack of universal broadband is an issue of "essential infrastructure" as opposed to a technological problem.[3] In recognition of this

---

[1] *Connect America Fund et al.,* Report and Order, 26 FCC Rcd 17663 (2011); Rural Digital Opportunity Fund, 35 FCC Rcd 686, 687, ¶ 1 (2020)

[2] *Commonwealth Connect, Broadband Equity, Access, and Deployment Program, Five-Year Plan,* Department of Housing and Community Development

[3] Virginia Department of Housing and Community Development, Virginia Telecommunication Initiative 2024 Program Guidelines and Criteria, *available at* https://www.dhcd.virginia.gov/sites/default/files/Docx/vati/2024/final-2024-vati-guidelines-and-criteria.pdf

problem, the General Assembly has endorsed the promotion of "rapid deployment of broadband" as the express policy of the Commonwealth. Va. Code § 56-16.3. In other words, in response to the explicit directives from the federal government, and its own appreciation of the importance of broadband deployment, Virginia has responded, enacting laws to promote broadband infrastructure development and creating agency-directed programs to administer grants and other funding.

Despite being one of the leaders in closing the digital divide, estimates indicate that anywhere from 200,000 to 400,000 Virginia households still lack access to reliable, affordable high-speed broadband. The percentage of unserved or underserved households in some rural counties is in the range of 85% to 95%.[4] The Virginia Department of Housing and Community Development ("DHCD") is tasked with administering the BEAD program in the Commonwealth and for administering the Commonwealth's own program, the Virginia Telecommunications Initiative ("VATI"). Through the federal allocation process, Virginia has been allocated $1.48 billion in funds to build broadband facilities. Through VATI, the Commonwealth has already allocated tens of millions of dollars to encourage broadband deployment to unserved rural areas and the General Assembly has allocated $50 million to VATI in the budget period ending June 30, 2026.

Recipients of BEAD funding do not receive grants with no-strings attached. Rather, each recipient must agree to certain deployment obligations, which, among other things, require the specific project to reach a targeted in-service date. If the original grantee of an award does not meet, or it is otherwise shown that it cannot meet, its deployment obligation, the grantee may have its award of funds rescinded. *See* 47 U.S.C 1702(g)(3). The deployment obligations contained in

[4] Unserved and Underserved Broadband Serviceable Locations in Virginia, Virginia State Broadband Office Information, *available at* https://virginia.broadband.money

the grant awards are what ensures the deployment of broadband is "rapid". This means once DHCD grants an award, time is of the essence, and the grantee must meet its deployment obligations or lose the funding. VATI grants are similarly structured, withholding funds if deployment deadlines are not met.

3. Broadband Use of Other Utility Easements.

To help ensure the rapid and universal deployment of broadband, in 2020 the General Assembly enacted Va. Code § 55.1-306.1 to give broadband providers the right to use electric and communications easements throughout the Commonwealth.

This statute should put broadband providers' (without a recorded easement) "prior rights" on the same footing as electric and communications companies which may have obtained recorded easements along public roads in the Commonwealth decades ago.

4. Problems with Current VDOT Relocation Costs Policy.

VDOT has historically distinguished between utilities with recorded easements (which VDOT has treated as utilities with "prior rights") and utilities "without prior rights." *See* proposed 24 VAC 30-151-390 at 41 VRR 1878, with the Commonwealth paying non-betterment relocation costs for utilities "with prior rights," but paying no relocation costs for utilities "without prior rights."

The VCTA believes that Va. Code § 55.1-306.1 gives broadband providers "prior rights," such that when a broadband provider's lines must be relocated, the non-betterment costs should be included. To make this clear, a definition of "prior rights" should be added to the Definitions in 24 VAC 30-151-10 as follows:

> "Prior rights," in the case of a utility which does not offer broadband services through facilities in a right of way, means a recorded easement or franchise granting

such utility the right to occupy the right of way; and in the case of a broadband provider, any such utility shall be deemed to have "prior rights" with respect to existing facilities in an electrical or communications easement.

In addition, because public policy now demands broadband deployment, broadband should receive special treatment for relocation costs necessary in conjunction with a transportation project under 24 VAC 30-151-400, where currently all relocation costs are borne by the permittee.

The VCTA has seen instances where a broadband provider has received state or federal grants to build out a certain area, and has done so, spending often very substantial amounts of money to reach isolated subscribers, only to be told by VDOT a few months later that the line must be relocated at the broadband provider's sole expense.

If a broadband provider has received federal or state grants or financial incentives for installation of broadband service along a specific route, then VDOT, not the broadband provider, should bear the relocation costs.

5. ***Problems with Current VDOT Shared Resources Agreement Policy.***

The current approach to "shared resource agreements," which allows VDOT to require money or goods or services or some combination thereof, at the site of a proposed use of limited access right of way, or elsewhere, must be changed for broadband. Perhaps these agreements could be justified in a rate-regulated environment where an electric or telephone utility could pass along these variable costs to captive ratepayers, but it should not apply to broadband, where the uncertainty which it creates is a barrier to deployment.

The current system of "shared resource agreements" is arbitrary as to the compensation demanded, cannot be predicted to build into a cost estimate for a federal or state grant, and has no

arbitration or appeal mechanism. If a broadband provider would like to bid on a specific final project (BEAD or otherwise), or seek a Virginia Telecommunications Initiative (VATI) state grant, it has no way of knowing in advance what VDOT may demand (if anything) as payment for a "shared resource agreement," and whether a payment in kind might relate to that proposed project or would relate to a different broadband asset elsewhere in the state.

That type of uncertainty and inability to recover the unknown cost of a "shared resource agreement" discourages broadband deployment, and is inconsistent with both federal and state policies for broadband deployment. Any broadband provider should therefore be exempted from being subject to a "shared resource agreement."

6. ***Technical Issues with Proposed Changes.***

The VCTA believes that a number of technical changes are necessary to the proposed regulations to make them more balanced and encouraging for broadband development.

24 VAC 30-151-10 Definitions

"Prior Rights": in the case of a utility which does not offer broadband services through facilities in a right of way, means a recorded easement or franchise granting such utility the right to occupy the right of way; and in the case of a broadband provider, any such utility shall be deemed to have "prior rights" with respect to existing facilities in an electrical or communications easement.

"Shared Resource Agreement": Add new sentence at end: "Broadband providers shall be exempt from shared resource agreement requirements."

"Utility": After "cable television" in the current definition, insert "broadband."

VCTA Comment: These changes reflect the comments noted earlier.

24 VAC 30-151-40 General Rules, Regulations, and Requirements

B. Strike the fourth sentence, and insert instead:

"VDOT shall encourage the consolidation into one permit application of proposed work which is of a continuous nature along one route (ignoring entrances or intersecting roads) or on several routes within one jurisdiction, and wherever possible proposed work of a continuous nature shall be covered by a single permit, regardless of proposed length."

VCTA Comment: The VCTA is concerned that as written in the proposed regulations, the deletion of a 2-mile limit on a permit could be used to increase, rather than decrease, the number of single permits for a project. The proposed language addresses this problem.

C. In the second sentence addressing permit requirements, strike the word "exactly" and insert "approximately."

VCTA Comment: It is unrealistic to require a permittee to construct a facility "exactly" as shown on the approved permit application, including distances, depths, and location of existing infrastructure, since in many cases permit applicants are based on VDOT information regarding the right of way, and specific distances and depths of existing facilities (especially if underground) are only approximately known until construction actually occurs.

F & G. In both proposed paragraphs F and G, at the end of the first sentence insert "by permittee and for which permittee is responsible."

VCTA Comment: The broadened liability suggested by VDOT goes too far in demanding that any liability for any activity in a permit work zone alongside a public road is the permittee's responsibility. The language in the proposed regulation is so broad that any liability for injury caused by trespassers or acts of God would be assigned to the permittee. The VCTA changes properly place liability upon the permittee when it is responsible for the injury.

I. In the proposed third sentence containing indemnification language, strike the language beginning at the semi-colon and insert "for which permittee is responsible, and from any of the permittees contractors, subcontractors, agents, or employees, for which permittee is responsible."

Strike the proposed last sentence in I.

VCTA Comments: Again, the language in the proposed regulation is far too broad, imposing liability for third parties over whom the permittee may have no control. The proposed last sentence suggesting that VDOT could seize private property access "to rectify concerns in the right of way" should not be a substitute for a condemnation proceeding or used as a method of improperly taking private property, and should be deleted.

V. Strike the two proposed new sentences at the end of Paragraph V.

VCTA Comments: The proposed language would place full responsibility upon the permittee for any errors by VDOT in permit inspection. This is fundamentally unfair, since inspection of a construction project which may extend for miles necessarily involves judgment calls by an inspector. If a permittee has honestly applied for a permit, and completed work to the satisfaction of the VDOT inspector, VDOT should not be able to revisit this permit approval (perhaps years later, when erosion or subsidence may have changed the physical landscape which existed when the permit was issued).

<u>24 VAC 30-151-340 Underground Utility Installations Within Nonlimited Access Highways</u>

In subsection 2, at the end of the first sentence, insert "and except that telecommunications and cable television service connections may be placed with a minimum 18 inches of cover."

VCTA Comments: The standard for cable service connections has always been 18 inches of cover (see 24 VAC 30-157-30 B(1), Utility Cable Connections). That standard should be repeated here to avoid any confusion.

III. Conclusion

The VCTA urges VDOT to amend its proposed land use permit regulations to include the changes recommended by the VCTA in these Comments.

The VCTA appreciates the opportunity to submit these Comments, and hopes that the Commonwealth Transportation Board will accept them as constructive recommendation by one of the Commonwealth's largest permit holder utility groups to improve the process for both the Commonwealth and utilities generally.

Respectfully submitted,

VIRGINIA CABLE TELECOMMUNICATIONS ASSOCIATION

By: _____

Peter E. Broadbent, Jr.
Counsel
June 5, 2025

Peter E. Broadbent, Jr. (VSB No. 15962)
Timothy G. McCormick (VSB No. 95493)
Christian F. Tucker (VSB No. 92571)
CHRISTIAN & BARTON, LLP
901 E. Cary Street, Suite 1800
Richmond, Virginia 23219
(T) (804) 697-4100
(F) (804) 697-4112
pbroadbent@cblaw.com
tmccormick@cblaw.com
ctucker@cblaw.com

Project 7620 - Proposed

Department of Transportation

NOIRA and Periodic Review

24VAC30-151-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context indicates otherwise:

"Backfill" means replacement of suitable material compacted as specified around and over a pipe, conduit, casing, or gallery.

"Boring" means a method of installation that is done underground and by which a carrier or casing is jacked through an oversize bore. The bore is carved progressively ahead of the leading edge of the advancing pipe as soil is forced back through the pipe. Directional drilling, coring, jacking~~, etc.~~, and other similar trenchless digging methods are also considered boring.

"Carrier" means a pipe directly enclosing a transmitted liquid or gas.

"Casing" means a larger pipe enclosing a carrier.

"Central ~~Office Permit Manager~~ office permit manager" means the VDOT employee assigned to provide management, oversight, and technical support for the ~~state-wide~~ VDOT land use permit program.

"Chief Engineer" means the VDOT employee in overall supervision of engineering functions for VDOT or that employee's designee.

"Clear zone" means the total border area of a roadway, including~~, if~~ any~~,~~ parking lanes or planting strips, that is sufficiently wide for an errant vehicle to avoid a serious accident. ~~Details on the clear zone are in VDOT's Road Design Manual (see 24VAC30-151-760).~~

~~"Code of Federal Regulations" or "CFR" means the regulations promulgated by the administrative and regulatory agencies of the federal government.~~

"Commercial entrance" means any entrance ~~serving land uses other than two or fewer individual private residences, agricultural operations to obtain access to fields, or civil and communication infrastructure facilities that generate 10 or fewer trips per day such as cell towers, pump stations, and stormwater management basins. (See "private entrance.")~~ other than a private entrance.

"Commissioner of Highways" means the individual serving as the chief executive officer of the Virginia Department of Transportation or a designee.

~~"Commonwealth" means the Commonwealth of Virginia.~~

"Conduit" means an enclosed tubular runway for carrying wires, cable, or fiber optics.

"Cover" means the depth of the top of a pipe, conduit, or casing below the grade of the roadway, ditch, or natural ground.

"Crossing" means any utility facility that is installed across the roadway, either perpendicular to the longitudinal axis of the roadways or at a skew of no less than 60 degrees to the roadway centerline.

"District administrator" means the VDOT employee assigned the overall supervision of the departmental operations ~~in~~ for one of ~~the Commonwealth's nine~~ VDOT's construction and maintenance districts.

"District administrator's designee" means the VDOT employee assigned by the district administrator to supervise land use permit activities ~~by the district administrator~~.

"District roadside manager" means the VDOT employee assigned to provide management, oversight, and technical support for ~~district-wide~~ districtwide vegetation program activities.

"Drain" means an appurtenance to discharge liquid contaminants from casings.

"Encasement" means a structural element surrounding a pipe.

"Erosion and sediment control" means the control of soil erosion or the transport of sediments caused by the natural forces of wind or water.

"Grounded" means connected to earth or to some extended conducting body that serves instead of the earth, whether the connection is intentional or accidental.

"Highway," "street," or "road" means a public way for purposes of vehicular travel, including the entire area within the right-of-way.

"Limited access highway" means a highway especially designed for through traffic, over which abutters have no easement or right of light, air, or access by reason of the fact that their property abuts upon such limited access highway.

"Longitudinal installations" means any utility facility that is installed parallel to the centerline of the roadway or at a skew of less than 60 degrees to the roadway centerline.

~~"Manhole" means an opening in an underground system that workers or others may enter for the purpose of making installations, inspections, repairs, connections and tests.~~

"Median" means the portion of a divided highway that separates opposing traffic flows.

"~~Nonbetterment~~ Non-betterment cost" means the cost to relocate an existing facility as is with no improvements.

"Permit" means a document that, in conjunction with the laws of the Commonwealth, sets the requirements, terms, and conditions under which VDOT allows ~~its~~ a right-of-way to be used or changed by a permittee.

"Permit agreement" means an agreement supplementary to a permit that sets out additional conditions for the enjoyment of the permit that have been agreed to by the permittee and VDOT.

"Permittee" means the person ~~or persons~~, firm, corporation, entity, or government entity that has been issued a ~~land use~~ permit.

"Pipe" means a tubular product or hollow cylinder made for conveying materials.

"Pole line" means poles or a series or line of supporting structures, such as towers, cross arms, ~~guys~~ guy wires, racks (conductors), ground wires, insulators, and other materials assembled and in place for the purpose of transmitting or distributing electric power or communication, signaling, and control. It includes appurtenances such as transformers, fuses, switches, grounds, regulators, instrument transformers, meters, equipment platforms, and other devices supported by poles.

~~"Power line" means a line for electric power or communication services.~~

"Pressure" means relative internal pressure in pounds per square inch gauge (psig).

"Private entrance" means an entrance that serves up to two private residences and is used for the exclusive benefit of the occupants of those residences or an entrance that allows agricultural operations to obtain access to fields or an entrance to civil ~~and~~ or communication infrastructure facilities that generate 10 or fewer trips per day, such as cell towers, pump stations, and stormwater management basins.

"Professional engineer" means a person who is qualified to practice engineering by reason of ~~his~~ special knowledge and use of mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and experience, and whose competence has been attested by the Virginia Board for Architects, Professional Engineers, Land

Surveyors, Certified Interior Designers and Landscape Architects through licensure as a professional engineer.

"Relocate" means to move or reestablish existing facilities.

"Right-of-way" means that property within the system of state highways that is open or may be opened for public travel or use or both in the Commonwealth. This definition includes those ~~public~~ rights-of-way in which the Commonwealth has a prescriptive easement for maintenance and public travel. The property within a right-of-way includes the travel way and associated boundary lines and the area in between, the subsurface below and air above the property, parking and recreation areas, rest and service areas, and other permanent easements for a specific purpose appurtenant to the right-of-way.

"Roadside" means the area adjoining the outer edge of the roadway. The median of a divided highway may also be considered a "roadside."

"Roadway" means the portion of a highway, including shoulders, for vehicular use. A divided highway has two or more roadways.

"Service connections" means any utility facility installed overhead or underground between a distribution main, pipelines, conduits, lines, wires, or other sources of supply and the premises of the individual customer.

"Shared resource agreement" means an agreement or permit allowing one or more utilities to occupy the limited access right-of-way consistent with the requirements of 24VAC30-151-30 and 24VAC30-151-740.

"Site plan" means the engineered or surveyed drawings depicting proposed development of land.

"Storm sewer" means the system containing and conveying roadway drainage.

"Stormwater management" means the engineering practices and principles used to intercept stormwater runoff, remove pollutants, and slowly release the runoff into natural channels to prevent downstream flooding.

"Structure" means that portion of the transportation facility that spans space, supports the roadway, or retains soil. This definition includes~~, but is not limited to,~~ bridges, tunnels, drainage structures, retaining walls, sound walls, signs, and traffic signals~~, etc~~.

"System of state highways" means all highways, streets, and roads under the ownership, control, or

jurisdiction of VDOT, including ~~but not limited to,~~ the primary, secondary, and interstate systems.

"Telecommunication service" means the offering of telecommunications for a fee directly to the public or to privately owned, ~~investor-~~ investor-owned, or cooperatively owned entities.

"Transportation project" means a ~~public~~ project in development or under construction to provide a new public transportation facility or to improve or maintain the existing system of state highways.

"Traveled way" means the portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

"Trenched" means installed in a narrow, open excavation.

"Underground utility facilities" means any item of public or private property placed below ground or submerged for use by the utility.

"Utility" means a privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing telecommunications, cable television, [broadband,] electricity, gas, oil, petroleum products, water, steam, ~~storm water~~ stormwater not connected with highway drainage, or any other similar commodity, including any fire or police signal system.

"VDOT" means the Virginia Department of Transportation ~~or the Commissioner of Highways~~.

"Vent" means an appurtenance to discharge gaseous contaminants from a casing or carrier pipe.

"Wetlands" means those areas that are inundated or saturated by surface or ~~ground water~~ groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

"Wireless support structure agreement" means a permit agreement, a shared resource agreement, or a permit complying with the requirements of Chapter 15.1 (§ 56-484.26 et seq.) of Title 56 of the Code of Virginia concerning the construction of wireless support structures, communication pedestals, nodes, and amplifiers.

24VAC30-151-20. Authority.

The General Rules and Regulations of the Commonwealth Transportation Board (~~see 24VAC30-151-760~~ 24VAC30-21) are adopted pursuant to the authority of § §§ 2.2-1151.1, 33.2-118, 33.2-210, 33.2-240, 33.2-241, 33.2-245, 33.2-266, 33.2-338, 33.2-357, 56-458, 56-460, 56-484.28, 56-484.30, 56-484.31, and

56-484.32 of the Code of Virginia, and in accordance with the Virginia Administrative Process Act (Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia). These rules and regulations provide that no work or nontransportation uses of any nature shall be allowed or performed on the system of state highways or any right-of-way or real property under the ownership, control, or jurisdiction of VDOT until written permission has been obtained from VDOT. Real property includes~~, but is not limited to, the~~ right-of-way ~~of any highway in~~ and the system of state highways ~~system~~. Written permission is granted either by permit pursuant to this chapter or a state-authorized contract let by VDOT or the Commonwealth Transportation Board. ~~By issuing a permit, VDOT is giving permission only for~~ A permit grants the permittee only those rights set forth in the permit and only to the extent of whatever rights ~~it~~ VDOT has in the right-of-way~~; the~~. The permittee is responsible for obtaining permission from others who may also have an interest in the property or right-of-way and for satisfying all other applicable legal requirements, whether federal, state, or local. Employees of VDOT are authorized to issue permits only as described in this chapter. This chapter prescribes the specific requirements of such permits.

24VAC30-151-30. ~~Permits~~ Types of permits and permit agreements.

~~A. The following shall apply to all authorized use or occupancy of the right-of-way:~~

~~1. A permit is required for any type of utility activity occurring within the right-of-way.~~

~~2. A permit is required to install any entrance onto a state highway.~~

~~3. A permit is required to perform surveying operations within the right-of-way.~~

~~4. A permit is required for any agricultural and commercial use and occupancy of the right-of-way.~~

~~5. A permit is required for any miscellaneous activity or use of the right-of-way except for mailboxes and newspaper boxes (see 24VAC30-151-560) and public service signs (see 24VAC30-151-570).~~

~~B.~~ A. Single use permits. A single use permit allows the permittee to perform ~~any approved~~ specific activities within limited access or nonlimited access right-of-way or VDOT property at a specific location that are not otherwise covered by a districtwide permit held by the permittee ~~within limited access and nonlimited access rights-of-way at a specific location~~.

The district administrator's designee shall be responsible for the issuance of all single use permits, except that ~~those~~ requests for a permit for tree trimming and tree removal may be issued by the district roadside manager in consultation with the district administrator's designee. The size of the specific location covered by a single use permit shall be at the discretion of the district administrator's designee ~~and may~~

~~cover work up to two miles along the right-of-way (see 24VAC30-151-40)~~. The ~~land use~~ permit issued for the original installation of facilities also allows the permittee to repair or perform routine maintenance operations to ~~existing~~ those facilities after installation. A single use permit shall be ~~required when~~ obtained prior to the undertaking of the following actions ~~are proposed~~, even if the activities being conducted ~~are normally~~ may be allowed under a districtwide permit:

1. Stopping or impeding highway travel in excess of 15 minutes or implementing traffic control that varies from the standard, or any combination of these, as outlined in the ~~Virginia Work Area Protection Manual~~ Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways (~~see 24VAC30-151-760~~ 24VAC30-315).

2. Performing work within limited access right-of-way.

3. Trimming or cutting any trees located within the right-of-way.

4. Applying any pesticide or landscaping within the right-of-way.

5. Construction of a permanent entrance to a ~~state~~ highway.

6. Cutting or disturbing highway pavement, shoulders, or ditches.

7. Installing electrical lines that exceed 34.5 kV.

8. Installing telecommunication services that exceed 100-pair copper cable or the fiber-optic cable diameter equivalent.

9. Making permanent upgrades to an existing entrance. Temporary improvements to an existing entrance that will be removed upon the completion of the permitted activity will not require a separate single use permit.

10. Grading within the right-of-way beyond the immediate area of a temporary entrance.

~~C.~~ B. Districtwide permits. A districtwide permit allows the permittee to perform multiple occurrences of certain activities on nonlimited access right-of-way without obtaining a single use permit for each occurrence. The central office permit manager shall be responsible for the issuance of all districtwide permits. VDOT may authorize districtwide permits covering multiple districts (see 24VAC30-151-710).

~~The following is a list of acceptable activities under the jurisdiction of districtwide permits:~~

~~1. Utilities.~~

a. Districtwide permits may be issued granting cities, towns, counties, public agencies, or utility companies the authority to install and maintain service connections to their existing main line facilities. Work under a districtwide permit will allow the permittee to install a service connection across a nonlimited access primary or secondary highway above or below ground, provided the installation can be made from the side of the roadway without impeding travel for more than 15 minutes to pull or drop a service line across a highway, and provided no part of the roadway pavement, shoulders and ditch lines will be disturbed. The installation of parallel utility service connections, not to exceed 500 feet in length, shall be placed along the outer edge of the right-of-way with a minimum of 36 inches of cover. Telecommunications and cable television service connections may be placed with a minimum of 18 inches of cover; however the permittee assumes full responsibility for any and all damages caused by VDOT or VDOT contractors resulting from a service connection buried with less than 30 inches of cover within the right-of-way.

A districtwide permit allows for the overlashing of telecommunication lines onto existing lines or strand.

b. A separate single use permit will be required when the following activities associated with the installation and maintenance of utility service connections are proposed:

(1) Cutting highway pavement or shoulders, or both, to locate underground utilities.

(2) Working within the highway travel lane on a nonemergency basis.

(3) Constructing a permanent entrance.

(4) Installing electrical lines that exceed 34.5 KV.

(5) Installing telecommunication services that exceed 100 pair copper cable or the fiber optic cable diameter equivalent.

(6) 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.

(7) Installing underground telephone, power, cable television, water, sewer, gas, or other service connections or laterals where the roadway or ditch lines are to be disturbed.

c. The installation of parallel utility service connections, not to exceed 500 feet in length, shall be

placed along the outer edge of the right-of-way with a minimum of 36 inches of cover. Telecommunications and cable television service connections may be placed with a minimum of 18 inches of cover; however the permittee assumes full responsibility for any and all damages caused by VDOT or VDOT contractors resulting from a service connection buried with less than 30 inches of cover within the right-of-way.

d. A districtwide permit allowing the installation and maintenance of 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:

(1) The permittee shall implement all necessary traffic control in accordance with the Virginia Work Area Protection Manual (see 24VAC30-151-760). When warranted, the appropriate Regional Traffic Engineer should be consulted to select or tailor the proper traffic control devices. Each flag person must be certified by VDOT and carry a certification card when flagging traffic and have it readily available for inspection when requested by authorized personnel.

(2) The permittee shall not perform any activity under the jurisdiction of a districtwide permit that requires the issuance of a single use permit.

e. The permittee must obtain single use permits from the district administrator's designee to continue the installation and maintenance of utility service connections during this revocation period.

2. Temporary logging entrances.

a. Districtwide permits may be issued for the installation, maintenance, and removal of temporary entrances onto nonlimited access primary and secondary highways for the purpose of harvesting timber.

b. A separate single use permit is required when the following activities associated with timber harvesting operations are proposed:

(1) Installing a permanent entrance.

(2) Making permanent upgrades to an existing entrance. Improvements to existing entrances that are not permanent upgrades will not require a separate single use permit.

~~(3) Cutting pavement.~~

~~(4) Grading within the right-of-way beyond the immediate area of the temporary entrance.~~

~~c. A logging entrance permit 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:~~

~~(1) The permittee shall implement all necessary traffic control in accordance with the Virginia Work Area Protection Manual (see 24VAC30-151-760). When warranted, the appropriate district traffic engineer should be consulted to select or tailor the proper traffic control measures. Each flag person must be certified by VDOT and carry a certification card and have it available for inspection upon request by authorized VDOT personnel.~~

~~(2) The permittee shall contact the appropriate district administrator's designee prior to installing a new logging entrance or initiating the use of an existing entrance for logging access.~~

~~(3) The permittee shall contact the appropriate district administrator's designee for final inspection upon completion of logging activities and closure of the temporary entrance.~~

~~(4) The permittee shall restore all disturbed right-of-way at the temporary entrance, including but not limited to ditches, shoulders, and pavement, to pre-activity condition subject to acceptance by the appropriate district administrator's designee.~~

~~(5) The permittee shall remove excessive mud and any debris that constitutes a hazardous condition from the highway pursuant to a request from the appropriate district administrator's designee. Noncompliance may also result in the issuance of a separate citation from the Virginia State Police or a local law-enforcement authority.~~

~~(6) The permittee shall not perform any activity under the jurisdiction of a districtwide permit that requires the issuance of a single use permit.~~

~~d. The permittee must obtain single use permits from the appropriate district administrator's designee to continue accessing state maintained highways for the purpose of harvesting timber during this revocation period.~~

~~3. Surveying.~~

~~a. Districtwide permits may be issued for surveying operations on nonlimited access primary and~~

~~secondary highways subject to the following:~~

~~(1) No trees are to be trimmed or cut within the right-of-way.~~

~~(2) No pins, stakes, or other survey markers that may interfere with mowing operations or other maintenance activities are to be placed within the right-of-way.~~

~~(3) No vehicles shall be parked so as to create a traffic hazard. Parking on through lanes is strictly prohibited.~~

~~b. A separate single use permit is required when the following surveying activities are proposed:~~

~~(1) Entering onto limited access right-of-way. Consideration for the issuance of such permits will be granted only when the necessary data cannot be obtained from highway plans, monuments, triangulation, or any combination of these, and the applicant provides justification for entry onto the limited access right-of-way.~~

~~(2) Stopping or impeding highway travel in excess of 15 minutes or varying the implementation of standard traffic control, or any combination of these, as outlined in the Virginia Work Area Protection Manual (see 24VAC30-151-760).~~

~~(3) Trimming or cutting any trees located within the right-of-way.~~

~~(4) Cutting highway pavement or shoulders to locate underground utilities.~~

~~c. A districtwide permit for surveying activities 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:~~

~~(1) The permittee shall implement all necessary traffic control in accordance with the Virginia Work Area Protection Manual (see 24VAC30-151-760). When warranted, the appropriate Regional Traffic Engineer should be consulted to select or tailor the proper traffic control devices. Each flag person must be certified by VDOT and carry a certification card when flagging traffic and have it readily available for inspection when requested by authorized personnel.~~

~~(2) The permittee shall not perform any activity under the jurisdiction of a districtwide permit that requires the issuance of a single use permit.~~

~~d. The permittee must obtain single use permits from the district administrator's designee to continue surveying activities during this revocation period.~~

1. Utility service connections. Districtwide permits may be issued granting cities, towns, counties, public agencies, or utility providers the authority to install and maintain service connections to existing main line facilities. Work under a districtwide permit will allow the permittee to install a service connection across a nonlimited access primary or secondary highway above ground or below ground, provided the installation can be made from the side of the roadway without impeding travel for more than 15 minutes to pull or drop a service line across a highway and provided that no part of the roadway pavement, shoulders, or ditch lines will be disturbed. The installation of longitudinal utility service connections, not to exceed 500 feet in length, may be accomplished under a districtwide permit upon satisfaction of the following conditions: (i) the service connection shall be placed along the outer edge of the right-of-way, (ii) the service connection shall have a minimum of 36 inches of cover, and (iii) an as-built plan of such longitudinal installation shall be provided to the district administrator's designee. Notwithstanding the provisions of this subdivision, [broadband,] telecommunications and cable television service connections may be placed with a minimum of 18 inches of cover, provided the permittee accepts and assumes full responsibility and liability for all damages caused by VDOT, VDOT contractors, or third parties disturbing a service connection buried with less than 30 inches of cover within the right-of-way. A districtwide permit allows for the overlashing of telecommunication lines onto existing lines or strands, unless such overlashing activities trigger the requirements for utilizing a single use permit.

2. Temporary logging entrances. Districtwide permits may be issued for the installation, maintenance, and removal of temporary entrances onto nonlimited access primary and secondary highways for the purpose of harvesting timber. The permittee shall contact the appropriate district administrator's designee (i) prior to installing a new logging entrance or initiating the use of an existing entrance for logging access and (ii) for final inspection upon completion of logging activities and closure of the temporary entrance. The permittee shall remove excessive mud and any debris that constitutes a hazardous condition from the highway at the permittee's sole cost upon a request from the district administrator's designee.

3. Surveying. Districtwide permits may be issued for surveying operations on nonlimited access primary and secondary highways if such activity does not involve (i) tree trimming or cutting within

the right-of-way; (ii) the installation of pins, stakes, or other survey markers that may interfere with mowing operations or other maintenance activities within the right-of-way; or (iii) the parking of vehicles so as to create a traffic hazard. Parking on the traveled way is strictly prohibited.

~~D.~~ C. In-place permits. In-place permits allow utilities to remain within the right-of-way of newly constructed secondary streets. These utilities shall be installed according to ~~VDOT approved~~ VDOT-approved street plans and shall be in place prior to VDOT street acceptance.

~~E.~~ D. Prior-rights permits. Prior-rights permits allow ~~existing~~ utilities with existing facilities within the right-of-way to remain in place ~~that~~ as long as those facilities are not in conflict with a transportation ~~improvements authorized under the auspices of a land use permit~~ project or other use of the right-of-way by the public or the Commonwealth.

~~F.~~ E. As-built permits. ~~Agreements for the relocation of utilities found to be in~~ Utility facilities required to be relocated within a right-of-way due to a conflict with a transportation project or other use of the right-of-way by the public or the Commonwealth may ~~stipulate that~~ be issued an as-built permit ~~will be issued~~ upon completion of the project and the mutual agreement between VDOT and the utility for such relocation.

~~G.~~ F. Agreements. In addition to obtaining a single use permit, a utility may be required to enter an agreement with VDOT allowing the utility to use the limited access right-of-way in exchange for monetary compensation, the mutually agreeable exchange of goods or services, or both.

1. ~~Permit agreement. A permit~~ An agreement is required for:

a. Any new longitudinal occupancy of the limited access right-of-way or median where none have existed before, as allowed for in 24VAC30-151-300 and 24VAC30-151-310.

b. Any ~~new communication tower or small site facilities installed within the right-of-way, as allowed for in 24VAC30-151-350~~ occupancy of a VDOT-owned wireless support structure.

~~c. Any perpendicular crossing of limited access right-of-way, as allowed for in 24VAC30-151-310~~

.

All ~~permit~~ agreements shall specify the terms and conditions required in conjunction with work performed within the right-of-way. ~~If appropriate, all agreements~~ Agreements shall provide for the payment of monetary compensation ~~as may be~~ in the amount deemed ~~proper~~ appropriate by the Commissioner of Highways ~~for the privilege of utilizing the right-of-way~~.

2. ~~Shared resource agreement. A~~ Consistent with the requirements of 24VAC30-151-740, a shared resource agreement allows ~~the utility~~ one or more utilities to occupy the limited access right-of-way in exchange for ~~the~~ each such utility providing ~~the needed VDOT facility or~~ a combination of goods, facilities, services, or monetary compensation to VDOT. ~~VDOT~~ The Commissioner of Highways and ~~the~~ each such utility will agree upon the appropriate goods, facilities, or services to be provided ~~and will establish~~, the length of the term ~~that will be compensated through the infrastructure needs~~, and compensation through the provision of a particular service, facility, or monetary compensation, or ~~both~~ a combination thereof. Any shared resource agreement shall also provide for compensation as may be deemed ~~proper~~ appropriate by the Commissioner of Highways in any renewal term. The shared resource agreement shall specify the initial and renewal terms of the lease.

G. Notwithstanding the provisions of this section, no permit shall be required for placement of mailboxes and newspaper boxes in accordance with 24VAC-30-151-560 and placement of certain signs in accordance with 24VAC-30-151-570.

24VAC30-151-40. General rules, regulations, and requirements.

A. A ~~land use~~ permit is valid only on ~~highways and rights-of-way~~ right-of-way under VDOT's jurisdiction and on VDOT-owned property. ~~This permit neither implies nor grants otherwise.~~ County and city permits must be secured for work on roads and streets under ~~their~~ the county or city jurisdictions. A ~~land use~~ permit covers the actual performance of work within ~~highway rights-of-way~~ right-of-way and the subsequent maintenance, adjustments, or removal of the work as approved by the central office permit manager or the district administrator's designee. ~~Permits for communications facility towers may only be issued by the Commissioner of Highways.~~ The ~~Commissioner of Highways~~ Chief Engineer shall approve all activities within limited access right-of-way prior to permit issuance. ~~All permits shall be issued to~~ A permit must be obtained by the owner of the facility to be used or located within ~~highway rights-of-way~~ right-of-way or VDOT-owned property or the adjacent property owner in the case of entrance permits. ~~Permits~~ A permit may be issued jointly to the owner and ~~his~~ contractor ~~as~~ if the contractor is the owner's authorized agent. The ~~applicant~~ permittee and the permit's contractors and agents shall comply with all applicable federal, state, ~~county and municipal~~ and local laws and requirements. The terms of every permit include and incorporate by reference this chapter as well as all federal, state, and local requirements applicable to a permittee's activities under the permit.

B. Application shall be made for a ~~district-wide~~ districtwide permit through the central office permit

manager and for single use permits ~~from~~ through the district administrator's designee responsible for the county where the work is to be performed. The applicant shall submit site plans or sketches for proposed installations within the right-of-way to VDOT for review, with studies necessary for approval. VDOT may require electronic submission of these documents. [~~Where~~ Applicants are encouraged to submit] work [~~is~~] of a continuous nature along one route, or [~~on several~~ connected] routes within one jurisdiction, [~~it may be consolidated~~] into one permit application [regardless of length] . ~~For single use permits, such consolidation shall not be for a length greater than two miles.~~ The applicant shall also submit any required certifications for staff performing or supervising the work, and certification that applicable stormwater management requirements are being met. The plans shall include the ultimate development and also any applicable engineering design requirements. VDOT retains the authority to deny an application for or revoke a land use permit to ensure the safety, use, or maintenance of the highway right-of-way, or in cases where a law has been violated relative to the permitted activity.

C. The ~~proposed installation granted by this permit~~ permittee shall ~~be constructed exactly as shown on the permit or accompanying sketch. 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 features shall be shown. Any existing utilities within close proximity of the permittee'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 be shown.~~ comply with the terms of the permit. The permittee shall construct and use each facility proposed to be used or installed pursuant to a permit exactly as shown on the approved permit application, including:

1. Showing distances from edge of pavement, existing and proposed right-of-way lines, depths below existing and proposed grades, depths below ditch line or underground drainage structures, or other features.

2. Showing any existing utilities within close proximity of the applicant's proposed work or use.

3. Showing the location of poles, guy wires, pedestals, relief valves, vent pipes, and other equipment or structures.

4. Showing the height of wires or cables above the crown of the roadway.

D. 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 permittee 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.

E. The ~~land use~~ permit is not valid unless signed by the central office permit manager or the district administrator's designee.

F. The permittee shall secure and ~~carry sufficient~~ maintain commercial general liability insurance to protect against liability for personal injury and property damage ~~that may arise from the work performed~~ in connection with all activities undertaken under ~~the authority of~~ a ~~land use~~ permit ~~and from the operation of the permitted activity~~. Comprehensive general liability insurance with limits of at least $1 million per occurrence and $5 million aggregate or in amounts otherwise required by VDOT as stated in the permit shall be maintained at all times. Insurance must be obtained prior to start of permitted work and shall remain valid through the permit completion date. The central office permit manager or the district administrator's designee may require a valid certificate ~~or letter~~ of insurance or policy documents from the issuing insurance agent or agency prior to issuing ~~the land use~~ a permit.

G. The permittee assumes full responsibility for all damages caused by facilities installed or uses undertaken under a permit. The permittee must make every effort to install facilities in a manner to preclude the possibility of damage.

H. The permittee is responsible for the continued maintenance of facilities placed within a right-of-way.

I. VDOT and the Commonwealth shall be absolved from all responsibilities, damages, and liabilities associated with granting the permit and the permittee's activities in the right-of-way, including activities performed by the permittee's contractors or agents. All facilities shall be placed and maintained in a manner to preclude the possibility of damage to ~~VDOT owned~~ VDOT-owned facilities or other facilities placed within the ~~highway~~ right-of-way by permit. A permittee shall indemnify and hold harmless the Commonwealth, the Commonwealth Transportation Board, the Commissioner of Highways, VDOT, and the consultants, representatives, agents, and employees of those agencies from and against any and all claims, causes of action, losses, costs, attorney fees, expenses, and damages that directly or indirectly result from or arise out of the permittee's activities or violations in the right-of-way; from any of the permittee's contractors, subcontractors, consultants, representatives, agents, or employees; or from anyone for whom acts or violations the permittee is or may be liable. A permittee shall be civilly liable to the Commonwealth for all actual damage caused by a violation of the terms of a permit or this chapter [~~. Injunctive remedies available to VDOT include providing private property access to VDOT to rectify concerns to public safety in the right-~~

~~of-way caused by violations of the permit or this chapter~~] .

~~H.~~ J. A copy of the ~~land use~~ permit and approved site plans or sketches shall be maintained at every job site and such items made readily available for inspection when requested by VDOT or any authorized personnel. Strict adherence to the permit is required at all times. Any activity other than that described in the permit shall render the permit null and void. Any changes to the permit shall be coordinated and approved by the district administrator's designee prior to construction.

~~I.~~ K. For permit work within the limits of a ~~VDOT construction~~ transportation project, the ~~permittee~~ applicant must obtain the ~~contractor's~~ consent of the project's general contractor in writing before the permit will be issued. The permittee shall coordinate with VDOT and the project's general contractor and schedule all ~~permitted~~ work within the limits of a ~~VDOT construction~~ transportation project to avoid conflicts with ~~contracted~~ work of the transportation project.

~~J.~~ L. All activity associated with the permit shall be in accordance with all federal, state, and local requirements and all applicable VDOT requirements, standards, and specifications and as otherwise required by the terms of the permit.

M. Disturbances within the right-of-way shall be kept to a minimum during permitted activities. Permit applications for proposed disturbances within the right-of-way that include disturbance on property directly adjacent to the right-of-way, in which the combined area of disturbance constitutes a land-disturbing activity as defined in ~~§ 10.1-560~~ § 62.1-44.15:24 of the Code of Virginia and the Virginia Erosion and Stormwater Management Program ~~(VSMP) Permit Regulations~~ (~~see 24VAC30-151-760~~ Part II (9VAC25-875-40 et seq.) of 9VAC25-875), must be accompanied by documented approval of erosion and sediment control plans and stormwater management plans for the activity, ~~if~~ as applicable, from the corresponding jurisdictional local or state government plan approving authority.

~~K.~~ N. Restoration shall be made in accordance with VDOT ~~Road and Bridge Specifications; VDOT Road and Bridge Standards; Virginia Erosion and Sediment Control Handbook, 3rdEdition, a technical guide to the Erosion and Sediment Control Regulations;~~ standards and specifications as set forth in the terms of the permit and ~~the Virginia Stormwater Management Handbook, 1st edition, Volumes 1 and 2, a technical guide to the Virginia Stormwater Management Program (VSMP) Permit Regulations (see 24VAC30-151-760)~~ Part II of 9VAC25-875.

Additionally, the permittee shall:

1. Ensure compliance with the Virginia Erosion and Sediment Control ~~Regulations and the Virginia Stormwater Management Program (VSMP) Permit Regulations~~ Program (~~see 24VAC30-151-760~~ Part III (9VAC25-875-210 et seq.) of 9VAC25-875).

2. Ensure copies of approved erosion and sediment control plans, stormwater management plans, if applicable, and all related non-VDOT issued permits are available for review and posted at every job site at all times.

3. Take all necessary precautions to ensure against siltation of adjacent properties, streams, ~~etc.~~ or other bodies of water in accordance with VDOT's policies and standards as specified in the terms of the permit and ~~the Virginia Erosion and Sediment Control Handbook, 3rd edition, and the Virginia Stormwater Management Manual (see 24VAC30-151-760)~~ any applicable laws or regulations enforced by the State Water Control Board.

4. Keep dusty conditions to a minimum by using VDOT-approved methods.

5. Cut pavement only as approved by the district administrator's designee. Pavement cuts, restoration, and compaction efforts, to include all materials, shall be accomplished in accordance with VDOT ~~Road and Bridge Specifications (see 24VAC30-151-760)~~ specifications as set forth in the terms of the permit.

6. Ensure that an individual certified by VDOT in erosion and sediment control is present whenever any land-disturbing activity ~~governed by~~ under the permit is performed. All land disturbance activities performed under a ~~VDOT land use~~ permit shall be in accordance with all local, state, and federal ~~regulations~~ requirements. The installation of underground facilities by a boring method shall only be deemed as a land-disturbing activity at the entrance and exit of the bore hole and not the entire length of the installation.

7. Stabilize all disturbed areas immediately upon the end of each day's work and reseed in accordance with VDOT ~~Road and Bridge Specifications (see 24VAC30-151-760)~~ specifications as set forth in the terms of the permit. Temporary erosion and sediment control measures shall be installed in areas not ready for permanent stabilization.

8. Ensure that no debris, mud, water, or other material is allowed on the highways. Permission, documented in writing or electronic communication, must be obtained from VDOT prior to placing excavated materials on the pavement. When so permitted, the pavement shall be cleaned only by

approved VDOT methods.

~~L.~~ O. Accurate "as built" plans and profiles of work completed under permit shall be furnished to VDOT upon request, unless waived by the district administrator's designee. For utility permits, the owner shall maintain "as built" plans, profiles, and records for the life of the facility that describe the utility usage, size, configuration, material, location, height or depth, and special features, such as encasement.

~~M.~~ P. All work shall be performed in accordance with the Underground Utility Damage Prevention Act (Chapter 10.3 (§ 56-265.14 et seq.) of Title 56 of the Code of Virginia) and the Rules for Enforcement of the Underground Utility Damage Prevention Act (~~see 24VAC30-151-760~~ 20VAC5-309). For work within 1,000 feet of traffic signals or adjacent to other VDOT utilities, the permittee shall contact the ~~district administrator's designee prior to excavation~~ VDOT Customer Service Center. The permittee shall notify VDOT on the business day preceding 48 hours before excavation.

~~N.~~ Q. Permission, documented in writing or electronic communication, must be obtained from the district administrator's designee prior to blocking or detouring traffic. Additionally, the permittee shall:

~~1. Employ safety measures including, but not limited to, certified flaggers, adequate lights and signs.~~

~~2. Conduct all permitted activities in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) and related special provisions (see 24VAC30-151-760) and the typical traffic control figures from the Virginia Work Area Protection Manual (see 24VAC30-151-760).~~

~~3.~~ 1. Plan construction and maintenance operations with regard to safety and minimum traffic interference.

~~4.~~ 2. Coordinate notification with all county or municipal officials.

~~5.~~ 3. Ensure that permitted work does not interfere with traffic during periods of peak flow on heavily traveled highways.

~~6.~~ 4. Plan work so that closure of intersecting streets, road approaches, and other access points is held to a minimum and as noted and approved in the permit documents.

~~7.~~ 5. Maintain safe access to all entrances and normal shoulder slope of the roadway across the entire width of the entrance.

~~O. All construction activities shall conform to Occupational Safety & Health Administration (OSHA)~~

~~requirements.~~

~~P.~~ R. The permittee shall be responsible for any settlement in the backfill or pavement ~~for a period of two years~~ after the completion ~~date~~ of work activities under the permit~~, and for the continuing maintenance of the facilities placed within the highway right-of-way. A one-year restoration warranty period may be considered, provided the permittee adheres to the following criteria: 1. The permittee retains the services of a professional engineer (or certified technician under the direction of the professional engineer) to observe the placement of all fill embankments, pavement, and storm sewer and utility trench backfill. 2. The professional engineer (or certified technician under the direction of the professional engineer) performs any required inspection and testing in accordance with all applicable sections of VDOT's Road and Bridge Specifications (see 24VAC30-151-760). 3. The professional engineer submits all testing reports for review and approval, and provides written certification that all restoration procedures have been completed in accordance with all applicable sections of VDOT's Road and Bridge Specifications (see 24VAC30-151-760) prior to completion of the work authorized by the permit~~ or for any settlement caused by the installed facility.

~~Q.~~ S. The permittee shall immediately notify the ~~nearest VDOT official who approved the land use permit~~ district administrator's designee of involvement in any personal or vehicular accident at the work site.

~~R.~~ T. Stormwater management facilities or wetland mitigation sites shall not be located within VDOT rights-of-way unless the Commonwealth Transportation Board has agreed to participate in the use of a regional facility authorized by the local government. Stormwater management facilities or wetlands mitigation sites shall be designed and constructed to minimize impact within VDOT right-of-way. VDOT's share of participation in a regional facility will be the use of the right-of-way where the stormwater management facility or wetland mitigation site is located.

~~S.~~ U. The permittee shall notify, by telephone, ~~voice mail~~ voicemail message, or email~~,~~ the VDOT office where the ~~land use~~ permit was obtained prior to commencement of the permitted activity or any nonemergency excavation within the right-of-way.

~~T.~~ V. Upon completion of the work under permit, the permittee shall provide notification, documented in writing or electronic communication, to the district administrator's designee requesting final inspection. This request shall include the permit number~~, county name, route number,~~ and name of the party ~~or parties~~ to whom the permit was issued. The district administrator's designee shall ~~promptly~~ schedule an inspection of the work covered under the permit and advise the permittee of any necessary corrections. The permittee may not rely upon any act, statement, or failure to act on the part of VDOT with respect to inspection. The

failure of VDOT to fully or properly inspect any work shall not excuse in any way the permittee from any of the permittee's duties or obligations under the permit, law, or regulation.

24VAC30-151-50. ~~Violations of rules and regulations~~ Objects in the right-of-way.

~~A.~~ Objects placed on, above, or under the right-of-way in violation of the general rules and regulations shall be removed within 10 calendar days of receipt of notice from VDOT. Objects not removed within 10 calendar days shall be moved at the owner's expense. Objects requiring immediate removal for public safety, use, or maintenance of any highway shall be moved immediately at the owner's expense. The provisions of § 33.2-1224 of the Code of Virginia shall govern the removal of advertisements from within the right-of-way. The provisions of § 33.2-1227 of the Code of Virginia shall govern the removal of other signs from within the right-of-way.

~~B. 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.~~

~~C. Failure to implement proper traffic control and construction standards mandated by the permit shall be cause for the district administrator's designee to remove the permittee from the right-of-way or revoke the permit, or both.~~

~~D. See 24VAC30-151-30 for violations related to specific district-wide permit types.~~

24VAC30-151-80. Permit time limits and cancellations.

A. The permittee shall provide an estimate of the number of days needed to accomplish the work or use under permit. The district administrator's designee shall determine the actual time limit of all work or uses being accomplished under permit~~, which shall not normally be less than six months in duration~~. Weather conditions and seasonal operations, such as seeding~~,~~ and paving~~, etc.~~, will be considered when determining a realistic time limit for work to be completed.

B. ~~It shall be the responsibility of the permittee to ensure that the permitted activity will be completed within the time limit established with the original permit issuance.~~ If it is anticipated that the work or use covered by ~~the~~ a single use permit cannot be completed during the original permit term, the permittee shall provide a request, documented in writing or electronic communication, for an extension of time to the district administrator's designee prior to the expiration of the permit. The request shall provide reasonable justification for granting the extension. A one-time extension of time may be granted if the request is

received at least 10 ~~calendar~~ business days prior to the ~~original~~ permit expiration date. Should the original time limit or the one-time permit extension expire, the permittee shall provide a written request for reinstatement to the district administrator's designee. The request shall provide reasonable justification for granting the reinstatement. At the time of reinstatement, the district administrator's designee shall notify the permittee that no additional extensions of the permit will be allowed and that the work must be completed within the time limits indicated in the reinstatement notice. Consideration will not be given to an extension request for a permit that has been reinstated after an extension.

C. The permittee shall make every effort to ensure that work begins within 30 calendar days of permit issuance. If the permitted work cannot commence within 30 calendar days of permit issuance, the permittee shall notify the district administrator's designee of the delay. Upon request by the permittee, the permit may be ~~cancelled~~ canceled if no work has started within 30 days of issuance or such additional time as authorized by the district administrator's designee.

24VAC30-151-90. Hours and days work authorized; holiday schedule.

A. Normal hours for work under the authority of a permit~~, single use or districtwide,~~ are from 9 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.

~~Permitted nonemergency~~ B. Nonemergency work will not be allowed on arterial and collector highway classifications from noon on the preceding weekday through ~~the following~~ all state observed holidays~~: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day~~.

C. If the observed holiday falls on a Monday, the ~~permit~~ nonemergency work will not be ~~valid~~ allowed from noon on the preceding Friday through noon on Tuesday. The district administrator's designee may establish alternate time restrictions in normal working hours and days for ~~single use~~ permits other than districtwide permits. The central office permit manager may establish alternate time restrictions in normal working hours and days for districtwide permits.

24VAC30-151-110. Denial; revocation; refusal to renew; violations.

A. A ~~land use~~ permit may be revoked or suspended upon written finding that the permittee or the permittee's contractors or agents have violated ~~the terms~~ or are in violation of any term of ~~the~~ a permit~~, which shall incorporate by reference these rules, as well as~~ or of any federal, state ~~and~~, or local ~~laws and ordinances regulating activities within the right-of-way. Repeated violations may result in a permanent~~

~~denial of the right to work within~~ requirement applicable to work or use under a permit, or that the work or use affects the safety, use, or maintenance of the right-of-way. Any permit may be revoked and the facility for which it was issued required to be removed or relocated at the direction of the Commissioner of Highways if the facility or use obstructs or otherwise interferes with a transportation project or the safety, improvement, maintenance, or operation of a right-of-way. Unless otherwise specifically provided for by a law shifting the costs to another person or entity, all costs to remove or relocate the facilities or uses or otherwise resulting from the permit revocation shall be incurred and paid by the permittee. A permit may also be revoked for misrepresentation of information on the application, fraud in obtaining a permit, alteration of a permit, unauthorized use of a permit, or violation of a water quality permit. Upon revocation, the permit shall be surrendered without consideration for refund of fees. ~~Upon restoration of~~ A permit ~~privileges a new land use permit~~ that has been suspended shall be ~~obtained prior to performing any~~ noted as such for the suspension period and no work or use shall be allowed under a suspended permit. Any misrepresentations, fraudulent actions, or repeated violations may result in a permanent denial of the right to work within or use the right-of-way.

B. ~~Land use permits~~ In addition to all other available remedies, a districtwide permit may be revoked for a minimum of 30 calendar days if the permittee violates the terms of the permit or any other law or regulation related to the permit or the permittee's activities in the right-of-way. A permittee will be provided written notice of the violation prior to revocation. During the revocation period, the permittee must satisfy all requirements for and obtain single use permits from the district administrator's designee to undertake any activities within the right-of-way.

C. Permits may be denied to any applicant or ~~company, or both,~~ joint applicant for a period not to exceed six months when the applicant or ~~company, or both, has been notified in writing by the~~ joint applicant or its contractors or agents have violated or are in violation of any term of a permit or of any federal, state, or local requirement applicable to work or use under a permit. Permits may also be denied to ensure the safety, use, or maintenance of the right-of-way. The Commissioner of Highways, the central office permit manager, district administrator, or district administrator's designee ~~that~~ shall provide the applicant and joint applicant with a written explanation of the violations ~~have occurred under the jurisdiction of a districtwide or previously issued single use~~ upon which a permit. ~~Any~~ denial is based and the actions required to cure the denial. A violation of a water quality permit held by a person, firm, or corporation ~~violating a water quality permit~~ shall ~~permanently be denied a land use permit~~ be a basis for denial of any

future permit application by that person, firm, or corporation.

~~Furthermore, these violators~~ D. Violations of the terms of a permit or this chapter may also be subject to criminal prosecution as provided for by § 33.2-210 of the Code of Virginia.

24VAC30-151-120. ~~Provisions governing entrances.~~ (Repealed.)

~~VDOT's authority to regulate highway entrances is provided in §§ 33.2-240, 33.2-241, and 33.2-245 of the Code of Virginia and its authority to make regulations concerning the use of highways generally is provided in § 33.2-210 of the Code of Virginia.~~

~~Regulations regarding entrances are set forth in VDOT's regulations promulgated pursuant to § 33.2-245 of the Code of Virginia (see 24VAC30-151-760).~~

24VAC30-151-220. ~~Commercial use agreements.~~ (Repealed.)

~~A. Where wider rights-of-way are acquired by VDOT for the ultimate development of a highway at such time as adequate funds are available for the construction of the highway, including such preliminary features as tree planting, the correction of existing drainage conditions, etc., the Commissioner of Highways does not consider it advisable to lease, rent, or otherwise grant permission for the use of any of the land so acquired except in extreme or emergency cases, and then only for a limited period.~~

~~When the land adjoining the highway is used for commercial purposes and where the existing road is located on the opposite side of the right-of-way, thereby placing the business from 65 feet (in the case of 110 feet right-of-way) to 100 feet or more (in the case of 160 feet right-of-way) away from the main traveled road, the owner of the business may continue to locate his driveways and pumps, in the case of a filling station, within the state right-of-way, provided that the driveways and pumps are at least as far from the edge of the existing pavement as existing driveways and pumps in evidence on the road are from the nearest edge of the pavement to their similar structures. No additional driveways or pumps may be constructed within the right-of-way. In such cases, agreements for "commercial uses" may be entered into for use of portions of the right-of-way for temporary or limited periods under the following policies and conditions:~~

~~1. Until such time as the Commissioner of Highways deems it necessary to use right-of-way acquired for future construction on a project for road purposes, agreements may be made with adjoining property owners for the temporary use of sections thereof. The use of this land shall be limited to provisions as set forth in the agreement, which shall cover commercial pursuits consistent~~

~~with similar operations common to the highway. These operations and special conditions may include gasoline pumps, but not gasoline tanks.~~

~~2. The area of right-of-way designated for use of the landowner must not be used for the storing of vehicles, except while the vehicles are being serviced at the gasoline pumps. The area must be kept in a clean and orderly condition at all times.~~

~~B. Agreements may be revoked for cause or as outlined in subdivision A 1 of this section, either in whole or for any portion of the prescribed area that may be required for highway purposes, which may include one or more of the following:~~

~~1. The storage of road materials when other nearby suitable areas are not available;~~

~~2. The planting of trees and shrubs for permanent roadside effects;~~

~~3. The correction or improvement of drainage;~~

~~4. Development of wayside, parking or turnout areas; or~~

~~5. For other purposes as may be deemed necessary by the Commissioner of Highways.~~

~~C. Applications for agreements for commercial uses shall be made to the district administrator's designee. Agreements must be accompanied by a sketch showing the location of the roadway, shoulders, ditches and conditions existing within the right-of-way, together with description and plat of the area to be covered by it. The text of the application should describe the specific use for the site.~~

~~D. Agreements shall be issued only to owners of property adjoining the area to be used. Agreements may be made for terms not to exceed one year, subject to the cancellation terms in subsection C of this section. VDOT shall not be responsible in any way for the policing of areas subject to commercial agreements. No structures are to be erected on areas subject to commercial agreements without written approval of the Commissioner of Highways.~~

24VAC30-151-230. ~~Agriculture use agreements.~~ (Repealed.)

~~A. In cases where wider rights-of-way are acquired by VDOT for the ultimate development of a highway at such time as adequate funds are available for the construction of the same, including such preliminary features as tree planting, the correction of existing drainage conditions, etc., the Commissioner of Highways does not consider it advisable to lease, rent, or otherwise grant permission for the use of any of the land so acquired except in extreme or emergency cases, and then only for a limited period.~~

When this land is being used for agricultural purposes, which would necessitate the owner preparing other areas for the same use, agreements for agricultural uses may be entered into for use of portions of the right-of-way for temporary or limited periods.

B. Agreements for agricultural uses may be made with adjoining property owners, until such time as the Commissioner of Highways deems it necessary to use right-of-way acquired for future construction on a project for road purposes. Agricultural use is not permitted on limited access highways. The use of this land will be limited to provisions as set forth in the agreement, which, in general, will cover agricultural pursuits the same as those carried out on adjoining lands and thereby made an integral part of the agreement. Operations and special conditions covering such operations may include one or more of the following:

1. Grazing of cattle and other livestock is permitted provided the area is securely enclosed by appropriate fence to eliminate any possibility of animals getting outside of the enclosure.

2. Forage crops such as hay, cereals, etc. are permitted provided that their growth will not interfere with the safe and orderly movement of traffic on the highway, and that, after crops are harvested, the land is cleared, graded and seeded with cover crop in such a manner as to prevent erosion and present a neat and pleasing appearance.

3. Vegetable crops are permitted provided that its growth will not interfere with the safe and orderly movement of traffic on the highway, and that all plants will be removed promptly after crops are harvested and the land cleared, graded and seeded with cover crop in such a manner as to prevent erosion and present a neat and pleasing appearance.

4. Fruit trees are permitted to maintain existing fruit trees, provided that they are sprayed to control insects and diseases; fertilized and the area is kept generally clear of weeds, etc., but no guarantee of longevity may be expected.

5. Small fruits are permitted, but no guarantee of longevity may be expected.

6. Other uses as may be specifically approved.

C. Agricultural use agreements will be subject to revocation for cause or as outlined in subsection B of this section, either in whole or for any portion of the prescribed area that may be required for highway purposes, which may include one or more of the following:

1. Storage of road materials when other nearby suitable areas are not available;

~~2. The planting of trees and shrubs for permanent roadside effects;~~

~~3. The correction or improvement of drainage;~~

~~4. The development of wayside, parking or turnout areas; or~~

~~5. For other purposes as may be deemed necessary by the Commissioner of Highways.~~

~~D. Applications for agreements for agricultural uses shall be made to the district administrator's designee. Agreements must be accompanied by a sketch showing the location of the roadway, shoulders, ditches and conditions existing within the right-of-way, together with a description and plat of the area to be covered by it. The text of the application should describe in detail the specific use for which the area is to be utilized.~~

~~Agreements shall be issued only to owners of property adjoining the area to be used. Agreements may be made for terms not to exceed one year, subject to the cancellation terms in subsection C of this section. VDOT shall not be held responsible in any way for the policing of areas subject to agricultural use agreements. No structures are to be erected on areas subject to agricultural use agreements without written approval of the Commissioner of Highways.~~

24VAC30-151-240. Dams.

A. VDOT may permit dams for farm ponds within the right-of-way. The local ~~Soil and Water Conservation District~~ soil and water conservation district, as defined in § 10.1-500 of the Code of Virginia, will coordinate the approval of all requests to establish farm ponds, including existing or proposed roadway occupation of the dam, with the district administrator's designee. For the purpose of this section, a roadway will be considered to accommodate a farm pond dam if:

1. Any part of the fill for the roadway and the fill for the dam overlap;

2. The area between the two embankments is filled in so that the downstream face of the dam is obscured; or

3. A closed drainage facility from a dam extends under a roadway fill.

B. ~~Permittee responsibility.~~ The permittee acknowledges that VDOT's liability is limited to the maintenance of the roadway and that VDOT has no responsibility or liability due to the presence of the dam, the maintenance of which shall remain the responsibility of the permittee.

C. All other roadway occupation of dams shall be in accordance with the Secondary Street Acceptance

Requirements (~~see 24VAC30-151-760~~ 24VAC30-92).

24VAC30-151-260. Railroad crossing permit requests from railroad companies.

A. ~~Operations by the railroad company shall conform to applicable statutes of the Code of Virginia in regard to construction and maintenance of the crossing surface, signing and other warning devices, blocking of crossing, etc~~ VDOT may permit railway crossings.

B. In the event of future widening of the highway, the permittee shall lengthen the crossing surface, relocate signs and signals, ~~etc.,~~ and make other adjustments as may be necessary, at no expense to the Commonwealth.

C. Suitable ~~construction bond~~ surety shall be required when the construction work is to be performed by a contractor for the railroad.

24VAC30-151-270. Railroad crossing permit requests by other companies.

Where a person, firm, or chartered company engaged in mining, manufacturing, or lumber getting, as defined in § 33.2-252 of the Code of Virginia, applies directly for a permit to construct a tramway or railroad track across the right-of-way, a permit may be issued under the following conditions:

~~1. Operations by the permittee shall conform to applicable statutes of the Code of Virginia in regard to construction and maintenance of the crossing surface, signing and other warning devices, blocking of crossing, etc.~~

~~2.~~ 1. In the event of future widening of the highway, the permittee shall lengthen the crossing surface, relocate signs and signals, ~~etc.,~~ and make other adjustments as may be necessary, at no expense to the Commonwealth.

~~3.~~ 2. The permittee shall furnish a ~~performance and indemnifying bond~~ suitable surety of such amounts as VDOT deems necessary and agree to continue the same in force so long as the crossing is in place.

~~4.~~ 3. The permittee shall notify VDOT prior to the permittee transferring ownership of a crossing so that proper arrangement can be made for the transfer of permitted responsibilities.

24VAC30-151-280. ~~Springs and wells.~~ (Repealed.)

~~In the acquiring of right-of-way, it is often necessary for VDOT to acquire lands where springs, wells and their facilities are located. It is the policy of VDOT to acquire these springs, wells and their facilities along~~

~~with the land on which they are located. When so acquired, the landowner having previous use of these springs, wells and their facilities may be granted a permit to use these springs, wells and their facilities until the Commissioner of Highways shall, by written notice, advise that the permit is terminated. The issuing of the permit shall in no way obligate VDOT to maintain the springs, wells or facilities.~~

24VAC30-151-290. ~~Public telephones.~~ (Repealed.)

~~Public telephone booths may be allowed at rest areas and other locations as provided in 23 CFR 752.5 and allowed at other locations when a definite need is documented. Telephone booths may be allowed when a definite need exists to serve the traveling public, such as:~~

~~1. At wayside areas, if well removed from access to off right-of-way public telephone stations.~~

~~2. At other isolated areas sufficiently removed from existing off right-of-way public telephone stations as to impair the safety and convenience of traffic, provided that:~~

~~a. No private land is available or suitable for location of booth;~~

~~b. The location meets all safety requirements as to sight distance, access roads and parking; and~~

~~c. All costs incidental to providing turnout and parking area are borne by the telephone company.~~

24VAC30-151-300. General provisions governing utilities.

Utility installations on all ~~highway~~ rights-of-way shall comply with the following provisions:

1. ~~Overhead or underground utilities may be installed across any right-of-way by a utility under a permit.~~ Requests for accommodations of utility facilities within the right-of-way shall be submitted to and reviewed by the district administrator's designee. ~~These regulations govern all rights-of-way and apply to public and private utilities. These regulations also govern the location, design, methods and financial responsibility for installing, adjusting, accommodating and maintaining utilities.~~

2. Utility lines shall be located to minimize the need for later adjustments, to accommodate future highway improvements and transportation projects, and to allow servicing of the lines with minimum interference to ~~highway~~ traffic. VDOT retains the right to reject installations that do not address these factors. Utility ~~lines residing within the highway right-of-way~~ facilities shall conform to the type of highway and specific conditions for the highway section involved. Utility ~~installations~~ facilities

within the ~~highway~~ right-of-way and utility attachments to ~~highway~~ structures shall be of durable materials, designed for long service life, and be relatively free from the need for routine servicing and maintenance. All ~~temporary~~ attachments to ~~highway~~ structures must be approved in advance by VDOT.

~~3. The permittee assumes full responsibility for any and all damages caused by improperly installed facilities within the right-of-way under permit (single use or districtwide); therefore, the permittee must make every effort to install its facilities properly so as to preclude the possibility of damage.~~

~~4. The permittee is responsible for the continuing maintenance of its facilities placed within the right-of-way under permit.~~

~~5.~~ 3. Any conflicts with existing utility or other facilities shall be resolved between the permittee and the ~~existing utility~~ owner of the other utility or facility.

~~6. Utilities~~ 4. No utility shall ~~not~~ be attached to a ~~bridge or other~~ structure unless the ~~utility owner~~ applicant or permittee can demonstrate that the installation and maintenance ~~methods~~ of the utility will not interfere with VDOT's ability to maintain the ~~bridge or other~~ structure, will not impact the durability and operational characteristics of the ~~bridge or other~~ structure, and, except for installation, will not require access to the facility from a limited access highway. The attachment method must be approved by VDOT (see 24VAC30-151-430).

~~7.~~ 5. The encasement of underground utility crossings shall be in accordance with 24VAC30-151-370.

24VAC30-151-310. Utility installations within limited access highways.

Utility installations on all limited access highways shall comply with the following additional provisions:

1. Requests for all utility installations within limited access right-of-way shall be reviewed and, if appropriate, be approved by the ~~Commissioner of Highways~~ Chief Engineer prior to permit issuance.

2. New utilities will not be permitted to be installed parallel to the roadway longitudinally within the controlled or limited access right-of-way lines of any highway, except that ~~in special cases~~ where other alternative locations are not in the public interest or under resource sharing agreements, such installations may be permitted under strictly controlled conditions and ~~then~~ only with approval ~~from~~ of the Commissioner of Highways. ~~However, in each such case the utility owner must show~~ The

applicant must satisfy the following conditions, at a minimum:

a. That the installation will not adversely affect the safety, design, construction, operation, maintenance, or stability of the highway.

b. That the accommodation will not interfere with or impair the present use or future expansion of the highway.

c. That any alternative location would be contrary to the public interest. This determination would include an evaluation of the direct and indirect environmental and economic effects that would result from the disapproval of the use of such right-of-way for the accommodation of such utility.

d. ~~In no case will parallel installations within limited access right-of-way be permitted that involve~~ No tree removal or severe tree trimming is required for the installation.

3. Overhead and underground utilities may only be installed within limited access right-of-way ~~by a utility company~~ under ~~an agreement that provides for~~ a shared resource ~~arrangement~~ agreement subject to VDOT's need for the shared resource.

4. All authorized longitudinal utility installations within limited access right-of-way~~, excluding communication tower facilities,~~ shall be located in a utility area established along the outer edge of the right-of-way. Special exceptions must be approved by the ~~Commissioner of Highways~~ Chief Engineer.

5. Authorized overhead utility installations within limited access right-of-way shall maintain a minimum of 21 feet of vertical clearance.

6. Authorized underground utility installations within limited access right-of-way shall have a minimum of 36 inches of cover.

7. Service connections to adjacent properties shall not be permitted from authorized utility installations within limited access right-of-way.

8. Overhead crossings shall be located on a line that is perpendicular to the highway alignment.

9. A utility access control line will be established between the proposed utility installation, the through lanes, and ramps.

24VAC30-151-330. Overhead utility installations within nonlimited access highways.

A. Overhead utility crossings shall be located on a line that is perpendicular to the highway alignment.

Longitudinal installations shall be located on a uniform alignment as near as possible to the right-of-way line to provide a safe environment and space for future highway improvements and other utility installations.

B. Overhead longitudinal utilities may be installed on all nonlimited access highways by a public or private utility company under a permit, except in scenic areas, as follows:

1. Overhead utilities may be installed within nonlimited access right-of-way ~~by a utility company~~ under permit, including a districtwide permit as allowed under ~~24VAC30-151-30 C 1~~ 24VAC30-151-30 B 1.

2. All overhead installations, excluding ~~communication tower~~ wireless support structure facilities, shall be located adjacent to the right-of-way line and in accordance with clear zone requirements. Repairs and replacement of similar installations may be performed in existing locations under the existing permit ~~providing~~, provided the work shall not impede the traveled way. Additional poles, taller poles, or cross-arms require a separate permit.

C. Longitudinal installations of overhead lines within the right-of-way shall be limited to single-pole construction. Joint-use, single-pole construction will be encouraged at locations where more than one utility or type of facility is involved, especially where the right-of-way widths approach the minimum needed for safe operations or maintenance requirements, or where separate installations may require extensive removal or alteration of trees.

D. Consideration will not be given to poles placed on a highway right-of-way of less than 40 feet in width. ~~Longitudinal pole line installation shall be located on the outer 15 feet of the right-of-way greater than 40 feet in width.~~

E. Highway crossings should be grouped at one location whenever practical, and as near as possible to right angles to the center of the road.

F. New overhead installations crossing existing or proposed nonlimited access highways shall provide a minimum of 18 feet of vertical clearance or at a minimum height as established by the ~~National Electric Safety Code (see 24VAC30-151-760)~~ standards and specifications set forth in the terms of the permit, whichever is greater. The overlashing of telecommunications lines onto existing lines or strand is not considered a new overhead installation.

G. Existing overhead utilities that are found to be in horizontal or vertical conflict~~, or both,~~ with proposed traffic control devices or signage~~, or both,~~ shall be adjusted, at ~~no cost to VDOT~~ the permittee's expense, to

provide an unobstructed view for the traveling public and the appropriate clearance from traffic control devices or signage.

H. The vertical clearance for all new overhead installations parallel to an existing or proposed highway and within nonlimited access rights-of-way shall be in compliance with standards as specified in the ~~National Electric Safety Code (see 24VAC30-151-760)~~ terms of the permit. The overlashing of telecommunications lines onto existing lines or strand is not considered a new overhead installation.

I. When crossing a median, all poles or other overhead facilities shall be placed to maintain an adequate clear zone in each direction.

J. Longitudinal pole line installation will not be allowed in the median.

24VAC30-151-340. Underground utility installations within nonlimited access highways.

Underground longitudinal utilities may be installed under permit on all nonlimited access highways, except in scenic areas, as follows:

1. Underground utilities may be installed within nonlimited access right-of-way by a public or private utility company under a permit, including a districtwide permit as allowed under 24VAC30-151-30 ~~C~~ B 1.

2. All underground utilities within ~~VDOT~~ rights-of-way will require a minimum of 36 inches of cover, except that underground cables that provide [broadband,] cable or telecommunications services shall be at a minimum of 30 inches of cover [and except as authorized pursuant to section 30(B)(1)] . The district administrator's designee has the discretion to grant an exception to depth of cover requirements if the permittee encounters obstacles preventing the installation of main line facilities at the minimum depth of cover, as long as installation at the minimum depth of cover is resumed when the installation passes by the obstacle.

3. An underground utility shall not be attached to a ~~bridge or other~~ structure unless the ~~utility owner~~ applicant or permittee can demonstrate that the installation and maintenance methods will not interfere with VDOT's ability to maintain the ~~bridge or other~~ structure, will not impact the durability and operational characteristics of the ~~bridge or other~~ structure, and will not require access from the roadway or interfere with roadway traffic. The attachment method must be approved by VDOT (see 24VAC30-151-430).

4. The proposed method for placing an underground facility requires approval from the district

administrator's designee. All underground facilities shall be designed to support the load of the highway and any superimposed loads. All pipelines and encasements shall be installed in accordance with 24VAC30-151-360 and 24VAC30-151-370.

5. ~~Underground utilities~~ No underground utility shall ~~not~~ be installed within the median area except~~,~~ ~~in special cases or~~ under shared resource agreements~~,~~ or with approval from the Commissioner of Highways.

6. Underground utilities may be installed under sidewalk areas with approval from the district administrator's designee.

24VAC30-151-350. ~~Nonlimited access highways: communication towers~~ Wireless support structures and site installations.

~~Communication tower structures and other types of surface mounted or underground utility facilities may be installed by a utility company under an agreement providing for a shared resource arrangement or the payment of appropriate compensation, or both. The Commissioner of Highways may grant an exception for a nonshared resource arrangement, under strictly controlled conditions. The utility owner must show that any alternative location would be contrary to the public interest. This determination would include an evaluation of the direct and indirect environmental and economic effects that would result from the disapproval of the use of such right-of-way for the accommodation of such utility. Communication~~ In accordance with Chapter 15.1 (§ 56-484.26 et seq.) of Title 56 of the Code of Virginia, wireless support structures, communication pedestals, nodes, and amplifiers may be installed in the right-of-way pursuant to permit unless the district administrator's designee reasonably concludes that safety concerns at a specific location require placement of wireless support structures, communication pedestals, nodes, or amplifiers elsewhere ~~in the right-of-way~~. The placement of communication pedestals, nodes, or amplifiers between the edge of pavement or back of curb and the sidewalk shall not be permitted. All requirements and regulations applicable to permits that do not conflict with Chapter 15.1 of Title 56 of the Code of Virginia must be followed to obtain and maintain a permit for wireless support structures, communication pedestals, nodes, and amplifiers.

24VAC30-151-360. Pipelines.

The permittee shall maintain minimum cover for any underground facility as established by the VDOT standards and specifications set forth in the terms of the permit or as otherwise required by applicable law,

whichever is greater. Where pavement exists, the permittee shall bore, push, or jack and maintain a minimum cover of 36 inches.

The vertical and horizontal clearance between a pipeline and a structure or other highway facility shall be sufficient to permit maintenance of the pipeline and facility. Longitudinal pipeline installations shall be kept out of the ditch line where practical. When locating the utilities outside of the pavement area is not practical, such as in high density developments ~~incorporating the principles of new urbanism~~ as described in § 15.2-2223.1 of the Code of Virginia, utilities may be placed under the pavement. When utilities are proposed to be placed within the ditch line or under highway pavement, the permit applicant shall provide ~~the~~ justification for such installations to the district administrator's designee as part of the permit application.

All water, gas, sewer, electrical, communications, and any pressurized pipelines carrying hazardous material shall conform to all applicable industry codes, including materials, design, and construction requirements. No asbestos cement conduit or pipe shall be used for any installation. The permittee may be required to certify in writing that this restriction has been observed, if requested by VDOT.

Pipelines four inches in diameter or larger and no longer in use shall be cleaned of debris and plugged at open ends with Class A3 concrete. The district administrator's designee may also require such pipes to be filled prior to being plugged.

24VAC30-151-380. Appurtenances.

A. When vents are required, they shall be located at the high end of casings less than 150 feet in length and generally at both ends of casings longer than 150 feet. Vent standpipes shall be on or beyond the right-of-way line to prevent interference with maintenance or pedestrian traffic.

B. A permit may be granted to install drains for any underground facility. The permittee shall ensure the achievement of positive drainage.

C. National uniform color codes for identification of utilities shall be used to place permanent markers.

D. ~~Manholes~~ Utility access points (e.g., manholes and handholes) shall be placed in the shoulders, utility strips, or other suitable locations. When no other alternative is available, consideration will be given to placement of manholes in the pavement surface. Every effort should be made to minimize ~~manhole~~ utility access point installations at street intersections and in the normal wheel path of the travel lanes. ~~Manholes~~ Utility access points shall be designed and located in such a manner that shall cause the least interference to other utilities and future highway expansion.

E. ~~Manhole~~ Utility access point frames and covers, valve boxes, and other castings located within the paved roadway, shoulder, or sidewalk shall be constructed flush with the finished grade. ~~Manhole~~ Utility access point frames and covers, valve boxes, and other castings located within sidewalk areas shall be constructed in accordance with the Americans with Disabilities Act (42 USC § 12101 et seq.).

F. The permittee shall install shutoff valves, preferably automatic, in lines at or near the ends of structures and near unusual hazards, unless other sectionalizing devices within a reasonable distance can isolate hazardous segments.

24VAC30-151-390. In-place and prior-rights permits.

A. Prior to VDOT's acceptance of a secondary street into the VDOT system, the ~~public~~ utility owner shall quitclaim ~~its~~ all prior rights within the right-of-way to the Commonwealth in exchange for ~~a~~ an in-place permit ~~for in-place utilities on new subdivision streets. The utility may~~ allowing the permittee's utility facilities to continue to occupy such street in ~~its~~ the existing condition and location. The ~~public utility owner~~ permittee shall be responsible for the utility facilities and resulting damages to persons and property that might result from the presence of the utility. Should VDOT later require the ~~public utility owner~~ permittee to alter, change, adjust, or relocate ~~any~~ the utility facilities subject to the in-place permit, the ~~non-betterment~~ nonbetterment cost will be the responsibility of the Commonwealth and all other costs will be the responsibility of the permittee.

B. In cases where existing utilities are not in conflict with transportation improvements authorized under the auspices of a land use permit, but would be located beneath transportation facility features, a ~~prior rights~~ prior-rights permit may be issued that allows the existing utilities to remain in place.

C. Utilities without prior rights but located within the right-of-way of new subdivision streets shall obtain an ~~in place~~ in-place permit to occupy that portion of the right-of-way. Should VDOT later require the permittee to alter, change, adjust, or relocate any utility, the cost will be the responsibility of the permittee.

24VAC30-151-400. Utility adjustments in conjunction with a VDOT project.

~~A permit is required for~~ Where facilities are directed to be relocated in conjunction with a ~~VDOT~~ transportation project~~. For specific information, see the Right-of-Way Utilities Relocation Policies and Procedures Manual (see 24VAC30-151-760)~~, the permitee must obtain a new permit for any facilities relocated within or to right-of-way. Unless otherwise specifically provided by the Code of Virginia or this chapter, all relocation is to be done in a timely manner so as to not interfere with the project and at the

permittee's sole expense, and relocation must be done in accordance with the VDOT policies and procedures included in the terms of the permit. Utilities may be placed within the ~~highway~~ right-of-way by permit, including adjustments and work performed in connection with utilities agreements. Utilities placed within the right-of-way shall conform to the requirements of this chapter.

24VAC30-151-420. Lighting facilities.

A. A permit is required for any lighting that will be on or overhanging the right-of-way~~. Lighting on or overhanging the right-of-way is classified as roadway lighting or nonroadway lighting. Roadway lighting is lighting intended to improve visibility for users of the roadway. Nonroadway lighting~~ and that is ~~lighting intended~~ designed to ~~improve visibility or to enhance safety for pedestrians or~~ illuminate the pavement or adjacent ~~properties~~ pedestrian or bicycle facilities. Lighting facilities are not considered a utility.

B. Design of ~~roadway~~ lighting ~~facilities~~ systems or fixtures shall be ~~based upon the specifications developed by the Illuminating Engineering Society in the manual, American National Standard Practice for Roadway Lighting (see 24VAC30-151-760). The Roadway Lighting Design Guide by the American Association of State Highway and Transportation Officials (AASHTO) (see 24VAC30-151-760) may be used as a supplemental guide~~ in accordance with § 2.2-1111 of the Code of Virginia and the terms of the permit.

C. The ~~permittee~~ applicant shall submit to the district administrator's designee ~~two copies of~~ scale drawings in electronic format depicting lighting pole locations, mounting heights, pole and base type (breakaway or nonbreakaway), photometric calculations, type ~~and wattage~~, lumens of luminaries, and arm lengths. ~~Roadway lighting~~ Lighting shall be installed in accordance with ~~VDOT's Road and Bridge Specifications (see 24VAC30-151-760)~~ the terms of the permit.

D. ~~Nonroadway lighting may be allowed within the right-of-way, provided such lighting does not adversely affect the visibility of roadway users, and lighting supports and support locations do not compromise VDOT clear zone and safety standards~~ VDOT reserves the right to require modification or removal of luminaries if they are determined to be providing excessive light trespass into adjacent properties.

24VAC30-151-430. Attachments to bridge structures.

A. Utilities may be located on highway grade separation structures across interstate or other controlled access highways, over crossroads, and across major streams or valleys only in extreme cases~~,~~ and with

approval of the district structure and bridge engineer in accordance with VDOT specifications.

B. ~~Communication and electric power lines~~ Lines carrying electricity shall be insulated, grounded, and installed in a conduit or pipe to manholes or poles at either end of the structure, as applicable.

C. If a utility is placed on a structure, the installation shall be located beneath the structure's floor between the girders or beams~~,~~ and at an elevation above the bottom flange of the beam. The utility shall not be attached to the outside of the exterior beam, parapets, or sidewalks.

D. Water and sewer attachments shall follow general controls previously listed for providing encasement and allied mechanical protection. In addition, shut-off valves shall be provided outside the limits of the structure.

E. Utilities attached to structures crossing waterways may require a water quality permit.

F. Natural gas and petroleum mains may not be attached to highway structures.

24VAC30-151-440. ~~Miscellaneous permits.~~ (Repealed.)

~~In accordance with the General Rules and Regulations of the Commonwealth Transportation Board (see 24VAC30-151-760), no use of any real property under the ownership, control or jurisdiction of VDOT shall be allowed until written permission is first obtained from VDOT. A permit, which shall constitute such permission, is required for the uses of right-of-way described in this part.~~

24VAC30-151-450. Banners and decorations.

A county, town, ~~or~~ religious or civic organization, or other individual or entity shall obtain a single use permit to hang banners or erect holiday decorations ~~(~~, such as lights~~)~~, across state highways. Banners and decorations shall not remain in place more than 30 calendar days and shall be a minimum of 21 feet above the center of the road. They shall not detract from, interfere with, or conflict with any existing highway signs or signals.

24VAC30-151-460. Building movements.

A single use permit shall be obtained for ~~all building~~ movements on right-of-way for all buildings over 16 feet wide. All requests for building movements require the approval of the district administrator's designee in the district where the move initiates after the ~~mover~~ applicant provides the required investigative report and route certification documents. All building movements shall be covered by a performance bond that is commensurate with the type of move requested. ~~Application for a building movement shall be made~~

~~through the district administrator's designee in the district where the move initiates.~~

24VAC30-151-490. Construction or reconstruction of roads, entrances, bridges, ~~or other~~ drainage structures, or other transportation facilities.

A permit is required for construction or reconstruction of roads, private or commercial entrances, bridges ~~or other,~~ drainage structures, or other transportation facilities. Such activities may be permitted based upon evaluation, an engineering analysis provided by the applicant, and approval of the district administrator's designee. Approval by the relevant county board of supervisors may also be necessary.

24VAC30-151-500. Crest stage gauges, water level recorders.

Permits may be issued to any governmental ~~state~~ agency to install hydrological study equipment within ~~highway~~ rights-of-way. Maintenance of these facilities is the responsibility of the permittee.

24VAC30-151-520. Filming ~~for movies~~.

A single use permit shall be obtained for any filming activities within the right-of-way that may affect the safety, use, or operation of the highway. Additionally, a single use permit shall be obtained for any movie, television, or other commercial filming within the ~~highway~~ rights-of-way and shall be coordinated through the Film Office of the Virginia Tourism Corporation.

24VAC30-151-550. Roadside memorials.

A. ~~Section 33.2-216 of the Code of Virginia directs the Commonwealth Transportation Board to establish regulations regarding the authorized location and removal of roadside memorials.~~ Roadside memorials shall not be placed on ~~state~~ right-of-way without first obtaining a permit. ~~At the site of fatal crashes or other fatal incidents, grieving families or friends often wish for a roadside memorial to be placed within the highway right-of-way. The following rules shall be followed in processing applications to place roadside memorials within the highway right-of-way~~ A roadside memorial permit requires compliance with the following requirements as well as all other applicable permit regulations:

1. Applications for a memorial shall be submitted to the district administrator's designee. The district administrator's designee will review~~, and if necessary, amend or reject any application~~ applications for compliance with applicable requirements and has the authority to issue or deny a permit or request amendment of the application.

2. If construction or major maintenance work is scheduled in the vicinity of the proposed memorial's

location, the district administrator's designee may identify an acceptable location for the memorial beyond the limits of work, or the applicant may agree to postpone installation.

3. ~~If the~~ The applicant ~~requests an appeal to~~ may request review of the district administrator's designee's decision regarding amendment or ~~rejection~~ denial of an application~~, this appeal will be forwarded to~~ by the district administrator.

4. Criteria used to review applications shall include~~, but not be limited to,~~ the following factors:

a. Potential hazard of the proposed memorial to travelers, the bereaved, VDOT personnel, or others;

b. The effect on the proposed site's land use or aesthetics~~;~~ and installation or maintenance concerns; and

c. Circumstances surrounding the accident or incident.

5. Approval of a memorial does not give the applicant, family, or friends of the victim permission to park, stand, or loiter at the memorial site. ~~It is illegal to park along the interstate system, and because of safety reasons and concerns for the public and friends and family of the deceased, parking, stopping, and standing of persons along any highway is not encouraged.~~

B. The following ~~rules will be followed concerning~~ requirements and limitations apply to applications for roadside memorial ~~participation~~ permits:

1. Any human fatality that occurs on the state highway system is eligible for a memorial. Deaths of animals or pets are not eligible.

2. The applicant must provide a copy of the accident report or other form of information to the district administrator's designee so that the victim's name, date of fatality, and location of the accident can be verified. This information may be obtained by contacting the local or state police. The district administrator's designee may also require that the applicant supply a copy of the death certificate.

3. Only family members of the victim may apply for a memorial.

4. The applicant will confirm on the application that approval has been obtained from the immediate family of the victim and ~~the~~ any adjacent property ~~owner or~~ owners to locate the memorial in the designated location. If any member of the immediate family objects in writing to the memorial, the application will be denied or the memorial will be removed if it has already been installed.

5. If the adjacent property owner objects in writing, the memorial will be relocated and the applicant will be notified.

6. Memorials will remain in place for two years from the date of installation, at which time the permit shall expire. The Commissioner of Highways may, upon receipt of a written request, grant an extension of the permit. An extension may be granted for a period of one year, and requests for further extensions must be submitted for each subsequent year. The applicant or the family of the victim may request that the memorial be removed less than two years after installation.

7. The applicant shall be responsible for the fabrication of the memorial. VDOT will install, maintain, and remove the memorial, but the cost of these activities shall be paid by the applicant to VDOT.

C. Roadside memorial physical requirements.

1. The memorial shall be designed in accordance with Chapter 12 (§ 33.2-1200 et seq.) of Title 33.2 and § 46.2-831 of the Code of Virginia and the Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices (24VAC30-120) and Vegetation Control Regulations on State Rights-Of-Way (~~see 24VAC30-151-760~~ 24VAC30-200). The use of symbols, photographs, drawings, logos, advertising, or similar forms of medium is prohibited on or near the memorial.

2. Only one memorial per fatality shall be allowed.

3. VDOT reserves the right to install a group memorial in lieu of individual memorials to commemorate a major incident where multiple deaths have occurred.

4. The memorial shall be located as close as possible to the crash site, but location of the memorial may vary depending on the site and safety conditions.

a. Memorials shall be installed outside of the mowing limits and ditch line and as close to the right-of-way line as reasonably possible.

b. Memorials shall be located in such a manner as to avoid distractions to motorists ~~or pose~~ and safety hazards to the traveling public.

c. Memorials shall not be installed in the median of any highway, on a bridge, or within 500 feet of any bridge approach.

d. Memorials shall not be permitted in a construction or maintenance work zone. VDOT reserves

the right to temporarily remove or relocate a memorial at any time for highway maintenance or construction operations or activities.

e. If ~~VDOT's~~ the right-of-way is insufficient for a memorial to be installed at the crash site, the district administrator's designee ~~will~~ may locate a more suitable location ~~as~~ close ~~as possible~~ to the incident vicinity to locate the memorial where sufficient right-of-way exists.

D. ~~Removal.~~ After the two-year term or any extension of the term approved in accordance with this section, the memorial shall be removed by VDOT personnel. The memorial nameplate will be returned to the applicant or the designated family member, if specified on the application. If the applicant does not wish to retain the nameplate, the nameplate will be reused, recycled, or disposed at VDOT's discretion.

24VAC30-151-560. Mailboxes and newspaper boxes.

Mailboxes and newspaper boxes may be placed within VDOT right-of-way without a permit; however, placement ~~should~~ shall not interfere with safety, maintenance ~~and~~, or use of the roadway. Lightweight newspaper boxes may be mounted on the side of the support structure. Breakaway structures will be acceptable as a mailbox post. Breakaway structures are defined as a single four-inch by four-inch square or four-inch diameter wooden post or a standard strength, metal pipe post with no greater than a two-inch diameter.

24VAC30-151-570. Miscellaneous signs and devices.

A. In cooperation with local, state, and federal organizations, certain public service signs may be placed within the right-of-way without a permit. The district administrator's designee shall determine the appropriate location for the following signs.

1. Forestry. Authorized representatives of the ~~National~~ U.S. Forest Service and ~~State Forest Service~~ Virginia Department of Forestry may place forest fire warning signs within the right-of-way without a permit. ~~Fire~~ A limited number of fire warning signs will be placed near forest reservations or wooded areas~~; however, only a limited number of the small cardboard or metal signs should be allowed within the right-of-way within the forest reservations~~. The Department of Forestry may utilize other types of signs to more forcibly impress the public with the need for protecting forest areas. Sign placement shall be accomplished under an agreement, subject to the following conditions:

a. No highway sign should carry more than one message~~,~~ and no other signs shall appear on posts bearing highway signs;

b. No signs shall be erected that would restrict sight distance~~,~~ or are close to highway warning and directional signs;

c. Signs regarding forest fires should be placed by fire wardens; and

d. Signs shall be maintained by the Department of Forestry.

In all cases, the forest warden is to coordinate the desired location of these signs with the district administrator's designee prior to placement.

2. Garden week. These signs are erected and removed by employees of VDOT. The appropriate committee of the Garden Club of Virginia will designate the gardens and places that are to be officially opened during Garden Week and notify the district administrator's designee accordingly, who will ensure the appropriate placement of these signs.

3. Roadside ~~acknowledgement~~ acknowledgment. These signs acknowledge the name and logo of businesses, organizations, communities, or individuals participating in the landscape of a segment of the right-of-way in accordance with the Comprehensive Roadside Management Program (~~see 24VAC30-151-760~~ 24VAC30-121). As the landscaping is accomplished under a land use permit, the signs are considered to be covered by that permit.

~~4. Rescue squad. These signs are fabricated, erected, and maintained by VDOT. The signs may be used on the approaches to the rescue squad headquarters as shown in the Virginia Supplement to the Manual on Uniform Traffic Control Devices (see 24VAC30-151-760).~~

~~5. Fire station. These signs are fabricated, erected, and maintained by VDOT. The signs may be used on the approaches to fire station headquarters as shown in the Virginia Supplement to the Manual on Uniform Traffic Control Devices (see 24VAC30-151-760).~~

~~6.~~ 4. Bird sanctuary. Upon receipt of a request from a town or city, VDOT will fabricate and erect these signs, at the expense of the municipality, at the corporate limits of the town or city under the municipality name sign ~~as shown in the Virginia Supplement to the Manual on Uniform Traffic Control Devices (see 24VAC30-151-760)~~. In order for a municipality to be designated as a bird sanctuary, the municipality must pass a resolution to that effect. The municipality shall be responsible for maintenance of bird sanctuary signs.

~~7.~~ 5. Historical highway markers. Information regarding the historical highway marker program may be obtained from the Virginia Department of Historic Resources. Applications for historical highway

markers shall be obtained from and submitted to the Virginia Department of Historic Resources.

B. The district administrator's designee may authorize the placement of the following miscellaneous signs within right-of-way under ~~the auspices of~~ a single use permit:

1. Locality identification or "welcome to" signs. Requests for locality identification or "welcome to" signs to be located within nonlimited access right-of-way. These signs shall not be placed on limited access right-of-way. Locality identification or "welcome to" signs that interfere with roadway safety, traffic capacity, or maintenance shall not be permitted. A permit application requesting placement of a locality identification or "welcome to" sign within the right-of-way must be accompanied by a formal resolution from the local governing body or a letter from the chief executive officer of the local government. Such signs shall meet all VDOT breakaway requirements ~~(see Road Design Manual, 24VAC30-151-760)~~ specified in the terms of the permit or be erected outside of the clear zone. No advertising shall be placed on these signs. The local governing body shall be responsible for maintenance of the locality's identification or "welcome to" signs in perpetuity.

2. VDOT may authorize any individual, group, local government, and other entities to place storm drain pollution prevention markers or stenciling on VDOT storm drain inlet structures accessible by pedestrian facilities. A local government, through coordination with the district administrator's designee, may apply for a countywide permit to enable this type of activity ~~of~~ on behalf of clubs, citizens groups, and other entities. The permit application must include, at a minimum, a graphic sample ~~or samples~~ of the proposed markers, structure locations and a comprehensive list of streets~~,~~ if a wide distribution of marker placement is anticipated. Stencil measurements shall not exceed ~~15" L x 20" W~~ 15 inches in length by 20 inches in width.

3. VDOT may authorize a local government to install "no loitering" signs within the right-of-way. The district administrator's designee shall determine the appropriate location for these signs.

C. The Commissioner of Highways or the commissioner's designee may authorize the placement of various automated traffic enforcement devices for the Commonwealth or its political subdivisions as may be allowed by law.

24VAC30-151-580. Ornamental posts, walls, residential and commercial development identification signs, or other nontransportation-related elements.

Ornamental posts, walls, residential and commercial development identification signs, or other

nontransportation elements, such as ~~pedestrian oriented~~ pedestrian-oriented trash cans, or any combination of these~~,~~ that do not interfere with roadway safety, traffic capacity, or maintenance may be authorized under ~~the auspices of~~ a single use permit. These nontransportation related elements shall not be placed on limited access rights-of-way. ~~Requests for the placement of ornamental posts, walls, residential and commercial development identification signs, or other nontransportation related elements, or any combination of these, may be permitted as authorized by the district administrator's designee.~~ Permit applications requesting placement of ornamental posts, walls, residential and commercial development identification signs, other nontransportation related elements, or any combination of these~~,~~ within the right-of-way must be accompanied by documentation indicating the issuance of all required approvals and permissions from the local jurisdictional authority. Such ornamental posts, walls, residential and commercial development identification signs, and other nontransportation related elements shall meet all VDOT breakaway requirements ~~(see Road Design Manual, 24VAC30-151-760)~~ specified in the terms of the permit or be erected outside of the clear zone. No advertising shall be placed on these nontransportation related elements permitted within the right-of-way. The permittee shall be responsible for maintenance of these nontransportation related elements in perpetuity.

24VAC30-151-590. ~~Outdoor advertising adjacent to the right-of-way.~~ (Repealed.)

~~Permits for outdoor advertising located off the right-of-way are obtained through the roadside management section at any VDOT district office or the Maintenance Division in accordance with Chapter 12 (§ 33.2-1200 et seq.) of Title 33.2 of the Code of Virginia. Selective pruning permits for outdoor advertising shall be issued in accordance with § 33.2-1221 of the Code of Virginia.~~

24VAC30-151-600. Pedestrian and bicycle facilities.

The installation of sidewalks, steps, curb ramps, shared use paths, pedestrian underpasses, and overpasses within right-of-way may be authorized under ~~the auspices of~~ a single use permit. VDOT, at its discretion, shall maintain those facilities that ~~meet the requirements of the Commonwealth Transportation Board's Policy for Integrating Bicycle and Pedestrian Accommodations (see 24VAC30-151-760)~~ are open for general public use, built in the right-of-way to VDOT standards, and accepted by VDOT for maintenance. The maintenance of sidewalks, steps, curb ramps, shared use paths, pedestrian underpasses, and overpasses not meeting these requirements shall be subject to permit requirements, and the permittee shall be responsible for maintenance of these facilities.

The installation of pedestrian or bicycle facilities within limited access right-of-way shall be considered a

change in limited access control and requires approval of the Commonwealth Transportation Board prior to permit issuance (see Change of Limited Access Control, ~~24VAC30-151-760~~ 24VAC30-401). The installation of pedestrian or bicycle facilities parallel to and within the right-of-way of nonlimited access highways crossing limited access highways by way of an existing bridge or underpass shall not be considered a change in limited access but shall require the approval of the ~~Commissioner of Highways~~ Chief Engineer prior to issuance of a permit for such activity.

24VAC30-151-620. Roadside management, landscaping.

Placement and maintenance of plant materials by individuals or organizations may be allowed under a single use permit in ~~strict~~ accordance with VDOT ~~Road and Bridge Specifications (see 24VAC30-151-760), VDOT Road and Bridge Standards (see 24VAC30-151-760)~~ specifications as set forth in the terms of the permit, § 33.2-265 of the Code of Virginia, and the Comprehensive Roadside Management Program (~~see 24VAC30-151-760~~ 24VAC30-121). The ~~applicant~~ permittee shall maintain any altered roadside area ~~in perpetuity~~ for the duration of the permit. All related permit applications shall be accompanied by a corresponding maintenance agreement. If permit conditions, including the maintenance agreement, are violated at any time, VDOT ~~reserves the right to reclaim and~~ may revoke the permit and restore ~~such permitted~~ the roadside area to its original condition or otherwise establish turf in accordance with VDOT ~~Road and Bridge Specifications (see 24VAC30-151-760)~~ standards and specifications. The costs of reclamation and restoration activities shall be paid by the permittee. Tree pruning or removal may be allowed on right-of way for maintenance purposes for utility facilities or as part of a roadside beautification project sponsored by the local government or to daylight an outdoor advertising structure or business in accordance with Vegetation Control Regulations on State Rights-of-Way (~~see 24VAC30-151-760~~ 24VAC30-200). ~~See VDOT's Tree and Brush Trimming Policy (see 24VAC30-151-760) for further information.~~

All pesticide applicators shall meet the applicable requirements established by the Department of Agricultural and Consumer Services in ~~Rules and~~ Regulations ~~for Enforcement of the~~ Governing Pesticide Product Registration, Handling, Storage, and Disposal under Authority of the Virginia Pesticide ~~Law~~ Control Act (2VAC5-670) ~~(see 24VAC30-151-760)~~. Pesticide activities shall comply with all applicable federal and state regulations.

Permits for volunteer mowing or litter pickup shall be issued only under conditions that ensure reasonable safety for all participants and other highway users and that will not cause unreasonable

interference with normal traffic flow. All volunteer mowing operations on highway segments with speed limits greater than 45 mph shall be performed only by licensed, bonded, and insured persons. A copy of the permit and all safety requirements included in the permit must be maintained at the mowing site. No lane closures will be allowed for mowing, and the mower operator and mowing equipment shall not encroach into the travel way while in operation. Participants of a one-time litter pickup shall be adults or shall be supervised by an adult. The ratio shall be one adult per no more than six children. No participants 10 years of age or younger will be allowed to participate. All participants must view an Adopt-a-Highway safety video prior to participating.

24VAC30-151-630. Transit and school bus shelters.

School bus shelters, public transit shelters, or share ride stations may be authorized under the auspices of a single use permit. Approval of ~~such structures~~ the shelter or station design must be obtained ~~in accordance with~~ from the Virginia Department of General Services ~~requirements set forth in the Construction and Professional Services Manual (see 24VAC30-151-760)~~ prior to the issuance of a permit. Shelters shall be located in accordance with all clear zone requirements ~~described in Appendix A-2 of VDOT's Road Design Manual (see 24VAC30-151-760)~~ specified in the terms of the permit.

24VAC30-151-670. Prohibited use of right-of-way.

~~No~~ The following uses of the right-of-way are prohibited and no permit shall be issued for the following uses of the right-of-way:

1. Signs. Signs not otherwise allowed in this chapter or by law, including temporary signs, banners, inflatable and air-blown signs, and decorations, shall not be placed, located, or displayed on the ~~highway~~ right-of-way or overhang the right-of-way.

2. Vendors on right-of-way. ~~Permits will not be issued to vendors for~~ Vendor activities and the operation of business within ~~state~~ the rights-of-way, except that a permit may be issued for the following activities:

a. As may be allowed for waysides and rest areas under the Rules and Regulations for the Administration of Waysides and Rest Areas (~~see 24VAC30-50-10 and 24VAC30-151-760~~ 24VAC30-50) and the Rules and Regulations for the Administration of Parking Lots and Environs (~~24VAC30-100-10~~ 24VAC30-100).

b. ~~Vendors~~ Commercial vendors of newspapers and written materials ~~enjoy constitutional~~

~~protection under the First Amendment to~~ may place or operate ~~their~~ services within rights-of-way, provided ~~they~~ services neither impede traffic nor impact the safety of the traveling public. Newspaper vending machine size, placement, and location shall be as directed by the district administrator's designee ~~for that area~~.

c. ~~To localities to~~ Localities may administer mobile food vending on nonlimited access highways, where the vending operations are regulated by local ordinances, operated consistent with such ordinances, and in accordance with the Commonwealth Transportation Board's regulations and policies.

d. Bike share or other micromobility system operators for placement of stations.

e. Electric vehicle charging stations as allowed by law.

3. Dwellings. No private dwellings, garages, or similar structures shall be placed or constructed within the right-of-way, except support buildings as may be allowed under ~~24VAC30-151-220 and 24VAC30-151-230~~ 24VAC30-151-350 in connection with wireless communication facilities.

24VAC30-151-690. Permitted discharge to VDOT right-of-way.

A. Permits to discharge to ~~VDOT~~ the right-of-way may be issued upon written approval of the local public health department or the Virginia Department of Environmental Quality, or both, and this written approval shall be made part of the permit application. Discharges made to ~~VDOT~~ the right-of-way pursuant to a Virginia Pollutant Discharge Elimination System (VPDES) Permit shall demonstrate prior to discharge that no feasible alternative discharge point exists. If discharge is made to ~~VDOT~~ the right-of-way, the permittee shall notify the district administrator's designee of any instances where the regulated discharge limits are exceeded and take immediate corrective action to ensure future excursions are prevented, and any damage to ~~VDOT property~~ the right-of-way is remediated. Any discharges made pursuant to the ~~General~~ Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Discharges from ~~Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests (see 24VAC30-151-760)~~ Groundwater Remediation of Contaminated Sites, Dewatering Activities of Contaminated Sites, and Hydrostatic Tests (9VAC25-120) shall be prohibited from containing any water exhibiting visible oil sheen.

B. Any damages to ~~VDOT property~~ the right-of-way, regardless of authorization implied by any non-VDOT issued permit, shall be remedied or repaired immediately by the permittee.

24VAC30-151-700. General provisions for fees, surety, and other compensation.

Except as otherwise provided in this part, the applicant shall pay an application fee to cover the cost of permit processing, pay additive fees to offset the cost of plan review and inspection, and provide surety to guarantee the satisfactory performance of the work or use under permit. For locally administered VDOT projects, the permit fees are waived and in lieu of a surety, the locality may (i) provide a letter that commits to using the surety in place or (ii) have the contractor execute a dual obligation rider that adds VDOT as an ~~additional~~ obligee to the surety bond provided to the locality, with either of these options guaranteeing the work performed within ~~state maintained~~ state-maintained right-of-way under the terms of the land use permit for that purpose. A copy of the original surety and letter or rider shall be attached to the land use permit. Except as provided in 24VAC30-151-740, utilities within the right-of-way shall pay an annual accommodation fee as described in 24VAC30-151-730. In the event of extenuating circumstances, the Commissioner of Highways may waive all or a portion of any of the fees or surety.

24VAC30-151-710. Fees.

A. Single use permit. A nonrefundable application fee shall be charged to offset the cost of reviewing and processing the permit application and inspecting the project work, in accordance with the requirements in this subsection:

1. The application fee for a single permit is $100. Public rights-of-way use fees may be charged in lieu of permit fees in certain situations in accordance with law.

2. Additive costs shall be applied as indicated in this subdivision. The district administrator's designee will determine the total permit fees using the following schedule:

Activity	Fee
Private Entrances	none
Commercial Entrance	$150 for first entrance $50 for each additional entrance
Street Connection	$150 for first connection $50 for each additional connection
Temporary Logging Entrance	$10 for each entrance
Temporary Construction Entrance	$10 for each entrance
Turn Lane	$10 per 100 linear feet
Crossover	$500 per crossover
Traffic Signal	$1,000 per signal installation

Reconstruction of Roadway	$10 per 100 linear feet
Curb and Gutter	$10 per 100 linear feet
Sidewalk	$10 per 100 linear feet
Tree Trimming (for outdoor advertising)	in accordance with § 33.2-1221 of the Code of Virginia
Tree Trimming (all other activities)	$10 per acre or 100 feet of frontage
Landscaping	$10 per acre or 100 feet of frontage
Storm Sewer	$10 per 100 linear feet
Box Culvert or Bridge	$5 per linear foot of attachment
Drop Inlet	$10 per inlet
Paved Ditch	$10 per 100 linear feet
Under Drain or Cross Drain	$10 per crossing
Above-ground Structure (including poles, pedestals, fire hydrants, towers~~, etc.~~)	$10 per structure
Pole Attachment	$10 per structure
Span Guy	$10 per crossing
Additive Guy and Anchor	$10 per guy and anchor
Underground Utility - Parallel	$10 per 100 linear feet
Overhead or Underground Crossing	$10 per crossing
Excavation Charge (including Test Bores and Emergency Opening)	$10 per opening
Two Month Commuter Lot Mobile Food Vending (available in Planning District 8 only) (weekdays and weekends)	$150
Single Weekend Commuter Lot Mobile Food Vending (available in Planning District 8 only) (per weekend)	$10

3. ~~Time~~ Permit term extensions for active permits shall incur a monetary charge ~~equal to one-half the application fee charged to the initial permit~~ of $50. Expired permits may be reinstated; however, fees for reinstatement of expired permits shall ~~equal the application fee~~ be $100. Notwithstanding 24VAC30-151-80, commuter lot mobile food vending permits may not be extended or reinstated.

4. If a permit is ~~cancelled~~ canceled prior to the beginning of the permitted activity, the application fee and ~~one-half of~~ the additive fee will be retained as compensation for costs incurred by VDOT during plan review.

5. The district administrator's designee, in accordance with 24VAC30-151-70, may establish an

account to track plan review and inspection costs and may bill the permittee not more often than every 30 calendar days. If an account is established for these costs, the permittee shall be responsible for the nonrefundable application fee and the billed costs. When actual costs are billed, the district administrator's designee shall waive the additive fees in subdivision 2 of this subsection.

B. Districtwide permits. Districtwide permits, as defined in 24VAC30-151-30, are valid for a period of two years. The biennial fee for a districtwide permit for utilities and logging operations is $750 per district. The biennial fee for a districtwide permit for surveying is $200 per district. The central office permit manager may exercise discretion in combining requests for multijurisdictional districtwide permits and to authorize unlimited time extensions at the full cost of the permit fee for each two-year term.

~~C. Miscellaneous permit fees. To connect the facility to the transmission grid pipeline, the operator of a nonutility renewable energy facility that produces not more than two megawatts of electricity from a renewable energy source, not more than 5,000 mmBtus/hour of steam from a renewable energy source, or landfill gas from a solid waste management facility, shall remit to VDOT a one-time permit fee of $1,500 per mile as full compensation for the use of the right-of-way in accordance with § 56-617 of the Code of Virginia.~~

~~D.~~ C. No-fee permits. The following permits shall be issued at no cost to the applicant:

1. In-place permits as defined in 24VAC30-151-30 and 24VAC30-151-390.

2. Prior-rights permits as defined in 24VAC30-151-30 and 24VAC30-151-390.

3. As-built permits as defined in 24VAC30-151-30.

4. ~~Springs and wells as defined in 24VAC30-151-280.~~

~~5.~~ Crest stage gauges and water level recorders as defined in 24VAC30-151-500.

~~6.~~ 5. Filming ~~for movies~~ as defined in 24VAC30-151-520.

~~7.~~ 6. Roadside memorials as defined in 24VAC30-151-550.

~~8.~~ 7. No loitering signs as defined in 24VAC30-151-570.

8. Litter pickup and volunteer mowing as defined in 24VAC30-151-620.

24VAC30-151-720. Surety.

A. Performance surety. The ~~permittee~~ applicant shall provide surety to guarantee the satisfactory

performance of the work or use for which a permit is requested. Surety shall be based on the estimated cost of work to be performed within the right-of-way or as otherwise stated in this chapter. Surety may be in the form of a check, cash, irrevocable letter of credit from a financial or banking institution, ~~insurance~~ performance bond, or any other VDOT-approved method. An applicant for a districtwide permit for utilities shall provide a continuous surety in the amount of $10,000 per county. An applicant for a districtwide permit for logging entrances shall provide a continuous surety in the amount of $10,000 per district. There is no surety requirement for districtwide permits for surveying. Under no circumstances shall VDOT or any agency of the Commonwealth be named the escrow agent~~, nor shall~~. No funds deposited with VDOT as surety shall be subject to the payment of interest. The surety will be refunded or released upon completion of the work and inspection by VDOT ~~subject to the provisions of § 2.2-1151.1 of the Code of Virginia~~ in accordance with the law. VDOT shall be named as an obligee on the bond or a payee for a check, cash, or revocable letter of credit. If a permit is ~~cancelled~~ canceled prior to the beginning of work, the surety shall be refunded or released.

Should the permittee fail to complete the work to the satisfaction of the district administrator's designee, then all or whatever portion of the surety that is required to complete work covered by the permit or to restore the right-of-way to its original condition shall be retained by VDOT.

B. ~~Continuous surety~~ Structure bond. Permittees installing, operating, and maintaining facilities within the highway right-of-way shall secure and maintain a continuous bond. Governmental customers may use a resolution in lieu of a continuous bond. The continuous surety shall be in an amount sufficient to restore the right-of-way in the event of damage or failure. The surety shall remain in full force as long as the ~~work~~ facility covered by the permit remains within the right-of-way. A private or commercial entrance does not require a continuous surety. Any other installation may require a continuous surety as determined by the district administrator's designee. ~~An applicant for a districtwide permit for utilities shall provide a continuous surety in the amount of $10,000 per county. An applicant for a districtwide permit for logging entrances shall provide a continuous surety in the amount of $10,000 per district. There is no surety requirement for districtwide permits for surveying.~~

24VAC30-151-730. Accommodation fees.

The Commissioner of Highways or a designee shall determine the annual compensation for the use of the right-of-way by a utility, except as provided in 24VAC30-151-740. The rates shall be established on the value of the right-of-way being used to accommodate the utility facility. The rates for wireless facility

installations shall be established on the following basis:

~~1. Limited Access Crossings - $50 per crossing.~~

~~2. Limited Access Longitudinal Installation - $250 per mile annual use payment.~~

~~3. Wireless Communication Facility Sites (limited and nonlimited access):~~

~~a. $24,000 annual use payment for a wireless support structure permitted prior to July 1, 2018, until the permit expires or is terminated~~ 1. Small cell attachments to VDOT-owned towers and poles and placement of associated equipment shall be in accordance with § 56-484.31 of the Code of Virginia;

~~b. $14,000 annual use payment for non-small-cell colocation on a wireless support structure. This payment does not include equipment mounted to an existing wooden utility pole~~ 2. Wireless facility attachments and emplacements at VDOT-owned towers shall be negotiated in the same manner as resource sharing as set out in 24VAC30-151-740; and

~~c.~~ 3. A wireless support structure installed under a land use permit issued on or after July 1, 2018, shall have an annual use payment ~~based upon the following, which shall be adjusted every five years~~ set in accordance with § 56-484.32 of the Code of Virginia~~:~~

~~(1) $1,000 for any wireless support structure at or below 50 feet in height;~~

~~(2) $3,000 for any wireless support structure above 50 feet and at or below 120 feet in height;~~

~~(3) $5,000 for any wireless support structure above 120 feet in height; and~~

~~(4) $1.00 per square foot for any other equipment, shelter, or associated facilities constructed on the ground~~.

24VAC30-151-740. Exceptions and provisions to the payment of fees and compensation.

A. Pursuant to §§ 56-462 and 56-468.1 of the Code of Virginia, a certificated provider of telecommunication service shall collect and remit to VDOT a Public Right-of-Way Use Fee as full compensation for the use of the right-of-way by those utilities.

B. Pursuant to §§ 15.2-2108.1:1 and 56-468.1 of the Code of Virginia, a cable television operator subject to the public right-of-way use fee shall not be charged an annual use payment for the use of ~~public~~ the right-of-way.

C. Pursuant to § 56-468.1 of the Code of Virginia, certified providers of telecommunications service

shall not be charged ~~land use~~ permit application and additive fees or an annual payment under a resource sharing agreement for the use of ~~public~~ the right-of-way.

D. Municipal or authority owned sewer and water facilities and renewable energy generation transmission facilities shall not be charged an accommodation fee pursuant to 24VAC30-151-730 ~~of this chapter~~ for the use of public right-of-way.

E. At ~~VDOT's~~ the discretion of the Commissioner of Highways, under the provisions of resource sharing as ~~defined~~ described in 24VAC30-151-30, compensation for the use of the limited access right-of-way may be negotiated and agreed upon through ~~one~~ any of the following methods:

1. The mutually agreeable exchange of goods, facilities, or services only;

2. ~~Cash~~ Monetary compensation only; or

3. A combination of both.

~~VDOT~~ The Commissioner of Highways will ensure that the goods or services provided in any mutually agreeable exchange are equal to the monetary compensation amount established for the use and occupancy of the right-of-way.

F. VDOT may enter into wireless support structure agreements to permit the construction of wireless support structures or a wireless facility's occupancy of the right-of-way, consistent with applicable law.

24VAC30-151-760. ~~Listing of documents (publications) incorporated by reference.~~ (Repealed.)

~~Requests for information pertaining to the availability and cost of any of these publications should be directed to the address indicated below the specific document. Requests for documents available from VDOT may be obtained from the department's division and representative indicated; however, department documents may be available over the Internet at www.VirginiaDOT.org. Documents with a Virginia Administrative Code (VAC) number may be accessed from the Internet at: http://leg1.state.va.us/000/srr.htm.~~

~~1. Access Management Regulations: Minor Arterials, Collectors, and Local Streets (24VAC30-73)~~

~~Maintenance Division Administrator (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~2. Access Management Regulations: Principal Arterials (24VAC30-72)~~

~~Maintenance Division Administrator (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~3. Change of Limited Access Control (24VAC30-401)~~

~~State Right-of-Way Director (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~4. Comprehensive Roadside Management Program (24VAC30-121)~~

~~Maintenance Division Administrator (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~5. Construction and Professional Services Manual~~

~~Department of General Services~~

~~Division of Engineering and Buildings~~

~~Bureau of Capital Outlay Management (BCOM)~~

~~1100 Bank Street, 6th Floor~~

~~Richmond, VA 23219~~

~~6. Erosion and Sediment Control Regulations (4VAC50-30)~~

~~Department of Conservation and Recreation~~

~~Division of Soil and Water Conservation~~

~~203 Governor Street, Suite 206~~

~~Richmond, VA 23219~~

~~7. General Rules and Regulations of the Commonwealth Transportation Board (24VAC30-20)~~

~~Maintenance Division Administrator (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~8. General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Discharges from Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests (9VAC25-120)~~

~~Regulatory Coordinator~~

~~State Water Control Board~~

~~P. O. Box 10009~~

~~Richmond, VA 23240~~

~~9. Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) (effective December 22, 2003, revised November 2004)~~

~~Federal Highway Administration~~

~~Superintendent of Documents~~

~~U.S. Government Printing Office~~

~~P.O. Box 371954~~

~~Pittsburgh, PA 15250-7954~~

~~10. National Electric Safety Code (2007 edition)~~

~~Institute of Electrical and Electronics Engineers, Inc.~~

~~10662 Los Vaqueros Circle~~

~~P.O. Box 3014~~

~~Los Alamitos, CA 90720-1264~~

~~11. Policy for Integrating Bicycle and Pedestrian Accommodations (effective 2004)~~

~~Transportation and Mobility Planning Division (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~12. Right-of-Way Utilities Relocation Policies and Procedures Manual (effective November 2003)~~

~~State Right of Way Director (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~13. Road and Bridge Specifications 2007 (revised 2008)~~

~~Scheduling and Contract Division (VDOT)~~

~~State Contract Engineer~~

~~1401 E. Broad Street~~

~~Richmond, VA 23219~~

~~14. Road and Bridge Standards (effective 2009)~~

~~Location and Design Engineer (VDOT)~~

~~1401 E. Broad Street~~

~~Richmond, VA 23219~~

~~15. Road Design Manual (effective 2005, revised 2009)~~

~~Location and Design Engineer (VDOT)~~

~~1401 E. Broad Street~~

~~Richmond, VA 23219~~

~~16. Roadway Lighting, American National Standard Practice for Roadway Lighting (effective 2000, reaffirmed 2005)~~

~~The Standard Practice Subcommittee of the IESNA Roadway Lighting Committee~~

~~The Illuminating Engineering Society of North America~~

~~120 Wall Street~~

~~New York, NY 10005~~

~~17. Roadway Lighting Design Guide (effective 2005)~~

~~American Association of State Highway and Transportation Officials (AASHTO)~~

~~444 North Capitol St. N.W., Suite 225~~

~~Washington, D.C. 20001~~

~~18. Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices (24VAC30-120)~~

~~Maintenance Division Administrator (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~19. Rules and Regulations for the Administration of Waysides and Rest Areas (24VAC30-50)~~

~~Maintenance Division Administrator (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~20. Rules and Regulations for Enforcement of the Virginia Pesticide Law (2VAC20-20)~~

~~Virginia Department of Agricultural and Consumer Services~~

~~Office of Pesticide Services~~

~~102 Governor Street, 1st Floor~~

~~Richmond, VA 23219~~

~~21. Rules for Enforcement of the Underground Utility Damage Prevention Act (20VAC5-309)~~

~~State Corporation Commission~~

~~Department of Energy Regulation~~

~~P. O. Box 1197~~

~~Richmond, VA 23218~~

~~22. Secondary Street Acceptance Requirements (24VAC30-92)~~

~~Maintenance Division Administrator (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~23. Vegetation Control Regulations on State Rights-of-Way (24VAC30-200)~~

~~Maintenance Division Administrator (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~24. VDOT Tree and Brush Trimming Policy (effective 2004)~~

~~Maintenance Division Administrator (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~25. Virginia Erosion and Sediment Control Handbook, 3rd edition (effective 1992), a Technical Guide to The Virginia Erosion and Sediment Control Law and Regulations (4VAC50-30)~~

~~Department of Conservation and Recreation~~

~~Division of Soil and Water Conservation~~

~~203 Governor Street, Suite 206~~

~~Richmond, VA 23219~~

~~26. Virginia Stormwater Management Handbook, 1st edition, Volumes 1 and 2, (effective 1999), a Technical Guide to the Virginia Stormwater Management Program Permit Regulations (4VAC50-60)~~

~~Department of Conservation and Recreation~~

~~Division of Soil and Water Conservation~~

~~203 Governor Street, Suite 206~~

~~Richmond, VA 23219~~

~~27. Virginia Stormwater Management Program (VSMP) Permit Regulations (4VAC50-60)~~

~~Department of Conservation and Recreation~~

~~Division of Soil and Water Conservation~~

~~203 Governor Street, Suite 206~~

~~Richmond, VA 23219~~

28. Virginia Supplement to the Manual on Uniform Traffic Control Devices (24VAC30-310, includes the Virginia Work Area Protection Manual)

Traffic Engineering Division (VDOT)

1401 E. Broad St.

Richmond, VA 23219

FORMS (24VAC30-151)

Land Use Permit LUP-HRIPE, Land Use Permit Application for Photo Enforcement of High-Risk Intersection Segments (eff. 8/2024)

Land Use Permit LUP-SZSL, Land Use Permit Application for School Zone Speed Limit (eff. 8/2024)

Land Use Permit LUP-SZPE, Land Use Permit Application for School Zone Photo Enforcement (eff. 8/2024)

Land Use Permit LUP-STS, Land Use Permit Application for Small Transit Shelter (eff. 8/2024)

Land Use Permit LUP-LRSL, Land Use Permit Application for Locality Reduced Speed Limits as per § 46.2-1300 (eff. 8/2024)

Land Use Permit LUP-A, Land Use Permit Application (rev. 9/2014)

Land Use Permit LUP-AUA, Agricultural Use Agreement (rev. 8/2014)

Land Use Permit LUP-BMA, Land Use Permit Application - Building Movement (rev. 8/2014)

Land Use Permit LUP-BMI, Building Movement - Investigator's Report (rev. 8/2014)

Land Use Permit LUP-BMR, Building Movement - Route Certification (rev. 8/2014)

Land Use Permit LUP-BMQ, Building Movement - Prequalification Questionnaire (rev. 8/2014)

Land Use Permit LUP-BMV, Building Movement - VDOT Recommendation (rev. 8/2014)

Land Use Permit LUP-CCV, Chemical Control of Vegetation (rev. 7/2015)

Land Use Permit LUP-CS, Cash Surety Affidavit (rev. 8/2014)

Land Use Permit LUP-CSB, Corporate Surety Bond (rev. 8/2014)

Land Use Permit LUP-CUA, Commercial Use Agreement (rev. 8/2014)

Land Use Permit LUP-ESCCC, Erosion & Sediment Control Contractor Certification (rev. 8/2014)

~~Land Use Permit LUP-IPP, Land Use Permit Application - In Place Utility, New Street Acceptance (rev. 8/2014)~~

~~Land Use Permit LUP-LC, Bank Irrevocable Letter of Credit (rev. 8/2014)~~

~~Land Use Permit LUP-MFV, Local Program for the Temporary Occupation of Right-of-Way by Mobile Food Vendors, (eff. 9/2015)~~

~~Land Use Permit LUP-OC, Open-Cut Pavement Restoration Requirements (rev. 8/2014)~~

~~Land Use Permit LUP-PA, Permit Agreement for Occupation of Right-of-Way (rev. 8/2014)~~

~~Land Use Permit LUP-PRU, Land Use Permit Application - Prior Rights Utility (rev. 8/2014)~~

~~Land Use Permit LUP-SB, Surety Bond (rev. 8/2014)~~

~~Land Use Permit LUP-SEA, Special Events Approvals (rev. 8/2014)~~

~~Land Use Permit LUP-SEI, Special Event Information (rev. 8/2014)~~

~~Land Use Permit LUP-SPG, Special Provisions - General (rev. 8/2014)~~

~~Land Use Permit LUP-WZTCC, Work Zone Traffic Control Certification (rev. 8/2014)~~

~~Land Use Permit Resolution (rev. 8/2014)~~

Land Use Permit LUP-A, Land Use Permit Application (rev. 5/2023)

Land Use Permit LUP-BM, Land Use Permit Application for Building Movements (rev. 10/2024)

Land Use Permit LUP-BR, Land Use Permit Application for Bicycle Race Events (rev. 11/2024)

Land Use Permit LUP-CFV, Land Use Permit Application for Mobile Food Vending in Commuter Lots (rev. 10/2024)

Land Use Permit LUP-CRI, Land Use Permit Application for Regional Cultural Resource Investigation (rev. 10/2024)

Land Use Permit LUP-CWOFC, Land Use Permit Application for Countywide Permit Overhead Fiber Co-Location (rev. 10/2024)

Land Use Permit LUP-DWSCF, Land Use Permit Application for Districtwide Wireless Small Cell Facilities (rev. 10/2024)

Land Use Permit LUP-DWSV, Land Use Permit Application for Districtwide Surveying Operations (rev.

10/2024)

Land Use Permit LUP-DWTLE, Land Use Permit Application for Districtwide Temporary Logging Entrances (rev. 10/2024)

Land Use Permit LUP-DWUSC, Land Use Permit Application for Districtwide Utility Service Connections (rev. 10/2024)

Land Use Permit LUP-EVTCS, Land Use Permit Application for Emergency Vehicle Traffic Control Signal (rev. 10/2024)

Land Use Permit LUP-GC, Land Use Permit Application for Golf Cart and Utility Vehicle Accommodation (rev. 10/2024)

Land Use Permit LUP-HRPE, Land Use Permit Application for Photo Enforcement of High-Risk Intersection Segments (rev. 10/2024)

Land Use Permit LUP-IPP, Land Use Permit Application In Place Utility (New Street Acceptance) (rev. 8/2014)

Land Use Permit LUP-IR, Land Use Permit Application for Private Irrigation System Installation (rev. 10/2024)

Land Use Permit LUP-LRSL, Land Use Permit Application for Locality Reduced Speed Limits (rev. 10/2024)

Land Use Permit LUP-LS, Land Use Permit Application for Landscape Installation and Maintenance (rev. 10/2024)

Land Use Permit LUP-LT, Land Use Permit Application for Lighting Installation (rev. 10/2024)

Land Use Permit LUP-MFV, Land Use Permit Application for Local Program for the Temporary Occupation of Right-of-Way by Mobile Food Vendors (rev. 10/2024)

Land Use Permit LUP-OAVC, Land Use Permit Application for Outdoor Advertising Vegetation Control (rev. 10/2024)

Land Use Permit LUP-OC, Land Use Permit Application Open Cut Pavement Restoration Requirements (rev. 4/2017)

Land Use Permit LUP-OTLP, Land Use Permit Application for One Time Litter Pickup (rev. 12/2024)

Land Use Permit LUP-PRC, Land Use Permit Application for Photo-Red Camera System Installation (rev. 10/2024)

Land Use Permit LUP-PRU, Land Use Permit Application Prior Rights Utility (rev. 8/2014)

Land Use Permit LUP-PSMD, Land Use Permit Application for Sign Installation for the Prohibition of Specific Mobility Devices (rev. 10/2024)

Land Use Permit LUP-PU, Land Use Permit Application for Private Utility Service Crossing (rev. 10/2024)

Land Use Permit LUP-RM, Land Use Permit Application for Roadside Memorial Installation (rev. 10/2024)

Land Use Permit LUP-RWZU, Land Use Permit Application for Regional Work Zone Traffic Control for Utility Work Located off Right-of-Way (rev. 10/2024)

Land Use Permit LUP-SDS, Land Use Permit Application for Storm Drain Stenciling (rev. 10/2024)

Land Use Permit LUP-SE, Land Use Permit Application for Special Events (rev. 11/2024)

Land Use Permit LUP-STS, Land Use Permit Application for Small Transit Shelter (rev. 10/2024)

Land Use Permit LUP-SUSCF, Land Use Permit Application for Single-Use Permit Wireless Small Cell Facilities Co-Location (rev. 11/2024)

Land Use Permit LUP-SUSO, Land Use Permit Application for Surveying Operation (rev. 11/2024)

Land Use Permit LUP-SUTLE, Land Use Permit Application for Single-Use Temporary Logging Entrances (rev. 11/2024)

Land Use Permit LUP-SUWFC, Land Use Permit Application for Installation of Wireless Facility Co-Location (rev. 11/2024)

Land Use Permit LUP-SUWSS, Land Use Permit Application for Single Use Wireless Support Structure (rev. 11/2024)

Land Use Permit LUP-SWCD, Land Use Permit Application for Soil and Water Conservation District Sign Installation (rev. 10/2024)

Land Use Permit LUP-SZPE, Land Use Permit Application for School Zone Photo Enforcement (rev. 10/2024)

Land Use Permit LUP-SZSL, Land Use Permit Application for School Zone Speed Limit (rev. 10/2024)

Land Use Permit LUP-UT, Land Use Permit Application for Utility Installations (rev. 10/2024)

Land Use Permit LUP-UTT, Land Use Permit Application for Biennial Utility Tree Trimming Operations (rev. 10/2024)

Land Use Permit LUP-VCSB, Land Use Permit Application for Vegetation Control Single Business (rev. 10/2024)

Land Use Permit LUP-VM, Land Use Permit Application for Volunteer Mowing Activities (rev. 10/2024)

Land Use Permit LUP-WSP, Land Use Permit Application for Wayfinding Sign Program (rev. 10/2024)

Land Use Permit LUP-WZSSC, Land Use Permit Application for Work Zone Speed Safety Cameras (rev. 10/2024)

townhall.virginia.gov

Final Regulation
Agency Background Document

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) Chapter citation(s)	24 VAC 30-151
VAC Chapter title(s)	Land Use Permit Regulations
Action title	Chapter 151 Regulatory Reform and Periodic Review
Date this document prepared	____, 2025

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Land Use Permit Regulations, 24VAC30-151, permit work activities on the right-of-way of state highways for construction, utility installations, entrances, events, and other activities. The Commonwealth Transportation Board (CTB) has undertaken a comprehensive review of 24VAC30-151. The intent of this action is to remove redundant or obsolete language and to achieve regulatory reduction and streamlining in accordance with Governor Youngkin's Executive Order 19.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

"CFR" means the Code of Federal Regulations.
"Department" or "VDOT" means the Virginia Department of Transportation.
"DIBR" means Documents Incorporated by Reference.
"U.S.C." means the United States Code.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On July 16, 2025, the CTB adopted final amendments to 24VAC30-151, Land Use Permit Regulations.

Mandate and Impetus

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding the mandate for this regulatory change, and any other impetus that specifically prompted its initiation. If there are no changes to previously reported information, include a specific statement to that effect.

There are no changes to previously reported information.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The Commonwealth Transportation Board promulgated the Land Use Permit Regulations pursuant to its general authority to make regulations "for the protection of and covering traffic on and for the use of systems of state highways" in § 33.2-210 of the Code of Virginia. Federal law, including 23 U.S.C. 111 and 23 CFR 710.403, requires states to restrict access to and use of certain highway rights-of-way.

Additional Code sections authorize certain sections or aspects of the Land Use Permit Regulations. Section 33.2-118 authorizes the Department to issue permits for mobile food vending in certain parking areas. Section 33.2-216 requires the CTB to "establish regulations regarding size, distance from the roadway, and other safety concerns to govern the installation, maintenance, and removal of roadside memorials, plaques, and other devices placed within the right-of-way that commemorate the memory of persons killed in vehicle crashes within the right-of-way of any state highway." Sections 33.2-240, 33.2 241, and 33.2-245 of the Code of Virginia authorize the Department and the CTB to regulate access to and entrances onto the state highway system.

Section 2.2-1151.1 authorizes the department to issue permits for "(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." Several additional sections of the Code of Virginia authorize the CTB

and the Department to regulate the access to and use of the highway right-of-way by various utilities, including §§ 56-458 and 56-484.28.

Additionally, federal regulations authorize or mandate regulation of the use of highway right-of-way, including 23 CFR Part 645, Subpart B (Accommodation of Utilities).

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety, or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The Land Use Permit Regulations set forth the rules that individuals, localities, and other entities must follow to conduct activities other than travel on highway systems that are under VDOT's jurisdiction. These include activities such as installation of utilities, construction of private and commercial entrances, landscaping, the temporary use of the right-of-way, as well as numerous other types of activities. The regulations set forth criteria used by VDOT when determining whether to issue a permit and are intended to preserve the integrity of the highway system and protect the safety of motorists, pedestrians, and highway workers. Land use permits address safety issues such as proper procedures for temporarily closing travel lanes, standards for entrances and access points onto highways, affixing signs and other objects to structures in the right-of-way, and location and protection of utility lines.

The proposed regulatory amendments are essential to protecting public health, safety, and welfare as they ensure permittees are able to better understand and comply with the appropriate standards for activities by incorporating those standards into the terms and conditions of the required land use permit which must be secured prior to any activity occurring in the right-of-way and advance improved procedures for the conduct of work within the highway right-of-way. The proposed changes are intended to remove redundant or obsolete language, add clarity, and achieve regulatory reduction and streamlining in accordance with EO 19. Several changes will add administrative updates or bring the text in line with current practice, which protects the public by ensuring the regulatory text provides the necessary clarity for permittees to understand the requirements of the permit process. The CTB also proposes to remove the Documents Incorporated by Reference (DIBR) and instead reference those documents in the terms of the land use permit secured by regulated entities. These DIBR include standards and specifications with which regulated entities are required to comply. This will ensure the most relevant versions of the documents are being followed by regulated parties, more narrowly tailor requirements to the specific type of permit and associated activity, and ease burdens on permittees in determining applicability.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

In addition to administrative updates, elimination of redundancy, adding clarifying language, and bringing the text in line with current practice, the CTB proposes to remove the DIBR from this regulation and instead include the relevant documents in the terms of the land use permits. Other changes that could be considered substantive include the amendments related to insurance requirements and permittee responsibilities in section 40, the broadening of section 500 to apply to all governmental agencies, the expansion of section 520 to include all commercial filming, and the addition of volunteer mowing or litter pickup to section 620.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The primary benefit to both the public and the Commonwealth of the removal of the DIBR section is improved clarity for regulated entities, ensuring they are aware of the specific documents relevant to them by including them in the terms of the land use permits. This change will also ensure the most relevant version of each document is clearly specified for compliance. There are no disadvantages to this proposed change, as the permit application forms will be updated to correspond to this change and all permit application forms are publicly available on VDOT's website.

Amendments to section 40 will require permittees to maintain comprehensive general liability insurance with limits of at least $1,000,000 per occurrence and $5,000,000 in the aggregate, or in amounts otherwise required by VDOT stated in the permit, strengthen the indemnification and hold harmless language, and clarify permittee responsibilities for facilities installed within the right-of-way under permit. These changes are intended to protect the Commonwealth by ensuring permittees are adequately covered against liability for personal injury and property damage in connection with all activities undertaken under a permit and by clarifying that the Commonwealth is not liable for costs related to permittee violations and actions. By setting required minimum insurance amounts, some permittees may need to obtain higher levels of coverage than they would otherwise obtain under the current requirements. Furthermore, the movement of language from section 300, which pertains to utility installations, to section 40 for general applicability may require some permittees to take on additional costs to assume full responsibility for damages caused by improperly installed and/or maintained facilities within the right-of-way under permit.

The primary advantage to the public of the proposed changes to sections 500, 520, and 620 is the enhancement of statewide consistency and a reduction in permit processing time, as the requests submitted by the impacted applicants will no longer require approval from the Department's Central Office prior to issuance by the residency.

The other proposed changes to the regulation benefit the public through removing redundant or outdated language or providing additional clarity and are not anticipated to present disadvantages to the public or the Commonwealth.

Requirements More Restrictive than Federal

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any requirement of the regulatory change which is more restrictive than applicable federal requirements. If there are no changes to previously reported information, include a specific statement to that effect.

There are no changes to previously reported information.

Agencies, Localities, and Other Entities Particularly Affected

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any other state agencies, localities, or other entities that are particularly affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.

Other State Agencies Particularly Affected

There are no changes to previously reported information.

Localities Particularly Affected

There are no changes to previously reported information.

Other Entities Particularly Affected

There are no changes to previously reported information.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency's response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response
Virginia Cable Telecommunications Association (VCTA)	VCTA requests broadband be explicitly included in the definition of a "Utility" in 24VAC30-151-10 by inserting "broadband" after "cable television."	The CTB and VDOT agree with this recommendation and will amend the regulation as requested.
	VCTA requests the following definition of "Prior Rights" be added to 24VAC30-151-10: "'Prior rights': in the case of a utility which does not offer broadband services through facilities in a right of way, means a recorded easement or franchise granting such utility the right to occupy the right of way; and in the case of a broadband provider, any such utility shall be deemed to have 'prior rights' with respect to existing facilities in an electrical or communications easement."	As explained in subsection 30(D) of the proposed amendments, prior-rights permits allow utilities with existing facilities within the right-of-way to remain in place as long as those facilities are not in conflict with a transportation project or other use of the right-of-way by the public or the Commonwealth. Prior rights do not apply to franchises, nor to utility easements that were placed after the highway right of way was established; prior rights only apply to situations where a utility had an easement and was in place prior to highway right of way being established at that location. The definition of "prior rights" requested by VCTA expands beyond the current or generally accepted meaning or application of prior rights. This regulatory amendment process is not the appropriate venue for establishing a definition of "prior rights" nor a definition that would alter and expand upon the generally accepted meaning in the manner proposed. As such, the CTB

		and VDOT respectfully reject the requested change.
	VCTA requests relocation costs to be borne by VDOT when fiber is installed with federal or state grants or financial incentives for installation of broadband services along a specific route.	This request would shift the cost of broadband relocation from the broadband provider and the parties that benefit from the presence of the broadband facility to the general taxpayers of the Commonwealth. It would further remove an incentive for broadband providers to place broadband facilities as far from the built highways as possible and would encourage an approach to the planning of broadband facilities that would disregard future impacts of broadband facilities situated in the right of way on and at the expense of transportation. The CTB and VDOT respectfully reject this requested change.
	VCTA requests the following sentence be added to the definition of "Shared resource agreements" in 24VAC30-151-10: "Broadband providers shall be exempt from shared resource agreement requirements." VCTA asserts that broadband providers should be exempt from shared resource agreements due to uncertainty over the compensation demanded and the inability to recover the unknown cost of a "shared resource agreement" through federal or state grants. VCTA also asserts that shared resource agreements discourage broadband deployment and are inconsistent with both federal and state policies for broadband deployment.	Shared resource agreements are only utilized for longitudinal occupancy of limited access highways, which account for roughly 8% of VDOT's total highway network. Since resource sharing started in the 1990s, VDOT has secured shared resource agreements from 41 broadband providers. If shared resource agreements were discouraging to broadband deployment, these providers would have shifted their planned networks to other non-limited access highways, where the fees for broadband were minimal (a one-time fee of $100 + $10 per 100 linear feet as set out in 24VAC30-710). As described in 24VAC30-151-740(E), VDOT ensures that shared resource agreement compensation is equal to the monetary compensation amount established for the use and occupancy of the right-of-way and the method for providing that compensation, whether through goods, facilities, services, or cash, is determined through a negotiation with the broadband company. Limited access highways are established to ensure maximum throughput of traffic and to minimize the interference with traffic by minimizing installations in and connections to the highways. Thus, historically, limited access highways have been used for long-distance communication and broadband lines, not service lines (service connections to individual customers are not permitted off limited access highways). Furthermore, the use of shared resource agreements is consistent with Federal

		Highway Administration guidance, and some version of shared resource agreements is utilized by at least 14 other states. As the requested exemption would allow for disparate use of limited access roadways by broadband providers without providing compensation, the CTB and VDOT respectfully reject this requested change.
	VCTA requests the replacement of the 4th sentence of 24VAC30-151-40(B) in the proposed regulations with: "VDOT shall encourage the consolidation into one permit application of proposed work which is of a continuous nature along one route (ignoring entrances or intersecting roads) or on several routes within one jurisdiction, and wherever possible proposed work of a continuous nature shall be covered by a single permit, regardless of proposed length."	The removal of the 5th sentence in 24VAC30-151-40(B) is proposed to eliminate the current maximum distance length for a permit, meeting the same goal as the suggested language. The applicant and VDOT must retain flexibility with respect to permit length to provide adequate oversight in complicated environments or to limit surety requirements to meet applicant capability. The CTB and VDOT will maintain the recommendation to delete the 5th sentence of 24VAC30-151-40(B) and will modify the 4th sentence of that subsection to read: "Applicants are encouraged to submit work of a continuous nature along one route or connected routes within one jurisdiction into one permit application, regardless of length."
	VCTA requests the second sentence of 24VAC30-151-40(C) in the proposed regulations be modified to replace the word "exactly" with "approximately." Permittees would be able to construct facilities "approximately" as shown on the approved permit application, including distances, depths, and location of existing infrastructure.	While there are situations in which approximate compliance with approved plans for installing a cable underground may be permissible, there are others in which this could cause significant damage, such as VDOT underdrains being destroyed. Furthermore, in the case of entrance details, "approximate" conformity with plans could reduce sight distance or impact the ability of vehicles to enter or exit due to excess changes in grade. Finally, the definition of "approximately" is fluid, making enforcement difficult. VDOT's process for coordination and approval of changes to previously approved plans is set out in subsection 40(J) of the proposed regulations. The CTB and VDOT respectfully reject this requested change.
	VCTA requests that the following text be added to the end of the first sentence of subsection 2 of section 340: "…and except that telecommunications and cable television service connections may be placed with a minimum 18 inches of cover."	Subsection 30(B)(1) already provides for the requested flexibility but also includes the proviso that telecommunications and cable television providers take full responsibility for cuts of line installed with less than 30" of cover. For clarity, the CTB and VDOT propose to add "broadband" to the list of providers granted

		flexibility in subsection 30(B)(1) and to add following text to the end of the first sentence in subsection 2 of section 340: "…and except as authorized pursuant to section 30(B)(1)."
	VCTA asserts that the liability language proposed to be added to the regulatory text is too broad. VCTA requests that the following text be added to the end of the first sentence in both subsections 40(F) and 40(G): "…by permittee and for which permittee is responsible." In addition, in subsection 40(I), VCTA requests the text after the semi-colon in the proposed third sentence containing indemnification language be replaced with: "…for which permittee is responsible, and from any of the permittee's contractors, subcontractors, agents, or employees, for which the permittee is responsible."	The proposed text of subsections 40(F) and 40(G) already includes limiting this liability to "activities undertaken under permit". Subsection 40(I) of the proposed text also limits liability and reads: "VDOT and the Commonwealth shall be absolved from all responsibilities, damages, and liabilities associated with granting the permit and the permittee's activities in the right-of-way, including activities performed by the permittee's contractors or agents. All facilities shall be placed and maintained in a manner to preclude the possibility of damage to VDOT-owned facilities or other facilities placed within the right-of-way by permit. A permittee shall indemnify and hold harmless the Commonwealth, the Commonwealth Transportation Board, the Commissioner of Highways, VDOT, and the consultants, representatives, agents, and employees of those agencies from and against any and all claims, causes of action, losses, costs, attorney fees, expenses, and damages that directly or indirectly result from or arise out of the permittee's activities or violations in the right-of-way; from any of the permittee's contractors, subcontractors, consultants, representatives, agents, or employees; or from anyone for whom acts or violations the permittee is or may be liable. A permittee shall be civilly liable to the Commonwealth for all actual damage caused by a violation of the terms of a permit or this chapter. Injunctive remedies available to VDOT include providing private property access to VDOT to rectify concerns to public safety in the right-of-way caused by violations of the permit or this chapter." As such, the CTB and VDOT respectfully reject this requested change.
	VCTA requests the last sentence of the proposed text for subsection 40(I) be struck. The sentence reads: "Injunctive remedies available to VDOT include providing private property access to VDOT to rectify concerns to public safety in the	The sentence requested to be removed lays out potential actions that VDOT may take to rectify public safety issues caused by violations of the permit or the regulations by the permittee. This should not be interpreted as a method for improperly taking property. However, the CTB and VDOT have determined that the

	right-of-way caused by violations of the permit or this chapter."	referenced sentence is not necessary and will revise the regulatory amendments as requested.
	VCTA requests striking the two proposed sentences at the end of subsection 40(V) which read: "The permittee may not rely upon any act, statement, or failure to act on the part of VDOT with respect to inspection. The failure of VDOT to fully or properly inspect any work shall not excuse in any way the permittee from any of the permittee's duties or obligations under the permit, law, or regulation."	The intention of the language is to make it clear that the permittee is responsible for the work they are doing and VDOT's inspection or lack of inspection does not absolve the permittee of doing the work correctly. With open cuts, if the VDOT inspector is not onsite during placement of fill, it is unlikely VDOT can verify proper compaction in the lower levels of the fill or verify depth effectively. The permittee could also hit traffic loop detectors when saw cutting in preparation for an excavation, and VDOT's signals team may not detect this until weeks after the work is complete. For directional boring, if the inspector is not onsite during activities and watching the equipment operation, it is unlikely VDOT can verify exact placement (vertical and horizontal). If the utility installer cuts VDOT underdrains, cross pipes, private entrance pipes, guardrail posts and other department assets, this may not become known until sometime later. When installing facilities on a steep slope or embankment, slope slides or other erosion issues caused by disruption of adjacent soil or improper compaction tend to occur after permit completion. Due to the number of permits issued annually, VDOT would be forced to significantly increase permit fees to fund consultant inspectors to provide full-time inspection of all permittees. The CTB and VDOT respectfully reject this requested change.

Detail of Changes Made Since the Previous Stage

*List all changes made to the text since the previous stage was published in the Virginia Register of Regulations and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.*

Current chapter-section number	New chapter-section number, if applicable	New requirement from previous stage	Updated new requirement since previous stage	Change, intent, rationale, and likely impact of updated requirements

151-10		"Utility" is defined as “a privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing telecommunications, cable television, electricity, gas, oil, petroleum products, water, steam, storm water stormwater not connected with highway drainage, or any other similar commodity, including any fire or police signal system	Add “broadband” after “cable television” in the definition of “Utility.”	Clarifying change made in response to request from VCTA.
151-30		The subsection dealing with districtwide permits (currently subsection C, proposed subsection B) will be rewritten to streamline and consolidate the text.	Add “broadband” to the list of providers granted flexibility in subsection 30(B)(1).	Clarifying change made in response to request from VCTA.
151-40		In subsection B, the amendments will remove the fifth sentence which contains a requirement for single use permits that “consolidation shall not be for a length greater than two miles.” This change will enable VDOT to allow a permit to cover more geographic area without requiring a special permit under section 660, which will reduce the complexity of the permit process. In subsection I, the proposed last sentence read, “Injunctive remedies	In subsection B, the fourth sentence will also be modified to read, “Applicants are encouraged to submit work of a continuous nature along one route, or connected routes within one jurisdiction, into one permit application, regardless of length.” In subsection I, the proposed last sentence will be removed.	Clarifying changes made in response to request from VCTA.

		available to VDOT include providing private property access to VDOT to rectify concerns to public safety in the right-of-way caused by violations of the permit or this chapter."		
151-340		Administrative and streamlining updates will be made to this section.	Add "broadband" to the list of providers granted flexibility in subsection 2. The following text will be added to the end of the first sentence in subsection 2: "…and except as authorized pursuant to section 30(B)(1)."	Clarifying changes made in response to request from VCTA.

Detail of All Changes Proposed in this Regulatory Action

*List all changes proposed in this action and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.*

Current chapter-section number	**New chapter-section number, if applicable**	**Current requirements in VAC**	**Change, intent, rationale, and likely impact of updated requirements**
151-10	N/A	Section 10 defines the words and terms used in the regulation.	The DIBR reference will be removed from the definition of "Clear zone" to reflect the inclusion of the relevant manuals and specifications within the terms of the land use permits. This will ensure the most updated versions of the documents are being followed and ease the burden on regulated entities to determine the applicability of specific documents. Definitions for "Chief Engineer," "Permit agreement," "Shared resource agreement," and "Wireless support structure agreement" will be added to provide further explanation for terms used in the regulation. The definitions of "Central office permit manager,

			"Commercial entrance," "District administrator," "Permit," "Permittee," "Private entrance," "Right-of-way," "Service connections," "System of state highways," "Transportation project," "Utility," and "VDOT" will be amended to clarify and streamline the definitions. "Manhole" and "Power line" will be removed as these definitions are no longer necessary. Minor formatting or grammatical edits will be made to the definitions of "District administrator's designee," "Limited access highway," and "Non-betterment cost."
151-20	N/A	This section outlines VDOT's authority to issue permits for work performed on any real property under the ownership, control, or jurisdiction of VDOT.	Additional Code of Virginia sections will be included in the sentence describing the authority by which the General Rules and Regulations of the Commonwealth Transportation Board (24VAC30-21) are adopted. In addition to work, "non transportation uses" will be added to the activities for which written permission is required before the activity is allowed or performed on the system of state highways or any right-of-way or real property under the ownership, control, or jurisdiction of VDOT. This change is intended to reflect that some activities which require a permit are not "work," including parades and races. Formatting and clarifying updates will also be made to this section.
151-30	N/A	This section states when a permit is required and specifies the type of permit required for different activities in the right-of-way.	The title of this section will be amended to read, "Types of permits and permit agreements." The current text of subsection A will be removed as the provisions are repeated elsewhere in section 30. The numbering for the remaining subsections will be adjusted. Clarity will be added to the subsection on single use permits (currently subsection B, proposed subsection A). Provisions concerning single use permits which were previously found in other subsections of section 30 will now be consolidated into this subsection. The subsection dealing with districtwide permits (currently subsection C, proposed subsection B) will be rewritten to streamline and

			consolidate the text. “Broadband” will be added to the list of providers granted flexibility in subsection 30(B)(1). Clarifications will be added to the subsection pertaining to prior-rights permits (currently subsection E, proposed subsection D). In the subsection on as-built permits (currently subsection F, proposed subsection E), text will be added stating that “Utility facilities required to be relocated within a right-of-way due to a conflict with a transportation project or other use of the right-of-way by the public or the Commonwealth may be issued an as-built permit upon completion of the project and the mutual agreement between VDOT and the utility for such relocation.” This text more accurately reflects the situations for which this type of permit may be issued. In the subsection regarding agreements (currently subsection G, proposed subsection F), the text requiring an agreement for any perpendicular crossing of limited access right-of-way will be removed to correspond to current Department practice. “Median” will be added to the locations for which an agreement will be required for a new longitudinal occupancy, and “occupancy of a VDOT-owned wireless support structure” will be added and “new communication tower or small site facilities installed within the right-of-way, as allowed for in 24VAC30-151-300” removed in subpart 1b for clarity and consistency with the Code of Virginia. Further clarification will be added to subpart 2 regarding shared resource agreements, noting that in exchange for occupancy of limited access right-of-way, utilities provide a combination of goods, facilities, services, or monetary compensation to VDOT. Other streamlining and clarifying edits will be made to this subsection.

			A new subsection will be added to clarify that no permits shall be required for placement of mailboxes and newspaper boxes in accordance with this regulation. Additional formatting updates will be made, text will be amended to align with other sections, and text that is redundant with other sections of this regulation or the Code of Virginia will be removed.
151-40	N/A	Section 40 describes the general rules, regulations, and requirements for land use permits.	A sentence will be added to subsection A stating, “The terms of every permit include and incorporate by reference this chapter as well as all federal, state, and local requirements applicable to a permittee’s activities under the permit.” This corresponds to the removal of the DIBR from the regulation. Other clarifications regarding contractors and agents will be included. The responsibility for approving activities within limited access right-of-way prior to permit issuance will be changed from the Commissioner of Highways to the Chief Engineer. This change is to align with 24VAC30-401 and current VDOT practice. In subsection B, the amendments will remove the requirement for single use permits that “consolidation shall not be for a length greater than two miles.” This change will enable VDOT to allow a permit to cover more geographic area without requiring a special permit under section 660, which will reduce the complexity of the permit process. For clarity, the fourth sentence of subsection B will also be modified to read, “Applicants are encouraged to submit work of a continuous nature along one route or connected routes within one jurisdiction into one permit application, regardless of length.” Subsection C will be reorganized for improved readability. * In subsection F, new text will require permittees to secure and maintain commercial general liability insurance

			with limits of at least $1,000,000 per occurrence and $5,000,000 aggregate, or in amounts otherwise required by VDOT as stated in the permit. These amounts are proposed to be specified in the regulation for clarity, as they are generally the amounts VDOT currently requires in permits. New subsections G and H will be added to clarify permittee responsibilities for damages and continuing maintenance. These sections have been moved from section 300, which relates to utility installations, to section 40 to reflect their general applicability to all permits. Strengthened indemnification and hold harmless language will be added to newly numbered subsection I. These changes are intended to protect the Commonwealth by ensuring permittees are adequately covered against liability for personal injury and property damage in connection with all activities undertaken under a permit and by clarifying that the Commonwealth is not liable for costs related to permittee violations and actions. A new subsection (L) will be added requiring all work to be done in accordance with all federal, state and local requirements and the terms of the land use permit. This will be added to correspond to the removal of references to specific DIBR to reflect the inclusion of the relevant manuals and specifications within the terms of the permits. This will ensure the most updated versions of the documents are being followed and ease the burden on regulated entities to determine the applicability of specific documents. Newly numbered subsection R will be streamlined to state that the permittee is responsible for any settlement in the backfill or pavement after the completion of work activities under the permit or for any settlement caused by the installed facility.

			A sentence will be added to newly numbered subsection V to state, "The permittee may not rely upon any act, statement, or failure to act on the part of VDOT with respect to inspection, nor shall the failure of VDOT to fully or properly inspect any work in any way excuse the permittee from any of its duties or obligations under the permit, law or regulation." Similar language exists in section 70 of the regulation, but the more comprehensive language is proposed to be included here for clarity. Certain requirements which are restated in other regulations and DIBR will be removed. Other streamlining and clarifying edits will be made to this section.
151-50	N/A	This section discusses violations and liability concerns.	The title of this section is proposed to be updated to "Objects in the right-of-way." Subsections B-D are proposed to be deleted as the text is duplicative of other sections of the regulation.
151-80	N/A	Section 80 sets the standards regarding permit time limits, extensions, and cancellations.	In subsection A, the requirement that the time limit for work to be accomplished under the permit shall not normally be less than six months in duration will be removed to eliminate potential confusion as to the regulatory requirements. Subsection B will be amended to clarify that it applies to single use permits and that permittees must request a time extension prior to the expiration of the permit. Calendar days will be changed to business days to better reflect VDOT's ability to respond to a request. Redundant text in subsection B will also be removed. Subsection C will be clarified to reflect that a permit may be cancelled if no work has started within 30 days of issuance or such additional time as authorized by the district administrator's designee.
151-90	N/A	This section describes the hours for work under the authority of a permit and the restrictions for work on holidays.	The list of holidays included in this section will be expanded to all state observed holidays to better reflect holiday traffic patterns. Other clarifications to this section will also be made.

151-110	N/A	This section outlines the conditions that would lead to a permit being revoked or denied.	Flexibility will be added to subsection A to allow permits to be either revoked or suspended upon written finding of a violation. New language will be added to allow for a completed permit to be revoked and the facility or use for which it was issued required to be removed or relocated at the direction of the Commissioner of Highways if the facility or use obstructs or interferes with a transportation project or the improvement, maintenance, or operation of a right-of-way. The text will clarify that all costs to remove and/or relocate the facilities or uses or otherwise resulting from the permit revocation shall be incurred and paid by the permittee unless otherwise specifically provided for by law. Additional amendments to this subsection will clarify that suspended permits shall be noted as such and that no work or use shall be allowed under a suspended permit, and that misrepresentations, fraudulent actions, or repeated violations may result in a permanent denial of the right to work within or use the right-of-way. This change is intended to limit impacts to construction schedules, thereby avoiding work orders and associated costs. A new subsection B will be added explaining the unique provisions relating to revocation of districtwide permits. Clarifications to newly numbered subsection C will explain that permits may be denied to any applicant or joint applicant when the applicant or joint applicant, or its contractors or agents, have violated or are in violation of any term of a permit or of any federal, state, or local requirement applicable to work or use under a permit.
151-120	N/A	Section 120 outlines the provisions governing entrances.	This section is proposed to be repealed as the text is duplicative of other sections in this regulation and the Code of Virginia.
151-220	N/A	This section covers commercial use agreements in instances where wider rights-of-way are acquired by VDOT for the development of a highway at	This section is proposed to be removed as it is no longer VDOT practice to acquire wider rights-of-way than needed at a specific time. In any instance where the situation covered

		such time as adequate funds are available for the construction of the highway.	under this section could occur in the future, section 660 relating to special permits would apply.
151-230	N/A	This section covers agricultural use agreements in instances where wider rights-of-way are acquired by VDOT for the development of a highway at such time as adequate funds are available for the construction of the highway.	This section is proposed to be removed as it is no longer VDOT practice to acquire wider rights-of-way than needed at a specific time. In any instance where the situation covered under this section could occur in the future, section 660 relating to special permits would apply.
151-240	N/A	Section 240 deals with the requirements of a VDOT permit for dams for farm ponds within the right-of-way.	Administrative updates will be made to this section.
151-260	N/A	Section 260 sets the requirements for railroad companies which request railroad crossing permits.	Subsection A will be streamlined to state, “VDOT may permit railway crossings.” In subsection C, “Construction bond” will be changed to “surety” to correspond to the requirements in other sections of this chapter.
151-270	N/A	Section 270 sets the requirements for non-railroad companies which request railroad crossing permits.	“Performance and indemnifying bond” will be changed to “suitable surety” to correspond to the requirements in other sections of this chapter. Text that is redundant with the Code of Virginia will be removed and other formatting updates will be made.
151-280	N/A	This section describes the permit process for landowners whose springs, wells or facilities are acquired by VDOT.	This section is proposed to be repealed as it is no longer utilized. In any instance where the situation covered under this section could occur in the future, section 660 relating to special requests would apply.
151-290	N/A	This section describes the allowance for, and requirements related to, public telephone booths.	This section is proposed to be repealed as it is no longer utilized.
151-300	N/A	Section 300 outlines the requirements for utility installations on highway rights-of-way.	Text clarifying permittee responsibilities for damages and continuing maintenance has been moved to section 40 from section 300 to clarify that these requirements apply to all permits. Additional administrative and streamlining updates will be made to this section.
151-310	N/A	Section 310 sets the requirements for utility installations on all limited access highways.	In subsections A and D, the responsibility for reviewing and approving requests for utility installations within limited access right-of-way and for approving longitudinal

			utility installations within limited access right-of-way will be changed from the Commissioner of Highways to the Chief Engineer. This change is to align with current VDOT practice. Other clarifying amendments will be added to this section.
151-330	N/A	Section 330 outlines the requirements for overhead utility installations within nonlimited access highways.	A sentence will be removed in subsection D which reads, "Longitudinal pole line installation shall be located on the outer 15 feet of the right of way greater than 40 feet in width." "Communications tower" will be changed to "wireless support structure" for consistency with the Code of Virginia. Administrative updates will be made and references to specific DIBR will be removed to reflect the inclusion of the relevant manuals and specifications within the terms of the land use permits. This will ensure the most updated versions of the documents are being followed and ease the burden on regulated entities to determine the applicability of specific documents.
151-340	N/A	This section describes the requirements for underground utility installations within nonlimited access highways.	For clarity, the following text will be added to the end of the first sentence in subsection 2 of section 340: "…and except as authorized pursuant to section 30(B)(1)." "Broadband" will be added to the list of providers granted flexibility in subsection 2. Administrative and streamlining updates will also be made to this section.
151-350	N/A	Section 350 provides for the installation of communication tower structures and other types of surface mounted or underground utility facilities by a utility company and outlines requirements of the utility company and VDOT.	The title of this section is proposed to be updated to, "Wireless support structures and site installations." "Communications towers" will be changed to "wireless support structures" in the section title for consistency with the Code of Virginia. Other streamlining and clarifying updates will be made.
151-360	N/A	Section 360 describes the requirements of permittees regarding pipelines.	The requirement for permittees to maintain minimum cover for any underground facility will be clarified to add, "…as established by the VDOT standards and specifications set forth in the terms of the permit or as otherwise required by applicable law, whichever is greater." The phrase "incorporating the principles of new urbanism" will be removed. The phrase

			currently relates to high density developments as locations where utilities may be placed under the pavement. The phrase has been removed from the corresponding section of the Code of Virginia, § 15.2-2223.1, and as such should be removed from this regulation. Other clarifying edits will be made to this section.
151-380	N/A	This section outlines the requirements for vents; drains; permanent utility markers; manholes and associated frames and covers, valve boxes, and other castings; and shutoff valves.	The amendments would change "manholes" to "utility access points" in subsections D and E. This will allow for the regulation to better address different types of access points, including manholes and handholes.
151-390	N/A	This section deals with in-place and prior-rights permits for utilities.	A sentence will be added to subsection C stating, "Should VDOT later require the permittee to alter, change, adjust, or relocate any utility, the cost will be the responsibility of the permittee." This sentence will clarify the responsibility of a utility owner that does not have a prior right to be located within the right-of-way and align the section with current VDOT practice. Other clarifying edits will be made to this section.
151-400	N/A	This section describes the permit requirements for facilities relocated in conjunction with a VDOT project.	The amendments will clarify that a permittee must obtain a new permit for facilities directed to be relocated within or to right-of-way in conjunction with a transportation project, and that the relocation must be done in a timely manner and at the permittee's sole expense unless otherwise specifically provided in the Code of Virginia. References to specific DIBR will be removed to reflect the inclusion of the relevant manuals and specifications within the terms of the land use permits. This will ensure the most updated versions of the documents are being followed and ease the burden on regulated entities to determine the applicability of specific documents.
151-420	N/A	Section 420 describes the permit requirements for lighting facilities.	Subsection A will be streamlined to remove the distinction between roadway and nonroadway lighting since the requirements imposed by VDOT as a condition of land use permit approval are largely the same for both. The amendments will also clarify that lighting designed to illuminate the pavement or adjacent

			pedestrian or bicycle facilities is subject to a permit. Subsection B will be amended to remove the references to specific DIBR. Instead, the text will require the design of lighting systems and fixtures to be in accordance with § 2.2-1111 of the Code of Virginia, which sets requirements for lighting design by VDOT and other road agencies. In subsection C, the DIBR reference will be removed to reflect the inclusion of the relevant manuals and specifications within the terms of the land use permits. This will ensure the most updated versions of the documents are being followed and ease the burden on regulated entities to determine the applicability of specific documents. Flexibility will be added to this subsection through the allowance of drawings to be submitted electronically. Applicants will be required to submit photometric calculations and wattage for the fixtures to reflect the prevalence of LED fixtures. “Permittee” will also be updated to “applicant.” Amendments in subsection D will allow VDOT to require modification or removal of luminaries if they are determined to provide excessive light trespass into adjacent properties. This will allow VDOT to address citizen complaints about glare from lighting fixtures. Other changes to subsection D correspond to the changes in subsection A to remove the distinction between roadway and nonroadway lighting.
151-430	N/A	This section outlines the requirements for attachments of utilities to bridge structures.	Clarity will be added to subsection A to require approval of the district structure and bridge engineer “in accordance with VDOT specifications.” Subsection B will be amended to clarify that the requirements apply to “lines carrying electricity.”
151-440	N/A	Section 440 sets the requirement for a permit to be obtained for uses of real property under the ownership, control or jurisdiction of VDOT.	This section is proposed to be repealed in conjunction with the addition of “non-transportation uses” to section 20 to remove redundancy from the regulation.

151-450	N/A	This section outlines the permit requirements for hanging banners or erecting decorations across state highways.	The list of entities which are required to obtain a permit under this section will be expanded to include other individuals and entities to ensure proper permits are obtained for banners and decorations.
151-460	N/A	Section 460 describes the permit requirements for building movements over 16 feet wide.	The amendments streamline the requirement that requests for building movements be approved by the district administrator's designee in the district where the move initiates by removing a duplicative sentence.
151-490	N/A	Section 490 states that a permit is required for construction or reconstruction of roads, bridges or other drainage structures and details the requirements for such a permit.	“Private or commercial entrances” and “other transportation facilities” will be added to the list of items for which a permit is required under this section for clarity.
151-500	N/A	This section allows for the issuance of permits to any governmental state agency to install hydrological study equipment within highway rights-of-way.	* The proposed change would remove “state” from the type of governmental agencies covered under this section. Currently, non-state governmental agencies obtain these permits under section 660. This change will eliminate the need for a special permit.
151-520	N/A	Section 520 sets the permit requirements for filming for movies within the highway rights-of-way.	* This section would be broadened to apply to all commercial filming as the current restriction to movie filming does not encompass the breadth of possible filming which could present a threat to safety if not conducted under the proper permit.
151-550	N/A	This section establishes the permit requirements regarding the authorized location and removal of roadside memorials.	Formatting and clarifying updates will be made, and text that is redundant or unnecessary will be removed for streamlining purposes.
151-560	N/A	This section outlines the requirements for the placement of mailboxes and newspaper boxes, and states that placement should not interfere with safety, maintenance and use of the roadway.	The amendments propose to change “should” to “shall” regarding the requirement that placement of mailboxes and newspaper boxes not interfere with safety, maintenance and use of the roadway. This strengthened requirement will help prevent safety issues regarding the placement of these boxes within the VDOT right-of-way.
151-570	N/A	Section 570 describes the conditions for placement of certain public service signs within the right-of-way without a permit.	The title of this section will be broadened from “Miscellaneous signs” to “Miscellaneous signs and devices.” A new subsection C will be added stating, “The Commissioner of Highways or his designee may authorize the placement of various automated traffic enforcement devices for the Commonwealth or its political

			subdivisions as may be allowed by law." These changes will allow for the placement of automated traffic enforcement devices under this section of the regulation as they are not currently addressed elsewhere. Subsections A(4) and A(5) are proposed to be removed. This text covers VDOT activities for which permits are not needed, and as such, the text is unnecessary. Formatting updates will be made and text that is redundant or unnecessary will be removed for streamlining purposes.
151-580	N/A	Section 580 outlines the requirements for ornamental posts, walls, residential and commercial development identification signs, or other nontransportation-related elements.	References to specific DIBR will be removed to reflect the inclusion of the relevant manuals and specifications within the terms of the land use permits. This will ensure the most updated versions of the documents are being followed and ease the burden on regulated entities to determine the applicability of specific documents. Text that is redundant or unnecessary will be removed for streamlining purposes.
151-590	N/A	Section 590 discusses permits for outdoor advertising adjacent to the right-of-way.	This section is proposed to be repealed as the requirements are duplicative with those included in Chapter 12 of Title 33.2 of the Code of Virginia, 24VAC30-120, and 24VAC30-200.
151-600	N/A	This section describes the requirements for the installation and maintenance of sidewalks, steps, curb ramps, shared use paths, pedestrian underpasses and overpasses within right-of way, as well as the installation of pedestrian or bicycle facilities within limited access rights-of-way.	References to specific DIBR will be removed to reflect the inclusion of the relevant manuals and specifications within the terms of the land use permits. This will ensure the most updated versions of the documents are being followed and ease the burden on regulated entities to determine the applicability of specific documents. New text will be added to this section requiring VDOT to maintain "facilities that are open for general public use, built in the right of-way to VDOT standards, and accepted by VDOT for maintenance." Additionally, the required approval of the installation of pedestrian or bicycle facilities parallel to and within the right

			of-way of nonlimited access highways crossing limited access highways by way of an existing bridge or underpass by the Commissioner of Highways will be changed to the Chief Engineer. This will align this section the equivalent change described in section 40.
151-620	N/A	Section 620 discusses the permit requirements for landscaping and roadside management by individuals or organizations. The permit applicant is required to "maintain any altered roadside area in perpetuity."	The amendments clarify that placement and maintenance of plant materials by individuals or organizations may be allowed under a single use permit and that the permit applicant will be required to maintain any altered roadside area for the duration of the permit instead of in perpetuity. This change addresses potential situations where perpetual maintenance would not be reasonable, such as future construction which removes the landscaping area. * A new paragraph will be added to this section to outline the permit and safety requirements for volunteer mowing or litter pickup. This addition will ensure volunteer mowing and litter pickup are conducted in accordance with VDOT's safety standards for the protection of the volunteers and the motoring public. References to specific DIBR will be removed to reflect the inclusion of the relevant manuals and specifications within the terms of the land use permits. This will ensure the most updated versions of the documents are being followed and ease the burden on regulated entities to determine the applicability of specific documents.
151-630	N/A	Section 630 sets the permit requirements for school bus shelters, public transit shelters, or ride share stations.	References to specific DIBR will be removed to reflect the inclusion of the relevant manuals and specifications within the terms of the land use permits. This will ensure the most updated versions of the documents are being followed and ease the burden on regulated entities to determine the applicability of specific documents. Other clarifying edits will be made to this section.
151-670	N/A	This section outlines the uses of right-of-way for which a permit shall not be issued.	Examples of signs that are prohibited within the right-of-way will be added. New exceptions for the placement of bike share or other micromobility systems and the installation of electric vehicle charging stations, as may be

			allowed by law, will be added to reflect the prevalence of and/or future need for these facilities. A new reference to section 350 of this chapter will also be added to the subsection on dwellings to reflect the potential need for support buildings in connection with wireless communication facilities. Clarifications will be added and text that is redundant or unnecessary will be removed for streamlining purposes.
151-690	N/A	This section discusses the permit requirements for discharges made to VDOT right-of-way.	Formatting and clarifying updates will be made to this section.
151-700	N/A	This section outlines the requirements for permit applicants regarding fees, surety, and other compensation.	Formatting and clarifying updates will be made to this section.
151-710	N/A	Section 710 sets the fees for the different types of single-use and district wide permits and outlines the various no fee permits.	For consistency with the Code of Virginia, a sentence will be added to subsection A(1) stating, “Public rights of way use fees may be charged in lieu of permit fees in certain situations in accordance with law.” Changes will be made to subsection A(3) to specify fees of $50.00 for permit term extensions for active permits and $100 for the reinstatement of expired permits. These changes will clarify the existing intent of the regulation and align the text with current VDOT practice. Subsection A(4) will be amended to state that VDOT will retain the entire application fee, including the full additive fee, for permits cancelled prior to the beginning of the permitted activity. This will reduce the burden on VDOT permit and fiscal staff processing the refunds. In subsection B, a provision will be added to allow the central office permit manager to authorize unlimited time extensions at the full cost of the permit fee for each two-year term. This will reduce the paperwork burden on permittees as the paperwork required for a permit extension is less than that for a new permit request.

			The amendments propose to eliminate the current subsection C on miscellaneous permit fees in conjunction with the addition to subsection A(1). Other clarifications, changes corresponding to edits to other sections, and formatting updates will be made to this section.
151-720	N/A	Section 720 outlines the requirements for performance sureties in subsection A and continuous sureties in subsection B.	The requirement for an applicant for a districtwide permit for utilities to provide a continuous surety in the amount of $10,000 per county, and for an applicant for a districtwide permit for logging entrances to provide a continuous surety in the amount of $10,000 per district will be moved from subsection B to subsection A. Additionally, the amendments will clarify that VDOT must be named as an obligee on the bond or a payee for a check, cash, or irrevocable letter of credit for the required performance surety. The heading for subsection B will be updated from “continuous surety” to “structure bond” to better reflect the content of the subsection. The sentences from subsection B dealing with continuous surety will be moved to subsection A. Other clarifications and formatting updates will be made to this section.
151-730	N/A	Section 730 describes the required accommodation fees for the use of the right of-way by a utility.	This section will be updated to reflect that the value of the right-of-way being used to accommodate a utility facility will be used as the basis for determining annual compensation. The specified fees for limited access crossings and limited access longitudinal installation will be removed. The specified fees for wireless communication facility sites will be removed and references to the Code of Virginia and section 740 of this regulation inserted. These changes will align the text with current VDOT practice and eliminate language that could potentially result in the assessment of unnecessary fees. Text that is redundant or unnecessary will be removed for streamlining

			purposes. Other clarifications and formatting updates will be made to this section.
151-740	N/A	This section sets the exceptions and provisions to the payment of fees and compensation.	A new subsection F will be added to state that, "VDOT may enter into wireless support structure agreements to permit the construction of wireless support structures or wireless facilities' occupancy of the right-of-way, consistent with applicable law." This addition will allow for items included in Chapter 15.1 of Title 56 of the Code of Virginia to be more completely covered by the regulation. Formatting and clarifying updates will also be made to this section.
151-760	N/A	This section lists the DIBR for the regulation.	* The DIBR will be removed to reflect the inclusion of the relevant manuals and specifications within the terms of the land use permits. This will ensure the most updated versions of the documents are being followed and ease the burden on regulated entities to determine the applicability of specific documents.
FORMS	N/A	This section contains the land use permit application forms.	The forms included in this section will be updated to reflect the removal of the DIBR from the regulation and the inclusion of the relevant manuals and specifications within the terms of the land use permits. This will ensure the most updated versions of the documents are being followed and ease the burden on regulated entities to determine the applicability of specific documents.