DEPARTMENT OF TRANSPORTATION

Chapter 150

Land Use Permit Manual

Part I.

General Information

Article 1.

General.

24VAC30-150-10. [Reserved]

24VAC30-150-20. General rules and regulations of the Commonwealth Transportation Board.

A. Definitions: When used in these Rules and Regulations,

"Board" means the Commonwealth Transportation Board, Commonwealth of Virginia.

"Commissioner" means the Vice-Chairman of the Commonwealth Transportation Board for the Commonwealth of Virginia.

"Commonwealth" means the Commonwealth of Virginia.

"Department" means the Department of Transportation, Commonwealth of Virginia.

"Right of way" means that property within the entire area of every way or place of whatever nature within the system of state highways under the ownership, control, or jurisdiction of the board or department, which is open or which is to be opened within the future for the use of the public for purposes of travel in the Commonwealth. The area set out above includes not only the traveled portion but the entire area within and without the traveled portion, from boundary line to boundary line, and also all parking and recreation areas which are under the ownership, control or jurisdiction of the board or department.

"System of state highways" means all highways and roads under the ownership, control, or jurisdiction of the board including, but not limited to, the primary, secondary, and interstate systems.

B. No work of any nature shall be performed on any real property under the ownership, control, or jurisdiction of the board, including but not limited to, the right of way of any highway in the system of state highways until written permission is first obtained from the commissioner. Written permission, under this section, is granted by way of permit except that the letting of a

contract by and between the department and any other party grants to that party automatically the permission spoken of in this section for the area under contract, unless otherwise stated in the contract. The Land Use Permit Manual shall set forth specific requirements for such permits.

C. All permits, except as hereinafter provided, must be in writing and signed by the person duly authorized by the commissioner. Except as hereinafter provided, application for all permits shall be made through the resident engineer of the county where the work is to be performed.

D. A permit may be denied any applicant and all permits issued by the board or the commissioner may be revoked whenever in the opinion of the commissioner, safety, use, or maintenance of the highway so requires.

E. No land use permit shall be issued until the applicant has complied with the restrictions, specifications, and fee requirements set forth in the Land Use Permit Manual, where applicable, and pursuant to the Manual of "Minimum Standards of Entrances to State Highways", when applicable. The manuals referred to are those prepared and published by the board or commissioner and kept on file in the central, district, and resident offices of the department, changes to which must be adopted or ratified by the board.

F. Applicants to whom permits are issued shall at all times indemnify and save harmless the board, members of the board, the Commonwealth, and all Commonwealth employees, agents, and officers, from responsibility, damage, or liability arising from the exercise of the privileges granted in such permit.

G. Any structures placed upon or within the right of way pursuant to a permit issued by the board or commissioner shall be relocated or removed whenever ordered by the commissioner. Such relocation or removal shall be accomplished at no expense to the Commonwealth unless the department agrees or has agreed otherwise.

H. No person, firm or corporation shall use or occupy the right of way of any highway for any purpose except travel thereon except as may be authorized by the board or commissioner either in the Land Use Permit Manual or as provided by law.

I. No person, firm or corporation shall stand or park a vehicle of any description on any bridge forming a part of the system of state highways unless authorized by the commissioner. No person shall fish or seine from any such bridge except when facilities are provided for such purposes as set out in §33.1-207 of the Code of Virginia. No person, firm or corporation shall use any such bridge as a wharf from which to load or unload any vehicle, nor as a place of deposit for any property, nor for any other purpose except for crossing. Nor shall the master or owner of any vessel make it fast to or lay it alongside such bridge. Provided, however, this section shall not apply to highway maintenance vehicles or vessels.

J. No person, firm or corporation shall without the consent of the commissioner remove, injure, destroy, break, deface, or in any way tamper with any property, real or personal, which is growing or has been placed on the right of way of any highway within the system of state highways by or with the consent of the board or commissioner.

K. Mail boxes and newspaper boxes may be placed on the right of way of any system of state highways without a permit, but shall be so placed as not to, in the opinion of the commissioner, interfere with the safety, maintenance and use of the highway. Such opinion is to be found in the department's Land Use Permit Manual.

L. No person, firm or corporation may cause water from any source to flow upon the right of way of any highway within the system of state highways, nor shall any person, firm, or corporation cause any increase of the water, at present, lawfully on the right of way of any highway or concentrate the flow of water upon the right of way of any highway in the system of state highways without the written consent of the resident engineer for the department.

M. No road, railroad, or tracks of any description shall be laid along, upon, or across any portion of a highway in the system of state highways without the written consent of the commissioner. The Land Use Permit Manual shall set forth specific requirements for said written consent.

N. All areas maintained by the department for parking, picnics, or recreational purposes shall be considered as part of the system of state highways for the purpose of these General Rules and Regulations of the board. The rules or regulations governing each area will be duly posted in that area. No person, firm, or corporation shall violate any of these rules or regulations, or both, nor shall they deface, injure, knock down, destroy, or remove any such signs regularly posted.

O. The board under §33.1-12 (3) of the Code of Virginia reserves the power to regulate entrances from adjacent property upon the right of way of any highway within the system of state highways. No entrance of any nature shall be made, built, or constructed upon the right of way of any highway within the system of state highways until the location has been determined in the opinion of the appropriate officer of the department to be acceptable from a public safety standpoint, and further, until approval has been granted by the department. The design and construction of such entrances as approved by the commissioner pursuant to §33.1-198 of the Code of Virginia must comply with the "Minimum Standards of Entrances to State Highways" and the Land Use Permit Manual where the same are applicable.

P. If any object or objects are placed on, above, or under the right of way of any highway within the system of state highways in violation of the preceding sections, and the owner, after ten days' notice, refuses to remove the object or objects, the commissioner may cause same to be removed at owner's expense.

This shall not be interpreted to prevent the commissioner from immediately removing any object or objects which, in his opinion, must be removed for public safety, use, or maintenance of any highway within the system of state highways. Removal in this instance shall also be at owner's expense.

Q. No airport runways, heliports, etc., either private or commercial, shall be placed adjacent to highway right of way in such a manner as to impede the safe flow of vehicular traffic. Runways, etc., shall be placed a proper distance to allow a minimum glide slope for aircraft of 3° approaching said runway, or at a height over the roadway of 30 feet, whichever is the greater. All airport or heliports, or both, proposed in the vicinity of highway rights of way shall take these

minimum road clearances into consideration when planning the location of the end of their runways.

R. Any person, firm, or corporation violating any of the preceding sections shall be civilly liable to the Commonwealth for any and all expenses or damages, or both, incurred by the department and shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided for in §33.1-19 of the Code of Virginia.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.020; eff. November 15, 1983.

24VAC30-150-30. Violations of rules and regulations.

Violation of rules and regulations is a misdemeanor. By virtue of §33.1-19 of the Code of Virginia any person, firm or corporation violating the Commonwealth Transportation Board's rules and regulations, or any addition or amendment thereto, shall be guilty of a misdemeanor. Any prosecution under this statute should be instigated by the Commonwealth's Attorney in the county where the offense arises.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.030; eff. November 15, 1983.

24VAC30-150-40. Discovery of a violation.

When a violation is discovered, the resident engineer, or his representative, should seek out the violator and inform him of his violation and request an immediate correction.

Generally, this will be sufficient. In the event there is a refusal to conform with the resident engineer's request, a certified letter should be addressed to the violator to the effect that there must be a compliance with the law within a stated period (depending upon the individual situation), and unless there is a compliance within the stated time, the Virginia Department of Transportation shall pursue remedy as is provided by law. After the specified time has elapsed, the resident engineer should contact the Commonwealth's Attorney and explain to him what has transpired. If the Commonwealth's Attorney so advises, a criminal warrant should then be issued for the prosecution of the party involved. If the Commonwealth's Attorney refuses to prosecute, a record should be immediately forwarded to the central office for consideration.

It should be borne in mind that the above should be followed in the ordinary cases. Emergency cases should be handled in the most practical manner to ensure continued use of the highways. When cases arise that result in the closing of a highway or the impairment of its use, the field forces should take immediate steps to alleviate the situation. (It may be necessary to engage the Virginia State Police or local police). If in doubt, field forces should immediately contact the maintenance engineer.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.031; eff. November 15, 1983.

24VAC30-150-50. Minor encroachments.

In many instances, it will be impractical to prosecute a person violating the rules and regulations. Minor encroachments on the right of way, unauthorized ditches, entrances and many other minor violations can be corrected by department forces without resort to the courts.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.032; eff. November 15, 1983.

24VAC30-150-60. Issuance of permits.

Except as otherwise noted, applications for permits shall be made through the office of the resident engineer of the county in which the work is to be performed. Permit applications for work proposed on the Richmond-Petersburg Turnpike, shall be made through the office of the Richmond Petersburg Turnpike Authority. Outdoor advertising permits shall originate in the office of the district environmental coordinator.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.040; eff. November 15, 1983.

24VAC30-150-70. Permits issued by resident engineer.

Resident engineers are authorized to issue the following types of permits:

1. Private entrances (where bond is not required)

2. Decorations, banners, parades and special events

3. Individual logging roads, other temporary private entrances

4. Building movements (with approval of the permit manager)

All permits issued by the residency and district offices shall be reviewed first in the residency. All permits whether they are approved and issued through the permit manager's office, the district office or the residency office, the inspection for same shall be done in the residency.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.041; eff. November 15, 1983.

24VAC30-150-80. Permits issued by district administrator.

District administrators are authorized to issue the following types of permits:

A. Surface work

1. Entrance

a. Commercial (except outdoor theaters)

b. Private entrances (Where a surety coverage is required)

c. Logging roads (blanket permits)

d. Median crossovers (with approval of district traffic engineer)

2. Structures

a. Allowed under right of way agreement (excluding agricultural use agreements)

Permits must originate and be processed by the resident engineer under and in complete accord with the right of way agreement.

b. Shelters

(1) School bus

(2) Other shelters

(3) "Share-the-ride" stations

3. Steps, sidewalks, curb and gutter, etc.

4. Grading, landscaping, tree planting on right of way (except interstate and limited access right of way with the approval of the district environmental engineer)

5. Street or road tie-ins

B. Overhead Installations

1. Poles

2. Guys or Anchors, or both

3. Transmission wire crossings, in excess of 34.5 KV

4. Privately owned installations

C. Underground Installations

1. Wires, conduits, cables, pipelines, etc.

2. Valve and meter boxes - construction, reconstruction or adjusting

3. Manholes - construction, reconstruction or adjusting

4. Test borings - locating leaks or trouble areas in existing lines; locate existing lines for future construction.

5. Fire hydrants

6. Privately owned installations

D. Street lighting

E. Minor drainage installations pipes, inlets, manholes, etc. (with approval of district hydraulics engineer)

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.042; eff. November 15, 1983.

24VAC30-150-90. Permits issued by the highway permit manager.

A. Surface work

1. Entrances

a. Outdoor theaters (with approval of traffic engineer)

b. Railroad grade crossings (with approval of traffic engineer, maintenance engineer, secondary roads engineer and railroads and utilities engineer)

c. Service roads

2. Miscellaneous

a. Grading on interstate and limited access right of way (with approval of chief engineer and environmental engineer)

b. Farm ponds (with approval of right of way and location and design engineers)

c. Telephone booths (with approval of maintenance and right of way engineers)

d. Water level recorders (with approval of location and design engineer and structure and bridge engineer)

e. Crest stage gauge installations (with approval of location and design engineer and structure and bridge engineer)

f. Public boat landing or dock (with approval of maintenance and secondary roads engineers)

g. Access to public fishing waters (with approval of right of way and maintenance engineers)

h. Pedestrian underpass or overpass (with approval of location and design engineer, maintenance engineer, secondary roads engineer and structure and bridge engineer)

i. Construct or reconstruct roads, bridges or other drainage structures (with approval of maintenance, secondary roads and structure and bridge engineers)

j. Fence (with approval of right of way engineer)

k. Agricultural use agreement (land use permit), with approval of right of way engineer, environmental engineer and chief engineer)

l. Landscape permits (limited access right of way)

m. Land use permits (with approval of right of way engineer, environmental engineer and chief engineer)

n. Special agreements (when issued along with CE-7 permit and with the approval of the chief engineer)

B. Overhead Installations

1. House service connections (blanket permits, initial application and renewals)

2. Power and communication lines crossing interstate and limited access right of way.

3. Utility attachments to bridges (with approval of structure and bridge engineer)

4. Overhead pipes, chutes and conveyors (with approval of secondary roads engineer or maintenance engineer)

5. School warning beacons or lights (with approval of traffic engineer)

6. Wires to serve flashing school warning beacons or lights

7. Railroad active warning devices at grade crossing under permit (with approval of traffic engineer, secondary roads engineer, maintenance engineer and railroads and utilities engineer)

8. Permits covered by signed policy agreement.

9. Fire station warning lights (with approval of traffic engineer)

C. Underground Installations

1. Wires to serve flashing school warning beacons or lights

2. Conveyors belt (with approval of secondary roads engineer or maintenance engineer)

3. House service connections (blanket permits initial application and renewals)

D. Signs

National Park Service - National Military Park (with approval of traffic engineer)

E. Historical markers (with approval of environmental engineer)

F. Trash containers (with approval of traffic engineer, right of way engineer and environmental engineer)

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.043; eff. November 15, 1983.

24VAC30-150-100. Processing permit applications.

A. Resident engineer

All permit applications requiring district or central office approval shall be forwarded with complete information to the district administrator.

B. District administrator

The district administrator will promptly review and issue, or deny, such permits as he is authorized. In the event a permit is denied, a copy of the letter setting forth the reasons for denial shall be forwarded to the permit manager. The second copy of all permit assemblies approved by the district administrator shall be forwarded to the permit manager. Permit assemblies requiring central office approval shall be reviewed by the district administrator and forwarded with his recommendations to the permit manager.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.044; eff. November 15, 1983.

24VAC30-150-110. Issuance of permits to owner of the facility.

In view of the fact that permits cover not only the actual performance of work within highway rights of way, but also covers the subsequent maintenance, adjustments or removal of same, it is imperative that ALL PERMITS SHALL BE ISSUED TO THE OWNER OF THE FACILITY WITHIN HIGHWAY RIGHTS OF WAY OR ADJACENT PROPERTY OWNER IN THE CASE OF ENTRANCE PERMITS. EXCEPT IN CASES WHERE CONTINUING BONDS ARE REQUIRED, PERMITS MAY BE ISSUED JOINTLY TO THE OWNER AND HIS CONTRACTOR (AS AGENT). NOTE: When permit is issued jointly, the owner's continuous bond is used as well as the contractor's performance bond.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.045; eff. November 15, 1983.

24VAC30-150-120. Permanent record of permits issued.

The central office shall maintain permanent records of all permits issued by district administrator and the central office.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.046; eff. November 15, 1983.

24VAC30-150-130. Work of a continuous nature.

Where work is of a continuous nature along one route, or on several routes within one residency, it should be consolidated into one permit application. Separate permits must be issued covering work in each residency (excluding blanket permits).

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.047; eff. November 15, 1983.

24VAC30-150-140. Work within construction projects.

Discretion must be used in issuing permits for the performance of work within the right of way of a highway construction project during the life of the project (date of advertisement to date of acceptance) to prevent any infringement on the rights of the highway contractor to satisfactorily complete the project in accordance with the contract. In cases where permits are issued within construction projects, the permittee must obtain the contractor's consent in writing before performing any work. When work by the permittee requires coordination with the contractor's operation, a special provision shall be prepared for review by the department's district and central office utilities section of the right of way division before being placed in the contract assembly.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.048; eff. November 15, 1983.

Cross References

Permits for utility adjustments not in connection with utility agreement, 24VAC30-150-180.

Article 2
Permits Required for Utility Adjustments (Including Cable T.V. Companies)

24VAC30-150-150. [Reserved]

24VAC30-150-160. Utilities to be covered by permit.

All utilities placed within highway rights of way shall be covered by permit including adjustments and work performed in connection with utilities agreements. TV cable companies shall be handled in all respect like utilities, except they are considered as a highway right of way relocation item and are not placed under formal utility agreements. Authorization is handled by an exchange of letters. When proposed highway projects encompass existing utility facilities that do not require adjustment, Form CE-7 shall be prepared and submitted stating that "future adjustment cost will be borne by the state." No permit fee shall be charged.

NOTE: Where utility facilities remain in place or are located longitudinally in the area covered by the comprehensive agreement, reimbursement for future adjustment will fall within the guidelines as established for that policy. Form CE-7 shall be prepared and submitted as mentioned above outlining the cost responsibility for future adjustment to be that the Commonwealth will pay for one-half the non-betterment cost of said adjustment.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.051; eff. November 15, 1983.

24VAC30-150-170. Permit for adjustments in connection with utility agreement or ut-11 estimates, or both.

Permits for work covered by utility adjustment agreements, need not be processed until the work has been satisfactorily completed. However, the permits must be processed prior to the pavement of the final voucher for the Commonwealth's share of the adjustment cost. (Refer to Utility Relocation Manual, Volume III). A memorandum shall be prepared at the time of authorization by the district or central office utilities section whichever is governing the work, noting when substantial variances have been allowed and for what reasons with the Land Use Permit Manual.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.052; eff. November 15, 1983.

24VAC30-150-180. Permits for utility adjustments not in connection with utility agreement.

Permits for utility adjustment not covered by agreement (such as when the entire cost of adjustment is to be borne by the utility company) shall be approved by the district administrator prior to any work being performed within highway rights of way. (24VAC30-150-140 requirements apply as well).

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.053; eff. November 15, 1983.

24VAC30-150-190. Utilities to conform with section on accommodation of utilities.

All utilities placed within highway rights of way shall conform to the requirements of Part III of this chapter (24VAC30-150-1100 et seq.) whether covered by utility agreement or normal permit.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.054; eff. November 15, 1983.

Article 3
Permit Charges, Bonds (Continuous Performance), Guarantee Fees, and Irrevocable Letters of Credit

24VAC30-150-200. [Reserved]

24VAC30-150-210. Permit charges.

A permit charge shall be assessed on all permits, unless otherwise noted in this manual, to offset the cost of processing permit applications and making necessary inspection of work performed

under permit to ensure compliance with requirements for the safety and convenience of the traveling public, the preservation of the structural integrity and aesthetic value of highway facilities and engineering analysis of proposed work.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.061; eff. November 15, 1983.

24VAC30-150-220. Permit charges not required.

No permit charge will be required of the United States Government or agency of the Commonwealth of Virginia. Permit charges are not required for permits issued in connection with utility agreements or UT-11 estimates. (Utility adjustments made at utility companies' expense shall require a permit charge, provided the adjustment work is being undertaken for the sole benefit of the utility company.) See 24VAC30-150-320 for additional permits where no fee is required.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.062; eff. November 15, 1983.

24VAC30-150-230. Permit charges required of cities, towns and counties.

Incorporated cities, towns and counties are required to pay permit charges for any work in connection with a proprietary function of such city, town or county.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.063; eff. November 15, 1983.

24VAC30-150-240. Cities, towns and counties may furnish ordinances or resolutions.

Cities, towns and counties may furnish official ordinances or resolutions in lieu of a bond, guarantee fee or irrevocable letter of credit for the work performed under permit. Should the

localities use a contractor as agent to perform work within highway rights of way, he shall furnish the department a performance bond guarantee fee or irrevocable letter of credit in a minimum amount of $10,000 to cover the performance of the work.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.064; eff. November 15, 1983.

24VAC30-150-250. Payment of charges.

All permit charges shall be paid either by check, money order or prepaid coupons issued by the Virginia Department of Transportation. The resident engineer may require cashier or certified check in lieu of personal or firm check. All checks and money orders shall be made payable to the TREASURER OF VIRGINIA.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.065; eff. November 15, 1983.

24VAC30-150-260. Guarantee fees; irrevocable letter of credit.

Unless otherwise stated in the manual, a guarantee fee, irrevocable letter of credit or surety bond shall be required on all permits issued. (Additional information contained in 24VAC30-150-270).

A. Guarantee fees - A guarantee fee is a cash amount paid by the proposed permittee in advance of permit issuance to cover the performance of work within highway right of way. When work covered by the permittee is completed to the satisfaction of the resident engineer, the guarantee fee is refunded in its entirety to the permittee. The guarantee fee may be paid by personal check, cashier check, certified check, or money order.

Should the permittee fail to complete the work to the satisfaction of the resident engineer, then all or whatever portion of the guarantee fee that is required to complete work covered by permit or restore the right of way to its original condition shall be retained by the department.

Refund of guarantee fees are processed by the fiscal division upon notification by the resident engineer on Form MP-70 that the work has been completed. Normally, six to eight weeks should be allowed for return of guarantee fee once notice has been received by the permit office.

A guarantee fee can be used in conjunction with any pressurized two-inch pipeline or less carrying non-flammable liquid and is encased, or any four-inch unpressurized gravity flow pipeline or less, so installed by the resident or his representative. It also can be used in a situation when a multiple utility installation is proposed such as water, sewer, telephone, gas line, etc., provided that upon completion of the installation of the various lines, continuous bonding coverage is obtained by the permittee or utility company or companies taking over service and maintenance of these lines or by ordinance or resolution by the local county, city, town or authority.

NOTE: The completion notice - Form MP-70 will not be processed by the residency until said continuous bonding coverage has been approved by the central office.

B. Irrevocable letter of credit

1. Irrevocable letter of credit may be used in lieu of guarantee fee or performance bond (See Form MP-231). This letter of credit is furnished by a bank and is used to verify a line of credit that will be set aside to provide for coverage of work performed by the permittee or his agent in accordance with the approved permit.

2. Irrevocable letter of credit agreement - This is an agreement between the department and the permittee or his agent outlining the responsibilities of each party concerning payment of cost due to default of work covered under the permit, in accordance with the irrevocable letter of credit issued by the bank (See Form MP-230).

Both the irrevocable letter of credit (Form filled in and signed by a bank official, Form MP-231) and the irrevocable letter of credit agreement (agreement to be filled in and executed by permittee or his agent Form MP-230) should be made a part of the permit assembly when forwarding through channels for approval. When permits are issued on the district level, the district administrator should execute the irrevocable letter of credit agreement on behalf of the department.

An irrevocable letter of credit may be used for the same coverage noted under subsection A of this section. Also, completion procedures shall mirror those as outlined under subsection A of this section.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.066; eff. November 15, 1983.

24VAC30-150-270. Continuing bonds and performance bonds.

All bonds prepared on Form MP-20 shall indicate what permit the bond is for and define what type of work the bond covers, giving permit number, and whether it is a continuous bond or a performance bond.

A. Continuing bond, prepared on Form MP-20. They are required on all permits covering installations within highway rights of way that are of a continuous nature. The estimated amount of the bond is the amount the resident engineer anticipates it will take to complete or restore the work should the permittee fail to do same. The purpose of this type of bond is to ensure proper maintenance of the installation; to ensure the removal or relocation of the installations when deemed necessary for the safety of the traveling public; also for improvements or reconstruction of the highway facility. The bond shall remain in full force as long as the work covered under the permit remains within the highway rights of way.

B. Performance bond, prepared on Form MP-20. They are for the actual performance of the work covered by the permit. The estimated amount of the bond is the amount the resident engineer anticipates it will take to complete or restore the work should the permittee fail to do same. Once the work has been completed to the satisfaction of the department, the performance bond may be cancelled. Responsibility for the work covered by the permit shall not be eliminated until such time as a completion notice has been released by the resident engineer, and coverage under the performance bond shall remain in effect until the bond has been cancelled by the central office permit section.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.067; eff. November 15, 1983.

24VAC30-150-280. Definition of terms.

1. "Initial permit charge" -- This charge is the minimum charge for permit work performed within the highway right of way. When there is more than one type of installation involved with a permit application, the initial permit charge should be assigned to the type of installation in which the major portion of the work is to be done.

2. "Additive permit charge" - - This charge is added when there is more than one of a major installation or more than one type of installation required, and an additional fee is added to the initial permit charge.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.068; eff. November 15, 1983.

24VAC30-150-290. Requirements for permit charges, bonds and guarantee fees, irrevocable letters of credit.

District administrators and resident engineers should determine the amount of time and cost of handling permits for the various operations and should require permit charges, bond fee, guarantee fees, irrevocable letter of credit amounts, that are commensurate with the installation involved. It should be noted that the minimum charges for permit fees, recommended bond guarantee fees and irrevocable letter of credit amounts are just that, minimum recommended fees and amounts. The resident engineer is responsible for setting the fees to cover whatever work is done under permit at an amount that he feels will adequately cover the department's cost to process and inspect the permit or recover whatever costs are incurred due to default by the permittee to complete the work. It is the responsibility of the permittee to obtain the necessary bonding coverage.

If the permit is to be issued for more than one type of installation, (for example, parallel facility and a highway crossing) the permit charge should be computed by combining the charges required for both types of installation. The initial permit charge (major installation) plus whatever additive (minor installation) charges that may be required for other installations involved with the permit application, shall constitute the permit fee. When computing cost for a major installation, if there is more than 100 feet or one pole, entrance, fire hydrant, etc., there will be no additional charge for the first 100 feet pole, etc., but the additive permit charge will come into affect on the second 100 feet pole, etc., for the major installation. On all minor installations, the additive charges shall be assessed on the first 100 feet pole, etc.

Attachment charges shall be assessed for any attachment to an existing or proposed pole line covered under a permit where one utility or TV cable company is proposing to ride the poles of another company. A separate permit shall be obtained by the riding company and initial and additive permit fees shall be charged.

Permit fees for underground installations are computed as follows:

Parallel installation

a. Up to 3,000 lin. ft. normal permit charge will be assessed, plus $5 additive permit charge for each additional hundred feet or fraction thereof.

b. Over 3,000 lin. ft. normal permit charge shall be assessed, plus the permittee shall pay full salary and expenses of an assigned inspector.

EXAMPLES OF PERMIT COMPUTATIONS

EXAMPLE: (A) 200 feet of parallel underground installation, one crossing and one pole.

200 feet = initial permit charge of $40 + additive underground charge of $5 = $45

1 crossing = additive crossing charge = $5

1 pole = additive pole charge = $5

Total $55

EXAMPLE: (B) 2,000 feet of parallel underground installation, one crossing and one pole.

2,000 feet = Initial Permit Charge of $40 + additive underground charge of $95 = $135.

1 crossing = additive crossing charge = $5

1 pole = additive pole charge = $5

Total = $145

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.0680; eff. November 15, 1983.

24VAC30-150-300. Schedule of permit charges.

1. Unless otherwise stated, the Initial Permit Charge shall be $40 minimum plus the "Additive Unit Charges" covered in 24VAC30-150-310, if any.

2. The following is a list of Special Permit Minimum Charges:

a.	Blanket Permits for house service connections, logging roads.	$100 per District, per road system (primary and (secondary)
b.	Special Use Permit (any permit in which a Special Agreement has to be drafted), Land Use Permits (CE-6B)	$100 each
c.	Building Movements	$50 each
d.	Private Entrances (when permit surety coverage is required)	$40

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.0681; eff. November 15, 1983.

24VAC30-150-310. List of additive permit charges.

Type of Structure	Minimum Unit Charges
a. Additive above ground structure (including poles, pedestals, fire hydrants, towers, etc.)	$5 per structure
b. Additive pole attachment charge	$5 per attachment
c. Minor overhead guy charge	$5 per crossing
d. Additive guy and anchor charge	$5 per guy and anchor
e. Additive underground charge	$5 per 100 lin. ft.
f. Additive overhead or underground crossing charge	$5 per crossing
g. Additive excavation charge (includes test borings & emergency openings)	$5 per opening
h. Additive bridge attachments charge	$2 per lin. ft.
i. Additive entrance charge (includes private, commercial, street or road tie-ins, medium crossovers, subdivision); and logging entrances (when not in conjunction with blanket Permit)	$5 per opening or crossover
j. Additive telephone booth charge	$5 per booth
k. Additive surveying charge	$5 per route, per county
l. Additive connection charge (when not in conjunction with blanket permit)	$5 per connection
m. Additive road construction or reconstruction charge	$5 per 100 lin. ft.

n.	Additive sidewalk, curb and gutter	$5 per 100 lin. ft.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.0682; eff. November 15, 1983.

24VAC30-150-320. No-fee permits.

The following is a list of permits in which no permit fee is charged, provided the permittee is a federal, state or local governmental agency:

Crest stage gauge installations, shelters - school bus, share-the-ride, etc., water level recorders, access to public fishing waters, fencing, public boat landings, service roads (constructed by Virginia Department of Transportation), trash containers, National Park Service signs, national military park signs, school warning beacons, fire warning signals, railroad active warning devices, historical markers, banners, tree planting, decorations. NOTE: Private entrances (where bond is NOT required) do not require permit fee.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.0683; eff. November 15, 1983.

Cross References

Permit charges upon state or federal government, 24VAC30-150-220.

24VAC30-150-330. Guarantee fee, performance and continuous bond fees; irrevocable letters of credit.

The following is a list of guarantee fee (G.F.), performance bond fees (P.B.F.) and continuous bond fees (C.B.F.) and irrevocable letter of credit (I.L.C.):

A. All publicly or privately owned utility companies, T.V. cable companies, service authorities, municipalities, counties, etc., installing, operating and maintaining facilities within the highway rights of way, shall secure and maintain a continuous bond, resolution or ordinance in the case of governmental bodies in the minimum amount of $10,000 per county in which they operate.

	Type of Structure	Recommended Minimum Coverage
B.	Entrances	
1.	Private Entrance (where surety coverage is required)	$500 per opening G.F. or P.B.F.
2.	Commercial	$2,500 per opening, G.F., P.B.F. or I.L.C.
3.	Logging Roads	$1,000 per opening, G.F., P.B.F. or I.L.C.
4.	Logging Roads (Blanket)	$10,000 C.B.F.
5.	Subdivision Streets	$2,500 per opening, G.F., P.B.F. or I.L.C.
C.	Miscellaneous Permits	
1.	Construction or reconstruction of roads, bridges and drainage structures	As determined by the resident engineer, G.F., P.B.F., C.B.F. or I.L.C.
2.	Farm Ponds	As determined by the resident engineer, G.F., P.B.F. or I.L.C.
3.	Median Cross-over	$2,500 each G.F., P.B.F. or I.L.C.
4.	Railroad Grade Crossings	$1,000 C.B.F.
5.	Chutes (coal mines, gravel pits, etc.)	$5,000 C.B.F.
6.	Pedestrian Under-pass	As determined by the resident engineers, C.B.F.
7.	Surveying on right of way	$1,000 per route, per county, C.F., P.B.F. or I.L.C.
8.	Steps, side-walks, curb and gutters, etc.	$2,500 G.F., P.B.F. or I.L.C.
9.	Tree Trimming (when not issued in conjunction with regular permit)	$2,500 C.F., P.B.F. or I.L.C.
10.	Landscaping, tree planting, etc.	As determined by the resident engineer, G.F., P.B.F., or I.L.C.
11.	Service roads (constructed by permittee)	$10,000 G.F., P.B.F. or I.L.C.
12.	Special Use Per-mits (any permit in which a special agreement has to be drafted)	As determined by the resident engineer, C.B.F., G.F., P.B.F. or I.L.C.
13.	Land Use Permits	As determined by the

		resident engineer, G.F., P.B.F.,C.B.F. or I.L.C.
14.	Fencing	$1,000 per 100 lin. ft., C.B.F.
15.	Trash Container	$1,000 per site, C.B.F.
16.	Railroad Active Warning	$1,000 each crossing, C.B.F.
17.	Banners and Decorations	$250 G.F.
18.	Test borings (when not associated with publicly or privately owned utility, etc.)	$1,000 each opening, G.F., P.B.F. or I.L.C.
19.	Waterlines, sewer lines, irrigation, pipe, etc., (See 24VAC30-150-260 (A) paragraph 4)	$1,000 per crossing, P.B.F., G.F. or I.L.C.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.0684; eff. November 15, 1983.

24VAC30-150-340. Assignment of an inspector.

When deemed necessary by the Department of Transportation due to the nature or extent of the work involved, traffic volumes, local conditions, etc., may assign an inspector to the work in which case a fee of $40 shall accompany the permit application, and permittee shall pay full salary and expenses of an assigned inspector or inspectors when warranted.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.069; eff. November 15, 1983.

24VAC30-150-350. Failure to properly carry out the work.

Whenever it is found that the work is not being performed in accordance with regulations or specifications of the department or where the permittee fails to carry on the operation in a continuing manner, thus unduly increasing the normal inspection expense, the cost of additional inspection time involved may be deducted from the guarantee fee or irrevocable letter of credit.

However, in such cases, advance notice in writing should be sent by certified mail, return receipt requested, to the permittee advising that such charges will be necessary.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.0691; eff. November 15, 1983.

Article 4
Time Limit

24VAC30-150-360. [Reserved]

24VAC30-150-370. Time limit to be commensurate with work involved.

The time limit, number of days to complete the work within highway right of way shall be commensurate with the work involved. In establishing the time limit, consideration should be given to bad weather, seasonal operations such as seeding, paving, etc. A realistic time limit should be set and the permittee given sufficient time to satisfactorily complete the work.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.071; eff. November 15, 1983.

24VAC30-150-380. Commencement of work.

Normally work should commence within 30 days after the date the permit is issued. Exception will be allowed on complicated or large installations where the work will be performed under contract advertised after the issuance of the permit. Likewise, exceptions may be made when the permit covers work which must be coordinated with a highway project.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.072; eff. November 15, 1983.

24VAC30-150-390. Extensions of time.

District administrators are authorized to grant a reasonable extension of time, not to exceed 6 months on all permits, provided that the request is made in writing by the permittee at least 10 days prior to the expiration date. A copy of the approvals must be sent to the highway permit manager.

If the work covered by the permit has not been completed after a reasonable extension of time, the permit must be reinstated in accordance with 24VAC30-150-460. Consideration will not be given to allowing an extension of permit that has been reinstated after an extension. If the work covered by the permit after one reinstatement is not completed within the specified time indicated on the reinstatement, the department will take the necessary action to have the right of way restored to its original condition, (the permit will be cancelled in accordance with 24VAC30-150-400 through 24VAC30-150-450) and have the permittee pay the expense of performing the work.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.073; eff. November 15, 1983.

Article 5
Cancellation

24VAC30-150-400. [Reserved]

24VAC30-150-410. Procedure for cancelling permits - no work started.

Upon the expiration of the time limit, a permit becomes invalid unless the work has been started and an application for reinstatement of time has been filed at least 10 days prior thereto. The resident engineer should obtain the original permit issued to the applicant (Sheet No. 1) and return same with a request for cancellation to the permit manager. In the event that Sheet No. 1 cannot be obtained, the resident engineer should notify the permittee in writing to the effect that the permit has been cancelled and voided, and that no further work can be done on the permit. Notice should be sent to the permittee by certified mail with return receipt requested.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.081; eff. November 15, 1983.

24VAC30-150-420. Procedure for cancelling permits - permittee's request no work started.

In the event the permittee desires to cancel his permit, he should return the original permit (Sheet No. 1) to the resident engineer, who in turn will forward same along with a request for cancellation through channels to the permit manager. (See 24VAC30-150-440)

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.082; eff. November 15, 1983.

24VAC30-150-430. Procedure for handling delinquent permits.

If, after a reasonable period of time, the permittee has failed to complete the work to the satisfaction of the resident engineer and a reinstatement has been granted, or the work has been reinstated and that time limit has expired or the permittee has become insolvent or is deceased, the following steps shall be taken to restore the right of way to its original condition and recoup any funds spent for restoring same:

1. If the permittee is reluctant to complete the work and is capable of doing so, the resident engineer should notify the permittee in writing by certified mail, return receipt requested, that the permit has been cancelled and voided. The permittee should be advised that he should make every effort to restore the right of way to its original condition within a specified time period that will be determined by the resident engineer, or the department will take the necessary steps to restore the right of way to its original condition and bill the permittee for the expense of performing the work.

2. If the permittee fails to complete the restoration within the time limit allotted and the work was covered by guarantee fee or irrevocable letter of credit, that fee shall be used to restore the right of way. If, however, the work was covered by a bond, the bonding company should be notified by certified mail, return receipt requested, with a copy sent to the permittee, advising the bonding company that as surety for the permittee we are requesting restitution of the right of way by the permittee or their company.

3. It should be noted that failure by the permittee to complete the work covered under permit may require the department to refuse any future permit applications submitted by the permittee. The department does have the recourse of turning the matter over to its attorneys for collection. It should also be noted that failure on the part of the surety (bonding company) to stand behind the bond may require the department to cancel any existing bonds where that company is the surety and remove that company from our listings as acceptable bonding agents in the future.

4. If the restoration is of such magnitude that the work cannot be completed by state forces, then the resident engineer shall solicit bids from qualified contractors and assign the work to

contractors based on the overall low bid. An accounts receivable number should be assigned to the restoration work as well to recover all departmental cost.

5. Once the right of way has been restored by the contractor, Form PA-5 shall be submitted to the permit office outlining the material and labor cost for the contractor's charges. At the same time, Form A-14 invoice shall be prepared and sent to the permittee or surety, whichever is applicable, outlining the total cost to complete the restoration by certified mail, return receipt requested.

6. If restoration can be done by state forces, then an accounts receivable number should be assigned, and when all charges have been accumulated, prepare Form A-14 invoice and send it to the permittee or surety, whichever is applicable, outlining the total cost to complete the restoration by certified mail, return receipt requested.

7. It shall be the resident engineer's determination as to whether the right of way should be restored to its original condition or have the work completed in accordance with the approved permit. This determination should be based on safety of the traveling public and whether the amount of the guarantee or bond is sufficient to complete the work, and whether or not state forces or contract labor, or both, is available to perform the work. The resident engineer also has the discretion to barricade an entrance until such time as the work is completed to his satisfaction.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.083; eff. November 15, 1983.

24VAC30-150-440. Charge for permit cancellation.

The applicable initial permit charge at the time of issuance automatically becomes the cancellation fee. In the event charges assessed on a permit which is to be cancelled was more than the initial normal permit charge, the balance of the permit fee, along with any guarantee fee, will be refunded upon written request by the permittee.

Refund for balance of the permit fee shall be processed on Form DA-02-181-(9-62) which is called "Revenue Refund Voucher". Refund of the guarantee fee shall be processed on Form PA-5.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.084; eff. November 15, 1983.

Cross References

Procedure for cancelling permits - permittee's request no work started, 24VAC30-150-420.

24VAC30-150-450. Procedure for cancelling bonds.

Performance bonds can be cancelled only after all permits covered by the bonds are satisfactorily completed and all claims properly handled. The insurance company issuing the bond must request that the permit office cancel the bond. Form MP-70 must be completed and a record on file in the permit office before cancellation will be granted. The cancellation of a bond cannot be requested by the permittee to the department. There is no charge for cancelling a bond. Continuous bonds that cover facilities that are of a permanent nature must remain in effect as long as the facility is in service.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.085; eff. November 15, 1983.

24VAC30-150-460. Reinstatement.

Permits which have expired may be reinstated once in lieu of cancellation, provided the permittee pay the minimum permit charges as the reinstatement fee. This will avoid the necessity of filing a duplicate application and processing another permit.

At the time of reinstatement, the resident engineer should 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.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.086; eff. November 15, 1983.

24VAC30-150-470. Completion.

Upon completion of the work, the resident engineer shall promptly inspect the work covered under the permit and send a report to the district administrator and permit manager. Form MP-70 should be used to report the completion of a permit.

Any work performed by state forces should be charged to an accounts receivable number and a copy of the A-14 invoice sent to the Fiscal Division, being sure that the invoice clearly shows the permit number.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.090; eff. November 15, 1983.

24VAC30-150-480. Emergency permits.

The district administrator or resident engineer has authority to issue a permit to cover any emergency which requires immediate attention and which cannot be deferred until a permit can be processed. However, concurrent with the issuing of the emergency permit, or immediately upon completion of the work involved, a copy of the permit should be sent to the central office with a report covering the same.

An emergency would exist anytime the public services of a group of individuals are interrupted; when the safety of the public is endangered by a damaged utility such as a ruptured gas line, or when there is a possibility that damage might occur to public or private property unless immediate corrective action is taken.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.091; eff. November 15, 1983.

24VAC30-150-490. Waiver of requirements.

There may be, from time to time, cases of extreme hardship or other extenuating circumstances encountered involving variance with the requirements and provisions of this manual. All such cases shall be subject to review and approval from the central office prior to issuance. The waiver of requirements of this manual, when approved, does not constitute a change in policy. Such permits shall in no way be used or accepted as a precedent in future requests of similar nature.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §1.092; eff. November 15, 1983.

Part II
General Provisions
Article 1
General Provisions

24VAC30-150-500. General.

The following general provisions shall apply to all permits, unless otherwise noted, and shall be made a part of all permits where applicable. This does not preclude the possibility of additional provisions when deemed necessary, or when modification of these provisions are required to meet the needs of a specific permit application. A copy of the approved permit shall be kept on the job site at all times by the permittee.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.000; eff. November 15, 1983.

24VAC30-150-510. Submission of plans.

The applicant for the permit must submit plans of his proposed installations in sufficient time to allow the department to review them and make any necessary studies.

Where deemed necessary by the engineer, copies of a complete drainage layout based on a drainage study by a qualified engineer will be furnished by the permittee along with his plans. This layout will include the ultimate development and clearly show how the permittee proposes to handle the drainage and runoff from his development.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.010; eff. November 15, 1983.

24VAC30-150-520. Engineering design requirements.

The proposed installation granted by this permit must 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, etc. Also any existing utilities in relation to the permittee's work whether above or below ground shall be shown. Location of poles, guys, pedestals, relief values, vent pipes, etc., shall be shown. Height of wires or cables above the crown of the roadway shall be shown. Method of construction shall be indicated; i.e., plowing, trenching (when applicable), boring pushing, jacking, etc.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.020; eff. November 15, 1983.

24VAC30-150-530. Responsibility of applicant.

Applicants to whom permits are issued shall at all times indemnify and save harmless the Commonwealth Transportation Board and the Commonwealth of Virginia from responsibility, damages or liability arising from the exercise of the privilege granted in such permit.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.030; eff. November 15, 1983.

24VAC30-150-540. Responsibility for future maintenance and protection.

The permittee assumes full responsibility for any and all damages that may occur as a result of the work performed under this permit. Furthermore, the department will in no way be responsible for any damage to the facility being placed as a result of future maintenance or construction activities performed by the department. Therefore, every effort shall be made to place the facilities so as to preclude the possibility of damage. Permittee is responsible for the continuing maintenance of those facilities placed within highway rights of way.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.031; eff. November 15, 1983.

24VAC30-150-550. Future adjustment's permittees' responsibility.

The permittee agrees to move, remove, alter, or change any installation that interferes with the ultimate construction of the highway in alignment or grade without cost to the Virginia Department of Transportation.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.032; eff. November 15, 1983.

24VAC30-150-560. "As built" plans.

The utility or developer or both, shall maintain in their local or central office, accurate "as built" plans and profiles of all work completed under permit and make such records available to department personnel upon request.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.033; eff. November 15, 1983.

24VAC30-150-570. Revocable permits.

A permit may be denied any applicant, and all permits issued by the Commonwealth Transportation Board may be revoked whenever, in the opinion of the Commonwealth Transportation Commissioner, the safety, use or maintenance of the highway so requires.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.040; eff. November 15, 1983.

24VAC30-150-580. Department's rights to stop work.

The department reserves the right to stop the work at any time the terms of the permit are not satisfactorily complied with, and the department may, at its discretion, complete any of the work covered in the permit at the expense of the permittee. If it is in the best interest of traffic safety,

the department may complete or have completed at the expense of the permittee any of the work that must be done to properly protect the traveling public.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.050; eff. November 15, 1983.

24VAC30-150-590. Work to be performed to satisfaction of department.

All work done under this permit on the right of way shall in all respects, including location, alignment, elevation and grade, manner of performing the work, restoration of conditions, etc., be subject to department directions and shall be done to the satisfaction of the department's resident engineer or his representative.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.060; eff. November 15, 1983.

24VAC30-150-600. Correction of hazardous conditions.

The permittee shall immediately have corrected any condition which may arise as a result of these installations that the inspector or engineer deem hazardous to the traveling public or state maintenance forces even though such conditions may not be specifically covered in these special provisions or in the Land Use Permit Manual.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.070; eff. November 15, 1983.

24VAC30-150-610. Excavation.

No excavated material is to be placed on the pavement without written permission of the department's engineer, and then only for a limited period of time. When so permitted, the pavement shall be satisfactorily cleared by an approved method. No cleated equipment is to be

used on the pavement without proper protection to the pavement. The work shall be constructed in such a manner that no water, mud, or debris will drain or be tracked onto the roadway. Erosion and siltation control shall be provided in accordance with Virginia Department of Transportation Road and Bridge Specifications (current edition). Where extended work prevails, the permittee will be required to cleanup as the work progresses. The permittee shall see that dusty conditions are kept to a minimum, either by addition of water or calcium chloride at all times.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.080; eff. November 15, 1983.

24VAC30-150-620. Unsatisfactory performance of work.

The permittee agrees that if the work authorized by this permit, including any work necessary to restore shoulders, ditches and drainage structures to their original condition, is not completed by the applicant to the satisfaction of the engineer, the department will do whatever is required to restore the area within the right of way to departmental standards, and the permittee will pay to the Commonwealth the actual cost of completing the work.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.090; eff. November 15, 1983.

24VAC30-150-630. Condition of connections and entrances.

Road and street connections, private and commercial entrances are to be kept in a satisfactory condition. Entrances shall not be blocked. Ample provisions must be made for safe ingress and egress to adjacent property at all times. Where entrances are disturbed, they shall be restored to the satisfaction of the department.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.100; eff. November 15, 1983.

24VAC30-150-640. Necessity to assign inspectors.

If, during or before construction, it is deemed necessary by the department to assign inspectors to the work, the permittee is to pay the department an additional inspection fee in an amount that will cover the salary, expense allowance and mileage allowance, equipment rental, etc., of the inspector or inspectors assigned by the department for handling work covered by this permit. Said inspection fee to be paid promptly each month on bills rendered by the department.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.110; eff. November 15, 1983.

24VAC30-150-650. Absence of inspector.

The absence of a state inspector does not in any way relieve the permittee of his responsibility to perform the work in accordance with provisions of this permit, and no changes shall be made without the resident engineer's approval.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.120; eff. November 15, 1983.

24VAC30-150-660. Tree roots.

No trees or shrubs shall be cut or trimmed, and no tree roots over three inches in diameter are to be cut without special permission of the Environmental Section of the department and covered by a properly executed "Tree Trimming Permit". All roots under three inches in diameter are to be clean cut with an axe or saw. Particular attention should be given not to splinter the roots next to the tree. Wherever possible, tunneling through or under roots should prevail instead of cutting anchor roots.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.130; eff. November 15, 1983.

24VAC30-150-670. Road drainage.

Road drainage shall not be blocked. The shoulders, ditches, roadside and drainage facilities, as well as the pavement, shall be kept in an operable condition satisfactory to the department. Necessary precautions shall be taken by the permittee to ensure against siltation of adjacent properties, streams, etc., in accordance with the department's standard practices.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.140; eff. November 15, 1983.

24VAC30-150-680. Protection of existing utility facilities.

The permittee shall comply with the terms of the "Underground Utility Damage Prevention Act," Title 56, Chapter 10.3, §§56-265.14 through 56-265.32 of the Code of Virginia, as amended, prior to doing any excavation to ensure that no damage will be done to existing underground facilities. Where underground facilities are encountered, they shall be protected, even to the extent that hand excavation shall be performed. The department cannot emphasize strongly enough that existing utility facilities shall be protected and that extreme caution shall be exercised.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.150; eff. November 15, 1983.

24VAC30-150-690. Conflict with existing utilities.

Any conflicts with existing utility facilities shall be resolved between the permittee and the utility owners involved.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.151; eff. November 15, 1983.

24VAC30-150-700. Responsibility to procure all necessary permits, etc.

The permittee, or developer, shall procure all additional governmental permits and licenses, pay all charges, fees and taxes, give all notices necessary and incidental to the due and lawful prosecution of this work. The permittee, or developer, shall determine the applicability of other permits in performance of this work, and shall secure such permits as may be required and submit the permit for examination upon request by the department.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.160; eff. November 15, 1983.

24VAC30-150-710. Notification work starting.

Prior to starting work covered under this permit, the permittee shall notify the resident engineer 48 hours in advance.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.170; eff. November 15, 1983.

24VAC30-150-720. Notification work completed.

Upon completion of the work under this permit, the permittee shall notify the resident engineer by letter giving the permit number, county, route and name of the party or parties to whom the permit was issued. (Form MP-232 shall be used for this purpose; also, see 24VAC30-150-470 of the Land Use Permit Manual.)

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.180; eff. November 15, 1983.

24VAC30-150-730. Complying with department's requirements.

Any additional provisions or department standards for entrances, traffic control, construction techniques, material requirements, etc., shall be applicable to this permit and the permittee shall

make himself aware of these requirements and comply with same when performing the work covered under this permit, including but not limited to the department's "Minimum Standards of Entrances to State Highways," "Road Designs and Standards," and "Road and Bridges Specifications" (current editions).

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.190; eff. November 15, 1983.

24VAC30-150-740. Tree trimming or tree removal, or both.

No tree trimming or tree removal shall be permitted in connection with the permit unless a tree-trimming application (Form TT) is completed and is attached to and made a part of the permit application and processed as one permit. The permit fee and guarantee fees for the regular permit should include the tree work involved. Where landscape is disturbed on state right of way, it shall be replaced with a minimum of 2 inches of top soil and reseeded according to state's specifications.

The application for tree trimming will normally be inspected by the district environmental coordinator and approved or denied by the district administrator.

Such application that includes tree removal and special or unusual cases involving tree trimming must be forwarded to the permit manager to be reviewed by the maintenance division, the environmental division and others as may be concerned, and approved by the environmental engineer.

Permits shall not be granted for removing trees or grading on the right of way of the interstate system or on the limited access portions of the arterial network and other systems, or otherwise changing their appearance, except in unusual circumstances where such work would improve the appearance, safety or operation of such highways. (See Highway Commission Resolutions dated 7-15-65 and 10-25-73.)

A tree-trimming permit application is not needed when the cutting or trimming of trees is required in conjunction with utility relocation work performed under all types of utility relocation agreements.

Permit applications that do not require any tree trimming or tree removal shall clearly indicate same on the application.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.200; eff. November 15, 1983.

24VAC30-150-750. Adjusting existing property pins and right of way monuments, highway signs, etc.

The permittee is responsible for identifying locating, adjusting and/or relocating property pins and right-of-way monuments or any combination of these tasks, including making all arrangements therefor. Any highway signs, right-of-way markers, etc., disturbed as a result of this work shall be accurately reset by the permittee immediately following the work in the vicinity of the disturbed facility.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.210; eff. November 15, 1983.

24VAC30-150-760. Traffic protection.

Traffic shall not be blocked or rerouted without special written permission of the department's engineer. Where one-way traffic is permitted to be maintained, it shall be flagged 24 hours per day by trained flag persons. Traffic shall at all times be properly protected by adequate lights, barricades and signs, as specified in the department's "Typical Traffic Control for Work Area Protection Manual" or as directed by the resident engineer or his representative. Signs shall be in accordance with specifications of the "Manual on Uniform Traffic Control Devices", current edition.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.220; eff. November 15, 1983.

Article 2
General Underground Provisions

24VAC30-150-770. General underground provisions.

Underground installations on highway rights of way shall comply with the General Provisions of the Land Use Permit Manual (current edition) and shall also include, but not limited to, the following provisions.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.300; eff. November 15, 1983.

24VAC30-150-780. Responsibility of district administrators and resident engineers.

It is the duty of the district administrators and resident engineers to keep and maintain all roads in a safe travelable condition at all times, and therefore, must have the full cooperation of the permittee and all concerned. It must be understood with the permittee that in case it is found practicable and necessary to do so, the district administrators and resident engineers have the authority to suspend the work and discontinue issuance of permits.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.300a; eff. November 15, 1983.

24VAC30-150-790. Open trenches.

Long open trenches will not be permitted. The maximum length trench at any time, including backfilled portion which is not suitable for traffic, shall not exceed 500 feet. Trenches are not to be left open over night unless otherwise directed by the resident engineer.

When installation is made in the shoulder or other traveled portions of roadway which are not hard-surfaced, the top 10 inches of trench must be replaced with good bank gravel or crusher-run stone with a capping or crusher-run material over the entire shoulder.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.320; eff. November 15, 1983.

24VAC30-150-800. Backfill and compaction.

All backfilling of trenches shall be in layers of not greater thickness than six inches, and shall be made to a minimum of 95% theoretical density, at optimum moisture content, in accordance with the department's "Road and Bridge Specifications" (current edition). All materials used in restoration of the pavement including concrete, plant mix, etc., must be in accordance with current department standards.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.330; eff. November 15, 1983.

24VAC30-150-810. Pavement restoration.

On pavement cuts, base and pavement material shall be replaced to one and one-half times the thickness of the original material, and replacement material used must conform with highway specifications. Compaction shall be by pneumatic tampers, or by other approved methods. Compaction by water will not be permitted. The permittee will be held responsible for any sinks in backfill or pavement for a period of three years after the completion of work. The backfill trench shall be maintained to the satisfaction of the department. Permittee shall be responsible for the continuing maintenance of the facilities placed within the highway right of way.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.331; eff. November 15, 1983.

24VAC30-150-820. Boring, etc., under roadway crossing, minimum cover.

Where pavement exists, all underground crossings shall be bored, pushed, or jacked and shall have a minimum cover of 36 inches below finished grade, including 36 inches below the ditch line and lower where other underground facilities exist, unless conditions dictate otherwise. The pavement shall not be cut unless otherwise approved by the highway permit manager or prevailing authority, and then only if justifiable circumstances prevail or proof is shown that a thorough attempt has been made to push, bore, or jack. All roadway crossings shall be made as nearly as possible at right angles to the center of the road.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.340; eff. November 15, 1983.

24VAC30-150-830. Open cutting allowed.

Whenever pavement is permitted to be cut, not over one-half of its width shall be disturbed at one time; and the first half shall be completely restored to a satisfactory travelable condition before the second half can be opened. All backfill material within the roadway shall be crushed stone. Where the pavement is disturbed or weakened, all or portions of it as deemed desirable by the department shall be restored the same day in the manner as directed by the department and to the satisfaction of the department's resident engineer. When open cutting is permitted in road crossings, the permittee shall resurface the roadway with like material that is existing for a distance to be determined by the resident engineer on either side of the disturbed area from edge of pavement to edge of pavement. A smooth grade shall be maintained from the centerline of existing road to the edge of existing pavement to preclude the forming of false gutters or the ponding of any water on the roadway, or both.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.350; eff. November 15, 1983.

24VAC30-150-840. Location of parallel facilities.

All parallel installations placed within the highway right of way shall be placed on the outer 3 to 5 feet edge of the right of way unless conditions dictate otherwise.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.360; eff. November 15, 1983.

24VAC30-150-850. Minimum cover (parallel).

All parallel underground installations with exception of cable TV and telephone placed within the highway right of way shall be a minimum of 36 inches cover below finished grade unless

conditions dictate otherwise. TV and telephone cable shall have a minimum cover of 30 inches below finished grade.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.370; eff. November 15, 1983.

24VAC30-150-860. Above ground mounted installations.

Where feasible, all above ground-mounted installations (such as poles, guys, fire hydrants, telephone pedestals, etc.) shall be located adjacent to the right-of-way line. All manhole covers, valve boxes, etc., shall be installed in the shoulders or embankment two inches below the existing contours.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.380; eff. November 15, 1983.

24VAC30-150-870. Marking of underground utilities.

When underground utilities are placed within the highway right of way, their location may be marked. If marked, they are to be in accordance with the appropriate color coding as established under §56-265.21 of the Code of Virginia. The location of signs and markers, indicating the type of underground line, who to contact (telephone number), shall be placed when necessary at the discretion of the resident engineer. Generally, the location of these signs shall be on the outer edge of the right of way out of the way of normal maintenance operations. Actual locations shall be approved by the resident engineer. Erection and maintenance of these markers shall be the responsibility of the utility owner.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.390; eff. November 15, 1983.

24VAC30-150-880. General overhead provisions.

Overhead installations on highway rights of way shall comply with the General Provisions of the Land Use Permit Manual (current edition) and shall also include, but not be limited to, the following provisions:

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.400; eff. November 15, 1983.

24VAC30-150-890. Overhead installation.

All overhead installations shall not be placed with less than 18 feet vertical clearance of all primary and secondary roads; a minimum of 21 feet vertical clearance shall be required on interstate highways at any point at any time. In all cases, vertical clearances shall comply with the standards as required by the National Electric Safety Code (current edition). All roadway crossings shall be made as nearly as possible at right angles to the center of the road.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.410; eff. November 15, 1983.

24VAC30-150-900. Location of overhead parallel facilities.

All overhead parallel installations placed within the highway rights of way shall be placed on the outer 3 to 5 feet edge of the right of way unless conditions dictate otherwise. However, no aboveground installations (poles, anchors, guys, etc.) shall be placed between the ditch line and the traveled roadway.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.420; eff. November 15, 1983.

Article 3
Commercial Entrance Provisions

24VAC30-150-905. Compliance.

Commercial entrances shall comply with the applicable general provisions of the Land Use Permit Manual (current edition) and shall also include, but not be limited to, the following provisions; note vertical clearances described in 24VAC30-150-890 are applicable.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.420; eff. November 15, 1983.

24VAC30-150-910. Entrance to be constructed to department standards.

The commercial entrance granted by this permit shall be constructed exactly as shown on the permit or the accompanying sketch, or both. The entrance shall be constructed in accordance with the department's "Commercial Entrance Design Standards"; the "Minimum Standards of Entrances to State Highways"; and the department's "Road and Bridge Specifications" (current editions).

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.500; eff. November 15, 1983.

24VAC30-150-920. Base materials.

The entrance is to be constructed with base material and surface material meeting department specifications to depth and width indicated on permit or the accompanying sketch, or both. Base materials are subject to inspection for proper grade and depth by resident engineer prior to paving.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.510; eff. November 15, 1983.

24VAC30-150-930. Installation of drainage pipe.

If a pipe is required under the entrance, it shall be of sufficient length to allow a 3 to 1 slope from top of curb to ends of pipe, and shall be installed exactly as shown on the permit or the accompanying sketch, or both. Entrance is to be constructed so as not to impair drainage within the right of way, with any and all drainage pipe being supplied by the permittee and approved by the department.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.520; eff. November 15, 1983.

24VAC30-150-940. Entrance islands.

Concrete curb island(s) shall be backfilled, top-soiled and neatly dressed flush with the top of the curb for the entire length of the curbing. No parking is to be allowed in curb island, or between curb and edge of pavement, in or adjacent to entrances. Signs are also prohibited in islands within the highway rights of way.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.530; eff. November 15, 1983.

24VAC30-150-950. Grading near existing utility.

This permit does not grant permission to grade near, adjust, or disturb in any way existing poles or underground lines. Permission to do so must be obtained from the proper utility company, and any expenses incurred shall be worked out between the permittee and the utility owner involved. The permittee shall comply with the terms of the "Underground Utility Damage Prevention Act," Title 56, Chapter 10.3, §§56-265.14 through 56.265.32 of the Code of Virginia.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.540; eff. November 15, 1983.

24VAC30-150-960. Commercial entrance curbing.

For commercial entrances requiring CG-2 or CG-6 curbing on roads with shoulders, the minimum distance from edge of pavement to the beginning of the curbing should be at least 8 feet for secondary roads and 12 feet for primary roads.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.550; eff. November 15, 1983.

24VAC30-150-970. Planting of shrubbery.

Prior to any planting of shrubbery on the right of way, a permit outlining the proposed planting must be received and approved by the department.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.560; eff. November 15, 1983.

24VAC30-150-980. No signs on right of way.

No signs or advertising of any nature shall be placed on highway right of way or overhang the right of way.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.570; eff. November 15, 1983.

24VAC30-150-990. Placing of guardrail.

Guardrail, if specified, shall be installed as shown on the permit or on the accompanying sketch or both, and shall comply with department standards.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.580; eff. November 15, 1983.

24VAC30-150-1000. No obstructions in entrance.

The roadway shoulder area shall not be impeded by a headwall, curb or other obstruction, and normal shoulder slope of the roadway shall be maintained across the entire width of the entrance. A neatly secured joint is to be provided where entrance pavement joins existing highway. The permittee shall be responsible for correction of entrance pavement (when necessary) if future resurfacing is performed on the highway pavement.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.600; eff. November 15, 1983.

24VAC30-150-1010. Drainage kept clear of obstructions.

Existing drainage shall not be interfered with and shall be left in a satisfactory manner.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.610; eff. November 15, 1983.

24VAC30-150-1020. Right of way cleared to department's satisfaction.

The right of way is to be left in a satisfactory condition consistent with adjoining sections of the highway, with all disturbed areas restored to their former condition.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.620; eff. November 15, 1983.

24VAC30-150-1030. Failure to complete work.

If the permittee fails to complete the work, the department shall do whatever is necessary to restore the area within the right of way to its original condition, or have the work completed, or have the entrance barricaded, whichever is applicable. The actual cost for same shall be the responsibility of the permittee.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.630; eff. November 15, 1983.

24VAC30-150-1040. Entrance will not be permitted to be opened for business.

Permittee shall complete the entrance to the total satisfaction of the department before the entrance can be opened for business. Should the work not be completed to the satisfaction of the department, the department shall take whatever steps necessary to have the entrance closed.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.640; eff. November 15, 1983.

24VAC30-150-1050. Responsibility for maintenance.

Entrances and curbs shall be maintained by the permittee exactly as indicated on the permit. Section 33.1-198 of the Code of Virginia stipulates that: "All commercial entrances . . . shall be maintained by the owner of the premises at all times in a manner satisfactory to the Commonwealth Transportation Commissioner." The permittee to whom this permit is issued shall comply with this section of the Code.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.650; eff. November 15, 1983.

24VAC30-150-1060. Denying or revoking commercial entrances permits.

In accordance with §33.1-12 (3) of the Code of Virginia, concerning the general rules and regulations and as established in the "General Rules and Regulations of the Commonwealth Transportation Board," 24VAC30-20-10 et seq.: "A permit may be denied any applicant and all permits issued by the board or the commissioner may be revoked whenever in the opinion of the commissioner, safety, use or maintenance of the highway so requires." The permittee for whom this permit is issued shall be required to comply with this section of the Code of Virginia.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.660; eff. November 15, 1983.

24VAC30-150-1070. Upgrading commercial entrances.

The upgrading of a commercial entrance may be required, but not necessarily limited to the following reasons:

a. When the entrance has been determined to be unsafe for public use because of physical erosion of the entrance, increase motor vehicle traffic on the main thorough fare. Original design standards become so antiquated that safe ingress and egress can no longer be made.

b. When the commercial use of the property or volume of traffic in and out of the entrances changes significantly to require upgrading, etc.

c. When the entrance becomes unserviceable due to large volumes of traffic in and out of entrances; heavy equipment; deterioration of the entrance by natural causes, etc.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.670; eff. November 15, 1983.

24VAC30-150-1080. Unauthorized encroachment.

The issuance of this permit application does not authorize encroachment on properties other than that which are owned or controlled by the department.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.680; eff. November 15, 1983.

24VAC30-150-1090. Special provisions for blanket permits.

Blanket permit connections shall comply with the General Provisions of the Land Use Permit Manual, (current edition) and shall include, but are not limited to, the following provisions.

A. These special provisions shall govern the construction of any service connection covered by this permit on the _____ (primary or secondary) system of roads in county or counties as indicated on the face of the permit. (the interstate system or limited access rights of way are not covered by this blanket permit.)

B. This permit will expire on June 30, following the date of issuance. The time will be extended for a period of one year when use of this permit justifies such extension of time. Before such extensions of time will be granted, all work under this permit shall have been performed in a satisfactory manner. An annual fee of $100 per county, per road system, for each blanket permit must be submitted with initial application and paid in advance of granting further annual extensions.

C. The resident engineer, if deemed necessary, reserves the right to require the _____ (Name of permittee) to apply for a regular permit with permit fee on any installation covered under this permit.

D. Immediately upon completion of each and every individual service connection made under this permit, a sketch in triplicate shall be sent to the resident engineer, Virginia Department of Transportation, _____ (Residency), with the following information shown thereon:

(1) Permit Number

(2) Number of line crossings

(3) Approximate skew with centerline of highway

(4) Date of installation

(5) Location (route number and distance in tenths of a mile to nearest intersection)

(6) Name and address of property owner for which connection is made

(7) Location of line from which service connection is made in relation to the center-line of the highway. State whether line is existing or new.

E. Whenever a series of service connections are made on one route to different subscribers, one notification as outlined in Section D will be satisfactory if all of the information as required in Section D is given for each connection.

F. No new poles, pedestals, etc., are to be located on Virginia Department of Transportation rights of way in connection with this blanket permit. However, service connections can be made under this permit from existing lines which are now located on the right of way.

G. In cases of underground installation, the minimum cover shall be not less than 36 inches.

H. _____ (Name of permittee) will make the crossing conform to the latest requirements of the appropriate National Safety Code.

I. In cases of underground crossings, the crossings shall be made by boring, jacking, etc. Cutting of the pavement will not be permitted.

J. Any item not covered herein shall comply with the Virginia Department of Transportation's Land Use Permit Manual dated August 1982, or current replacement edition.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §2.700; eff. November 15, 1983.

Part III
Special Guidelines for the Accommodation of Utility Facilities Within Controlled Access Rights of Way
Article 1
General Provisions

24VAC30-150-1100. Introduction.

This policy is a guide for all highways that have full or partial control of access. The Geometric Design Standards for the National System of Interstate and Defense Highways adopted by the American Association of State Highway Officials on July 12, 1956, and accepted by the Bureau of Public Roads on July 17, 1956, provide, in accordance with Section 109 of Title 23, U.S. Code, Highways, 1958, for control of access on all sections of the Interstate System.

Control of access can be materially affected by the extent and manner in which public utilities cross or otherwise occupy the highway right of way.

In order to carry out the intent of Title 23, U.S. Code, a uniform policy is needed to establish the conditions under which public and private utilities may be accommodated on the controlled

access right of way. The following statements constitute such a policy. While the policy has as its primary purpose in increasing and maintaining highway safety and function to the maximum and ensuring uniformity of utility treatment, it recognizes the public interest in avoiding unnecessary and costly operation of public utility organizations. The policy applies to all highways with full control of access regardless of system. Also it has value as a guide for all highways with partial control of access.

It is not the intent of this policy to impose restrictions on the future installations of utility crossing to the extent that would obstruct the development of expanding areas adjacent to the controlled access highway.

This policy makes no reference to reimbursement to utility owners for the cost of adjusting or installing utilities on controlled access highways. Reimbursement is subject to state laws.

It is the intent of this policy to establish procedures whereby the Virginia Department of Transportation may uniformly administer same.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.000; eff. November 15, 1983.

24VAC30-150-1110. Definition of terms.

The terminology used in utility guidelines and policies should depart as little as practical from the conventional, but there is need for some terms having restricted or special meaning. The following definitions used in this guide are suggested for use by all.

"Average daily traffic" - The average 24-hour volume, being the total volume during a stated period divided by the number of days in that period. Unless otherwise stated, the period is a year. The term is commonly abbreviated as ADT.

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

"Bedding" - Organization of soil or other suitable material to support a pipe, conduit, casing or gallery.

"Cap" - Rigid structural element surmounting a pipe, conduit, casing or gallery.

"Carrier" - Pipe directly enclosing a transmitted fluid (liquid or gas).

"Casing" - A larger pipe enclosing a carrier.

"Coating" - Material applied to or wrapped around a pipe.

"Conduit or duct" - An enclosed tubular runway for protecting wires or cables.

"Control of access" - The condition where the right of owners or occupants of abutting land or other persons to access, light, air, or view in connection with a highway is fully or partially controlled by public authority.

"Distribution company" - Any company having pipelines installed to convey gas or petroleum products to individual service lines or other mains.

Distribution pipelines are defined, for the purpose of these guidelines, as pipelines which transmit gas or petroleum products from distribution centers or transmission lines to other distribution pipelines or service connections, and the operating pressure will produce a hoop stress of less than 20 percent of the specified minimum yield strength of the pipe.

"Full control of access" - The authority to control access is exercised to give preference to through traffic by providing access connections with selected public roads only by prohibiting crossings at grade or direct private driveway connections.

"Partial control of access" - The authority to control access is exercised to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings at grade and some private driveway connections.

"Cover" - Depth of top of pipe, conduit, casing or gallery below grade of roadway or ditch.

"Cradle" - Rigid structural element below and supporting a pipe.

"Direct burial" - Installing a utility underground without encasement, by plowing.

"Drain" - Appurtenance to discharge liquid contaminants from casings.

"Encasement" - Structural element surrounding a pipe.

"Encroachment" - Unauthorized use of highway right of way or easements as for signs, fences, buildings, utilities, parking, storage, etc.

"Expressway" - A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.

"Flexible pipe" - A plastic, fiberglass, or metallic pipe having large ratio of diameter to wall thickness which can be deformed without undue stress.

"Freeway" - An expressway with full control of access.

"Frontage road" - A local street or road auxiliary to and located on the side of an arterial highway for service to abutting property and adjacent areas and for control of access.

"Gallery" - An underpass for two or more utility lines.

"Grounded" - Connected to earth or to some extended conducting body which serves instead of the earth, whether the connection is intentional or accidental.

"Grout" - A cement mortar or a slurry of fine sand or clay.

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

"Jacket" - Encasement by concrete poured around a pipe.

"Manhole" - An opening in an underground system which workmen or others may enter for the purpose of making installations, inspections, repairs, connections, and tests.

"Median" - The portion of a divided highway separating the traveled ways for traffic in opposite directions.

"Normal" - Crossing at a right angle.

"Oblique" - Crossing at an acute angle.

"Pavement structure" -- The combination of subbase, base course, and surface course placed on a subgrade to support the traffic load and distribute it to the roadbed.

"Permit" - That document by which the department regulates or gives approval or both, of the use and occupancy of highway right of way by utility facilities or private lines.

"Pipe" - A tubular product made as a production item for sale as such. Cylinders, formed from plate in the course of the fabrication of auxiliary equipment, are not pipe as defined here.

"Plowing" - Direct burial of utility lines by means of a "plow" type mechanism which breaks the ground, places the utility line and closes the break in the ground in a single operation.

"Pressure" - Relative internal pressure in psig (pounds per square inch gauge)

"Right of way" - A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes.

"Rigid pipe" - Pipe designed for diametric deflection of less than one percent.

"Roadside" - A general term denoting the area adjoining the outer edge of the roadway. Extensive areas between the roadways of a divided highway may also be considered roadside.

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

"Safety rest area" - A roadside area with parking facilities separated from the roadway provided for motorists to stop and rest for short periods. It may include drinking water, toilets, tables and benches, telephone, information and other facilities for travelers.

"Scenic overlook" - A roadside area provided for motorists to stop their vehicles beyond the shoulder, primarily for viewing the scenery in safety.

"Semi-rigid pipe" - Pipe designed to tolerate from 1% to 3% diametric deflection.

Service connections are defined, the purpose of these guidelines, as gas or petroleum product pipelines installed between a distribution main, pipelines or other source of supply, and the premise of the individual customer.

"Slab, floating" - Slab between but not contacting pipe or pavement.

"Sleeve" - Short casing through pier or abutment of highway structure.

Transmission pipelines are defined, for the purpose of these guidelines, as pipelines installed for transmitting gas or petroleum products at high pressure over long distances from source of supply distribution centers or other terminal points.

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

"Trenched" - Installed in a narrow open excavation.

"Untrenched" - Installed without breaking ground or pavement surface, such as by jacking or boring.

"Vent" -- Appurtenances to discharge gaseous contaminants from casing.

"Walled" -- Partially encased by concrete poured alongside the pipe.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.010; eff. November 15, 1983.

24VAC30-150-1120. Utilities to which policy applies.

The principles set forth in this policy apply to all public and private utilities including but not limited to communication, TV cable companies, electric power, water, gas, oil, petroleum products, steam, sewer, drainage, irrigation, and similar facilities. Such utilities may involve construction and maintenance of underground, surface or overhead facilities, either singly or in combination.

This policy shall apply to utilities located within publicly controlled access right of way.

This policy does not apply to utility lines for servicing facilities required for operating the controlled access highway.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.020; eff. November 15, 1983.

24VAC30-150-1130. New utility installations along controlled access highways.

New utilities will not be permitted to be installed longitudinally within the controlled access lines of any highway, except that in special cases such installations may be permitted under strictly controlled conditions and then only with the approval of the chief engineer. However, in each such case the utility owner must show:

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

B. That the accommodation will not be constructed or serviced or both, by direct access from the thru traffic roadways or connecting ramps.

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

D. 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 which would result from the disapproval of the use of such right of way for the accommodation of such utility.

E. In no case will parallel installations be permitted which involves tree removal or severe tree trimming.

NOTE: Pole line for roadway lighting facilities shall be placed in accordance with the department's policy in 24VAC30-150-1650.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.030; eff. November 15, 1983.

24VAC30-150-1140. Existing utilities along proposed controlled access highways.

Where an utility already exists within the proposed right of way of a controlled access highway and it can be serviced, maintained and operated without access from the through traffic roadways or ramps, it may remain as long as it does not adversely affect the safety, design, construction, operation, maintenance or stability of the highway. Otherwise, it must be relocated.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.031; eff. November 15, 1983.

24VAC30-150-1150. Bridge attachments on controlled access highways.

Utilities may be allowed on or through highway grade separation structures across interstate, or other controlled access highways, over crossroads, and across major streams or valleys in extreme cases, and then only when the utility is located off the right of way at both approaches to the structure. Any exceptions granted for facilities in approaches to the structure or for access points within the structure must have specific provisions for installation and servicing same in the permit assembly or be covered by special agreement. Extreme cases and other exceptions must be approved by the chief engineer. Permit applications for bridge attachments must include a sketch and description clearly showing the type of structure and details of the proposed method of attachment and must be approved by the structure and bridge engineer.

Utility installations shall be located beneath the structures floor, between the girders or beams, and at an elevation above the bottom flange of the beam. Attachments to the outside of the exterior beam, parapets and sidewalks are not permissible unless there is no other alternative to attach to the bridge structure and a proven need to attach has been established.

All communication and electric power line attachments shall be insulated, grounded and carried in a conduit(s) or pipe(s) to manholes at either end of structure or to the poles at either end of structure, whichever is applicable.

Water and sanitary sewer attachments need not be encased but shall be constructed of ductile iron or steel pipe in strict accordance with all departmental provisions and specifications.

Consideration should be given to providing insulation casing for water line and sewer line attachments to bridge structures.

Transmission natural gas mains, as well as gas mains that transmit petroleum products, shall not be attached to highway structures. For the purpose of these guidelines, a transmission natural gas main is a main that transmits natural gas, usually under high pressure and for a long distance, from the source of supply to distribution centers or other terminal points.

Distribution natural gas mains may be attached to highway structures. All alternate locations for the installation of a distribution natural gas main shall be considered by the owner prior to requesting that the main be attached to a highway structure. For the purpose of these guidelines, a distribution natural gas main is a main that transmits natural gas from distribution centers to other distribution pipelines or service connections, with an operating pressure that will produce a hoop stress of less than 20 percent of the specified minimum yield strength of the pipe.

A distribution natural gas main attachment to a bridge crossing a roadway or navigable waterway is not desirable and will be approved only if there are no reasonable alternatives.

The construction of a gas main on a highway structure shall conform to the appropriate USA Standards for pressure piping as published by the American Society of Mechanical Engineers and all other state, federal and industry regulations.

Where a controlled access highway crosses a major valley or river on an existing structure, any utility carried by said structure at the time the highway route is improved may continue to be so carried when relocation of the utility would be very costly, and provided the utility can be serviced without interference with road users.

Expansion of a utility carried by an existing structure across a major valley or river may be permitted provided the utility can be installed and serviced without interference with road users.

A new utility will not be permitted to be installed on a structure across a major valley or river at and after the time the highway route is improved, except for special cases as covered by 24VAC30-150-1130.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.040; eff. November 15, 1983.

24VAC30-150-1160. Utilities crossing controlled access highways.

New utility installations and adjustments or relocations of existing utilities may be permitted to cross a controlled access highway. To the extent feasible and practicable, they should cross on a

line generally normal to the highway alignment and preferably under the controlled access highway. Frequent crossings are not desirable and, where practical, crossings should be consolidated or grouped at one location.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.050; eff. November 15, 1983.

24VAC30-150-1170. Utilities along roads or streets crossing controlled access highways.

Where a utility follows a crossroad or street which is carried over or under a controlled access highway, provision should be made for the utility to cross the highway on the locations of the crossroad or street in such manner that the utility can be serviced without access from the through-traffic roadways or ramps. Generally the utilities are to be located within the right of way of the crossroad or street, existing or relocated, and may cross over or under the highway or be carried on or through the highway grade separation structure, provided installation and servicing thereof can be accomplished without access from the through-traffic roadways or ramps. Where distinct advantage and appreciable cost saving is affected by locating the utilities outside the right of way of the crossroad or street they may be so located, in which case they shall be located and treated in the same manner as utility lines crossing the highway at points removed from grade separation structures.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.060; eff. November 15, 1983.

24VAC30-150-1180. Overhead utility crossings.

Overhead utility lines crossing a controlled access highway from grade separation structures, or those crossing near a grade separation but not within the right of way of a crossroad or street, in general, should be adjusted so that supporting structures are located outside the outer edges of through-traffic roadway side slopes and preferably outside the controlled access lines. Every effort shall be made to place facilities as far as possible away from the traveled way. Supporting poles where deemed absolutely necessary may be placed in medians of sufficient width to provide a minimum of 30 feet clearance from the edges of both roadways.

If additional lanes are planned, pole placement shall be determined from the ultimate edges of the roadway. Only if there are no practical alternatives will the department consider allowing supporting structures to be placed within the access control lines.

Poles may not be placed in medians of 80 feet or less in width except where there are cuts of 10 feet or more.

Where right-of-way lines and control of access lines are not one and the same, as where frontage roads are provided, supporting poles may be located in the area between them. In extraordinary cases where such spanning of the roadways is not feasible, consideration may be given to conversion to underground facilities to cross the highway.

At interchange areas, in general, support for overhead utilities should be permitted only where all of the following conditions are met: (a) the above indicated "minimum distance" is provided with respect to the controlled access highway through-traffic lanes, (b) the appropriate "minimum distance" from edge of ramp is provided, (c) essential sight distance is not impaired, and (d) the conditions of 24VAC30-150-1210 "Access for Servicing Utilities," are satisfied.

The vertical clearance to overhead utility lines crossing controlled access highways shall be a minimum of 21 feet but in no case shall be less than the clearance required by The National Electrical Safety Code, U. S. Department of Commerce, National Bureau of Standards. All crossings shall be constructed as nearly as possible at right angles to the center of the highway. Where right-of-way lines and the control of access lines are not the same, it is desirable to place poles or supporting structures outside of the control access lines.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.061; eff. November 15, 1983.

24VAC30-150-1190. Underground utility crossings.

Utilities crossing underground below the highway shall be of durable materials and so installed as to virtually preclude any necessity for disturbing the roadways to perform maintenance or expansion operations. The design and types of materials shall conform with appropriate federal, departmental and industrial specifications. Where governmental controls defer, the stricter of measures shall apply.

Manholes and other points of access to underground utilities will not be permitted within the right of way of a fully controlled access highway, except for unusual circumstances and then only with the approval of the chief engineer.

Casing, when required on fully controlled access highways, shall extend from control access lines to control access lines. Casings, when required on partially controlled access highways, are to be extended a minimum of 30 feet from the edge of pavement or to the toe of fill whichever may be the greater. All crossings should be made as nearly perpendicular to the highway centerline as possible. All underground utility lines crossing existing highways shall be constructed on straight grade under the roadbed and extend to the controlled access right-of-way line. Cutoff valves shall be installed at convenient points on each side of and outside the controlled access right of way.

Traps, drips, blow outs, etc., shall be located outside the controlled access right of way. All underground utilities crossing existing highways shall be made by boring, jacking, tunneling, etc. All boring points shall be located a minimum of 30 feet beyond the edge of pavement or toe of fill, whichever may be the greater on partially controlled access highways. Special consideration should be given to the placement of temporary guardrail, etc., in areas where deep bore pits are placed near the roadway. This determination shall be made by the department's representative. Minimum depth of cover on all underground crossings shall be 3 feet or the minimum appropriate industrial code, whichever is the greater. Highway drainage structures shall not be used to accommodate underground utility crossings. Manholes and other points of access to underground utilities may be permitted within the partially controlled access right of way only when they are located beyond the ditch line or toe of slope or both as planned for future widening, if any. Reference markers should be placed in conspicuous locations outside the right of way where feasible and in no case shall they be placed more than 5 feet inside the right-of-way line.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.062; eff. November 15, 1983.

24VAC30-150-1200. Utilities in vehicular tunnels.

As a general rule, utilities will not be permitted to occupy vehicular tunnels on controlled access highways on new location, except in special cases as covered by 24VAC30-150-1130.

Utilities which transport a hazardous material shall not be allowed in a vehicular tunnel under any circumstances.

Where a utility occupies space in an existing vehicular tunnel that is converted to a controlled access highway, relocation of the utility may not be required. Utilities which have not previously occupied an existing vehicular tunnel that is incorporated in a controlled access highway will not be permitted therein, except in special cases as covered by 24VAC30-150-1130.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.070; eff. November 15, 1983.

24VAC30-150-1210. Access for servicing utilities.

Access for servicing a utility along or across a controlled access highway should be limited to access via (a) frontage roads where provided, (b) nearby or adjacent public roads and streets, or (c) trails along or near the highway right-of-way lines, connecting only to an intersecting road, from any one or all of which entry may be made to the outer portion of the highway right of way.

In those special cases, where utility supports, manholes, or other appurtenances are located in medians or interchange areas, access to them from through-traffic roadways or ramps may be permitted but only by permits issued by the department to the utility owner, setting forth the conditions for policing and other controls to protect highway users.

Where utilities are located outside the control of access line and where such utilities may require maintenance from within the highway right of way, a permit must be obtained from the department.

Advance arrangements should also be made between the utility and the department for emergency maintenance procedures, when the initial permit application for the original utility installation is approved.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.080; eff. November 15, 1983.

24VAC30-150-1220. Construction and location details.

The department has the right to review and approve the location and design of all utility installations and adjustments affecting the highway and issue permits for the contemplated work.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.090; eff. November 15, 1983.

24VAC30-150-1230. Manner of making utility installations and adjustments.

In general, utility installations and adjustments are to be made with due consideration to highway and utility costs and in a manner that will provide maximum safety to the highway users; will cause the least possible interference with the highway facility and its operation, and will not increase the difficulty of or cost of maintenance of the highway.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.100; eff. November 15, 1983.

24VAC30-150-1240. Cutting of trees.

The accommodation of utilities on controlled access rights of way shall not be granted where excessive cutting of trees is involved. Consideration will be given for the cutting of trees only in special cases where there are not other alternatives, and only with the approval of the chief engineer.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.110; eff. November 15, 1983.

24VAC30-150-1250. Underground parallel utilities.

Parallel underground utilities shall not be placed within limited access rights of way except in cases where there appears to be no other solution, and then only with the approval of the chief engineer. In no case will parallel installations be permitted which involve tree removal or severe tree trimming.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.120; eff. November 15, 1983.

24VAC30-150-1260. Grading.

Grading slopes and banks within controlled access right of way shall not be permitted except in extremely rare cases, and then only with the approval of the chief engineer. No grading will be permitted that requires tree removal. See 24VAC30-150-1880 for conditions under which approval of grading operations will be permitted.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.130; eff. November 15, 1983.

24VAC30-150-1270. Scenic enhancement.

The type and size of utility facilities and the manner and extent to which they are permitted along or within highway right of way can materially alter the scenic quality, appearance, and view of highway roadsides and adjacent areas. For these reasons, additional controls are applicable in certain areas that have been acquired or set aside for their scenic quality. Such areas include scenic strips, overlooks, rest areas, recreation areas, the right of way of highways adjacent thereto, and the right of way of sections of highways which pass through public parks and historic sites. Suggested controls follow:

New underground utility installations may be permitted within such lands where they do not require extensive removal or alteration of trees or other natural features visible to the highway user or do not impair the visual quality of the land being traversed.

New aerial installations should be avoided at such locations where there is a feasible and prudent alternative to the use of such lands by the aerial facility. Where this is not the case, they should be considered only:

1. Where other locations are unusually difficult and unreasonably costly, or are more undesirable from the standpoint of visual quality.

2. Where undergrounding is not technically feasible or is unreasonably costly.

3. Where the proposed installation can be made at a location and will employ suitable designs and materials which give adequate attention to the visual qualities of the area being traversed.

These controls should also be followed in the location and design of utility installations that are needed for a highway purpose such as for continuous highway lighting, or to serve a weigh station, rest, or recreational area.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.140; eff. November 15, 1983.

Article 2
General Guidelines for the Accommodation of Utility Facilities Within the Rights of Way of all Highways

24VAC30-150-1280. Introduction.

Transportation, communications and utility networks are growing in complexity. Such networks include subways, pipelines, and cables below the ground; highways, railways and waterways at the surface; elevated-ways, pole and tower lines above the ground, and airways in space. As the networks grow, the frequency of occasion for two or more networks to occupy a common right of way or to intersect one another continues to increase causing problems to arise due to the construction, maintenance and operations of one network as it affects those of the other.

The Virginia Department of Transportation has the responsibility to maintain the right of way of highways under its jurisdiction as necessary to preserve the operational safety, integrity, and function of the highway facility. Since the manner in which utilities cross or otherwise occupy highway right of way can materially affect the safe operation, maintenance, and appearance of the highway, it is necessary that such use and occupancy be authorized and reasonably regulated. The "General Provisions" (24VAC30-15-500 et seq.) of this chapter shall also apply.

Aside from the necessary differences imposed by local laws, regulations, franchises, governmental and industry codes, climate, and geography, there can be and should be reasonable uniformity in the engineering requirements employed by Virginia Department of Transportation for regulating utility use of highway right of way. In this respect, guidelines outlining safe rational practices for accommodating utilities within highway right of way are of valuable assistance to the department and the public. The guidelines herein are provided in the interest of developing and preserving safe operations and minimizing possible interference and impairment to the highway, its structures, appearance, and maintenance.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.200; eff. November 15, 1983.

24VAC30-150-1290. Application.

These guidelines apply to all public and private utilities including but not limited to electric power, communications, water, gas, oil, petroleum products, steam, sewage, drainage, irrigation, and similar facilities that are to be located, adjusted, or relocated within the right of way of

highways under the jurisdiction of the department. Such utilities may involve underground, surface, or overhead facilities, either singularly or in combination.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.210; eff. November 15, 1983.

24VAC30-150-1300. Scope.

These guidelines are for the use of the department in regulating the location, design, and methods for installing, adjusting, accommodating, and maintaining utilities within highway right of way. They do not alter current regulations or authority for installing utilities nor for determining financial responsibility for replacing or adjusting utilities. They are limited to matters which are the responsibility of departmental authorities for preserving the safe operation and integrity of the highway.

Where laws or orders of public authority, industry, or governmental codes prescribe a higher degree of protection than provided by these guidelines, then the higher degree of protection should prevail.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.220; eff. November 15, 1983.

24VAC30-150-1310. General considerations.

The following general considerations are suggested for the location and design of all utility installations within the highway right of way:

A. Location.

1. Utility lines should be located to minimize need for later adjustment to accommodate future highway improvements and to permit servicing such lines with minimum interference to highway traffic.

2. Longitudinal installations should be located on uniform alignment as near as practicable to the right-of-way line on the outer 3 to 5 foot edge of the right of way if possible, so as to provide a

safe environment for traffic operation and preserve space for future highway improvements or other utility installations.

3. To the extent feasible and practicable, utility line crossings of the highway should cross on a line generally normal to the highway alignment.

4. The horizontal and vertical location of utility lines within the highway right-of-way limits should conform with the policies applicable for the system, type of highway, and specific conditions for the particular highway section involved. The location of above ground utility facilities should be consistent with the clearances applicable to all roadside obstacles for the type of highway involved.

5. In all cases full consideration should be given to the measures, reflecting sound engineering principles, and economic factors necessary to preserve and protect the safety of highway traffic, its maintenance efficiency, the integrity and visual quality of the highway.

6. Location of utility installations on urban streets with closely abutting improvements are special cases which must be resolved in a manner consistent with the prevailing limitations and conditions.

B. Design.

1. The utility should be responsible for the design of the utility facility to be installed within the highway right of way or attached to a highway structure. The department is responsible for review and approval of the utility's proposal with respect to the location of the utility facilities to be installed and the manner of installation or attachment. This includes the measures to be taken to preserve the safe and free flow of traffic, structural integrity of the roadway or highway structure, ease of highway maintenance, appearance of the highway, and the integrity of the utility facility.

2. Utility installations on, over, or under the right of way of state highways and utility attachments to highway structures should, as a minimum, meet the following requirements:

a. Electric power and communication facilities should conform with the currently applicable National Electrical Safety Code.

b. Waterlines should conform with the currently applicable specifications of the American Water Works Association.

c. Pressure pipelines should conform with the currently applicable sections of the Standard Code of Pressure Piping of the American National Standards Institute; Title 49 CFR, Parts 192, 193 and 195 and applicable industry codes.

d. Liquid petroleum pipelines should conform with the currently applicable recommended practice of the American Petroleum Institute for pipelines crossings under railroads and highways.

e. Any pipelines carrying hazardous materials shall conform to the rules and regulations of the U. S. Department of Transportation governing the transportation of such materials.

3. Ground-mounted utility facilities should be of a design compatible with the visual quality of the specific highway section being traversed. See text under Scenic Enhancement, 24VAC30-150-1270.

4. All utility installations on, over, or under highway right of way and attachments to highway structures should be of durable materials designed for long service life expectancy and relatively free from routine servicing and maintenance.

5. On new installations or adjustments of existing utility lines, provisions should be made for known or planned expansion of the utility facilities, particularly those located underground or attached to bridges. They should be planned so as to minimize hazards and interference with highway traffic when additional overhead or underground lines are installed at some future date.

6. Any necessary permits, including the accommodation of utilities, highway right of way and environmental controls, shall be the responsibility of the utility.

C. Location and alignment of pipelines. The following controls are suggested for the location and alignment of pipeline installations:

1. For all crossings, the angle of crossing should be based on economic considerations of practical alternates. The crossings should be located as near normal to the highway alignment as practical.

2. Conditions which are generally unsuitable or undesirable for pipeline crossings should be avoided. These include locations such as in deep cuts; near footings of bridges and retaining walls; at cross drains where flow of water, drift, or stream bedload may be obstructed; within basins of an underpass drained by a pump if pipeline carries a liquid or liquefied gas; and in wet or rocky terrain where it will be difficult to attain minimum cover.

3. On longitudinal installations, utility locations parallel to the pavement at or adjacent to the right-of-way line are preferable so as to minimize interference with the safe operation of the highway; the highway drainage; and the structural integrity of the traveled way, shoulders, and embankment. As a minimum, their lateral location should be offset a suitable distance beyond the slope, ditch, or curb line, as the department may stipulate.

4. Vertical and horizontal clearance between a pipeline and a structure or other highway or utility facilities should be sufficient to permit maintenance of the pipeline and the other facilities.

5. The locations of all pipelines should be reviewed by the department to ensure that the proposed utility installation will not interfere with existing or planned highway facilities or with highway maintenance operation activities.

D. Cover. The critical controls for depth of cover on a pipeline crossing are the low points in the highway cross-section. (See Figure 1.) Usually these are the bottoms of the longitudinal ditches.

In establishing the depth of cover below an unpaved ditch, consideration should be given to potential increase in ditch depth resulting from scour, ditch maintenance operations, or the need to increase the capacity of the ditch. On longitudinal installations the critical controls for cover are the depths of lateral drainage facilities, landscaping, buried utility lines, bridge structures, and likely highway maintenance operations.

1. All underground parallel utility installations shall have a minimum cover of 36 inches with exception of telephone and television communication cables which may be installed at 30 inches minimum depth of cover, if located back of the ditch line away from highway maintenance activities.

All underground lateral utility highway crossings shall have a minimum cover of 36 inches without exception.

2. All applications for underground utilities must be accompanied by a sketch showing the exact location of the utility with respect to the right of way and edge of pavement.

3. Requests for construction variance must be reviewed individually based on the presence of rock, other utilities, or hydraulics or both, which prohibit maximum burial or when ground topography does not permit utility location on the outer right-of-way edge; adjustments may be made if space is available and engineering analysis dictates exception, as in the past.

4. Accommodation of utilities on highway rights of way shall only be considered after all viable alternatives have been exhausted.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §§3.230, 3.240, 3.250, and 3.260; eff. November 15, 1983.

24VAC30-150-1320. [Reserved]

24VAC30-150-1330. [Reserved]

24VAC30-150-1340. [Reserved]

Article 3
Encasement and Allied Mechanical Protection

24VAC30-150-1350. General policy.

It is the department's policy and responsibility for the safety of traffic and structural integrity of the roadway, placing the burden of proof on the utility if it contends for any particular location

that encasement is unnecessary. Although such a policy should not require proof from the department that encasement is necessary, the department does not specify it without reason.

The department has established and maintains adequate design and location criteria that ensures reasonable protection to the highway and traveling public, either through the encasement of pipeline crossings of the highway or by providing alternate mechanical protection to uncased carrier pipelines approximating the degree of protection afforded by encasement.

The methods available to provide such protection include, but are not limited to, tunnels and galleries, casing pipe, grouting by mortar filling bore-hole annulus, cradling, capping, wailing, boxing or jacketing, the provision of thickened wall carrier pipe, joints of mechanical or welded leak-proof type of construction, coating and wrapping, cathodic protection, and electrical bonding.

Of these methods, only the casing and tunnel or gallery provide complete independence of the carrier from the surrounding earth. Grouting restores the continuity and integrity of the earth supporting the pavement. Cradling enhances the supporting capacity of rigid pipes. Walling does the same for semi-rigid and flexible pipes. Capping strengthens both rigid and flexible pipes and protects them from highway operations penetrating the backfill. When applied to weak or brittle pipes, boxing or jacketing provides protection from earth loads, leakage, corrosion, or abrasion. On uncased carrier pipes, thickened wall sections and leak-proof type joints enhance the potential for a trouble-free installation of long service life expectancy. Coating or wrapping prevents contact with corrosive water, soil, or vapor.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.310; eff. November 15, 1983.

24VAC30-150-1360. Encasement.

The following controls are suggested for providing encasement of pipeline crossings of the highway.

1. Casings should be considered for the following conditions:

a. As an expediency in the insertion, removal, replacement, or maintenance of carrier pipe crossings of freeways, expressways, and other controlled access highways and at other locations where it is necessary to avoid trenched construction.

b. As protection for carrier pipe from external loads or shock, either during or after construction of the highway.

c. As a means of conveying leaking fluids or gases away from the area directly beneath the traveled way to a point of venting at or near the right-of-way line, or to a point of drainage in the highway ditch or a natural drainage way.

2. Jacked or bored installations of coated carrier pipes should be encased. Exceptions may be made where assurance can be provided against damage to the protective coating.

3. Consideration should be given to encasement or other suitable protection for any pipeline: (a) with less than minimum cover, (b) near footings of bridges or other highway structures or across unstable or subsiding ground, or (c) near other locations where hazardous conditions may exist.

4. Rigid encasement or suitable bridging should be used where support of pavement would be impaired by depression of flexible carrier pipe.

5. Casings should be designed to support the load of the highway and superimposed loads thereon and, as a minimum, should equal the structural requirements for highway drainage facilities. Casings should be composed of materials of satisfactory durability under conditions to which they may be exposed.

6. Where pipelines are encased, the encasement should extend a suitable distance beyond the slope or ditch lines. On curbed sections, it should extend outside the outer curbs. Where appropriate, the encasement should provide for future widening of the highway without need for any utility adjustment.

7. Casing pipe should be sealed at the ends with a flexible material to prevent flowing water and debris from entering the annular space between the casing and the carrier. The installations should include necessary appurtenances such as vents and markers.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.320; eff. November 15, 1983.

24VAC30-150-1370. Allied mechanical protection.

Under special conditions, pipeline crossings of the highway may be installed without encasement. Normally, such installations should be limited to trenched construction. The following controls are suggested for providing allied mechanical protection to uncased pipeline crossings of the highway:

1. On uncased construction, the carrier should conform to the material and design requirements of utility industry and governmental codes and specifications. In addition, the carrier pipe should be designed to support the load of the highway plus superimposed loads thereon when the pipe is

operated under all ranges of pressure from maximum internal to zero pressure. Such installations should employ a higher factor of safety in the design, construction, and testing than would normally be required for cased construction.

2. Suitable bridging, concrete slabs, or other appropriate measures should be used to protect existing uncased pipelines which, by reason of shallow cover or location, make them vulnerable to damage from highway construction or maintenance operations. Such existing lines may remain in place without further protective measures if they are of adequate depth and do not conflict with the highway construction or maintenance operations, provided both highway and utility officials are satisfied that the lines are, and will remain, structurally sound and operationally safe.

3. Uncased crossings of welded steel pipelines carrying transmittants which are flammable, corrosive, expansive, energized, or unstable, particularly if carried at high pressure or potential, may be permitted under certain special conditions provided additional protective measures are taken in lieu of encasement. Such measures would employ a higher factor of safety in the design, construction, and testing of the uncased carrier pipe, including such features as thicker wall pipe, radiograph testing of welds, hydrostatic testing, coating and wrapping, and cathodic protection.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.330; eff. November 15, 1983.

24VAC30-150-1380. Appurtenances.

Vents, drains, markers, manholes, and shut-offs are appurtenances to pipeline installations. Any necessary permits shall be the responsibility of the utility owner. Suggested controls for such appurtenances follow:

1. Vents are appurtenances by which fluids or gases between carrier and casing may be inspected, sampled, exhausted, or evacuated. These substances may be leakage from the carrier within or the soil without, or vapor and condensate. Light gases are exhausted through risers or standpipes projecting above the ground surface. Vents should be located at the high end of short casings and generally at both ends of casing longer than 150 feet. Vent standpipes should be located and constructed so as not to interfere with maintenance or use of the highway nor to be concealed by vegetation; preferably they should stand on a fence or right-of-way line. In urban areas, such vents should be permitted only where they do not affect pedestrian traffic.

2. Drains are appurtenances by which liquids or heavy gases may be evacuated or exhausted. They should be provided for casings, tunnels, or galleries enclosing carriers of liquid, liquefied gas, or heavy gas. Drains may outfall into roadside ditches or at locations approved by the department. Such outfall shall not be used as a wasteway for purging the carrier unless specifically authorized.

3. Markers -- The utility should place readily identifiable and suitable markers at the right-of-way line where it is crossed by pipelines carrying transmittants which are flammable, corrosive, expansive, energized, or unstable, particularly if carried at high pressure or potential.

4. Manholes shall not be located in the pavement or shoulders of highways. Exception may be made on streets at those locations where manholes are essential parts of existing lines that are permitted to remain in place under existing and proposed roadways. Effort should be made to minimize manhole installations at street intersections, and in the normal wheel path of driving lanes, insofar as practicable. Manholes should be designed and located in such a manner that will cause the least interference to other utilities and future highway expansion.

5. Shut-off valves, preferably automatic, should be installed in lines at or near ends of structures and near unusual hazards, unless hazardous segments can be isolated by other sectionalizing devices within a reasonable distance.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.340; eff. November 15, 1983.

24VAC30-150-1390. Restriction against varied use.

The following precautionary measures are required for pipeline installations:

1. Pipeline installation permits should specify the class of transmittant, the maximum working, test, or design pressures, and the design standards for the carrier.

I M P O R T A N T

2. When it is anticipated that there will be a chance in the class of transmittant or an increase in the maximum design pressure specified in the permit, the utility shall be required to give the department advance notice and obtain approval for such changes. The notice shall specify the applicable codes to be used.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.350; eff. November 15, 1983.

24VAC30-150-1400. Installation.

Installation or replacement of pipelines along or crossing existing highways for the most part may be controlled by end-product specifications. However, safety of traffic and preservation of the earth structure supporting the pavement requires some restriction of methods used in the operation. Conditions of installation should be specified in the permit. Several acceptable methods of installation are discussed below.

Trenched Construction and Backfill-- From the highway viewpoint, the essential features for trench and back-fill construction are: (a) restoration of the structural integrity of entrenched roadbed; (b) security of the pipe against deformation likely to cause leakage; (c) assurance against the trench becoming a drainage channel; and (d) assurance against drainage being blocked by the backfill. The integrity of the pavement structure, shoulders, and embankment slopes are of primary concern. Details of specifications should recognize differences in climate and soil.

Trenched construction, bedding, and backfill normally will be adequately controlled if the utility company is required to conform to the department's standard specifications for earthwork and culverts. However, the permit shall be complete in itself without reference to other regulations. It should include the following controls:

1. Trenches should be cut to have vertical faces, where soil and depth conditions permit, with a maximum width of outside diameter of pipe, plus 2 feet. They should be shored where necessary and lateral and vertical support must be provided for all existing facilities and structures.

2. Bedding should be provided to a depth of 6 inches or half the diameter of the pipe, whichever is the least. Bedding should consist of granular material, free of lumps, clods, stones and frozen materials and should be graded to a firm but yielding surface without abrupt change in bearing value. Unstable soils and rock ledges should be subexcavated from the bedding zone and replaced by suitable material. The bottom of the trench should be prepared to provide the pipe with uniform bedding throughout the length of the installation.

3. Backfill under the roadway should be placed in two stages: first fill to the level of the top of pipe, and second, fill to former surface grade. Fill should consist of suitable material laid in 6-inch layers, each consolidated by compaction according to current applicable specifications. For backfill of entrenched pavement, materials and methods of compaction should be adapted to achieve prompt restoration of traffic service. There should be additional cutback of base and surfacing and transitioning of trench to minimize later development of sag in the grade of pavement over the trench.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.360; eff. November 15, 1983.

24VAC30-150-1410. Untrenched construction and grouting.

A few techniques for installing pipelines under a highway without disturbing the surface are discussed below:

Driving--A small pipe with a pilot shoe can be driven through compressible soils by a steady thrust, hammering, or vibrating. A casing or corrosion resistant carrier must be used. Long drives may wander far from the desired line and grade.

Coring--A small casing without pilot shoe can be drilled into more difficult soil which enters the pipe as it advances. The core is removed by sluicing, during or after the drilling. Line and grade are fairly easy to control.

Boring--Larger pipes can be jacked through oversize bores carved progressively ahead of the leading edge of the advancing pipe as spoil is mucked back through the pipe. Control is excellent. Annular void and overbreaks may be minimized when cutterhead is sized closely to pipe diameter and pipe is advanced with cutterhead in close proximity.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.370; eff. November 15, 1983.

24VAC30-150-1420. Controls for untrenched construction.

Suggested controls for untrenched construction and grouting follow:

1. Unless otherwise stated, untrenched construction shall be required for all pipeline crossings of controlled access and other highways carrying major traffic volumes. To ensure maximum safety to the traveling public, the untrenched construction should extend through the entire roadway structure so that no interference with the roadway is necessary.

2. Portal limits of pipeline crossings should be established safely beyond the surfaced areas of the highway so as to avoid impairing the roadway during installation of the pipeline. Where bulkheaded, the portal should be suitably offset from the surfaced area of the highway; where not bulkheaded, it should be offset not less than the vertical difference in elevation between the surfaced area of the highway and the pipeline.

3. The oversize of the boring excavation should be restricted and the conditions specified under which the void outside the carrier must be backfilled with grout. Where the soils are favorable and the carrier is 4 feet or more deep, the boring hole may be 5 percent oversize in diameter. Grout backfill should be considered for pipes more than 12 inches in diameter and for overbreaks, unused holes, or abandoned pipes.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.380; eff. November 15, 1983.

24VAC30-150-1430. Utility tunnels and bridges.

A utility tunnel or a bridge occasionally is provided for a pipeline crossing a controlled access highway at a strategic location. Where it can be foreseen that several utility crossings will be needed, the cost of the tunnel (either a large casing or a box culvert) or of the bridge may be less than that for the alternate of several untrenched or separately encased pipelines. Where these conditions exist, the residency shall take the necessary steps to ensure that adequate study is made by the utilities to anticipate their needs for future crossings and to converge their facilities to a joint use single crossing.

In a combined tunnel or bridge, provision should be made to isolate mutually hazardous transmittants, such as fuels and electric energy, by compartmentalizing or by auxiliary encasement of incompatible carriers. The utility-tunnel or utility-bridge structure should conform in appearance, location, cover, earthwork, and markers to the culvert and bridge practice of the department.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.390; eff. November 15, 1983.

24VAC30-150-1440. Adjustment.

Suggested controls for adjusting existing pipelines that fall in the path of highway construction projects follow:

1. An existing or relocated pipeline should be protected in such a manner as normally would be required for a new pipeline at the site.

2. An existing pipeline should be relocated in plan or grade, or both, where (a) the pipe bedding will be depressed by highway loads, or (b) the top of pipe is too close to highway grade.

3. An existing pipeline too weak to support highway loads should be replaced by stronger pipe or protected in a manner acceptable to both the department and the utility.

4. An existing pipeline which would lack adequate cover for protection against vehicular live loads or highway construction operations may be protected by a floating slab in lieu of encasement.

5. Notwithstanding reinforcement or protection otherwise provided, the highway construction contractor should be warned and made responsible for the security of each existing pipeline within the construction zone. Where there are unusual utility hazards and where heavy construction equipment will be needed, it should be arranged that the contractor provide a temporary protective cover of earth or bridge the utility.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.391; eff. November 15, 1983.

24VAC30-150-1450. Pipelines (installation restrictions).

Any pipeline carrying a liquid under pressure shall be encased where it crosses the roadway and, conversely, any pipeline carrying a liquid which is not under pressure does not have to be encased. When encasement is not required, the pipeline shall be constructed of ductile iron or steel pipe.

All natural gas pipeline installations within the road or street right of way with an operating pressure that will produce a hoop stress of less than 20% of the specified minimum yield strength of the pipe do not require encasement. NOTE: The permittee must certify same in writing when submitting permit application.

All natural gas main crossings with an operating pressure that will produce a hoop stress of 20% of more of the specified minimum yield strength of the pipe shall be encased.

All jacked or bored installations of coated carrier pipe shall be encased.

Pipeline installations in urban or city streets do not normally require encasement; however, the carrier pipe shall be designed to support the load of the highway and superimposed loads thereon and should be of durable pipe.

Longitudinal pipeline installations do not normally require encasement since they are usually located in the outer edge of the highway rights of way. Pipelines shall be kept out of the ditch line as much as possible. When no other alternative is available, the minimum depth shall be 36 inches with good compaction and restoration and close inspection. When permitted, all manholes located in the shoulder of roadway shall be depressed a minimum of 2 inches below normal shoulder elevation or as specified by the permit. (Does not apply to paved shoulder.) Applications

for parallel underground utilities must be accompanied by a sketch or drawing showing the exact locations of the utility with respect to the right of way and edge of pavement.

Casings shall be bored, jacked, driven or otherwise pushed under the roadway.

Except for controlled access highways, open cutting of pavement may be allowed:

A. When rock is encountered-- (Test borings must be made to determine the presence of rock and alternate locations shall be explored.)

B. When existing utilities or other underground structures may be damaged--(This determination should be made and proven to the resident engineer by the permittee.)

C. When the highway is to be improved--(i.e., reconstruction or resurface within a two-year period following completion of the underground crossing and such improvement or resurfacing to include the area of the proposed crossing.)

D. There is insufficient space for the placement of bore pits due to curbing or roadside development.

When an exception is allowed, a letter shall be written to the permittee setting forth the reasons for such exceptions, and a copy of such letter shall be made part of the permit.

Whenever pavement is cut, not over one-half of the width shall be opened at one time. Before the second half is cut, the first opening shall be satisfactorily replaced. No open cut of a concrete or a plant-mix surface may be made on the arterial and primary systems unless approved by the permit manager. The district administrator may allow open cut of concrete and plant-mix surfaces on rural and urbanized secondary systems when conditions warrant such actions.

Open cuts may be allowed for crossing of non-hardsurfaced roads. Where open cuts are allowed, the roadway and surface must be restored in accordance with the Department of Transportation's requirements within a reasonable time. If the restoration work is not completed in accordance with the department's requirement, the utility work shall be stopped and no further permits issued the permittee until satisfactory restoration has been made.

All pavement cuts should be repaired with equal or superior type surface material to that which is existing. This should be accomplished the same day the pavement cut is made or as directed by the department's representative.

Encasement pipe for roadway crossings shall extend completely through infield or median areas (except independent roadways or extremely wide medians) and beyond the ditch line or toe of fill on each side of the roadway. Where encasement pipe is not required and the use of ductile iron or steel pipe is required, it shall extend completely through the median area and beyond the ditch line or toe of fill on each side of the roadway. Special consideration should be given to the placement of temporary guardrail, etc., in area where deep bore-pits are placed near the road-side. This determination shall be made by the department's representative. On curbed sections and in a

city or urban area, encasement for pipeline crossings, when required, shall extend beyond the curb on each side of the roadway. When encasement is not required in an urban area, consideration shall be given to the use of ductile iron or steel pipe for pipeline installations under the pavement. The encasement should allow or provide for future widening of the highway, if possible. All encasement pipe, ductile iron and steel pipe for non-pressure pipelines and all associated pipeline work to be performed within highway right of way shall conform to the material, design and construction requirements of the "Virginia Department of Transportation's Special Provision for Water Facilities" and "Virginia Department of Transportation's Special Provision for Sanitary Sewer Facilities," and to the requirements of the utility industry and governmental codes and specifications. In the event of a conflict, the most restrictive requirement shall prevail.

All roadway crossings shall have a minimum cover of 3 feet, and all longitudinal pipeline installations shall have a minimum cover of 36 inches.

The cutting or trimming of any trees on highway rights of way shall require approval of the environmental engineer.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.400; eff. November 15, 1983.

24VAC30-150-1460. Installations on highway structures.

Utilities may be attached to highway grade separation structures. However, when it is feasible and reasonable to locate utility lines elsewhere, attachments to bridge structures should be avoided. Utility installations shall be located beneath the structure's floor, between the girders or beams, and at an elevation above the bottom flange of the beam.

Attachments to the outside of the exterior beam, parapets and sidewalks are not permissible unless there is no other alternative to attach to the bridge structure and a proven need to attach has been established.

All communication and electric power line attachments shall be insulated, grounded and carried in a conduit or pipe from the point of exit from the ground to re-entry.

Preferably the cable should be carried to a manhole located beyond the backwall of the structure. Carrier pipe and casing pipe should be suitably insulated from electric power line attachments.

The general controls for providing encasement, allied mechanical protection, and shut-off valves to pipeline crossing of highways and for restriction against varied use should be followed for pipeline attachments to bridge structures. (See 24VAC30-150-1350 through 24VAC30-150-1380.)

Where a pipeline attachment to a bridge is cased, the casing should be effectively opened or vented at each end to prevent possible buildup of pressure and to detect leakage of gases or fluids.

Where a casing is not provided for a pipeline attachment to a bridge, additional protection measures should be taken. Such measures should employ a higher factor of safety in the design, construction, and testing of the pipeline, than would normally be required for cased construction.

Water and sanitary sewer attachments need not be encased but shall be constructed of ductile iron or steel pipe in strict accordance with "Virginia Department of Transportation Special Provision for Water Facilities." Consideration should be given to providing insulation casing for water and sewer line attachments.

Transmission natural gas mains, as well as gas mains that transmit petroleum products, shall not be attached to highway structures. For the purpose of these guidelines, a transmission natural gas main is a main that transmits natural gas, usually under high pressure and for a long distance, from the source of supply to distribution centers or other terminal points.

Distribution natural gas mains may be attached to highway structures. All alternate locations for the installation of a distribution natural gas main shall be considered by the owner prior to requesting that the main be attached to a highway structure. For the purpose of these guidelines, a distribution natural gas main is a main that transmits natural gas from distribution centers to other distribution pipelines or service connections, with an operating pressure that will produce a hoop stress of less than 20 percent of the specified minimum yield strength of the pipe.

A distribution natural gas main attachment to a bridge crossing a roadway or navigable waterway is not desirable and will be approved only if there are no reasonable alternatives.

The construction of a gas main on a highway structure shall conform to the appropriate USA Standards for pressure piping as published by the American Society of Mechanical Engineers and all other state, federal and industry regulations.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.410; eff. November 15, 1983.

24VAC30-150-1470. Overhead power and communications lines (general).

The type of construction, vertical clearance above pavement, and location of poles, guys, and related groundmounted utility appurtenances along the roadside are factors of major importance to preserve a safe traffic environment, the appearance of the highway, and the efficiency and economy of highway maintenance. A critical requirement for locating poles, guys and related facilities along the roadside is the width of the border area; i.e., the space between the edge of

shoulder or curb line and the right-of-way line, and its availability and suitability for accommodating such facilities. The safety, maintenance efficiency, and appearance of highways are enhanced by keeping this space as free as practical from obstacles above the ground. Where ground-mounted utility facilities are to occupy this space, they should be placed as far as practical from the traveled way. The nature and extent of roadside development and the ruggedness of the terrain being traversed are controlling factors for locating poles, guys, and related facilities at the right-of-way line.

In the interests of preserving safe roadsides, efficiency and economy of highway maintenance operations, and highway appearance, the following controls should be used for installations of overhead electric power and communication lines.

A. Type of construction. Any longitudinal installations of overhead lines within the highway right of way should be limited to single pole type of construction.

Joint-use, single pole construction should be encouraged, as indicated by Rule 222 of Part 2 of the National Electrical Safety Code, at locations where more than one utility or type of facility is involved. This is of particular significance at locations 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.

B. Vertical clearance. The vertical roadway clearance shall be a minimum of 18 feet, except on controlled access highways where it shall be 21 feet, and shall conform to the requirements of the National Safety Code and other appropriate state, federal and industry regulations. Parallel clearance over entrances shall also be maintained at 18 feet.

C. Location. Overhead lines may be permitted to cross highways. Crossings should be consolidated or grouped at one location where practical and be made as nearly as possible to right angles to the center of the road. Poles or guys may be allowed on the right of way but should be placed as close as possible to the right-of-way line and in a position that will not constitute a hazard to the traveling public.

Generally no pole lines will be allowed longitudinally on new highways, or on highways where none exist at the time application is made. Where the highway has been relocated, cutting across an old highway at one or more places and the old section is closed, poles may be erected to fill in the gap or gaps on the new highway. Where an existing road is relocated and the old highway is still open, no transfer of pole line will be allowed.

On non-limited access rights of way of 110 feet or more, pole lines may be allowed longitudinally on highway right of way under a signed, comprehensive agreement between the department and a utility owner. In such cases, all poles must be located on the outer edge of the right of way.

Location of overhead utility installations on highways on urban streets with closely abutting improvements are special cases which must be resolved in a manner consistent with the prevailing limitations and conditions. Before locating the utility at other than the right-of-way line, consideration should be given to designs employing self supporting, armless single pole

construction, with vertical alignment of wires or cables, or other techniques permitted by governmental or industry codes that are conducive to a safe traffic environment. Exception to these clearances may be made where poles and guys can be placed at locations behind existing guardrails, beyond deep drainage ditches or the toe or top of steep slopes, retaining walls, and other similar protected locations.

Where irregular shaped portions of the right of way extend beyond the normal right-of-way limits, variances in the location from the right-of-way line should be allowed as necessary to maintain a reasonable uniform alignment for longitudinal overhead and underground installations.

Longitudinal installations of poles, guys, or other facilities should not be located in a highway median. (Roadway lighting exception contained in 24VAC30-150-1610.) On crossings of a highway, any such facility should not be located in a highway median where pole placement would be less than 30 feet minimum from the edge of the travel way in both directions.

In specific instances, pole lines may be located on highway rights of way when the width exceeds 40 feet; has been determined by the utility owner; verified by the district administrator and the resident engineers that it is impractical to locate the pole line on private property. In this situation, the permit manager must be furnished a letter from the applicant stating explicitly why it is necessary to locate on highway right of way, along with a letter of recommendation from the district administrator and the resident engineer. Consideration will not be given to allowing poles to be placed on highway rights of way of less than 40 feet.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §§3.500, 3.510, 3.520, 3.530; eff. November 15, 1983.

24VAC30-150-1480. [Reserved]

24VAC30-150-1490. [Reserved]

24VAC30-150-1500. [Reserved]

24VAC30-150-1510. Underground electric power and communication lines.

There is wide variation in the techniques and practices for undergrounding electric power and communication lines due to differences in such factors as water conditions, type of subsoil, facility congestion and the like. Accepted methods for undergrounding such lines included: trenching for conduit or duct construction or for uncased buried cable; plowing for direct burial of cable; jacking or pushing of pipe as conduit, especially for crossings of existing highways; and small borings without conduit on highway crossings where soil conditions permit. The following controls are suggested:

GENERAL

1. Underground utility construction should conform to all applicable codes, standards, and specifications.

2. Pedestals or other above- ground utility appurtenances installed as part of buried cable plant should be located at or near the right-of-way line. Consideration should be given to effects on pedestrian traffic and visual impacts on residential or commercial developments.

3. All proposed locations and utility designs should be reviewed by the residency to ensure that the proposed construction will not cause avoidable interference with existing or planned highway facilities or with highway operation or maintenance.

4. On both cased or uncased installations, particularly on crossings of the highway, consideration should be given for placing spare conduit or duct to accommodate known or planned expansion of underground lines.

5. The controls previously outlined for electric power and communication line attachments to highway bridge structures should be followed.

6. The general controls previously outlined for pipelines as related to markers, installation, trenched and untrenched construction, and adjustment should be followed, as applicable, on underground installations of electric power and communication lines.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.610; eff. November 15, 1983.

24VAC30-150-1520. Location and alignment.

A. Longitudinal

1. On longitudinal installations, locations parallel to the roadway at or adjacent to the right-of-way line are preferable so as to minimize interference with the safe operation of the highway, the structural integrity of the roadway, highway drainage and embankment. As a minimum, their lateral location should be offset a suitable distance beyond the slope, ditch, or curb line.

2. Longitudinal underground communication and power line installations may be allowed on highway rights of way. Insofar as practical, all parallel or longitudinal installations, including conduit, manholes, pedestals and other appurtenances, shall be placed as close to the right-of-way line as possible, and preferably on the outer 3 to 5 feet of the right of way. Extreme care must be taken to position the utilities in such a manner to allow for maximum utilization of space and to

avoid conflicts with drainage and other utility facilities. Also, careful consideration should be given at all times to plans for future development of the highway so that all lines and appurtenances will be clear of the ultimate roadway.

3. Longitudinal underground installations are also allowed under the terms of the comprehensive agreement (see 24VAC30-150-1470 (c)).

4. All longitudinal installations shall have a minimum cover of 36 inches except as noted in 24VAC30-150-1310. Underground power and communication lines shall be kept out of the ditch line as much as possible. When no other alternative is available, the minimum depth of cover shall be 30 inches with good compaction and restoration and close inspection. Special consideration should also be given to providing conduit with sufficient spare duct in the area. When permitted, all manholes located in the shoulder of the roadway shall be depressed a minimum of 2 inches below normal shoulder elevation or as specified by the permit. (Does not apply to paved shoulders.) Applications for parallel underground utilities must be accompanied by a sketch or drawing showing the exact location of the utility with respect to the right of way and edge of pavement. All tree trimming or cutting or both, if allowed, shall be held to a minimum and approved by the environmental engineer.

B. Crossings

1. Crossings should be located as near normal to the highway alignment as practical.

2. Conditions which are generally unsuitable or undesirable for underground crossings should be avoided. These include locations such as in deep cuts; near footings of bridges and retaining walls; at cross drains where flow of water, drift, or stream bedload may be obstructed; within basins of an underpass drained by a pump; and in wet or rocky terrain where it will be difficult to attain minimum cover.

3. All underground highway crossings of communication and power lines shall be placed in conduit or pipes, installed in such a manner as to virtually preclude the necessity for disturbing the present or future roadways initially, and when utility maintenance or expansion work is being performed. (See 24VAC30-150-1450.) The conduit or pipe shall extend completely through infield or median areas, except for independent roadways or extremely wide medians, and beyond the ditch line or toe of fill on each side of the roadway. (See 24VAC30-150-1370 for requirements on encasement, open cuts, etc.) All communication and power line crossings shall have a minimum cover of 3 feet.

4. Where crossings of underground lines are encased in protective conduit or duct, the encasement should extend a suitable distance beyond the slope ditch lines. On curbed sections, it should extend outside the outer curbs. Where appropriate, the encasement should provide for future widening of the highway.

5. Special consideration should be given to encasement protection for any wire or cable facilities: (a) with less than minimum cover, (b) near the footings of bridges or other highway structures, or (c) near other locations where there may be hazard.

6. Where encased bored installations are proposed by the utility, the utility should be required to furnish information as to the controls and construction methods to be employed, before the proposed installations are considered by the department. This is to ensure the necessary protection of the utility facility and the integrity and operation of the highway facility.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.620; eff. November 15, 1983.

24VAC30-150-1530. Expansion or maintenance, or both, of existing main line utilities.

Overhead - Additional wires, cables, conductors, etc., may be strung by the utility owner on existing crossarms or poles, provided adequate clearance is maintained without a permit.

Repair and replacement of poles in existing location can be made without a permit by the utility owner. A permit is required for the placement of additional poles or crossarms.

Underground - Repair or replacement of underground utilities in their existing location may be performed without a permit provided the highway surface, shoulder, or ditch line are not disturbed. All underground utilities that need to be replaced or repaired on new location will require a permit.

Emergency repair or replacement of existing utilities necessary due to the health and safety of the community do not require prior approval, however, the utility company shall obtain a permit for said work as soon as possible. (See 24VAC30-150-1540 through 24VAC30-150-1600 for rights granted utility companies under the blanket permit policy.)

Repair and replacement of hardware inside a manhole does not constitute a disturbance of the roadway surface, shoulder, or ditch line and does not require a permit.

Excavation necessitated by repair or replacement of existing utility facilities on highway rights of way shall be restored to the department's satisfaction.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.700; eff. November 15, 1983.

24VAC30-150-1540. Preservation, restoration, and cleanup.

1. Disturbed Areas: The area disturbed by utility installations or relocations should be kept to a minimum. Restoration methods should be in accordance with the department's specifications or special provisions, or both, in utility permit assembly.

2. Drainage: Care should be taken in utility installations to avoid disturbing existing drainage facilities. Underground utility facilities should be backfilled with pervious material and outlets provided for entrapped water. Underdrains should be provided where necessary. Backfill materials and compaction methods shall be in accordance with department policy.

3. Spraying, Cutting and Trimming of Trees: The utility should be prohibited from such activities unless written permission is given by the department. (See Tree Trimming Permit.) In general, where permission is given, only light trimming should be permitted. When the removal of a tree is permitted, the stump should either be cut to the ground or be removed and the hold properly backfilled, as determined by the department. All debris, refuse and waste should be removed from the site. (See 24VAC30-150-740.)

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.800; eff. November 15, 1983.

24VAC30-150-1550. Safety and convenience.

1. Control of traffic -- Traffic controls for utility construction and maintenance operations shall conform with the "Manual on Uniform Traffic Control Devices for Streets and Highways". All construction and maintenance operations should be planned with full regard to safety and to keep traffic interference to an absolute minimum. On heavily traveled highways, construction operations interfering with traffic should not be allowed during periods of peak traffic flow. Any such work should be planned so that closure of intersecting streets, road approaches, or other access points is held to a minimum.

2. Servicing, Maintenance, and Repairs - - All utility facilities should be kept in a good state of repair both structurally and from the standpoint of appearance. The permit assembly shall identify the normal maintenance operations which are permitted and indicate situations where prior notification to the department is required. (See 24VAC30-150-740.)

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.810; eff. November 15, 1983.

24VAC30-150-1560. Permanent markers.

Permanent markers identifying the horizontal and vertical location of new underground utilities, both crossings and longitudinal installations, should be placed, where appropriate, by the utility. Markers shall be installed in such a manner as to not interfere with highway maintenance operations, preferably at the right-of-way line. (See 24VAC30-150-870.)

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.820; eff. November 15, 1983.

24VAC30-150-1570. Records.

Records shall be maintained by the utility that describes the utility, usage, size, configuration material, location, height or depth, and any special features such as encasement. This information should be in a reproducible form available to other utilities and the department.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.830; eff. November 15, 1983.

24VAC30-150-1580. Construction identification of utilities.

When it is likely that construction or maintenance activities could involve existing underground utilities, it is necessary to locate and identify these facilities well in advance of the commencement of the work as an aid to work crews. The location of each underground utility or proposed excavation should be identified by the utility with stakes, point or other temporary on-the-surface markers colon coded by utility type in accordance with the appropriate color coding as established under 56-265.21 of the Code of Virginia. The recommended uniform color code system is as follows:

Red --Electric power lines or conduits - distribution and transmission, municipal electric systems.

Yellow --Gas or oil pipelines - distribution and transmission, all pipelines carrying hazardous or dangerous materials including petroleum products, steam and compressed air or compressed gases.

Orange--Communications lines including telephone and telegraph systems, police and fire communications, cable television.

Blue--Water systems and slurry pipelines.

Green--Storm and Sanitary Sewers

Purple--Radioactive material.

White-Proposed excavation.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.840; eff. November 15, 1983.

24VAC30-150-1590. References.

1. National Electrical Safety Code, ANSI C2, current edition (For sale by Institute of Electrical and Electronics Engineers, Inc., IEEE Service Center 445 Hoes Lane, Piscataway, New Jersey 08854)

2. Title 23 Code of Federal Regulations Part 645 - Utilities (Federal Highway Administration)

3. Title 49 Code of Federal Regulations Part 191 - Transportation of Natural and Other Gas by Pipeline; Reports of Leaks (Office of Pipeline Safety)

4. Title 49 Code of Federal Regulations Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (Office of Pipeline Safety)

5. Title 49 Code of Federal Regulations Part 195 - Transportation of Liquids by Pipeline (Office of Pipeline Safety)

6. Report FHWA-RD-75-8 "Accommodation of Utility Plant within the Rights of Way of Urban Streets and Highways - State-of-the-Art" 1974 (Document No. PB245199 available from National Technical Information Service, Springfield, Virginia 22161)

7. Report FHWA-RD-75-9 "Accommodation of Utility Plan within the Rights of Way of Urban Streets and Highways - Manual of Improved Practice" 1974 (Document No. PB245200/1 available from National Technical Information Service, Springfield, Virginia 22161)

8. Manual on Uniform Traffic Control Devices, ANSI D6.l (Available from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402)

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.850; eff. November 15, 1983.

24VAC30-150-1600. Gas or petroleum transmission pipelines on subdivision streets.

A. When a gas or petroleum products transmission pipeline is to be constructed through an existing subdivision, the street right of way may be utilized provided:

1. The pipeline is constructed in conformity with standards, specifications, and safety regulations of the Federal Office of Pipeline Safety for the ultimate use of pipeline and for the ultimate development, traffic volume, and population density of the area.

2. The pipeline is not constructed under the pavement or shoulders of the street (except for crossings). The pipelines may be constructed in the median or sidewalk areas of non-limited access streets if it will not conflict with other utilities, drainage facilities, or other roadway features.

3. The pipeline is covered by a permit which places all liability, for the pipeline and any damages to persons or property and the responsibility for future adjustments of the pipeline, upon the public service corporation.

B. When a gas or petroleum products transmission pipeline is existing through an area which is to be developed as a subdivision, the developer may lay out the streets to include the pipeline--

1. provided the pipeline was constructed in conformity with standards, specifications, and safety regulations of the Federal Office of Pipeline Safety for the ultimate use of the pipeline and for the ultimate development, traffic volume, and population density of the area.

2. provided the pipeline will not be located under the pavement of shoulders of the street (except for crossings). The pipeline may remain in median or sidewalk areas on non-limited access streets if it does not conflict with other utilities, drainage facilities, or other roadway features.

3. provided, upon application by the developer to the state to take over the subdivision streets for maintenance, the public service corporation will, in exchange for a permit granted in accordance

with the "Manual on Permits", quitclaim to the state its easement or right of way, or both, within the subdivision street with the following reservations:

a. That the transmission pipeline may continue to occupy such street in its existing condition and location;

b. That the public service corporation will be responsible for such pipeline and for any damages to persons or property resulting therefrom; and

c. That in the event the Virginia Department of Transportation should later require for its purpose such public service corporation to alter, change, adjust or relocate such transmission pipeline, the non-betterment cost of any such alteration, change, adjustment, or relocation will be the responsibility of the state.

C. In the event all the above conditions cannot be met, the developer should lay out and develop the subdivision so that the pipeline is contained in a distinct and separate right of way of its own. In this case it will still be necessary for the public service corporation to quitclaim to the state any and all rights where the pipeline crosses the subdivision streets and to assume all liability as set out in subdivisions A-3 and B-3 above. In such cases, the road crossings shall be covered by a permit.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.860; eff. November 15, 1983.

Article 5
Roadway and Security Lighting Facilities

24VAC30-150-1610. Roadway lighting facilities.

Roadway lighting facilities may be located on highway rights of way. The design criteria for all roadway lighting shall be based upon the specifications promulgated by the Illuminating Engineering Society in the manual "American National Standard Practice for Roadway Lighting."

"An Informational Guide for Roadway Lighting" by AASHTO may be used as a supplemental guide.

Breakaway or frangible poles shall not be provided when there is the likelihood a falling pole might strike a pedestrian, damage property, or fall on a building or the roadway.

Electric disconnect shall be used in the base of all breakaway poles, such that no live wires are exposed after a collision. Similarly, overhead wiring shall not be used with breakaway poles.

The installation of roadway lighting, except when attached to existing poles, should include underground conductors where practical.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.871; eff. November 15, 1983.

24VAC30-150-1620. Roadway lighting--pole placement.

The placement of poles must conform to the following:

A. Curb Sections

1. Outside -- Poles to be placed behind the curb and preferably behind sidewalks.

2. Raised Median -- Double guardrail required when medians are 20 feet or less.

B. Non-Curb Sections With Posted Speed Limit of 45 MPH or Less

1. Outside - Poles to be a minimum of 10 feet from edge of pavement and behind the ditch line.

2. Raised Median -- Double guardrail required when medians are 20 feet or less.

C. Non-Curb Sections With Posted Speed Limit Over 45 MPH

1. Outside - Poles shall be a minimum of 18 feet from edge of pavement and behind ditch line. Where guardrail is in place, poles may be placed behind guardrail at lesser distance from edge of pavement. (Consideration may be given to individual cases some modification of the above when necessary due to topography.)

2. Median -- Poles shall be a minimum of 18 feet from edge of pavement. Where guardrail is in place, poles may be placed behind the guardrail at a lesser distance from edge of pavement. Consideration may be given to the placement of poles in raised medians (cut slope) at a lesser distance from edge of pavement. Poles located in median shall accommodate roadway lighting facilities only. No trees in median to be cut for installation of poles.

D. Existing Poles

Roadway lighting facilities may be attached to existing poles which do not conform to Items 1, 2 and 3 above. Consideration may be given to the placement of occasional additional poles in an existing pole line when necessary to provide proper illumination.

NOTE: These guidelines should be used when considering placement request for purposes other than street lighting.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.872; eff. November 15, 1983.

24VAC30-150-1630. Security lighting facilities.

Security lighting facilities may be place on highway rights of way provided:

A. The adjacent roadway shall have a posted or statutory speed limit of 45 MPH or less.

B. The adjacent roadway shall have an ADT of 1,000 vehicles or less.

C. The mounting height for security lighting luminaires shall be such that glare has no adverse effect on motorists on the adjacent or any other public roadway.

D. If the level of illumination on the adjacent roadway on an area one-mounting height each side of the luminaire exceeds or equals the level recommended in the "American National Standard Practice for Roadway Lighting", then this lighting shall be deemed roadway lighting and must conform to all roadway lighting requirements as established in this policy.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.873; eff. November 15, 1983.

24VAC30-150-1640. Security lighting; pole placement.

The placement of poles must conform to the following:

A. Curb-Sections -- Poles shall be placed behind the curb and preferably behind sidewalks.

B. Non-Curb Sections -- Poles shall be placed a minimum of 10 feet from edge of pavement and behind the ditch line.

C. No poles shall be placed in median, with or without curb.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.874; eff. November 15, 1983.

24VAC30-150-1650. Roadway and security lighting facility; permit procedure.

Permits prepared on Form CE-7 shall be required for all lighting facilities placed on or overhanging state right of way. This includes fixtures attached to poles located outside of the right of way but overhanging the right of way and fixtures attached to existing pole within the right of way.

It is emphasized that permits shall be secured by responsible applicant for all types of lighting established on subdivision rights of way prior to the street or road thereon becoming part of the state secondary system.

Permit applications shall include plans or sketch, or both, indicating the exact location of poles with reference to right of way and edge of pavement, spacing of poles, width of right of way, width of pavement, all photometric data, location of electric service, whether existing or proposed and all other pertinent data.

Permits that conform to the policy, as stated in these guidelines, may be issued by the district administrator. Unusual or borderline type requests should be referred to the central office for review and approval of the permit manager.

Permit fees shall be the same as for pole lines. The fee per pole shall apply to fixtures attached to existing poles whether on or off the right of way.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.875; eff. November 15, 1983.

Article 6
Blanket Permits; House Service Connections

24VAC30-150-1660. Annual blanket permits (excluding interstate).

Blankets permits are issued to allow cities, towns, counties, other public agencies and utility companies authority to install lateral house service connections to their existing main line facilities.

Blanket permits also allow the permittee the right to maintain lateral house service connections. It does not allow the permittee to perform maintenance operations on existing main line facilities or to expand existing plant. (See 24VAC30-150-1530 for rights granted the permittee under the expansion or maintenance, or both, of existing utilities.)

Blanket permits may be issued to owners' or companies operating under bond, or to towns, counties or other public agencies as follows:

A. OVERHEAD FACILITIES

For routine electrical service crossing or connections where the primary distribution voltage does not exceed 34.5 KV phase to phase or 19.5 KV phase to ground. For routine overhead telephone service crossings or connections up to and including a 100 pair cable. For routine overhead TV trunk and service cable crossings or connections. Crossings that exceed these limitations must be covered by a CE-7 permit.

B. UNDERGROUND FACILITIES

For routine underground telephone, power, cable TV, water, sewer, gas, etc., service crossings, connections, or laterals where no part of the roadway including shoulder and ditch lines are to be disturbed. Maximum distribution service crossings or connections allowed for telephone is a 100 pair cable. Maximum allowable voltage for power service crossings or connections is the same as in Item "A" above. TV trunk and service cable crossings and connections may be covered. Where water, sewer, gas, etc., service crossings or connections are concerned, service laterals only may be covered by the blanket permit. Anything larger than these limitations for distribution service crossings, connections, or laterals must be handled by a separate CE-7 permit. If found to be necessary, the resident engineer or district administrator may require a CE-7 permit for any underground crossing regardless of size.

C. Annual blanket permits or special permits for routine service connections and crossings will be issued only to the operating company and not to individuals wishing such connections installed.

D. Separate permits are required for primary and secondary road systems. Separate permits must be issued for each road system in each county within a district (to include all counties within that particular district served by that utility owner.)

E. Blanket permits, whether on the primary or secondary system, will only be issued by the permit manager.

F. All blanket permits expire on June 30, following the date of issuance. The time limit may be extended for a period of one year when use of the permit justifies such extension of time, and

upon payment of the annual permit charge of $100 per district, per road system, prior to July 1 of the extending year.

G. All work performed under blanket permits shall be reported promptly to the resident engineer, or as specified on the permit. Whenever a series of house connections or service drops are made on one route within one county to different subscribers, one notification or report may be made to the resident engineer, provided, detailed description and sketch accompany same. Should this work involve more than one road system or more than one county, a separate report shall be made for each road system and county.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.881; eff. November 15, 1983.

24VAC30-150-1670. House service connections.

These permits may be issued by the resident engineer covering house service connections on regular CE-7 permit forms. Permits for house service connections will be issued to the owner or operating company which have bonds as agent, and to the individual as owner.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §3.882; eff. November 15, 1983.

Part IV
Entrance Permits

24VAC30-150-1680. Commercial entrances.

The department's authority to regulate commercial and residential highway entrances is covered under §33.1-12 (3) of the Code of Virginia to make rules and regulations, from time to time, not in conflict with the laws of this state, for the protection of and covering traffic on and the use of systems of state highways and to add to, amend or repeal the same.

The department's authority to require minimum design maintenance and safety standards for commercial entrances to improve highways is covered under §33.1-198 of the Code of Virginia whereby it states: "All commercial entrances, whether or not constructed under this section, shall

be maintained by the owner of the premises at all times in a manner satisfactory to the Commonwealth Transportation Commissioner."

These two statutes of the Code of Virginia promulgate to the department authority to regulate and control maintenance, construction or reconstruction of all commercial entrances to highways within the Commonwealth to the satisfaction of the commissioner.

The board and the commissioner carry out these statutory mandates by use of this language: "A permit may be denied any applicant; and all permits issued by the board or commissioner may be revoked whenever, in the opinion of the commissioner, the safety, use or maintenance of the highway so requires."

Tenure of all commercial entrances to highways is not infinite nor is it meant to be transferred from one owner to another. If it is determined by department representatives that an entrance is substandard and safety, use, or maintenance of the entrance has changed significantly to require corrections then necessary changes shall be made or the entrance may be closed at the direction of the commissioner or his representative. It should also be noted that once an entrance has been constructed, regardless of when, the permittee, or his successors or assignees, shall be responsible for the maintenance and upkeep of said entrance as stated above.

Commercial entrances may require reconstruction or upgrading, or both, when it has been determined after review by department representative that the following conditions exist:

A. Safety - When the entrance has been determined to be unsafe in its present condition for public use, because of physical erosion of the entrance, increase in motor vehicle traffic or some other condition if found to exist.

B. Use - When traffic in and out of the entrance has changed significantly to require upgrading or reconstruction, etc., or both, such as a change in traffic volume, character of the traffic or peak hour traffic. This language is not intended to be exclusive.

C. Maintenance - When the entrance becomes unserviceable due to heavy equipment damage; reclamation by natural causes, or increased traffic volume, etc.

Commercial entrances shall be reviewed periodically for substandard conditions as outlined above and when the property is being considered for sale; when it has been rezoned; or when there is a change in commercial use either by the property owner or by a leasee. Department personnel shall work closely with the various local and county governments to protect the department's interest and the interest of travelling public through zoning ordinances for commercial, subdivision and private entrance requirements, and to obtain their assistance in policing changes in ownership that might affect the department's requirements for the entrances. These periodic reviews are necessary to provide both patron and through highway traffic users a safe means of travel. All engineering analysis shall be based on the department's manual for "Minimum Standards of Entrances To State Highways," (current edition).

If studies indicate that a proposed commercial entrance will generate a large volume of traffic movement, the permittee will be required to construct turning lanes, traffic signals or grade separation structures, etc., as may be determined necessary by the Department's Traffic Engineering Division, or participate in the cost of such.

Driveways and curbs shall be maintained for the duration of the permittee's, or his successors and assignees, interest in the entrance exactly as indicated on the permit application. (This statement should be included in the description of the work on the permit.)

When drain pipe is required on commercial entrances, it shall be acceptable to the resident engineer and must be furnished and installed by the permittee. The type and depth of entrance pavement must be clearly indicated, and the surface be of stable materials that will not track onto the roadway. Whenever the work involves concrete aprons or paving, the concrete must be in accordance with standards of the department. Curbs to outlined islands and driveways must be of concrete (current edition), clearly indicated on the permit. The islands and size of entrances must conform to the department's entrance standards. No entrance will be allowed to run in front of the adjoining property, nor appurtenances thereof (curbing, right turn lane, etc.,) to such an extent as to restrict access to the adjoining property.

Sight distance from entrance (both directions) must be indicated on the permit.

Whenever the work involves construction of such a nature that the minimum guarantee would not be adequate to complete the work prescribed in the application and leaves the right of way in satisfactory condition, the guarantee fee will be increased sufficiently to cover same.

The commissioner or his representative may in his discretion require that a notice of permit be recorded in the clerk's office of the appropriate court in the name of the owner and lessee. All cost associated with same shall be borne by the permittee.

Sample filing form can be obtained from the Registrar of Regulations. Note that "Tenure note on Page 4-1" is to be typed or stamped on all commercial entrance permits issued.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §4.010; eff. November 15, 1983.

24VAC30-150-1690. Commercial entrances to open-air theaters.

In order to obtain a permit to construct entrances to drive-ins theaters, certain conditions must be met. The three criteria are as follows:

1. Picture is not to be visible within certain distance of Primary road. It shall be unlawful for any person, after July 1, 1954, to erect any moving picture screen connected with an outdoor motion-picture theater so that the picture thereon is visible within a distance of thirteen hundred feet or less to motor vehicle drivers on any Primary road in this State.

2. Required space between highway and ticket booth. The owner or operation of an outdoor motion-picture theater shall provide sufficient space between the outer edge of the hard surface or used portion of any highway, from which vehicles approach any entrance of such theater and the ticket booth or booths of the theater, sufficient to accommodate vehicles in the number of not less than five percent of the total theater vehicles capacity. In determining the space requirements set forth above, the same shall be calculated on the basis of one hundred sixty-two square feet per vehicle.

3. Entrance and Exit Driveways - All entrance and exit driveways of any open-air theater shall be adequately lighted and properly marked to avoid congestion and confusion, and shall remain lighted throughout any performance given at such theater and until a reasonable time thereafter sufficient to permit all vehicles to leave the grounds of the theater.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §4.011; eff. November 15, 1983.

24VAC30-150-1700. Private entrances (issued by district administrator).

Private entrance permits will be issued by the district administrator to the property owners in accordance with the following policy as adopted by the State Highway Commission on August 1982:

A. Where surety coverage is required, a CE-7 permit will be issued to cover the work by the district administrator. When this is the case, subsections 4 & 5 of 24VAC30-150-1710 shall apply.

B. An initial permit charge of $40 shall be assessed, plus minor permit charge of $5 shall be assessed for each additional entrance opening.

C. Surety charges for private entrance permits shall be covered by a minimum guarantee fee, irrevocable letter of credit or performance bond fee, in the amount of $500 per opening.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §4.020; eff. November 15, 1983.

24VAC30-150-1710. Private entrances (issued by resident engineer).

Resident engineers may issue private entrance permits to the property owners in accordance with the following policy adopted by the State Highway Commission on August 1982:

1. That the property owners purchase from a source other than the department and furnish pipe for private entrances in accordance with state highway specifications and as indicated by the resident engineer.

2. That the installation of the pipe be made by the department at NO COST to the property owner.

3. Private entrances within the right of way shall be stabilized to the back of the ditch line in cut sections and to the shoulder on fill sections (not bituminous surface treated) at the expense of the Department of Transportation.

4. The resident engineer shall select the location of the driveway or driveways, or both, with the property owner and stake out the centerline. A location should be selected that will not create a hazard to traffic on the highway or to those entering or leaving the propriety and, as nearly as possible, at right angles to the centerline of the highway. The width of the roadway shall not be greater on the right of way than on the private property.

5. The resident engineer shall advise the property owner of the proper grade and any side sloping necessary to ensure adequate drainage and economical maintenance of the right of way. Allowance should be made in the grade for the necessary surfacing for stabilization. The property owner must furnish all labor and equipment for the grading operation.

6. When the grading has been completed, state forces will install the pipe and apply the surface material in accordance with the above policy.

7. The resident engineer may furnish the necessary seed and fertilizer to complete the operation and leave the area in a similar condition to that of the surrounding area.

8. When the work is completed, the resident engineer should so indicate in the file copy of the permit authorizing the work.

9. State forces shall not install pipe for entrances to property owned and being developed for sale by subdividers or land developers.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §4.021; eff. November 15, 1983.

24VAC30-150-1720. Logging roads.

Logging Roads, Tram Roads, Other Temporary Private Entrances - There are times when a logging, pulpwood or other similar operation of short duration requires hauling over the right of way. In most instances, the landowner or operator is not fully cognizant of our rules and regulations and is found to be crossing the right of way without having obtained a permit or blanket permit, or both. However, instead of stopping the operation until the permit is cleared through channels and duly issued, such cases may be deemed emergencies and upon receipt of application for permit with guarantee and permit fee checks, the resident engineer may permit the operation to continue. In some cases, the operator may be using slash material in the ditch instead of pipe. This may be permitted provided the operator agrees to remove this material from the ditch at the end of the day's operation, or at any time during the day when it is blocking drainage. Should he fail at any time to carry out this provision, the resident engineer may stop the operation and require him to put in a suitable culvert. When the temporary operation has been completed, the permittee shall restore the highway right of way, including drainage ways, to the original conditions.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §4.030; eff. November 15, 1983.

24VAC30-150-1730. Access to public fishing waters.

Upon application made in writing to the Commonwealth Transportation Commissioner from the Director of the Department of Game and Inland Fisheries to use portions of the right of way of highways for access to public water, the board may permit such use in a manner approved by the commissioner and upon condition that all costs in connection with the construction of such access be borne by funds other than highway funds.

This work will be handled under permit for each location desired. Permits will be issued from the central office. Proper study of each location must be made prior to the issuance of a permit to assure that the safety of highway users is not jeopardized, and that the installation does not encroach upon the rights of others or create a public nuisance. Such permits as are issued should clearly define the limits of access, the limits of the right of way, size of the structures to be placed on the rights of way, parking area and ingress and egress points.

The procedure for processing and handling of permit applications covering the installation, use, and maintenance of the facilities on portions of state highway rights of way is as follows:

Written request will be made to the central office by the Director of the Department of Game and Inland Fisheries, accompanied by plan or sketch indicating the location of the work proposed to be done, showing the highway route number, bridge crossing, name of stream, county, and distance to the nearest highway intersection, town or city.

After this is reviewed by the permit manager, it will be received and passed on to VDOT's right of way division with the request that it be checked with the recorded highway plans in order to determine just what the right of way conditions are at each particular location. After this is done, the permit manager will send a copy of the plans with a set of permit forms to the Department of Game and Inland Fisheries, along with the name and address of VDOT's appropriate resident engineer. They will then prepare the permit application or have their local representative in the particular area prepare it with VDOT's resident engineer.

The resident engineer will send it to the district administrator who will in turn check the permit application and forward to the permit manager with their recommendations; and after further review, if found to be satisfactory and practicable, the permit will be issued from the central office. Permits will be issued only to the Department of Game and Inland Fisheries.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §4.040; eff. November 15, 1983.

Cross References

Regulations of the Department of Game and Inland Fisheries, 4VAC15-10-10 et seq.

24VAC30-150-1740. Public boat landing or dock.

Applications will be initiated through the appropriate resident engineer. The application will be handled in accordance with the procedure outlined in Section 9.700 of the Maintenance Division Policy Manual.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §4.041; eff. November 15, 1983.

24VAC30-150-1750. Service roads.

In accordance with the policy to promote safety by eliminating promiscuous ingress and egress to the main-traveled way from houses bordering the right of way and to provide safe points of access at uniformly spaced intervals, permits may be issued for service or frontage roads. Such roads may be constructed by the department at the expense of the applicant or by the permittee under such rules, regulations, specifications, and plans as may be prescribed for same. Service road permits are issued only by the permit manager.

The department will maintain such service roads in the same manner and under the same conditions as may exist on the secondary roads of the county in which said roads are located, or as may be further determined for situations not consistent therewith. The department will prescribe rules and regulations concerning the parking of vehicles, the direction of travel and other uses of said roads, as may be applicable to each. Police powers shall prevail on them the same as on other parts of the highway system. The cost of maintaining frontage roads shall be charged against the route and section of the highway upon which it is located.

Applicants for service drives must deposit check in the amount equal to estimated cost of the work. Where such service roads are to be built on private property bordering the right of way, the property owners involved must convey to the Commonwealth the property required with fee simple title.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §4.050; eff. November 15, 1983.

24VAC30-150-1760. Median crossovers.

Because of the hazards created by frequent crossovers on divided highways, crossovers will be held to a minimum.

On limited access highways, crossovers and connections between the service road and the main highways, when permitted, will be provided during construction. It is not intended that additional crossovers be allowed subsequent to the original construction.

On other than limited access highways, crossovers will be provided during construction at intervals, adjusted to public road intersections and large traffic generators, when the adjacent roadside development justifies such crossovers. If not provided during construction, such crossovers may be constructed by the Department of Transportation when the character and intensity of land usage justifies such crossovers and safe geometric design standards and physical conditions permit.

The requirements for all crossovers are contained in Chapter 51 of the Traffic Engineering Division's Operations Manual. This should be used to determine if and where a crossover can be permitted.

The application for permit must be accompanied by a check in amount equal to the estimated cost of construction. This permit is to be issued only by the district administrator.

All applications for crossovers must also be accompanied by detailed sketches showing existing conditions, cross-sections, and full justification therefor.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §4.060; eff. November 15, 1983.

Part V
Miscellaneous Permits
Article 1
Agriculture and Commercial Use Agreements

24VAC30-150-1770. Commercial use agreements.

Inasmuch as wider rights of way are being acquired by the Virginia Department of Transportation for the ultimate development of the 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 Commonwealth Transportation Board 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.

In cases where the land adjoining the highway is to be used for commercial purposes, such as a filling station, store, etc., and where the existing road is located on the opposite side of the right of way, thereby placing said place of 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 such place of business may locate his driveways and pumps, in the case of a filling station, on the state right of way, provided the same are at least as far from the edge of the existing pavement as those in evidence on said road are from the nearest edge of the pavement to their similar structures. 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 to govern.

Until such time as the Commonwealth Transportation Board 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 such land

will be limited to provisions as set forth in said agreement, which in general, will cover commercial pursuits consistent with similar operations common to said highway. Such operations and special conditions may include gasoline pumps but no gasoline tanks.

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

Agreements will be subject to revocation for cause or as outlined above, either in whole or for any portion of the prescribed area that may be required for highway purposes, among which may be (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, (5) for other purposes as may be hereafter deemed necessary by the Commonwealth Transportation Commissioner.

Applications for "agreements for commercial uses" should be made on approved forms through the resident engineer and the district administrator to the permit manager. Agreements must be accompanied by a sketch showing the location of the roadway, shoulders, ditches and conditions existing on said right of way, together with description and plat of the area to be covered by same. The text of the application should definitely describe the specific use for which the area is to be utilized.

Agreements shall only be issued to owners of property adjoining the area to be used, and may be made for terms not to exceed one year, subject to aforesaid cancellation of revocation clause. The Department of Transportation shall not be responsible in any way for the policing of said areas. No structures are to be erected on said areas without written approval of the Commonwealth Transportation Commissioner.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.011; eff. November 15, 1983.

24VAC30-150-1780. Agriculture use agreements (excluding interstate highways).

Inasmuch as wider rights of way are being acquired by the Commonwealth Transportation Department for the ultimate development of the highway, at such time as adequate funds are available for the construction of same, including such preliminary features as tree planting, the correction of existing drainage conditions, etc., the Commonwealth Transportation Department 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. In cases where 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 under the following policies and conditions to govern.

"Agreements for agricultural uses," until such time as the Commonwealth Transportation Commissioner deems it necessary to use right of way acquired for future construction on a project for road purposes, may be made with adjoining property owners for the use of sections thereof. The use of such land will be limited to provisions as set forth in said agreement, which in general, will cover agricultural pursuits the same as are being carried out on adjoining lands and thereby made an integral part thereof. Such operations and special conditions to cover may be as follows:

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

B. Forage crops - hay, cereals, etc.

C. Vegetable crops - provided that the growth of same 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.

D. Fruit trees - Existing fruit trees may be maintained, provided that they are sprayed to control insects and diseases; fertilized, and the area is kept generally clear of weeds, etc.

E. Small fruits - may be planted but no guarantee of longevity may be expected, as they will be subject to removal of the same as other crops, etc.

F. Other Uses - as may be specifically approved.

Above agreements will be subject to revocation for cause or as outlined above, either in whole or for any portion of the prescribed area that may be required for highway purposes, among which may be (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 improvements of drainage, (4) the development of wayside, parking or turnout areas, (5) for other purposes as may be hereafter deemed necessary by the Commonwealth Transportation Commissioner.

Applications for "Agreements for Agricultural Uses" should be made on approved forms through the resident engineer and district administrator to the permit manager. Agreements must be accompanied by a sketch showing the location of the roadway, shoulders, ditches and conditions existing on said right of way, together with description and plat of the area to be covered by same. The text of the application should show definitely the specific use for which the area is to be utilized.

Agreements shall only be issued to owners of property adjoining the area to be used, and may be made for terms not to exceed one year, subject to aforesaid cancellation or revocation clause. The Department of Transportation shall not be held responsible in any way for the policing of said

areas. No structures are to be erected on said area without written approval of the Commonwealth Transportation Commissioner.

Concrete right-of-way markers shall be placed on the right-of-way lines for all right of way acquired under the so-termed wider rights-of-way policy, especially at locations where "agreements for agricultural uses" are made.

Existing fences or new fences as may be provided for by the right of way agreement shall be furnished and erected or moved to and on said right-of-way line, except in cases where agreements are made for the use of land within the right-of-way limits for agricultural or other purposes. When agreements are made for such areas, the property owners may request and the state may grant the right to eliminate the erection of the fence on the right-of-way line bordering said areas, in which event the fence as required by the right of way agreement will be delivered to the property owner, thereby completing said transaction.

The property owner may then temporarily erect said fencing to enclose the area covered by agreement. Upon expiration or revocation of said agreement, the fencing must be removed immediately from within the right of way. In case it is not removed within 30 days after due notice has been given the owner, the state may remove the fence without recourse. When said fence is not erected on the right-of-way line as hereinbefore provided, the responsibility of the state for the erection of same shall cease upon delivery of it to the property owner.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.012; eff. November 15, 1983.

Article 2
Banners and Decorations

24VAC30-150-1790. Decorations.

Resident engineers are authorized to issue permits allowing towns to put up Christmas decorations such as the stringing of lights, names, etc., across the street, provided the minimum height of same is 21 feet above the center of the road. These shall not remain in place longer than 30 days, and shall be removed immediately after the holiday season.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.021; eff. November 15, 1983.

24VAC30-150-1800. Banners.

Resident engineers are authorized to issue permits to hang banners across state highways to chautauquas, centennials, religious or civic organizations, agricultural and county fair associations, etc. Such banners are not to remain in place for a period longer than 30 days. They must at all times be a minimum of 21 feet above the center of the road. They shall not in any way detract from or interfere with any existing highway sign or signals.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.022; eff. November 15, 1983.

24VAC30-150-1810. Chutes (coal, mines, gravel pits, etc.).

At times it is necessary to issue permits for chutes, tipples or other structures to handle coal, gravel or other material. In many cases, these are only operated for relatively short periods, and when the operators cease work, they leave the structures on our right of way. During the operation they leave debris and trash around the structure or on the roadway. The fee charged should be sufficient to clean up debris or remove the structure, or both, should it become dangerous or when it is no longer being used. No advertising signs or names of owners will be allowed on chutes located on the right of way.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.030; eff. November 15, 1983.

24VAC30-150-1820. Construction or reconstruction of roads, bridges or other drainage structures.

Application for permit will be initiated through the appropriate resident engineer, right of way engineer, and district administrator who will forward it, with their comments, to the permit manager who will approve or disapprove the permit.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.040; eff. November 15, 1983.

24VAC30-150-1830. Crest stage gauge, water level recorders and flood gates.

Application for permit will be initiated through the appropriate resident engineer who will forward it, with his comments, through the district administrator to the location and design division for review and recommendation to the permit manager who will approve or disapprove the permit. The installations will be made for hydrological studies conducted jointly by the Virginia Agricultural Experiment Station, Agricultural Research Service, and Department of Conservation and Recreation-Division of Soil and Water Conservation.

The application must be accompanied by the following:

A. Location and description of culvert or bridge, or both;

B. Drawings and explanatory notes in sufficient detail to give complete description of the proposed installation; and

C. In addition to the number of drawings required for processing the permit, one extra set will be required for the files of the drainage section.

The permits will be issued without guarantee or permit fees, as these are considered cooperative projects wherein the department will benefit.

Where feasible and at the convenience of the resident engineer, assistance in the form of labor may be given for the purpose of the initial installation.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.050; eff. November 15, 1983.

24VAC30-150-1840. Flood gates.

Permits may be issued to landowners to hang flood gates under bridges on the downstream side, where it is necessary to fence the fields for stock. The gates will be so constructed that they will operate freely with the pressure of water and the hoops or hinges of such size that if debris lodges against them they will give way.

The actual physical attachment to the bridge will be made by the department with the applicant paying the actual cost. The gates shall be maintained by the owner.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.051; eff. November 15, 1983.

24VAC30-150-1850. Farm ponds.

In accordance with the following specifications, the Virginia Department of Transportation may grant property owners permits for the establishment of farm ponds against highway fills.

A. Each Soil Conservation District Board of Supervisors will advise the appropriate Transportation district administrator in writing of their official agent to act for them concerning the establishment of farm ponds on State right of way located within their jurisdiction. The district administrator will notify this agent of construction projects within the area when he receives plans for field inspection. The agent will then in turn notify all landowners along the project who may be interested in establishing farm ponds.

B. The agent will report to the resident engineer the names of all property owners interested in building ponds and the proposed location of these ponds along proposed or existing highways. The resident engineer will notify the agent regarding each case, whether a permit will be required or the necessary arrangements that should be made in right-of-way negotiations.

C. The petitioner, with the assistance of the Soil Conservation Service, will determine the feasibility of the-proposed pond and submit to the department details as follows:

1. Copy of a plan for the proposed pond with the following data:

a. Location of pond in relation to the highway;

b. Computation of probable peak runoff from the contributing watershed;

c. Proposed normal and flood stage water surfaces;

d. Cross-sections of the highway fill to be used as part of the dam and the location, size and condition of the existing drainage structure through the highway fill;

2. Types and details of proposed spillways and drainage control devices;

3. Copy of computations made for determining peak discharge, flood routing and spillway capacities; and

4. Purpose of the pond.

The above details will be submitted to the resident engineer who will forward them through the district office to the location and design division for review and recommendation to the permit manager who will approve or disapprove the permit. The location and design division will request embankment recommendations from the materials division, review the plans and computations, and advise in regard to approval or disapproval of the permit.

The plans and computations will be retained by the location and design division.

D. The resident engineer or district administrator will notify the Soil Conservation District Board of Supervisors, or their agent, who will advise the applicant of the approval or disapproval of his request for a permit.

E. If a permit is authorized, the resident engineer or district administrator will then notify the applicant of his responsibility regarding cost, landscaping, maintenance, and other pertinent data. He will also advise the applicant of any possible future revisions in the highway and their effect on the pond.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.060; eff. November 15, 1983.

24VAC30-150-1860. Specifications for the construction of farm ponds adjacent to highways.

A. Drainage Area - The basin drained by the streams contributing to the reservoir shall be run out to determine the watershed area. Accurate delineation or dependable topographic maps or aerial photographs, when available, may be used for this purpose.

B. Structures - All drainage structures conducting the effluent from the ponds through the highway fills shall be adequate to carry the maximum discharge from the design flood originating in the drainage basin. Generally, structures shall be so designed and constructed that the maximum high water stage from the design storm shall not be higher than one foot below the outer edge of the shoulder of the highway at its lower point adjacent to the pond or its basin. The design storm will generally be 25 years or 50 years recurrence; however, the importance of the highway, adjacent property and the necessity for safety precautions may dictate greater or lesser frequency design storms. No movable gates or valves will be permitted to serve as spillways; however, gates or valves will be installed in addition to the spillways to permit draining the pond for management purposes.

C. Roadway Fills - All highway embankments which serve as dams to impound water in the farm ponds shall be critically examined to determine their suitability for this purpose. If found to be of doubtful stability, permits will not be granted unless or until the fills are strengthened or stabilized to the satisfaction of the commissioner and at the sole expense of the petitioner.

D. Landscaping - All of the area to be impounded within sight distance of the highway shall be cleaned of all trees and bushes, and the shore line shall be left in a neat and presentable condition.

E. Engineering - All measurements, calculations and design will be performed or reviewed by engineers of the Department of Transportation, and construction will be performed by or under the supervision of engineers of the Department. Decisions by the Department of Transportation's engineers will be final.

F. Cost - The cost of all work and appurtenance incidental thereto required for the construction of farm ponds shall be borne solely by the petitioner, less the amount which the department would have had to spend for drainage structure if the spillway had not been built. If no guardrail is in place at the proposed location, the cost of erecting guardrail, approved by the department, must be borne by the applicant.

G. Bond - The cost of the work contemplated shall be estimated by the Engineer of the Department of Transportation, and the petitioner shall furnish a bond to cover said estimate before work is started.

H. Under no circumstances shall this department be committed to the reconstruction, relocation, adjustment and protection of existing road at the expense of highway funds without first obtaining approval of the commissioner.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.061; eff. November 15, 1983.

24VAC30-150-1870. Fire warning signal.

Fire warning signals may be erected over streets or highways at fire stations to facilitate the safe and expeditious entry of fire-fighting equipment. The request for and the type of signals used must be in accordance with the requirements set forth on pages 953 and 954 of the "Virginia Manual on Uniform Traffic Control Devices."

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.070; eff. November 15, 1983.

24VAC30-150-1880. Grading on right of way.

Interstate and all other limited access highways - The board will not grant permits for removing trees or grading on the right of way or otherwise changing its appearance except in unusual circumstances where such work should improve the appearance, safety or operation on the interstate or any other limited access highway.

Primary and secondary systems excluding limited access-grading may be allowed on primary and secondary systems by permit provided the safety, appearance and operation of vehicles on the highway are not jeopardized. In areas where trees are to be removed or slopes to be graded, or both, a careful review should be made by all concerned before a permit is granted. The permit should also contain a complete description of the restoration of the disturbed area.

All permits involving tree cutting for entrances at locations that are considered unsafe must be forwarded to the central office for review. Tree-trimming application (Form TT and TT-a) should be handled in accordance with 24VAC30-150-740.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.080; eff. November 15, 1983.

24VAC30-150-1890. Hauling and moving permits.

No houses or structures shall be moved along or across a state highway without the written approval of the Commonwealth Transportation Commissioner, and only when transported on a motor vehicle in conformance with the motor vehicles' laws.

Full details concerning hauling and moving permits are covered in the current Hauling Permit Manual issued by the maintenance engineer.

Section 46.2-1139 of the Code of Virginia, empowers the Commonwealth Transportation Board to issue hauling or moving permits for the operation or movement of a vehicle of a size or weight in excess of legal limit.

Hauling or moving permits may be issued through the central office, district administrators' offices and resident engineers' offices throughout the Commonwealth.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.090; eff. November 15, 1983.

24VAC30-150-1900. Herbicides usage.

The requirements and regulations governing the use of herbicides are contained in Section 8.360 of the Maintenance Division Policy Manual.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.100; eff. November 15, 1983.

24VAC30-150-1910. Mailboxes; newspaper boxes.

No formal permits are required for the placing of mailboxes or newspaper boxes on the right of way.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.110; eff. November 15, 1983.

24VAC30-150-1920. Mailboxes.

Guidelines for the placing of mailboxes are outlined in Section 3.241 of the Maintenance Division Policy Manual.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.111; eff. November 15, 1983.

24VAC30-150-1930. Newspaper boxes.

Newspaper boxes are to be placed in accordance with the guidelines outlined in Section 3.242 of the Maintenance Division Policy Manual.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.112; eff. November 15, 1983.

24VAC30-150-1940. Pedestrian underpass.

Permits for pedestrian underpasses will be considered for issuance when the request indicates a definite need for the protection of the pedestrian. The applicant will submit complete plans and information to the resident engineer who will make a thorough investigation of conditions and location. The application along with plans, etc., will be forwarded to the district administrator along with his recommendation concerning approval or denial. If the district administrator finds the application to be satisfactory and recommends approval, he will forward the application with his recommendation to the permit manager. Final approval will be dependent upon the review of the structure and bridge division (for structural integrity), location and design (for conflicts with future road construction), and traffic and engineering division (for approval of any detour).

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.120; eff. November 15, 1983.

24VAC30-150-1950. Pipes from planing mills (overhead).

Application for permit will be initiated through the appropriate resident engineer and district administrator who will forward it, with their comments, to the permit manager who will approve or disapprove the permit. If the pipes for planing mills are inside the corporate limits of a town, a resolution from the town officials approving the construction and location of the pipeline shall be required by the resident engineer before submitting the permit application, with complete plans to the permit manager.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.130; eff. November 15, 1983.

Article 3
Railroad Grade Crossing or Encroachments

24VAC30-150-1960. Application for permit.

Applications for permits to construct railroad tracks over, under, across or along the right of way of a state highway must be made by the railroad company or other company which will use the tracks. Permits will not be issued to concerns contracting for such operations. All permit applications for highway grade crossings of secondary highways must be accompanied by resolutions from the County Board of Supervisors, approving the crossing. This is required before the permit can be issued. Railroad permits are issued only by the permit manager.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.141; eff. November 15, 1983.

24VAC30-150-1970. Permit requests from railroad companies.

1. 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.

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

3. Suitable construction bond is required when the construction work is to be performed by a contractor for the railroad.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.142; eff. November 15, 1983.

24VAC30-150-1980. Permit requests by other companies.

Where a person, firm or chartered company engaged in mining, manufacturing or lumber getting, as defined in §33.1-211 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. In the event of future widening of the highway, the permittee will lengthen the crossing surface, relocate signs and signals, etc., as may be necessary, at no expense to the Commonwealth.

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

4. Should the permittee in the future decide to dispose of the crossing to another party, the department shall be notified prior to such action, and proper arrangement then made for the transfer.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.143; eff. November 15, 1983.

24VAC30-150-1990. Plan or sketch for railroad permit.

Sketch should show clearly the angle of crossing or location of the tracks with reference to the centerline of the road, the entrance onto the right of way, departure from same, and width of the right of way of both railroad and highway. The grade line of the railroad must conform with the grade line of the highway and be so indicated on the sketch. Any difference in grade necessary, due to crown of the highway, must be taken out by the railroad company with the use of plant-mix-asphalt material, or as may be specified by the engineer.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.144; eff. November 15, 1983.

24VAC30-150-2000. School warning signals.

School warning signals consist of a sign flashing-beacon combination assembly, as described in the Virginia Manual on Uniform Traffic Control Devices, and must comply with §§46.2-870 through 46.2-878 of the Code of Virginia.

Installation on the highway right of way will be permitted provided that either the county or school board having jurisdiction over the school desiring such protection, submit the application and agreement for the installation of school warning signals along with the regular Form CE-7 permit application covering the installation of underground or overhead wires leading to the signs and lights, along with Form T & S-163 and associated sketches outlining locations of signals.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.150; eff. November 15, 1983.

Article 4
Shelters

24VAC30-150-2010. School bus shelters.

Applications must be made by the State Board of Education or by the County School Board through the State Board of Education.

The application must (1) specify how maintenance and repairs are to be handled and (2) have a sketch to show the design and dimensions of the building, location of the same with respect to the edge of the pavement, shoulder, drainage and right-of-way line.

Applications are to be sent to the resident engineer who will inspect the location, indicate the same on the county map, and forward with his recommendations to the district administrator.

An application may be made for one or more shelters, provided they are all in the same county. Insofar as possible, the number of such locations should be limited and every consideration given to accommodating the greatest number of users at the same location.

When the building or buildings for school bus shelters are erected, the Virginia Department of Transportation will grade and suitably surface and maintain areas around them.

No indication shall be made on any signs to the effect that the building was donated by any civic organization or individual.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.161; eff. November 15, 1983.

24VAC30-150-2020. Other shelters.

Applications may be made by any responsible organization or company. In addition to the requirements as under 24VAC30-150-2010, the applicant must agree to do all grading necessary to stabilize the turnout and to maintain the shelter in a manner satisfactory to the department.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.162; eff. November 15, 1983.

24VAC30-150-2030. Share-the-ride stations.

Share-the-ride stations are primarily for the use of military personnel. The sites for locations of these shelters are to be recommended by the head of the military establishment which they are to serve. In all cases, the military organization, whether Army, Navy or Air Force, must take full responsibility for their erection and maintenance.

Design for these shelters will be, as approved by the department, in accordance with plans submitted by the Special Committee of Military Officers as arranged in the office of Captain J. F. Delaney, U. S. Navy Assistant Chief of Staff for Personnel, Headquarters Fifth Naval District, Norfolk, Virginia 23511, at a meeting held on Thursday, September 4, 1952, or as may hereafter be revised and approved.

It is understood that the applicant will be agreeable to having said shelters erected at places designated by the resident or district administrators, or both, presumably on the back edge of the right of way. Ample space must be available in front of the shelters for vehicles to park off the pavement while loading or unloading military personnel.

Each shelter must be inspected and thoroughly policed every day in the week by the permittee.

Wherever names, or writings of an obscene nature or otherwise are found on said shelters, they will be promptly deleted, either by erasure or painting out.

Only signs as approved by the department will be allowed on these shelters. Such signs would only carry inscriptions such as "Give A Service Man A Ride." In no case will the name of the donor of such shelters (such as Lions, Rotary, Kiwanis, etc.), or the name of the encampment or fort, be allowed on the building.

Whenever the shelter is not properly maintained as indicated above, or it becomes a nuisance in the estimation of the highway engineers, the permittee will take immediate measures to correct these conditions or remove the shelter from the highway. If the permittee fails to do so within a reasonable time, as indicated by a notice from the district administrator or resident engineer, the

shelter will be removed by the department at the expense of the permittee and all material therein confiscated by the department.

At the discretion of the district engineer, signs may be placed, when advisable 1,000 feet ahead of the shelter, reading as follows:

SHARE-THE-RIDE STATION
1,000 FEET AHEAD

It is generally agreed that the shelters will be painted gray.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.163; eff. November 15, 1983.

24VAC30-150-2040. Structures allowed under right of way agreement.

In such rare cases where it has been absolutely necessary to enter into such agreement in securing right of way, complete records regarding the transaction must be on file in the residency and district offices, as supplied by the right of way division. Permits covering right of way agreements are to be prepared by the resident engineer and forwarded to the district administrator who will issue the permit; however, it must be clearly understood that this requirement on permits only begins with the date of approval of this manual on permits by the Commonwealth Transportation Board. Permits are not required covering agreements prior to this date and do not in any way affect or change these agreements.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.164; eff. November 15, 1983.

24VAC30-150-2050. Waiting sheds.

According to a resolution adopted by the State Highway Commission on May 22, 1945, "The Commission authorizes the granting of permits in certain instances for the erection of waiting sheds on the right of way of highways. The Chairman to have definite specifications written which will cover the removal of such waiting sheds upon request of the department. Sheds will not be permitted where sight distance will be impaired, and they will not be allowed to interfere with the safe movement of traffic."

Applications for such permits must be made on regular permit forms. Applicants must agree to maintain or repair said buildings or to reimburse the department for maintaining or repairing same. Permits may be revoked and the building removed on failure to comply with the above promptly after due notice is given.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.165; eff. November 15, 1983.

24VAC30-150-2060. Signs.

Traffic shall at all times be properly protected by adequate traffic signs, signals, lights, barricades, etc., which shall conform to the Virginia Manual on Uniform Traffic Control Devices. No advertising signs indicating by whom the work is being done will be allowed on state right of way, except as may be prescribed by the department.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.170; eff. November 15, 1983.

24VAC30-150-2070. National park service; national military park.

Permits for the erection of signs to be erected in areas near the national military grounds and buildings will be issued by the permit manager, but only after application has been made through the district administrators and resident engineers by the proper and responsible military or national park official to the permit manager. No permit fee or guarantee fee is required.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.171; eff. November 15, 1983.

24VAC30-150-2080. Outdoor advertising.

Enforcement of the provisions of the Code of Virginia pertaining to outdoor advertising is vested in the Commonwealth Transportation Commissioner, viz.: "It shall be the function and duty of the Commissioner to administer and enforce the provisions of this Act. He may, in the performance of his duties hereunder, assign to division administrators, and other employees in the Department of Transportation, such duties other than discretional powers as he may think appropriate."

In accordance therewith, the commissioner has assigned the handling of licenses, permits, renewals, etc., to the environmental engineer, together with the necessary authority to assign employees of the Department of Transportation such duties as he may think appropriate.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.172; eff. November 15, 1983.

24VAC30-150-2090. Miscellaneous signs (no formal permit required for the following signs).

A. Forestry - Authorized representatives of the National and State Forest Service may place forest fire warning signs on the right of way without a permit. However, careful attention should be given to the location of these and, more particularly, to the number that are put up.

Presumably, most of these will be placed near forest reservations or wooded areas. However, only a limited number of the small cardboard or metal signs should be allowed on our 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. This may be done under the following agreement:

"The engineers of the Department of Transportation have agreed that the idea of posting signs to prevent forest fires is excellent. We will work with the Department of Conservation and Recreation in locating signs on the highway right of way. We should keep the following in mind:

1. No highway sign should carry more than one message - thus no other signs should go on posts bearing highway signs;

2. No signs should be erected which would restrict sight distance or be close to highway warning and directional signs;

3. Signs regarding forest fires should be placed by fire wardens at locations suitable to the Department of Transportation."

In all cases, the forest warden is to collaborate with the resident engineer in selecting the location.

B. Garden week - These are to be made, erected, maintained and removed by employees of the department. The appropriate committee of the Garden Club of Virginia will designate the gardens and places that are to be officially opened during Garden Week, notify the district administrator or resident engineer of same, and they will have the necessary inspections made to determine where these signs should be placed and maintained.

C. Men working - At such times as employees of public utility companies or others are doing work on the state right of way, they must properly protect traffic by adequate traffic signs, signals, lights, barricades, etc., which shall conform to the Manual on Uniform Traffic Control Devices. The same provision may apply to railroads where their forces are at work repairing railroad crossings. No permit is required.

D. Rescue Squad - These signs are for use on the approaches to the rescue squad headquarters. (See page 520 of the Virginia Manual on Uniform Traffic Control Devices.)

E. Fire Station - These signs are for use at fire station headquarters. (See Page 519 of the Virginia Manual on Uniform Traffic Control Devices.)

F. Bird Sanctuary - The Department of Transportation will fabricate and erect these signs, upon receipt of a request from a town or city, at the corporate limits under the town name sign at the expense of the municipality. (See page 534 of the Virginia Manual on Uniform Traffic Control Devices.)

In order for a town or city to be designated as a BIRD SANCTUARY, it is necessary for the town or city council to pass a resolution to that effect.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.173; eff. November 15, 1983.

24VAC30-150-2100. Historical markers.

These are maintained by the Department of Transportation. When historical markers are broken beyond repair, notice of the same shall be sent to the environmental engineer, giving full details. All requests for historical markers must be approved by the Virginia Historic Landmarks Director.

Permits are required for historical markers not erected by the department. The Highway Commission established the following policy regarding the erection and maintenance of historical markers on January 23, 1969:

A. Historical markers (other than those in the regular system of markers) approved by the Virginia Historic Landmarks Board may also be erected within the department's right of way along any highway except those in the interstate system and those that are limited access highways.

B. Such markers, subject to the approval of the Federal Highway Administration, may be erected within rest areas along the interstate system.

C. Markers along limited access highways shall be restricted to locations within waysides.

D. Any historical marker so erected shall be subject to the following conditions:

1. The entire cost of furnishing and erection of the marker, together with the construction of the turnout or stabilization of the shoulder, shall be at the expense of the donor. In the interest of uniformity, the department will undertake the actual construction (turnout or shoulder stabilization) and bill the donors for the cost involved.

2. In order to promote safety, the marker will be placed at a location approved by the Department of Transportation. Such marker shall be located a minimum of 30 feet from the edge of pavement unless guardrail or the topography makes it safe to locate it nearer the pavement.

3. Prior to placing the marker, those causing the erection of the marker shall secure a permit (Form CE-7) to cover this operation. No bond or permit fee shall be required for such a permit.

4. The department will maintain the turnout or stabilized shoulder.

5. Only markers similar to and erected in the manner of the standard historical marker may be erected.

6. The donors agree to pay the cost of maintaining the marker, which will include repainting at intervals or repairing, should the marker be damaged as a result of a vehicle accident or vandalism.

7. Should the donors at any time not agree to pay the cost of keeping the marker in a good state of repair, the department reserves the right to remove the marker and make such disposition as it sees fit.

8. All permit applications for such markers shall be forwarded to the central office for approval by the environmental engineer and issuance by the permit manager.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.174; eff. November 15, 1983.

24VAC30-150-2110. Springs and wells.

In the acquiring of right of way, it is often necessary for the Department of Transportation to acquire land on which is located springs and wells, and their facilities. It is the policy of the department 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 the said springs, wells, and their facilities may be granted a permit to use these springs, wells, and their facilities until the Commonwealth Transportation Commissioner shall, by written notice, advise that the permit is terminated. The issuing of the permit shall in no way obligate the Department of Transportation to maintain the springs, wells or facilities.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.180; eff. November 15, 1983.

24VAC30-150-2120. Steps, sidewalks, curb and gutters.

Permit for steps, sidewalks, etc., to be placed on the right of way require a guarantee fee adequate to ensure such work being done in an orderly manner and completed in such a way that the facility will be safe at all times. No fees are to be charged when work is done under right-of-way agreement.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.190; eff. November 15, 1983.

24VAC30-150-2130. Surveys on limited access right of way by private surveyors.

(Permits for Access to Limited Access Highway Right of Way by Private Engineers and Land Surveyors in Connection with Survey Control)

A permit issued by the Department of Transportation shall be required for each entry onto limited access facilities for surveying purposes. Consideration for the issuance of such permits will be given only when the necessary data cannot be obtained from highway plans, monuments or triangulation, or any combination of these, and the applicant provides justification for entry onto the limited access facility.

Permits for this type of work shall be divided into two classes as follows:

CLASS I - When survey work can be confined to the area between the limited access fence and the shoulder

CLASS II - When it is mandatory to do certain survey work within the roadways themselves

Permits for Class I work can be approved by the district administrator. Permits for Class II work shall be forwarded through channels for approval by the permit manager.

All permits are to be prepared on Form CE-7 for each entry onto the limited access facility. Where the proposed work requires entry at several locations along a limited access highway, one permit may cover all locations providing, however, that all such work shall be performed in succession with no prolonged lapse of time.

Permits shall include the following information restrictions or special provisions, or both, as indicated for each class of work:

CLASS I (When survey work can be confined to the area between the limited access fence and the shoulder)

1. Complete information as to the location and description of the proposed work and the part of parts of the limited access facility it will be necessary to occupy.

2. Small "MEN SURVEYING" signs shall be displayed along the work area.

3. No vehicles shall be parked on the limited access facility.

4. This permit does not cover any work upon or entry onto the roadway, including shoulders and median.

5. There will be no changes in the limited access features of the highway during or resulting from the privileges granted in this permit.

6. No trees or shrubs are to be cut or trimmed except upon approval of the environmental engineer.

7. No pins, stakes or other survey markers are to be placed within the right of way which will interfere with mowing or other maintenance operations.

8. The Department of Transportation reserves the right to stop the work at any time the terms of the permit are not complied with satisfactorily.

9. Applicants to whom permits are issued shall at all times indemnify and save harmless the Commonwealth of Virginia and the Commonwealth Transportation Board from responsibility, damage or liability arising from the exercise of the privileges granted in such permits.

10. A permit may be denied any applicant; and all permits issued by the Commonwealth Transportation Board may be revoked whenever, in the opinion of the Commonwealth Transportation Board, the safety, use or maintenance of the highway so requires.

11. Initial permit fee of $40.

CLASS II (When it is mandatory to do certain survey work within the roadway)

1. Complete information as to the location and description of the proposed work and the part or parts of the facility where survey work will take place.

2. Explanation of the necessity to enter upon or occupy the roadway to obtain required data.

3. Anticipate time required to perform the survey work on the roadway and length of time any lane will be closed.

4. Entry will not be permitted between the hours of 6:30 to 9:30 a.m. and 3:30 to 6:30 p.m. on high volume traffic facilities or during other peak-hour traffic as may be specified by the resident engineer. (All restricted hours must be shown on permit).

5. There will be no changes in the limited access features during or resulting from the exercise of the privileges granted in this permit.

6. No trees or shrubs are to be cut or trimmed except upon approval of the environmental engineer.

7. No pins, stakes, or other survey markers are to be placed within the right of way which will interfere with mowing or other maintenance operations.

8. The area in which the work is being performed shall be signed with adequate lights, signs, signals, barricades, etc., which shall conform to the Virginia Manual on Uniform Traffic Control Devices. These signs, including truck with amber flashing light, will be procured and placed by the permittee.

9. Flagmen shall be used to direct traffic in addition to the signing required. All flagmen shall wear red reflectorized vests.

10. No vehicles shall be parked on the limited access facility beyond the sign protected area.

11. The Department of Highways and Transportation reserves the right to stop the work at any time terms of the permit are not complied with satisfactorily.

12. Applicants to whom permits are issued shall at all times indemnify and save harmless the Commonwealth of Virginia and the Commonwealth Transportation Board from responsibility, damage or liability arising from the exercise of the privileges granted in such permits.

13. A permit may be denied any applicant; and all permits issued by the Commonwealth Transportation Board may be revoked whenever, in the opinion of the Transportation Commissioner, the safety, use or maintenance of the highway so requires.

14. Initial permit fee of $40. Very careful review of each permit application is essential, and every effort should be made to encourage private engineers and land surveyors to confine their activities to our monuments, plans and triangulations rather than attempt to occupy the roadway alignment.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.200; eff. November 15, 1983.

Article 5
Telephone Booths

24VAC30-150-2140. Interstate systems.

Telephone booths may be allowed at rest areas and other locations as provided in the POLICY ON SAFETY; REST AREAS FOR THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS by the Committee on Planning and Design Policies of the American Association of State Highway Officials and allowed at other locations when definitely needed as shown by our engineers' study.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.211; eff. November 15, 1983.

24VAC30-150-2150. Other highways.

Telephone booths may be allowed when a definite need exists to serve the traveling public, such as:

A. At wayside areas, if well removed from access to off right-of-way telephone pay stations.

B. At other isolated areas sufficiently removed from existing off right-of-way telephone pay stations as to impair the safety and convenience of traffic, providing:

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

2. Location meets all safety requirements as to sight distance, access roads and parking; and

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

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.212; eff. November 15, 1983.

Cross References

Rules and regulations for the administration of waysides and rest areas, 24VAC30-50-10.

24VAC30-150-2160. Trash containers.

Trash receptacles may be placed, with the exception of limited and controlled access highways, on highway right of way provided they are located as close to the right-of-way line as possible, and shall at all times be 15 feet or more from the edge of pavement.

The trash receptacle shall have a clearly defined entrance and exit. The portion of the entrance which parallels the roadway shall be a minimum of 15 feet from the edge of pavement.

If this cannot be accomplished, then the entrance should circle around behind the receptacle. All portions of the entrance located on state's right of way shall be stabilized with crushed stone.

The entrance shall be located where there is adequate sight distance, and all locations should be reviewed by the district traffic engineer. The locating of receptacles at intersections is not desirable and shall be avoided if at all possible.

Trash receptacles shall be maintained in a neat condition at all times, and shall periodically be sprayed to keep down flies, odors, etc. If the receptacles are not maintained in a manner satisfactory to the Department of Transportation, then they shall be removed from the right of way.

Trash receptacles located on heavily traveled highways may require planting to screen off the receptacle. This determination shall be made by the resident engineer.

The permittee shall secure written permission from the adjacent property owner prior to locating the receptacle on state's right of way.

All permits must be submitted to the central office for review and approval.

The application should be submitted and Form CE-7 with no permit fee required, but an appropriate guarantee fee will be charged.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.220; eff. November 15, 1983.

Article 6
Tree Trimming and Planting

24VAC30-150-2170. Tree trimming.

No trees or shrubs are to be cut, trimmed or sprayed, except upon approval or under supervision of the environmental engineer.

Tree Trimming Permits are required for any work done on highway trees, whether in connection with a regular permit or as a separate operation. The original and four copies of tree-trimming application (Form TT and Form TT-a) must be recommended for approval by the resident engineer, who checks same principally to determine whether or not the trees involved are on state right of way. The district environmental coordinator checks the application with respect to the effect of the proposed work on the life and appearance of the trees.

The district administrator may issue normal tree-trimming permits, with special or unusual cases being referred to the environmental engineer for issuance. Permits involving removal of trees over 6 inches in diameter may be issued only after review and approval by the environmental engineer.

Utility companies may submit applications for permission to retrim trees and other vegetation along their lines located on highway rights of way by submitting application Form TT, completely filled out, with one sheet TT-a attached stating: "Same work and clearance as shown on Permit Number _____ with exceptions as noted below." Any difference in type of work to be done should be listed.

Tree trimming shall be performed under the direction of a supervisor that has been approved to trim trees on the state's right of way and whose name appears on a list maintained by the environmental division and the district environmental coordinator.

Tree-trimming applications will not be accepted from tree expert companies or contractors.

All work shall be performed in accordance with special provisions on tree-trimming applications; however, where special conditions arise, the environmental engineer will set forth requirements for the same.

An initial permit fee of $40 is required together with a sufficient bond, guarantee fee, or irrevocable letter of credit.

Additionally, tree-trimming applications for work in connection with permit applications (Form CE-7, CE-6B, etc.) shall be handled in accordance with 24VAC30-150-740 through 24VAC30-150-1880.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.231; eff. November 15, 1983.

24VAC30-150-2180. Tree planting.

All plans for planting trees or shrubs on the right of way must be approved by the environmental engineer. If the planting is to be done by someone other than state forces and has been approved by the environmental engineer, a permit (Form CE-7) must be issued to cover the work. This may be issued by the district administrator. A guarantee fee (amount to be determined by the resident engineer) must be charged for the permit.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.232; eff. November 15, 1983.

24VAC30-150-2190. Building movements.

All building movements over 14 feet wide require the approval of the permit manager after the field has performed the necessary investigative report (Form MP-83). All building movements should be covered by a performance bond that is commensurate with the type of move requested. The rules and regulations governing House Movements are covered by the Hauling Permit Manual, current edition.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.240; eff. November 15, 1983.

24VAC30-150-2200. Vendors on right of way.

Vendors of newspapers and "written materials" enjoy constitutional protection under the First Amendment to place or operate their services on highway rights of way. However, newspaper vending machines shall conform to the size, shape, appearance, placement and location as directed by the resident engineer for that area.

Vendors of materials or goods other than newspapers and written materials do not enjoy First Amendment protection and can be removed, when necessary, and are required to obtain a permit. These vendors do, of course, provide a service to the public and should not be discouraged unless their activities endanger the public safety or constitute an eyesore or nuisance. Permits for these vendors shall be issued by the residency for the area involved, on the basis of vendor finding a safe location, vendor's operation being conducted in a safe manner, and not causing congestion to vehicle traffic.

These permits shall be issued on the standard Form CE-7 as a "blanket permit" with a $100 annual renewal charge and shall run from July 1 of the issuing year through June 30 of following year.

Termination of permit activity shall be at the discretion of the resident engineer if the permittee fails to keep highway in a clean and orderly manner or if public safety so dictates.

IMPORTANT: No permanent structure of any kind shall be placed on the highway right of way (with the exception of newspaper vending machines).

A guarantee fee shall be charged commensurate with what resident engineer determines it will cost to clean up and restore the right of way.

Statutory Authority

§33.1-12 of the Code of Virginia.

Historical Notes

Derived from VR385-01-16 §5.250; eff. November 15, 1983.

FORMS

Form CE-7.

Form MP-20.

Form CE-6B.

Form MP-70.

Form MP-232.

Form MP-83.

Form MP-233 (Permit Surety Record Form).

MP-230.

MP-231.

Resolution Or Ordinance In Lieu Of Guarantee Fee Or Bond.

CR Form 185 (License For Installations Upon Right Of Way).

Comprehensive Agreements.

Tree Trimming Application (Form TT).

Permit For Chemical Control Of Vegetation (BC-1).

Application For Permission To Work On Public Highway Trees (Form TT-a).

T & S-163 (School Warning Signals).

Permit Application Check List (when not in conjunction with construction projects).

Permit Application Check List (when in conjunction with construction projects).

Form MP-71 (Subsequent Special Provisions).

Special Provision For Temporary Logging Road.

Special Provision For Sanitary Sewer Facilities For Proposed Highway Projects.

Special Provision For Water Facilities For Proposed Highway Projects.

Form MP-234.

Aerial And Underground Sample Sketches.

Typical Encased And Uncased Crossings.

Typical Encasement and Allied Mechanical Protection.

Typical Protection Of Existing Pipelines.

Typical Traffic Control For Utility Work.

Revenue Refund Voucher (Form DA-02-181) (-62).