



**LAND USE PERMIT  
LUP-OAVC  
Outdoor Advertising Vegetation Control**

August 1, 2016

Vegetation control operations associated with outdoor advertising structures visible from state maintained highway right-of-way and National Highway System routes are authorized under Section [24VAC30-151-620](#) of the Land Use Permit Regulations.

**Permittee Agreement for Land Use Permit Issuance**

I the undersigned applicant hereby acknowledge the following requirements associated with the issuance of a VDOT Land Use Permit authorizing vegetation control operations associated with outdoor advertising structures visible from state maintained highway right-of-way and National Highway System routes:

Type or Print Clearly

Applicant Name: \_\_\_\_\_

Applicant's Federal Tax ID No.: \_\_\_\_\_

Applicant's Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Primary Telephone No.: ( \_\_\_\_ ) \_\_\_\_ - \_\_\_\_\_ 24-Hour Telephone No.: ( \_\_\_\_ ) \_\_\_\_ - \_\_\_\_\_

Fax No.: ( \_\_\_\_ ) \_\_\_\_ - \_\_\_\_\_ E-mail Address: \_\_\_\_\_

District: \_\_\_\_\_

Applicant Representative's Name: \_\_\_\_\_

Applicant Representative's Signature: \_\_\_\_\_

Applicant Representative's Title: \_\_\_\_\_

Arborist's Name: \_\_\_\_\_

Arborist's ISA Certification No.: \_\_\_\_\_

Arborist's Signature: \_\_\_\_\_

### **VDOT Land Use Permit Required by Law**

The General Rules and Regulations of the Commonwealth Transportation Board provide that no work of any nature shall be performed on any real property under the ownership, control, or jurisdiction of VDOT until written permission has been obtained from VDOT. Written permission is granted to perform vegetation control operations through the issuance of a land use permit.

By issuing a permit, VDOT is giving permission only for whatever rights it has in the right-of-way; the permittee is responsible for obtaining permission from others who may also have an interest in the property.

The permittee will be civilly liable to the Commonwealth for actual expenses and damages incurred by VDOT as a result of violation of any of the rules and regulations of [24VAC30-151](#) and [24VAC30-21](#), pursuant to [§33.2-210](#) of the Code of Virginia. Violators shall also be liable under [§33.2-1221](#) of the Code of Virginia.

### **Application Requirements**

Application for all VDOT land use permits authorizing vegetation control operations associated with outdoor advertising structures visible from state maintained highways and National Highway System routes shall be submitted to the local residency permit office designated to issue said permit.

All VDOT land use permits authorizing vegetation control operations at outdoor advertising structures shall be issued by the local residency permit office after coordination with the district roadside manager and all other appropriate VDOT personnel.

Application forms for outdoor advertising vegetation control operations can be obtained by contacting the local residency permit office designated to issue said permit or at the following VDOT web site: <http://www.virginiadot.org/business/bu-landUsePermits.asp>

In addition to an executed copy of this document, the following forms may be necessary to make application:

[LUP-LS](#) Permittee Agreement for Landscape Installation & Maintenance (if necessary)

[LUP-CCV](#) Chemical Control of Vegetation (if necessary)

### **Contact Information**

A list of counties with their corresponding VDOT district offices and contact information may be obtained on the VDOT web site at: <http://www.virginiadot.org/about/districts.asp>

### **Permit Term and Fees**

VDOT land use permits for vegetation control operations associated with outdoor advertising structures visible from VDOT maintained highways are valid for a period of one (1) year.

An annual fee of \$400.00 is required for vegetation control operations associated with all outdoor advertising structures visible from non-limited access highway segments along a specific route within a specific VDOT construction district.

An annual fee of \$400.00 is required for vegetation control operations associated with all outdoor advertising structures visible from limited access highways along a specific route within a specific VDOT construction district.

### **Surety Requirement**

A surety is required in the amount of two-thousand five-hundred dollars (\$2,500.00) per issued land use permit to restore the right-of-way in the event of damage to state maintained facilities resulting from the authorized activity. This surety may be in the form of cash or check, a [LUP-SB](#) Permit Surety Bond or [LUP-LC](#) Irrevocable Letter of Credit Bank Agreement. A continuous surety of a greater amount in the form of cash, check or [LUP-SB](#) Permit Surety Bond may also be provided to cover the issuance of multiple land use permits for outdoor advertising vegetation control operations.

### **Cash Surety Refund**

Applicants owing the Internal Revenue Service or the Commonwealth of Virginia may not receive a refund of the cash guarantee provided for the issuance of a VDOT land use permit unless the amount owed is less than the amount of cash guarantee provided. Applicants providing cash guarantee for the issuance of a VDOT land use permit must provide an executed copy of the Commonwealth of Virginia's Substitute Form [W9-COV](#) to receive a refund of the cash guarantee provided for the issuance of a VDOT land use permit.

### **Insurance Requirements**

The permittee or their agent shall secure and maintain insurance to protect against liability for personal injury and property damage that may arise from the activities performed under the authority of a land use permit and from the operation of the permitted activity up to one million dollars (\$ 1,000,000) each occurrence to protect the Board members and the Department's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Board, the Department, or the Commonwealth in event of suit. Insurance must be obtained prior to start of the permitted work and shall remain valid through the permit completion date. VDOT staff may require a valid certificate or letter of insurance from the issuing insurance agent or agency prior to issuing the land use permit.

### **General Requirements**

- 1) Permittee acceptance and use of a Virginia Department of Transportation (VDOT) land use permit is prima facie evidence that the permittee is fully cognizant of all required permit provisions, applicable traffic control plans and associated construction standards to be employed. All applicants to whom permits are issued shall at all times indemnify and save harmless the Commonwealth Transportation Board, members of the Board, the Commonwealth, and all Commonwealth employees, agents, and officers, from responsibility, damage, or liability arising from the exercise of the privileges granted in such permit to the extent allowed by law including any sums ordered to be paid or expended by VDOT by any governmental entity as a fine, penalty or damages for any violation of any applicable environmental law, or to remediate any hazardous or other material, including illicit discharge into VDOT maintained storm sewer systems.
- 2) The permittee agrees to secure and carry insurance against liability for personal injury and property damage that may occur as a result of the work performed under a VDOT land use permit or that may arise from the permitted activity.
- 3) Within the limits of a VDOT construction project it is the responsibility of the permittee to obtain the contractor's consent in writing prior to occupation of the right-of-way. Information regarding current and/or planned VDOT construction and maintenance activities can be obtained at: <http://www.virginiaroads.org/>.
- 4) All pruning activities shall be performed in a manner that creates a picture frame effect around the outdoor advertising structure and beautifies the surrounding area.

- 5) For the term of the permit, the permittee shall employ (on staff) or engage (on contract) an arborist who is currently certified by the ISA to represent the permittee. The arborist shall provide the permittee's contract crews with the necessary guidance to ensure that the authorized activities are performed in accordance with the permit provisions. A copy of the arborist's current certification shall be made available upon request by authorized VDOT representatives.
- 6) Prior to issuance of a VDOT land use permit the applicant's arborist shall flag all vegetation to be removed from state maintained highway right-of-way and perform a field review with the district roadside manager and the permit applicant.
- 7) The permittee's arborist must be present during all pruning and/or complete tree removal from within state maintained right-of-way.
- 8) A copy of the VDOT land use permit shall be maintained at every work site and made readily available for inspection when requested by authorized VDOT personnel.
- 9) The issuance of a single use permit (per board) shall be required when outdoor advertising vegetation control operations impedes highway travel and/or requires the implementation of traffic control.
- 10) The permit application shall include an annual work schedule and include at a minimum, (i) the outdoor advertising permit number(s), and (ii) the structure location(s) and route number(s) where vegetation control operations will occur. The permit may be renewed annually provided that a new annual work schedule is provided for the year covered by the authorized permit extension(s).
- 11) The permittee's contract crews shall notify the local residency permit office by telephone or electronic communication to confirm their work location(s) prior to initiating outdoor advertising vegetation control operations.
- 12) The permittee's contractor shall notify the local residency permit office by telephone or electronic communication upon the completion of work at the designated outdoor advertising structure or structures listed on the annual work schedule.
- 13) Failure to provide the work location and/or work completion notification may result in the suspension or revocation of the VDOT land use permit authorizing vegetation control operations associated with outdoor advertising structures.
- 14) It shall be the permittee's responsibility to obtain any and all necessary permits that may be required by any other government agencies.
- 15) No land disturbance shall be allowed under a VDOT land use permit authorizing vegetation control operations on state maintained highway right-of-way except in situations where the district roadside manager requires supplemental landscape planting to mitigate the removal of existing vegetation.
- 16) All cut vegetation shall be immediately removed from state maintained right of way and disposed of in accordance with the Solid Waste Management Regulations (9 VAC 20-80-10 et seq.) of the Virginia Waste Management Board.
- 17) When trees are completely removed the stumps shall be cut at ground level and the face of the stump shall be cut parallel with the surrounding grade.
- 18) Climbing irons or spurs shall not be utilized during vegetation control operations on state maintained rights-of-way.

19) Outdoor advertising vegetation control operations shall be accomplished in accordance with the following:

- American National Standard for Tree Care Operations – Tree, Shrub, and Other Woody Plant Maintenance – Standard Practice (ANSI A300)
- American National Standard for Tree Care Operations – Pruning, Trimming, Repairing, Maintaining and Removing Trees, and Cutting Brush – Safety Requirements (ANSI Z133.1)
- International Society of Arboriculture, Best Management Practices – Tree Pruning (ISA)

20) The district roadside manager may approve requests for the removal of vegetation having a trunk base diameter greater than 6-inches from state maintained right-of-way for diseased and dying vegetation, vegetation damaged by insects, unsightly vegetation or vegetation that poses a safety hazard.

21) No pruning of vegetation will be permitted if the cut at the point of pruning exceeds 4-inches in diameter.

22) The permittee's arborist shall be available to meet on site with VDOT representatives within 24 hours of notification for dispute or performance resolution.

23) The permittee shall contact the *local residency permit office* in the event that emergency vegetation removal is necessary due to a vehicular accident or acts of nature.

24) The use of herbicides on state maintained right-of-way requires the submission of a completed [LUP-CCV](#) request form, their pesticide business license and subsequent approval by the district roadside manager.

25) All herbicide applicators shall meet the applicable requirements established by the Virginia Department of Agricultural and Consumer Services and maintain a Category 6 (ROW) certification. Activities involving the chemical control of vegetation shall comply with all applicable federal and state regulations.

26) Stump treatments shall be applied to live deciduous cut stumps in accordance with product label directions and specifications.

27) Any and all highway signs, right-of-way markers, etc., that are disturbed as a result of work performed under the auspices of a land use permit shall be accurately reset by the permittee immediately following completion of the work in the vicinity of the disturbed facility. The services of a certified land surveyor with experience in route surveying may be required.

#### **Authorized Hours and Days of Work**

Normal hours for work under the authority of a VDOT land use permit are from 9:00 a.m. to 3:30 p.m. Monday through Friday for all highways classified as arterial or collector. All highways classified as local roads will have unrestricted work hours and days.

The local residency permit office shall establish any necessary time restrictions in normal working hours and days for VDOT land use permits authorizing outdoor advertising vegetation control operations.

The classifications for all state maintained highways can be found at the following link: [http://www.virginiadot.org/projects/fxn\\_class/maps.asp](http://www.virginiadot.org/projects/fxn_class/maps.asp)

### **Holiday Restrictions**

Permitted non-emergency activities will not be allowed on arterial and collector highway classifications from noon on the preceding weekday through the following state observed holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. If the observed holiday falls on a Monday, the permit will not be valid from noon on the preceding Friday through noon on Tuesday.

### **Traffic Control and Safety**

- 1) *The permittee shall at all times give strict attention to the safety and rights of the traveling public, their employees, and contractors. Any permit may be revoked or suspended when in the opinion of the local residency permit office, the safety, use or maintenance of the highway so requires.*
- 2) Right-of-way access to perform authorized vegetation control operations at outdoor advertising structures shall be made from the adjoining private property and not through the highway right-of-way.
- 3) The permittee shall immediately correct any situation that may arise as a result of these activities that the local residency permit office deems hazardous to the traveling public.

### **Inspections**

The absence of a VDOT inspector does not in any way relieve the permittee of their responsibility to perform the work in accordance with these provisions, the Virginia Department of Transportation (VDOT) Vegetation Control Regulations on State Rights-of-Way and the Virginia Department of Transportation (VDOT) Tree and Brush Trimming Policy.

Upon completion of outdoor advertising vegetation control operations at the designated outdoor advertising structure or structures listed on the annual work schedule the permittee shall provide notification, documented in writing, by telephone or electronic communication, to the local residency permit office requesting final inspection. This request shall include the information required by VDOT including the name of the permittee, the outdoor advertising permit number, land use permit number, county name, route number and specific location of the completed outdoor advertising vegetation control operations. The permittee must complete corrections to deficiencies in the work performed and contact the local residency permit office for re-inspection within 30 calendar day's receipt of initial final inspection correspondence from VDOT.

### **Permit Revocation**

VDOT land use permits authorizing vegetation control operations associated with outdoor advertising structures may be revoked if the permittee violates the terms of the permit or any of the requirements of the [Land Use Permit Regulations](#). The permittee must obtain single-site single use permits from the local residency permit office where the activity is to occur to continue outdoor advertising vegetation control operations during the revocation period. In addition VDOT may apply additional penalties in accordance with [§33.2-1221](#).

### **Permittee Notice**

The preceding provisions are a summary of the [Land Use Permit Regulations](#) and relevant outdoor advertising control requirements. The permittee should contact the local residency permit office or the central office permit manager with questions or concerns regarding land use permitting for vegetation control operations associated with outdoor advertising structures.