June 09

COMMONWEALTH OF VIRGINIA

DEPARTMENT OF TRANSPORTATION

Special Provisions for Permitting Irrigation System in State Right of Way

Applicants will obtain and carry liability insurance in sufficient amounts to comply with the Land Use Permit Manual and Special Provisions LUP-SP NOVA. Permittee (s) will submit a signed Letter of Perpetual Maintenance and Responsibility agreeing to the following provisions:

1. VDOT will not be responsible for maintaining, repairing, or any liability for the irrigation systems within the right of way.
2. In the event of future roadway improvements, VDOT will be in no way responsible for replacement or relocation of any existing irrigation system. Any changes in the irrigation system caused by future roadway improvements must be submitted to the NOVA District (Fairfax) Permits Section Head for approval. All applicants shall be advised of roadway improvements when the design is finalized.
3. Permittee(s) will not be allowed to modify the irrigation design once VDOT has approved it. Any changes will have to be resubmitted for VDOT approval. VDOT may request removal of any unapproved changes.
4. The permittee agrees to indemnify and save harmless VDOT, the Commonwealth Transportation Board, and all its officers, agents, and employees from all litigation, actions of claims of any character, name or description, which may arise from construction, maintenance and/or functioning of the work permitted by this permit.
5. Permittee assures the perpetual maintenance of the irrigation and landscape (to include turf grasses) in the right of way through maintenance agreement deeded to the property.
6. The permittee shall take sufficient care to avoid damage to roads, sidewalks, curbs, existing utilities, traffic control devices, and other facilities under control of VDOT and shall be held liable for any concurrent damages caused by the irrigation system.
7. The irrigation system should be designed to avoid overthrow of water onto the paved road surface (and sidewalk, if applicable).
8. It is understood that should the irrigation allowed under this permit become a traffic and/or pedestrian hazard in the opinion VDOT, VDOT may request disconnection of such sprinklers and/or water lines.
9. The watering schedule for the right of way shall be restricted to between 12:00 AM and 4:00 AM (except for maintenance and system checks) when traffic is at its lowest. Watering time shall be stated in the application. No watering shall be allowed when the temperature is less than 40 degrees Fahrenheit.
10. A winterizing schedule must be submitted with the plans.
11. The irrigation system shall fully comply with all local and state laws and ordinances and with all established code applications.
12. The irrigation system (the zones within the right of way) shall not be used for applying pesticides, fertilizer, or any other additives that may contaminate the water.
13. Underdrain system is to be constructed along with irrigation system and have a proper outfall to existing storm sewer system.
14. It is further agreed that, should the applicant fail to maintain the irrigation system, VDOT may decide to have the irrigation eliminated on the right of way at the applicant(s) expense.