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**HOUSE BILL NO. 2563**

Offered January 8, 2003

Prefiled January 8, 2003

A *BILL to amend the Code of Virginia by adding a section numbered 2.2-1151.1, relating to Department of Transportation; right-of-way easements.*

Patron—Scott

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 2.2-1151.1 as follows:**

§ 2.2-1151.1. Conveyances of right-of-way usage to certain nonpublic service companies by the Department of Transportation.

A. As used in this section:

"Department" means the Virginia Department of Transportation.

"Developer" means a person who undertakes to develop real estate.

B. The Department shall keep and maintain a Developer and Owner Registry separate and apart from all other records maintained by it. The registry shall consist of commercial and residential developers, owners of commercial or multifamily real estate or local government entities with a property interest in any parcel of land adjacent to property owned by the Commonwealth and held in the possession of the Department for the construction, maintenance or operation of public roads, streets or highways. The purpose of the registry shall be to assist in providing notice to such parcel owners when a company other than a public service company as defined in § 56-76 owning, operating or installing a utility line as defined in § 56-265.15 has applied to the Department for a right-of-way use permit. The registry shall include the name, address and telephone number of the entity or individual possessing the property interest. Participation in the registry shall be voluntary and must be initiated by the entity or individual possessing the property interest. The Department may charge an initial set-up fee to recover full costs associated with maintaining the registry for the first two years. Thereafter, an annual fee may be charged to the entity or individual possessing the property interest to remain on the registry.

E. No land use permit shall be issued by the Department to any company other than a public service company as defined in § 56-76 owning or operating a utility line as defined in § 56-265.15, unless such company has (i) registered as an operator with the appropriate notification center as defined by § 56-265.15 and (ii) notified the commercial and residential developer, owner of commercial or multifamily real estate or local government entities with a property interest in any parcel of land located adjacent to the property over which the land use is being requested, as indicated by the registry, that application for the permit has been made. Any permit application approved by the Department shall include evidence indicating compliance with the registration and notification requirement provided by this subsection.

F. Nothing in this section shall be construed or interpreted to create a cause of action or administrative claim against the Department arising out of its operation of the Developer and Owner Registry.

INTRODUCED

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