

042717500

**HOUSE BILL NO. 1194**

Offered January 14, 2004

Prefiled January 14, 2004

*A BILL to amend and reenact § 2.2-1151.1 of the Code of Virginia, relating to the Virginia Department of Transportation; right-of-way easements; damage to adjacent property.*

---

Patron—Scott, J.M.

---

Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:****1. That § 2.2-1151.1 of the Code of Virginia is amended and reenacted 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. No land use permit shall be issued by the Department to any company other than a public service company as defined in § 56-76, a company owning or operating an interstate natural gas pipeline, or a franchised cable television systems operator 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, that application for the permit has been made. Any permit application approved by the Department shall include an affidavit indicating compliance with the registration and notification requirements provided by this subsection.

C. *No land use permit shall be issued to any company unless such company has agreed in writing for the Department to be the final arbiter of any and all claims of damage to property made by a property owner alleging such damage was caused by the company in connection with work performed under the permit. Nothing in this section requires a property owner to have a damage claim resolved by the Department through this process, however, if the property owner elects to have his claim resolved by the Department, he must first agree to a waiver of his right to sue the company for any and all damages alleged to have been caused by the company in connection with work performed under the permit.*

D. Nothing in this section shall be construed or interpreted to create a cause of action or administrative claim against the Department.

INTRODUCED

HB1194