

2011 SESSION

INTRODUCED

11101327D

HOUSE BILL NO. 2469

Offered January 21, 2011

A *BILL to amend and reenact § 33.1-69.2 of the Code of Virginia, relating to relocation or removal of utility facilities.*

Patron—Morefield

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 33.1-69.2 of the Code of Virginia is amended and reenacted as follows:

§ 33.1-69.2. Relocation or removal of utility facilities within secondary highway construction projects.

Whenever it is necessary that any tracks, pipes, mains, conduits, cables, wires, towers, or other structures, equipment and appliances (herein called facilities) of any utility as herein defined, in, on, under, over or along an existing highway that is to be included within any construction project on the secondary highway system should be relocated or removed, the owner or operator of such facilities shall relocate or remove the same in accordance with the order of the Board. The cost of such relocation or removal, as herein defined, including the cost of installing such facilities in a new location or locations, and the cost of any lands, or any rights or interest in lands, and any other rights, required to accomplish such relocation or removal, shall be ascertained and paid by the Board as a part of the cost of such project. *However, when the Board acquires property by eminent domain, such relocated facilities shall not be placed any closer to a private residence than those facilities were before the relocation, or 100 feet, whichever is closer.*

For the purposes of this section, "utility" includes utilities owned by a county, city, town, public authority or nonprofit, consumer-owned company, located in a county having a population of at least 32,000 but no more than 34,000, that (i) is exempt from income taxation under § 501 (c) (3) of the Internal Revenue Code, (ii) is organized to provide suitable drinking water, (iii) has no assistance from investors, (iv) does not pay dividends, and (v) does not sell stock to the general public, and "cost of relocation or removal" includes the entire amount paid by such utility properly attributable to such relocation or removal after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

The cost of relocating or removing utility facilities in connection with any project on the secondary highway system is hereby declared to be a cost of highway construction.

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