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**HOUSE BILL NO. 2250**

Offered January 14, 2013

A *BILL to amend and reenact § 56-265.23 of the Code of Virginia, relating to the Underground Utility Damage Prevention Act; exemption for sanitary districts.*

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Patron—Sherwood

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Referred to Committee on Transportation

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**Be it enacted by the General Assembly of Virginia:****1. That § 56-265.23 of the Code of Virginia is amended and reenacted as follows:****§ 56-265.23. Exemption for roadway maintenance operations by the Virginia Department of Transportation and certain counties, cities, towns, and sanitary districts.**

Employees of the Virginia Department of Transportation acting within the scope of their employment, and certain employees of those counties, cities, and towns ~~which~~ *that* maintain their streets or roads in accordance with § 33.1-23.5:1 or § 33.1-41.1 *or of any sanitary district that maintains at least 20 miles of its own streets and roads*, performing street or roadway maintenance operations and acting within the scope of their employment, excavating entirely within the right-of-way of a public road, street or highway of the Commonwealth shall not be required to comply with the provisions of this chapter if reasonable care is taken to protect the utility lines placed in the right-of-way by permit and if they:

1. Excavate within the limits of the original excavation; on the traveled way, shoulders or drainage features of a public road, street, or highway and any excavation does not exceed eighteen inches (0.45 meter) in depth below the grade existing prior to such excavation; or

2. Are replacing previously existing structures in their previous locations.

INTRODUCED

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