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SENATE BILL NO. 1169

Offered January 14, 2015

Prefiled January 13, 2015

A BILL to amend and reenact § 56-49.01 of the Code of Virginia, relating to the right of natural gas companies to enter upon property.

Patron—Hanger

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:**1. That § 56-49.01 of the Code of Virginia is amended and reenacted as follows:****§ 56-49.01. Natural gas companies; right of entry upon property.**

A. Any firm, corporation, company, or partnership, organized for the bona fide purpose of operating as a natural gas company as defined in 15 U.S.C. § 717a, as amended, may make such examinations, tests, hand auger borings, appraisals, and surveys for its proposed line or location of its works as are necessary (i) to satisfy any regulatory requirements and (ii) for the selection of the most advantageous location or route, the improvement or straightening of its line or works, changes of location or construction, or providing additional facilities, and for such purposes, by its duly authorized officers, agents, or employees, may enter upon any property without the written permission of its owner if (a) the natural gas company has requested the owner's permission to inspect the property as provided in subsection B, (b) the owner's written permission is not received prior to the date entry is proposed, and (c) the natural gas company has given the owner notice of intent to enter as provided in subsection C, and (d) the governing body of the city or county in which the property upon which the inspection is proposed to be made has adopted a resolution expressing support for the proposed line or works, which resolution shall not be adopted unless the governing body has found that locating the line or works within the city or county is consistent with its comprehensive plan, master plan, or any general development plan and that there exists a demonstrated public need for the line or works. A natural gas company may use motor vehicles, self-propelled machinery, and power equipment on property only after receiving the permission of the landowner or his agent.

B. A request for permission to inspect, including a copy of a resolution that complies with clause (d) of subsection A, shall (i) be sent to the owner by certified mail, (ii) set forth the date such inspection is proposed to be made, and (iii) be made not less than 15 days prior to the date of the proposed inspection.

C. Notice of intent to enter, including a copy of a resolution that complies with clause (d) of subsection A, shall (i) be sent to the owner by certified mail, (ii) set forth the date of the intended entry, and (iii) be made not less than 15 days prior to the date of mailing of the notice of intent to enter.

D. Any entry authorized by this section shall not be deemed a trespass. The natural gas company shall make reimbursement for any actual damages resulting from such entry. Nothing in this section shall impair or limit any right of a natural gas company obtained by (i) the power of eminent domain, (ii) any easement granted by the landowner or his predecessor in title, or (iii) any right-of-way agreement, lease or other agreement by and between a natural gas company and a landowner or their predecessors in title or interest.

INTRODUCED

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