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**SENATE BILL NO. 697**

Offered January 10, 2018

Prefiled January 10, 2018

*A BILL to amend and reenact § 56-49.01 of the Code of Virginia, relating to natural gas utilities; right of entry upon property.*

Patrons—Edwards, Deeds and 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 ~~For purposes of this section, a natural gas pipeline is for a public use if it provides services or~~ products to the public of the Commonwealth. A natural gas pipeline that distributes natural gas to persons within the Commonwealth is for a public use. A natural gas pipeline that (i) distributes natural gas to export facilities or (ii) transports natural gas within or through the Commonwealth and does not distribute natural gas to persons within the Commonwealth is not for a public use.

B. If the Commission determines that a natural gas pipeline is for a fixed and definite public use, any public service company or public utility incorporated in the Commonwealth and authorized by the Commission to provide natural gas ~~company as defined in 15 U.S.C. § 717a, as amended~~ distribution service, hereafter referred to as a natural gas company, that proposes to locate a natural gas pipeline for the public use 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 C, (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 D. 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.~~ C. A request for permission to inspect 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.~~ D. Notice of intent to enter 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.~~ E. 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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