

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to establish a pilot program to place electric distribution lines underground in areas of*
3 *transit-oriented development in certain localities.*

4 [S 1759]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1.** § 1. *That there is hereby established a pilot program under which the governing body of any locality*
8 *operating under the urban county executive form of government may request an electric utility to place*
9 *underground electric distribution lines in transportation projects to serve and facilitate the creation of*
10 *transit-oriented development in such locality in conjunction with a transportation infrastructure*
11 *improvement project that the Commonwealth Transportation Board identifies that reduces congestion,*
12 *improves mobility, incorporates transit systems, and improves safety. Such pilot program shall further an*
13 *understanding of such underground electric distribution lines in regard to electric reliability,*
14 *construction methods and related cost and timeline estimating, and the probability of meeting such*
15 *projections. The pilot program shall consist of the approval to convert qualifying electric distribution*
16 *lines in whole or in part underground in areas of transit-oriented developments in conjunction with a*
17 *transportation infrastructure project the Commonwealth Transportation Board identifies. The pilot*
18 *program shall terminate on July 1, 2022, after which date no agreement shall be entered into pursuant*
19 *to § 2 of this act. The termination of the pilot program shall not affect any such agreement entered into*
20 *prior to such date or any of the terms of such an agreement, including any additional levy imposed*
21 *pursuant to such an agreement.*

22 § 2. *The locality operating under the urban county executive form of government and the utility shall*
23 *enter into an agreement that provides that (i) the locality shall pay to the utility its full additional costs*
24 *of relocating and converting that portion of the line located in the locality underground rather than*
25 *overhead that are not recoverable under applicable rates, net of relocation credits, which costs shall*
26 *include associated feasibility costs, or any smaller portion of such costs as the utility and the locality*
27 *may agree; (ii) the locality shall impose an additional levy on electric utility customers in the locality*
28 *pursuant to § 58.1-3814 of the Code of Virginia in an amount sufficient to cover the utility's additional*
29 *costs, which additional levy shall be collected by the utility on behalf of the locality; (iii) the utility*
30 *shall convert, operate, and maintain the agreed portion of the line underground; and (iv) other terms*
31 *and conditions on which the parties may agree shall be included in the agreement.*

32 § 3. *If the locality operating under the urban county executive form of government and the utility*
33 *enter into an agreement as described in § 2 of this act, the locality shall by ordinance fix the amount of*
34 *such additional levy, which shall not exceed \$1 per month on residential customers. Any levy imposed*
35 *pursuant to this act shall be in addition to the limit for any utility consumer tax prescribed in*
36 *§ 58.1-3814 of the Code of Virginia.*

37 § 4. *Upon presentation of the agreement to the Commonwealth Transportation Board, the*
38 *Commissioner of Highways shall be responsible for securing the necessary easements and permits for*
39 *the utility for the conversion of the existing distribution lines, based upon plans that the electric utility*
40 *provides. The electric utility shall take such other actions as it deems appropriate in furtherance of the*
41 *conversion of the approved distribution line, including acquiring the materials necessary for the*
42 *underground installation.*

43 § 5. *If the provisions of this act are inconsistent with the provisions of any other law or local*
44 *ordinance, the provisions of this act shall be controlling.*

ENROLLED

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