

2020 SESSION

INTRODUCED

20100783D

SENATE BILL NO. 302

Offered January 8, 2020

Prefiled January 5, 2020

A BILL to amend and reenact § 55.1-306 of the Code of Virginia, relating to utility easements.

Patron—Stanley

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-306 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-306. Utility easements.

A. For the purposes of this section, "utility services" means any products, services, and equipment related to energy, telecommunications, water, and sewerage.

B. Where an easement, whether appurtenant or gross, is expressly granted by an instrument recorded on or after July 1, 2006, that imposes on a servient tract of land a covenant (i) to provide an easement in the future for the benefit of utility services; (ii) to relocate, construct, or maintain facilities owned by an entity that provides utility services; or (iii) to pay the cost of such relocation, construction, or maintenance, such covenant shall be deemed for all purposes to touch and concern the servient tract, to run with the servient tract, its successors, and assigns for the benefit of the entity providing utility services, its successors, and assigns.

C. Any utility easement, granted before, on, or after July 1, 2020, whether granted publicly or privately, by statute, local ordinance, deed, or other recorded instrument, or by prescription, shall be deemed to include the laying, hanging, and maintenance of fiber optic cable, which includes broadband, high speed internet, and communications lines. Any utility easement shall also be deemed to include access over private or public lands to permit the grantee to have physical access to such cable, unless the instrument granting the easement was recorded prior to July 1, 2020, and specifically states otherwise.

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