

# VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

## CHAPTER 680

*An Act to amend the Code of Virginia by adding a section numbered 33.1-69.2, relating to costs of relocation and/or removal of utility facilities in connection with secondary highway construction projects.*

[S 932]

Approved March 26, 1995

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

**1. That the Code of Virginia is amended by adding a section numbered 33.1-69.2 as follows:**

*§ 33.1-69.2. Relocation or removal of utility facilities within secondary highway construction projects.*

*Whenever it is necessary that any tracks, pipes, mains, conduits, cables, wires, towers, or other structures, equipment and appliances (herein called "facilities") of any utility as herein defined, in, on, under, over or along an existing highway that is to be included within any construction project on the secondary highway system should be relocated or removed, the owner or operator of such facilities shall relocate or remove the same in accordance with the order of the Board. The cost of such relocation or removal, as herein defined, including the cost of installing such facilities in a new location or locations, and the cost of any lands, or any rights or interest in lands, and any other rights, required to accomplish such relocation or removal, shall be ascertained and paid by the Board as a part of the cost of such project.*

*For the purposes of this section, "utility" includes utilities owned by a county, city, town or public authority and "cost of relocation or removal" includes the entire amount paid by such utility properly attributable to such relocation or removal after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.*

*The cost of relocating or removing utility facilities in connection with any project on the secondary highway system is hereby declared to be a cost of highway construction.*