

VIRGINIA ACTS OF ASSEMBLY -- 2015 SESSION

CHAPTER 168

An Act to amend and reenact § 33.2-330 of the Code of Virginia, relating to relocation or removal of utility facilities in connection with state secondary system highway construction projects.

[H 1613]

Approved March 16, 2015

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-330 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-330. Relocation or removal of utility facilities within secondary state highway system construction projects.

A. As used in this section:

"Cost of highway construction" includes the cost of relocating or removing utility facilities in connection with any project on the secondary state highway system.

"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.

"Facility of a utility" includes tracks, pipes, mains, conduits, cables, wires, towers, and other structures, equipment, and appliances.

"Utility" includes utilities owned by a county, city, town, or public authority, and nonprofit, consumer-owned company located in a county having a population of at least ~~32,000~~ 30,000 but no more than 34,000 that (i) is exempt from income taxation under § 501(c)(3) of the Internal Revenue Code, (ii) is organized to provide suitable drinking water, (iii) has no assistance from investors, (iv) does not pay dividends, and (v) does not sell stock to the general public.

B. Whenever it is necessary that the facility of a utility in, on, under, over, or along an existing highway that is to be included within any construction project on the secondary state highway system should be relocated or removed, the owner or operator of such facility shall relocate or remove the same in accordance with the order of the Board. The cost of such relocation or removal, including the cost of installing such facility in a new location, 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.