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HOUSE BILL NO. 1934

Offered January 13, 2021

Prefiled January 11, 2021

A BILL to amend and reenact §§ 56-27 and 56-28 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 56-23.1, relating to gas pipelines in residential subdivisions.

Patron—Simon

Referred to Committee on Labor and Commerce

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-27 and 56-28 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 56-23.1 as follows:

§ 56-23.1. Gas pipelines in residential subdivisions.

A. No public service corporation or other utility shall construct or install a gas pipeline greater than 12 inches in diameter under any public road or state highway within a residential subdivision including under the median or any sidewalk running parallel to any such public road or state highway without prior written application and approval by the board of supervisors or other governing body of the locality in which such public road or state highway is located.

B. Any public service company or other utility that violates the provisions of this section is subject to a penalty of \$10,000 per each day of noncompliance.

C. Any land use permit or other permit or any grant of use of right-of-way issued prior to July 1, 2021, by any agency or department of the Commonwealth, including the Department of Transportation, or of any locality, in connection with the construction or installation of any pipeline subject to the provisions of subsection A, shall be void until the public service company or other utility has met the requirements of subsection A.

§ 56-27. Applications required for crossings.

Before the work is commenced upon any such crossing as described in § 56-23, or in any residential subdivision as described in § 56-23.1, the public service corporation ~~which~~ that proposes to cross the public road or state highway, or proposes to construct or install the pipeline in any public road or state highway within a residential subdivision, shall make written application to and submit to the board of supervisors or other governing body of the ~~county~~ locality in which such highway is located and to the Commissioner of Highways plans, specifications, and descriptions of the proposed crossing or construction or installation within a residential subdivision and of the proposed appliances and methods of operation thereof; and if the plans, specifications, and descriptions are not accepted by such board of supervisors or other governing body aforesaid and by the Commissioner of Highways within ~~sixty~~ 60 days after the same shall have been delivered to the clerk of such board of supervisors or other governing body aforesaid and to the Commissioner of Highways, such public service corporation or other utility may then proceed with the construction and operation of the crossing, or construction or installation within a residential subdivision, under the plans, specifications, and descriptions and with the appliances and methods so submitted.

§ 56-28. Contest by county or Commissioner of Highways.

The board of supervisors or other governing body aforesaid or the Commissioner of Highways may, however, within ~~thirty~~ 30 days from the date of the submission of such plans, specifications, and descriptions described in § 56-27, reject the same, and may apply, or any landowner within 100 feet of a pipeline described in § 56-23.1 may apply, to the Commission to inquire into the necessity for such crossing, or construction or installation within a residential subdivision, and the propriety of the proposed location, and all matters pertaining to its construction and operation; and, thereupon the Commission, in its discretion, may, after notice served upon the public service corporation or other utility, the board of supervisors or other governing body aforesaid, and the Commissioner of Highways, suspend work on such crossing, or construction or installation within a residential subdivision, for such reasonable time prescribed in such notice as it may deem necessary to make such inquiry. The Commission may, in its discretion, employ expert engineers, at a cost not to exceed \$500, to be paid by the public service corporation or utility desiring the crossing, or construction or installation within a residential subdivision, who shall, with the Commission, or some member thereof, or such person as the Commission may designate, (1) examine the location, plans, specifications, and descriptions of appliances and methods proposed to be employed, (2) hear any objection, and consider any modification that the board of supervisors or other governing body aforesaid, or the Commissioner of Highways, may desire to offer, and, (3) within such time as the Commission may fix, reject, approve, or modify such

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59 plans, specifications, and descriptions. The final order of the Commission shall, unless an appeal be
60 taken to the Supreme Court by any party to the proceeding within ~~thirty~~ 30 days of the date of such
61 final order, be final and binding on the public service corporation *or utility* and the board of supervisors
62 or other governing body aforesaid, and the Commissioner of Highways.