

PUBLIC SERVICE EASEMENTS

REPORT OF THE
VIRGINIA ADVISORY LEGISLATIVE COUNCIL
to
THE GOVERNOR
and
THE GENERAL ASSEMBLY OF VIRGINIA



SD 8, 1964

COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
RICHMOND
1965

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PUBLIC SERVICE EASEMENTS
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VIRGINIA ADVISORY LEGISLATIVE COUNCIL

Richmond, Virginia, November 12, 1965.

To:

HONORABLE A. S. HARRISON, JR., *Governor of Virginia*

and

THE GENERAL ASSEMBLY OF VIRGINIA

During the past several years, Virginia has experienced a rapidly accelerating growth in population and in industrial and urban development. As a result of this growth, there has been a tremendous increase in the demand for utility services and continued refinement in present utility services. The growth in these critical areas will probably continue in the foreseeable future, and the demand for utility services will increase in like proportion.

Within the limits of present technology, reasonably adequate utility services cannot be provided without the acquisition of extensive easements and rights-of-way by public service companies across agricultural and timberlands as well as lands devoted to other uses. Such acquisition of easements and rights-of-way has proliferated throughout the Commonwealth. Many such easements deprive the land permanently, either in whole or in part, of productive use; and, a parcel of land which is subject to two or more such easements may suffer a serious loss of value.

Though mindful of the need for adequate utility services, the General Assembly, at its 1964 Regular Session, recognized the need for conserving Virginia's land resources, and, directed the Virginia Advisory Legislative Council to study and report upon the acquisition and use of easements by public service companies. Senate Joint Resolution No. 1, which directed the study, is as follows:

SENATE JOINT RESOLUTION No. 1

Directing the Virginia Advisory Legislative Council to study matters relating to use of easements by public service companies.

Whereas, the public service companies have the power to acquire easements in and over property by the power of condemnation; and

Whereas, more and more property is being required for such easements, and the State Highway Department is also requiring easements over property for certain purposes, thereby depleting the quantity of land available for other uses, and this despite the fact that land is one of our most important resources and should be conserved; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the Virginia Advisory Legislative Council is directed to make a study and report upon whether or not the condemnation statutes should be amended to require public service companies to use their own ease-

ments more fully and to allow other such companies to use such easements before additional land can be condemned for further easements. The Council shall consider in its study the advisability and feasibility of the use of the same easement by two or more public service companies. All agencies of the State shall assist the Council in its study. The Council shall complete its study and make its report to the Governor and the General Assembly not later than September one, nineteen hundred sixty-five.

Pursuant to this resolution the Virginia Advisory Legislative Council selected C. W. Cleaton, of South Hill, member of the House of Delegates and member of the Council, to serve as Chairman of the Committee to make the initial study and report to the Council. The following individuals were selected to serve on the Committee with Mr. Cleaton: Lyman C. Harrell, Jr., Attorney and member of the House of Delegates, Emporia; R. H. Lipscomb, Assistant General Attorney, Seaboard Air Line Railroad Company, Richmond; J. C. Lucy, Merchant, Lawrenceville; T. Justin Moore, Jr., Attorney, Richmond; William B. Moore, Attorney, Arlington; Stanley A. Owens, Attorney and member of the House of Delegates, Manassas; Harold H. Purcell, Attorney and member of the Senate of Virginia, Louisa; duVal Radford, Attorney and former member of the House of Delegates, Bedford; Dr. Clifford M. Siegel, Professor of Electrical Engineering, University of Virginia, Charlottesville; and Jack E. Smith, Manager, Mecklenburg Electric Cooperative, Chase City.

The Committee met and organized and elected Harold H. Purcell as Vice-Chairman. John B. Boatwright, Jr. and Robert L. Masden served as Secretary and Recording Secretary, respectively, to the Committee. Technical assistance was rendered by Paul D. Stotts, Assistant Attorney General, Department of Highways, Richmond, and Frank S. Givens, Jr., Associate Chief Engineer, State Corporation Commission, Richmond.

In order to gain a better understanding of the technical aspects of multiple use of public service easements, the Committee invited technical representatives from various public service companies to appear and to express their views and suggestions concerning the difficulties which may be encountered if multiple use of public service easements is required.

The Committee also sought the views and suggestions of all interested individuals, groups and organizations concerning the matters under study. After appropriate publicity, a public hearing was held at the State Capitol, Richmond which was well attended. The laws and policies concerning public service easements in contiguous states were reviewed in an attempt to see what methods are employed elsewhere. The Committee gave careful consideration to the information and material filed, and the views expressed at the public hearings, and submitted its report to the Council.

The Council has reviewed the report of the Committee, and now submits its report as follows:

1. *The Amount of Land Now Being Used by Public Service Corporations*

Though the Committee requested the various utilities to furnish it with the amount of land used by each utility in Virginia and requested the State Corporation Commission to ascertain this information from the various utilities, it was not able to ascertain the exact amount of land owned by all the various utilities. A number of utilities appeared before the Committee and an examination of their reports indicates the magnitude of the problem involved.

Utility	Length (Miles)	Approximate Average Width (Feet)	Acres
Transcontinental Gas Pipeline Corporation	216	150	3,927
Colonial Pipeline Company	514	50	3,115
Appalachian Power Company Transmission	1,575	100	19,091
Distribution	16,462	40	79,816
Virginia Association of Electric Cooperatives	25,480	32	98,835
Eastern Shore Public Service Company Transmission	68.5	150	1,245
Distribution	522	15	949
Commonwealth Natural Gas Corporation	248	60	1,804
Chesapeake & Ohio Railway Company	637	100	7,721
Seaboard Air Line Railroad Company	178	100	2,158
Virginia Gas Transmission Corporation	325	50	1,970
Old Dominion Power Company	150	100	1,818
Atlantic Coast Line Railroad Company	125	100	1,515
R. F. & P. Railroad Company	110	150	2,000
VEPCO Transmission	1,984	128	30,780
Distribution	16,161	15	29,383

It appears that there are approximately 400 to 450 public service corporations and public utilities operating in Virginia owning land or easements. The exact amount of land now being used which might be saved by joint use cannot be ascertained.

Only fragmentary statistics are available to show the amount of acreage that individual or corporate landowners have granted for easements. West Virginia Pulp and Paper Company estimates that 1500 acres of its land have been taken out of timber production by easements, exclusive of the amount removed in the interest of highway rights-of-way. These figures are probably representative of other land ownership, large and small.

The forestry industry is one of the largest industries in the State of Virginia. There are 16,000,000 acres or approximately 63% of the total land area of the State today involved in this industry. The industry is first among all Virginia manufacturing industries in the number of persons employed. The number of employees has increased by approximately 1,000 per year since 1958 and now totals 105,000 people.

The value of the product involved is over \$35,000,000 a year and the outdoor recreation and aesthetic value contribute to the tourist industry in this State. This industry, although total acreage devoted to it increased 5% from 1940 to 1957, is sorely taxed by the increased acreage of woodland being taken out of production by public service corporations and public easements.

In addition to the land which is taken out of timber production by the requirements for utility and other easements, a considerable amount of acreage devoted to farming operations is also affected. The damage may not be as great in the case of farm land since frequently it is possible for all or a part of land covered by an easement to be continued under some form of cultivation. Nevertheless, the taking of an easement over farm property does restrict the landowner in the use of his land.

The situation with respect to the more densely populated urban and suburban areas is of a different character, although the basic problem—conservation of land for its best use—is the same. Real estate in these areas is generally more valuable than in strictly rural sections and the need to protect the land for anticipated future development is more apparent. The utilities are in most instances meeting this problem by the use of underground installations at, in most cases, a higher initial cost, but in the case of high tension electric power lines this is not yet technically feasible and in view of the increasing demand for electric power, it appears that we shall be faced, possibly for some years, with the need for easements over land which would be highly desirable for industrial or residential use.

2. Taxation

A large number of people appeared before the Committee and questioned the taxation of land where public utilities use it for easement and yet the landowner is required to continue to pay taxes on the property when he gets little or no return from it. The easement, as such, is not considered by the State Corporation Commission in fixing the valuation of utility property which is used as the basis of local taxes. It is true, as is mentioned above, that in many instances the owner of a farm can continue to use the land beneath the pole line or above the buried pipe line much as he did before the easement was granted. In other cases, however, and particularly with timberland, this is not the case.

It appears to be the feeling of many landowners and local officials that provision should be made for the levy of a real estate tax on the easement with credit to the landowner for taxes paid by the utility. The present law provides the mechanics for adjusting assessments because of a change in the physical condition of the real estate, but in view of the complaints received, we feel that the subject should be given further study.

3. Technical Problems of Joint Use of Easements

Many problems were presented to the Committee by the utilities indicating that for technical reasons the joint use of easements was not feasible in certain instances such as the difficulty of heavy equipment and its possible damage to underground installation, inductive interference with certain utility facilities, and the possibility of explosions.

To point out the problems of joint use, it is believed best to examine the characteristics of the operation of those utility and transportation classes that would have a possibility of joint use. These characteristics which are based upon information presented at hearings on April 2, and May 12, 1965, are given in a brief form below:

Railroads

Railroads must have a relatively level roadbed regardless of the contour of the land. They use heavy equipment for rolling stock, for track maintenance, construction, and for clearing wrecks. Adjacent to their

tracks they maintain a signal system for control and communication on the system which may be subject to inductive interference from outside sources.

Oil Pipe Lines

Oil pipe lines are buried welded steel pipes that follow the contour of the ground and are constructed to operate at high pressures. They transport various types of gasoline, fuel oil and other petroleum products which have a possibility of explosion after escaping from the pipe line, depending on the type of product. There is a fire danger after a break in these pipe lines. The pipe line is subject to electrolytic action from electrical currents and normally require cathodic protection.

Natural Gas Transmission Lines

Like oil pipe lines, these are welded steel pipes protected by an earth cover that follow the contour of the ground and are constructed to operate at high pressures. Under certain conditions there is an explosive danger from the natural gas within the pipe and there can be explosion and fire from leaking gas from the pipe. These lines are subject to electrolytic action and require cathodic protection. Heavy equipment is used for construction and maintenance. The pipe is subject to damage by impact, vibration or crushing.

Electric Power Lines

The normal electric transmission or distribution system consists of wires on poles or towers with the wires being 20 to 40 feet above ground. The voltage on the conductors varies from 120 volts to 500,000 volts. Practically all of the systems have a ground return. The repair and construction equipment may be classed as medium-heavy, being largely trucks. The lines create inductive interference increasing with the level of voltage. There is a danger of electric shock and fire on any conductive path from an energized conductor to the ground.

Telephone Lines

Lines used for telephone and telegraph communication are characterized by small wires which may be numerous individual wires or may be collected in cables. Under present practices the wires may be on pole lines or may be buried. Low voltages used are normally less than 100 volts and are not considered dangerous electrically. The quality of the telephone communication is affected by inductive interference from other electric sources.

Highways

Highways generally follow the contour of the land more than railroads and less than pipe lines. They have varying vehicular traffic some of which is at high speeds and which in some cases becomes uncontrolled and destroys structures along the right-of-way. At places there is impact damage from the heavier vehicles on facilities below the pavement and there is some settlement and shifting of the earth near cuts and fills. There is also a demand for the users of the right-of-way for roadside beautification.

In all of the above uses it is desirable that the right-of-way be kept clear of trees and brush and that the user of the right-of-way has reasonable access throughout the length of the right-of-way. It has been

brought to our attention that in many instances brush has been allowed to accumulate along rights-of-way and may cause a fire hazard.

Outlined below are some of the joint problems between each of the two users listed.

Railroad—Oil Pipe Lines

The possible explosion and fire from the oil pipe line may disrupt the rail line for some period. The heavy equipment for building oil lines cannot block or work on the track of the railroad. The heavy equipment of the railroad cannot work over the pipe line without danger of breakage.

Railroad—Natural Gas Transmission Line

Explosion and fire from the gas line adjacent to the rail line will disrupt service and possibly for some time. The same conditions on heavy equipment as apply to the oil pipe lines are present in this use.

Railroad—Electric Power Lines

The power line can be a danger to cranes and tall equipment used in construction and clearing of wrecks. The inductive interference from a high voltage power line can disrupt the signal system of the railroad. A break in a large conductor can also be a hazard to rail operation.

Railroad—Telephone Lines

This is largely a problem of pole line interference with use of equipment.

Railroad—Highways

The major factors in this usage are grade crossing conflicts and the denial of area adjacent to the railroad for industrial development and expansion.

Oil Pipe Lines—Natural Gas Transmission Pipe Lines

If these lines are too close together, an explosion in one will disrupt the other line and make the damage greater. The use of heavy construction equipment on one pipe line may injure the pipe of the other line if there is not sufficient clearance.

Oil Pipe Lines—Electric Power Lines

The breaking of the pipe and explosion or fire can damage both the conductors and the supports of the power line. There is an increased problem of cathodic protection for the pipe line.

Oil Pipe Lines—Telephone Lines

There is a minimum problem of joint use between these two except for conflicts in construction and maintenance of the plant.

Natural Gas Transmission Lines—Electric Power Lines

There is a danger of explosion and fire which will destroy power structures and conductors adjacent to it. The power lines are a hazard to tall construction equipment such as cranes. The presence of the power line

can increase the electrolytic action on the pipes and create problems in cathodic protection. The power line cannot be built over the pipe but must be sufficient distance from the pipe to permit maintenance of the pipe or construction of any parallel lines.

Natural Gas Transmission Lines—Telephone Lines

The problems are generally the same as those for electric lines except for the danger from overhead conductors, and there is a lower level of electrolytic action.

Natural Gas Transmission Lines—Highways

There is a danger from explosions which will disrupt the use of the highways. There is a danger to the pipe line of impact loads, vibration, or settlement in cuts and fills which may cause a break in the pipe.

Electric Power Lines—Telephone Lines

The National Electrical Safety Code requires the separation of these utilities on different structures equal to the length of a falling pole of the highest pole so that high voltage from electric circuits will not get on telephone wires. The separation on the same structure is specified by this Code and requires a higher pole for joint use. The inductive interference from the electric line can destroy the use of the telephone circuit or make it very unsatisfactory. This interference increases with the voltage of transmission lines and is inversely proportional with the separation. At present this interference can be controlled with special facilities to the level of about 15,000 volts. There is a problem in the coordination of replacement of joint structures on regular maintenance or at times of emergencies so that both utilities can transfer their property to new structures.

Electric Power Lines—Highways

There is a necessity for proper clearance so that vehicles or loads on the highway will not come in contact with the wires. There is a danger from broken conductors, sometimes energized, falling on the highways. There is a danger from and to the structures, including poles and guys, for vehicles leaving the paved portion of the highway out of control. There is considerable interest in problems as related to keeping the right-of-way clear or attempting to hide the electric facilities behind trees.

Telephone Lines—Highways

The problems of telephone lines and highways are generally the same as those for the electric lines with the exception of the danger from high voltage. The buried cable now being used has problems with the grading and ditching necessary in maintaining or changing highways.

From the above it is apparent that there are problems in any joint use of easements or rights-of-way. Codes and Standards have been established on a national level to minimize the danger to the public and to the utilities. There remains a calculated risk in any joint use, but in many cases the risk is, or can be, made acceptable by the highest type of engineering.

Vepco on Joint Use of Easements

It is to be noted that the larger utilities have practiced joint use of easements in a number of instances. Mr. Miles Cary, Vice-President of

the Virginia Electric and Power Company in his appearance before the Committee stated as follows:

"Vepco unequivocally favors and supports the concept of public service corporations minimizing their requirements for right-of-way by making maximum use of their easements, both by the individual companies and by joint use with other companies . . . For years, Vepco like nearly all electric utility companies has had joint use agreements with all of the telephone companies. These agreements provide that where it is practical to do so, the power company and the telephone company will use the same poles. Such agreements have reduced substantially the amount of right-of-way required for electric distribution and telephone lines. Vepco has such agreements with 30 telephone companies providing for joint use. Approximately 300,000 of Vepco's poles have attachments of other companies' facilities under these agreements and Vepco has attachments on approximately 160,000 poles of other companies . . .

"Vepco has never refused to permit water, sewer, gas and oil pipelines to use the same right-of-way with its electric lines where it was practicable to do so and has many such lines located on its various rights-of-way. Vepco always considers the use of pipe line rights-of-way and has done so in many cases where it is practicable by acquiring only the amount of right-of-way adjacent thereto to provide the total required width.

"There is limited possibility for such use, however, because the pipe lines generally are interstate, crossing our area in the shortest path for their purposes and rarely following the route required by our lines."

In reference to joint use with another power company Mr. Cary had this to say: "Another method by which Vepco and other companies have been able to minimize land acquisitions has been the joint ownership of transmission facilities. Vepco's widely publicized 500,000-volt transmission line in northern Virginia is being constructed, and will be owned, partly by Vepco and partly by the Alleghany Power System. The capacity of this line is sufficient to meet the needs of both companies, and thus the need for a separate right-of-way for another transmission facility has been eliminated."

4. Joint Use of Highways Rights-of-Way With Public Utilities

There are approximately 257,000 acres of land now being used in rural highway systems throughout Virginia. The Highway Department has a specific policy in reference to the use of their right-of-way by public utilities. It is stated as follows:

Construction of Pole Lines or Underground Facilities of Public Utility Company within State Highway Rights of way having a width of 110 feet or more.

Where Public Utility Company has no easements of right of way on or along state highway rights of way, Highway Department agrees that it will issue and continue in effect permits to Public Utility Company, its successors and assigns, for the original construction and future maintenance and operation of its pole line or underground facilities on and along state highway rights of way where such highway rights of way have a width of 110 feet or more, as follows:

- (a) Highway Department will issue and continue in effect permits to Public Utility Company, its successors and assigns, for the right and privilege to construct, operate

and maintain its pole lines or underground facilities for the transmission and distribution of electricity or communication, including all telephone, telegraph and other wires, poles, attachments, ground connections, equipment, and accessories desirable in connection therewith, and including, where satisfactory to Public Utility Company, the wires and attachments of others, over, upon and across highway rights of way.

(b) Poles or underground facilities will generally be located five (5) feet inside the highway right of way boundary line wherever topography and local conditions permit such location, but where the use of twelve (12) foot cross-arms is anticipated, the poles will be located six (6) feet inside the highway right of way boundary line. Where topography, large trees, physical features or a reasonable layout for pole lines or underground facilities with respect to corners, curves, et cetera, indicate that these locations are not feasible from an electrical or highway engineering standpoint, provision will be made for the location of poles or underground facilities from eleven (11) to fifteen (15) feet inside the highway right of way boundary line, provided that neither poles nor underground facilities will be so placed as to interfere with the movement of vehicular traffic within a prescribed sixteen-foot service road area bordering said highway right of way boundary line, should a service road become necessary, or at such other location inside said highway right of way as may be mutually agreed upon.

(c) Public Utility Company's pole lines and underground facilities will generally be located on one side of the highway right of way.

(d) Wherever one side of a highway right of way is being used for pole lines of communication or other utility companies, and the other side is being used for Power Company's pole lines, the Public Utility Companies will endeavor to enter into a joint use agreement, consistent with the National Electrical Safety Code and with joint use practices generally followed by communication and power utilities in Virginia, with the utility company owning such communication or other pole lines, which will allow joint use of poles.

(e) Poles, anchors, guys and stubs will be so located as not to interfere with traffic on highways or service roads.

(f) The type of construction and the location of poles, guys, anchors and stubs and underground facilities, with all necessary measurements, shall be shown on the permit or on plat attached thereto.

(g) The poles, wires, attachments, equipment and accessories, and underground facilities of Public Utility Company; erected under such permits shall be and remain the property of Public Utility Company; no charge shall at any time be made for the use of the highway right of way occupied by Public Utility Company, or for the privilege of constructing, maintaining and operating said pole lines or underground facilities; and Public Utility Company, its

agents and employees shall at all times have full and free ingress to and egress from its pole lines or underground facilities over the highway right of way, in order to construct and efficiently maintain said pole lines and appurtenances or underground facilities, with the right to inspect, rebuild, repair, improve, relocate along the location established for said pole lines or underground facilities, and to remove and make such changes, alterations and substitutions in said pole lines, wires, poles, attachments, equipment, accessories and underground facilities, as Public Utility Company may from time to time deem advisable or expedient, including the right to increase or decrease the number of wires. Once a pole line or underground facility is constructed, no additional poles, cross-arms, guys, anchors, stubs, conduits or manholes will be placed within the highway right of way without a permit from Highway Department.

(h) Upon application, Highway Department will issue permits to Public Utility Company, its successors and assigns, to cut and remove all trees within the sixteen (16) foot service road areas except large specimen trees within said areas as may be mutually agreed upon and designated by the authorized representatives of the parties hereto, and to trim, in accordance with approved techniques, all trees on the highway right of way which overlap said areas, to assure non-interference with said pole lines.

(i) Upon application, Highway Department will issue permits to Public Utility Company, its successors and assigns, to trim, cut, and keep clear all trees, limbs, undergrowth and other obstructions under and adjacent to its lines, wherever the same may be located on the highway right of way, which may in any way endanger or interfere with the safe and efficient operation thereof or the continuity of electric service.

(j) Highway Department will endeavor in its highway landscaping program to plant trees at locations where they will not in the future unduly interfere with the pole lines of Public Utility Company and thus minimize the necessity of Public Utility Company's trimming or cutting such trees.

(k) Where it is necessary, in the opinion of Public Utility Company to acquire the right to trim, cut, and keep clear trees, limbs and other obstructions on land adjacent to the highway right of way, the Highway Department will cooperate with Public Utility Company in the acquisition of such right, which shall generally be not more than fifteen (15) feet from the center line of poles.

(l) In the event Highway Department should request at any time thereafter that such pole lines or underground facilities be altered, rebuilt or relocated within highway right of way, Highway Department will pay Public Utility Company one-half of the non-betterment cost incurred by Public Utility Company in connection with such alterations, rebuilding or relocation of its pole lines or underground facilities within highway right of way.

(m) In the event Highway Department should request at any time thereafter that such pole lines or underground

facilities be relocated off the highway right of way, Public Utility Company will acquire in cooperation with Highway Department the easements required for such relocation (or where necessary Highway Department will acquire such easements for Public Utility Company), and Highway Department will pay one-half of the cost of such easements, and in addition, one-half of the non-betterment cost incurred by Public Utility Company in connection with such relocation of its pole lines or underground facilities off the highway right of way.

CONDEMNATION STATUTES

We have considered the suggestion that the condemnation statutes applicable to public utilities be amended so that these utilities would be required as a prerequisite to exercising the power of eminent domain for the acquisition of easements to show that no joint use of an easement of another utility was feasible. This would present practical problems, would be unnecessary in many instances and does not at this time appear to be desirable.

We accordingly do not recommend any such change in the condemnation statutes affecting public service company easements unless future developments demonstrate a more compelling need for such action than presently appears.

CONCLUSION

It appears that most of the public utilities and the State Highway Department have policies which, in theory at least, are directed toward the maximum feasible joint use of easements. We reiterate, however, that the time is past when the availability of sufficient land for all desirable purposes can be taken for granted. With the continued industrialization of Virginia and a steadily increasing population density, the problem will become more and more acute. Accordingly, we feel that the attention of those seeking land for such purposes should be focused continually on the problem and to this end we make the recommendations set out below.

RECOMMENDATIONS

1. That a resolution be adopted by the General Assembly commending those progressive and public spirited utilities in Virginia which have practiced joint use of easements to conserve land, one of our most important resources, and encouraging others who have not practiced such a policy to seek in the future to make the maximum possible joint use of easements.
2. That the General Assembly by resolution direct a further study of joint use of easements to determine what progress has been made by public utilities in the State of Virginia insofar as conserving land through joint use of easements is concerned, and whether or not the State Corporation Commission should be authorized to order joint use of easements and fix the amount of compensation due to the company holding the easements where the parties are unable to agree.
3. That the study group give specific attention to the matter of the effect on land values of the taking of easements by public utilities and others, and whether any change should be made in the statutes relating to assessment of real property for taxes to facilitate landowners being able to secure proper adjustments in taxes.

4. That policies and practices of public utilities in connection with the clearing of rights-of-way of unsightly and potentially dangerous accumulations of brush and other debris be also considered by the study group, to the end that any such conditions as are found to exist may be eliminated.

5. In view of an apparent need for compilation of data on comparative costs and risks of various means (including those which may become feasible only by further advances in technology) of constructing public service facilities with due regard for pleasing appearance and preservation of land resources, in both joint and nonjoint usage of easements, the public utility companies and their manufacturing suppliers are urged to compile such data and to make the same available to the study group recommended above.

ACKNOWLEDGEMENTS

We acknowledge the assistance rendered by representatives of public utility companies, the staffs of State agencies, and members of the general public in the furnishing of data and expression of their views during the course of this study. We further acknowledge the assistance rendered the Council by the members of the Committee, and express to them our sincere appreciation.

The suggested resolution is attached as Appendix I.

Respectfully submitted,

EDWARD E. WILLEY, *Chairman*

TOM FROST, *Vice-Chairman*

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Appendix I

HOUSE JOINT RESOLUTION NO.

Directing the Virginia Advisory Legislative Council to study matters relating to use of easements by public service companies.

Whereas, the General Assembly, at its 1964 Regular Session, recognized the need for conserving Virginia's land resources and also recognized the need for adequate utility services to meet the growing industrial development of the State; and

Whereas, the Virginia Advisory Legislative Council was directed to study the problems relating to the joint use of easements by public service companies and the State Highway Department; and

Whereas, the study conducted by the Virginia Advisory Legislative Council indicated that:

(1) Increasing amounts of the State's land resources are being taken each year for right-of-way purposes;

(2) Substantial technical problems are encountered and presently prevent joint use of easements in many cases;

(3) Although most public service companies and the State Highway Department presently have joint use agreements to some extent, the number and scope of such agreements could be enlarged and technical improvements could be made which would result in the worthy objective of conserving Virginia's land resources for the future;

(4) Some difficulties are encountered by landowners in securing proper tax adjustments when land is taken for the purpose of easements; and

(5) The accumulation of brush and debris along utility rights-of-way may cause unsightly conditions and possible fire hazards; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the public service companies operating in this State, including the State Highway Department, are urged to make joint use of rights-of-way where feasible and consistent with safe, adequate and efficient service to the public, and that studies be made towards this end and all departments of the State, including the State Highway Department and the State Corporation Commission, are directed to cooperate in this endeavor; and, be it further

Resolved, that the General Assembly hereby commends those progressive public service companies which are already making extensive joint use of easements to conserve land in this State; and, be it further

Resolved, that the Virginia Advisory Legislative Council is directed to continue its study of the matters hereinabove set forth; and such future study should also specifically consider the advisability of granting the State Corporation Commission the express power to compel joint use where feasible and to fix the terms and conditions thereof; and, be it further

Resolved, that the Clerk of the House of Delegates is directed to send copies of this resolution to the State Highway Commissioner and the State Corporation Commission and to each public service company operating in Virginia.

