

Support HB 1118 & SB 614 – Natural gas companies; right of entry upon property.

Companion bills House Bill 1118 (Yost) and Senate Bill 614 (Edwards) repeal a provision, enacted in 2004, that allows interstate natural gas companies to enter private property to make examinations, tests, land auger borings, appraisals, and surveys without the written consent of the owner under certain circumstances.

I. BACKGROUND

Under existing law (section [56-49.01](#)), natural gas companies may enter personal property to make examinations, tests, land auger borings, appraisals and surveys: all without the landowner's consent. Gas companies are required to ask for permission, but they need not receive it to enter the property. Gas companies are also required to give notice of their intent to enter private property.

If the landowner gives his or her permission, companies are permitted to use motor vehicles, self-propelled machinery, and power equipment on the property. Companies are liable for damages.

The existing law gives the natural gas companies the power of property seizure with an easement granted by the landowner for as long as the natural gas needs the easement.

II. REASONS FOR REPEALING SECTION 56.49-01 FROM THE CODE OF VIRGINIA

- Three natural gas pipelines proposed to pass through Virginia would exercise the largest seizure of private property in the Commonwealth in decades, all without the constitutional protections Virginians ensured for property owners in 2012.
- Gas companies do not have to have permission from residents and property owners before they enter private property. Under existing law, companies can spray-paint as they survey, test the site with invasive land auger borings and spend as much time on the private property as they see fit. Residents and property owners have no protections against this trespass on private land.
- “Any entry authorized by this section shall not be deemed a trespass” is a violation of Constitutional Rights under the Fifth Amendment which says: “*Nor shall [anyone] be deprived of life, liberty, or property without due process of law;*”
- This Code section promotes the use of natural gas by giving the gas companies in Virginia an unfair advantage in cases where the power of eminent domain may be exercised.

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