

JOINT RESOLUTION NO. _____

Sponsors of interstate pipelines granted a Certificate of Public Convenience and Necessity from the Federal Energy Regulatory Commission should utilize state and not federal courts and procedures for condemnation proceedings.

Agreed to by the Senate, February ____, 2017

Agreed to by the House of Delegates, February ____, 2017

WHEREAS, Article I, Section 11 of the Constitution of Virginia declares that “in controversies respecting property, trial by jury is preferable to any other, and ought to be held sacred” and that private property ownership is a fundamental right of individuals; and

WHEREAS those most knowledgeable about a property and its value are those who reside in the locality of the property to be taken for public use and are familiar with that property and the community in which it is located; and

WHEREAS Atlantic Coast Pipeline, LLC and Mountain Valley Pipeline, LLC have applied to the Federal Energy Regulatory Commission for approval of interstate natural gas transmission pipeline that will stretch across four hundred miles of Virginia’s countryside and thousands of privately owned parcels; and

WHEREAS, Atlantic Coast Pipeline, LLC and Mountain Valley Pipeline, LLC have used the power of eminent domain under Virginia Code Section 56-49.01 or the threat of its use to enter the private property of over a thousand Virginia citizens without permission and without compensation; and

WHEREAS, Atlantic Coast Pipeline, LLC and Mountain Valley Pipeline, LLC will take private property needed for their pipelines by the power of eminent domain if they receive Certificates of Public Convenience and Necessity from the Federal Energy Regulatory Commission; and

WHEREAS Atlantic Coast Pipeline, LLC and Mountain Valley Pipeline, LLC may choose to file their condemnation proceedings to take Virginians’ properties in either Virginia state courts under state condemnation procedures or in federal court under federal condemnation procedures; and

WHEREAS, in accordance with the Constitution and the condemnation laws of Virginia, there is a right to a jury trial or a trial by condemnation commissioners under Virginia condemnation procedures, but no such rights exist under federal condemnation procedures; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, that the General Assembly hereby strongly encourages Atlantic Coast Pipeline, LLC and Mountain Valley Pipeline, LLC to file any condemnation proceedings against Virginia private property owners in state court in order to ensure that these landowners may receive all the rights and considerations to which they are entitled under the Constitution and condemnation laws of the Commonwealth of Virginia.