

Marking Color Codes

	White - Proposed Excavation
	Pink - Temporary Survey Markings
	Red - Electric Power Lines, Cables, Conduit and Lighting Cables
	Yellow - Gas, Oil, Steam, Petroleum or Gaseous Materials
	Orange - Communication, Alarm or Signal Lines, Cables or Conduit
	Blue - Potable Water
	Purple - Reclaimed Water, Irrigation and Slurry Lines
	Green - Sewer and Drain Lines

Whether your project is big or small, always dig with C.A.R.E. It's the only way to avoid costly mistakes, fines and even personal injury. Besides, it's the law.

Prepared by
Virginia State Corporation Commission
Division of Utility and Railroad Safety

IT'S TIME TO SHARE

On June 21st, the Fairfax County Board of Supervisors approved an amendment to the subdivision ordinance, effective July 1, 2004, which requires that all plats submitted after July 1, 2004 show a shared utility easement, unless exempt or waived.

This ordinance comes as a result of the passage of state legislature House Bill 715 during the last session of the general assembly.

EXEMPTIONS

Any plats submitted prior to July 1st are grandfathered. Exemptions include a subdivision of one lot into two lots or a minor lot line adjustment.

WAIVERS

Waivers can be obtained by getting consensus from the four utility companies indicating that this shared easement is not needed.

FAIRFAX COUNTY COMMON EASEMENT

It is preferred by the Fairfax County attorney that an easement agreement be recorded prior to submission of the record plat. It is also requested that the surveyor make a note on the record plat indicating where the easement agreement is recorded by referencing the deed book and page number, and also listing the names of the companies that have the rights within this easement. There is a notification requirement to the utility companies in which a plat cannot be approved until this 30-day notice has expired. It is also preferred by the county that the record plat depict graphically the width and location of the shared utility easement. However, there is no obligation to do this. You may opt to create and record a separate easement plat along with the easement agreements as long as you reference the deed book and page number on the record plat.

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SHARED UTILITY AGREEMENTS

A shared utility easement agreement is the legal document prepared by a developer's private attorney that accompanies an easement plat and outlines the uses allowed in the easement. It typically pertains to the franchise cable television, gas, telephone and power companies. This agreement protects a landowner's rights to cross a shared utility easement with utility laterals and driveways. Utility companies themselves are not required to sign the agreement and are not required to use the easement even though it is recorded. Additionally, since the agreement and its associated deed is considered a private easement, it will not be subject to review by Fairfax County.

Paciulli, Simmons & Associates has an example of a shared utility easement agreement that was prepared back in 1995 when we were working on common shared utility easements. For a copy of this agreement, please contact Pete Rigby, PE, in our Fairfax office.

Civil Engineers

Land Planners

Landscape Architects

Wetland Specialists

Environmental Scientists

Surveyors

*Offices in Fairfax and
Leesburg Virginia*

The County recommends an easement width of 15' to 20' for areas served by gas and 8' to 10' for areas not served by gas. The location of this easement is left strictly up to the engineer and/or surveyor, but it is generally recommended that in single-family developments it be located right outside the right-of-way. In townhouse situations, the easement would be located in the rear of the units. The county specifically reviews the fact that you could not have this easement traverse into proffered save areas and/or necessarily plant street trees and other landscaping. It must be a reasonable, usable easement location.

As a note, the county considers the use of the term “shared utility easement” or “common utility easement” as interchangeable. The county recognizes that there needs to be amendments to the Public Facilities Manual (PFM) as a result of this shared easement implementation.

WHAT'S NEXT?

In the next legislative session, the industry expects to introduce a bill that would eliminate the requirement. Fairfax County will also be sending out a letter to the industry with more details on this process. But, for now, it's time to share.

ADDITIONAL INFORMATION

For additional information, please feel free to contact Pete Rigby, PE, in our Fairfax office at prigby@psaltd.com or 703.934.0900.

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PSA for you