HB 908: PROTECTING VIRGINIA’S HISTORIC PLACES FROM INAPPROPRIATE TRANSMISSION LINE DEVELOPMENT
Proposed Amendments to Virginia Code § 56-46.1

The National Trust for Historic Preservation supports amending Virginia Code § 56-46.1 to better protect Virginia’s irreplaceable historic, scenic and environmental resources when transmission line siting decisions are made. Existing law requires only that harm to historic districts, scenic assets and the environment be minimized, not avoided. This did not prevent state regulators from issuing a permit to build a high voltage transmission line across the James River at Jamestown. When Jamestown is not protected by state law, then it is time to improve that law.

In Virginia, proposals to build new transmission lines are reviewed by the State Corporation Commission (SCC). Current state law requires the SCC to minimize the impact of transmission lines on historic, scenic and environmental resources when making decisions. Applying this law, the SCC decided to issue a permit to construct a transmission line across the James River at Jamestown. This landscape includes a National Park, a National Historic Landmark, and the first ever congressionally designated water trail – the Captain John Smith Chesapeake National Historic Trail.

State and national experts testified regarding the historic significance of the James River, but the SCC discounted their testimony. When asked to review the SCC’s decision, the Virginia Supreme Court agreed with the SCC that the James River decision satisfied the law’s requirements. Clearly, existing state law is not doing its job to protect some of the Commonwealth’s most significant resources.

State law should require the SCC to use a two step review process when making decisions about where to put transmission lines. The first step should be to avoid harm to historic, scenic and environmental resources. If avoidance is not feasible, then the SCC should make a decision that minimizes harm to these resources. The legislative proposal to amend Virginia Code § 56-46.1 will set up this two step review process. Only by requiring the SCC to look for routes that avoid harm will we avoid future destructive decisions. The citizens of Virginia deserve strong state laws that protect the places – like Jamestown – that make the Commonwealth unique.