



February 3, 2006

Dear Senator Devolites-Davis, Delegate Shannon, Mayor Seeman and Vienna Town Council Members:

On behalf of the citizens of North East Vienna, I am requesting your renewed assistance in correcting an inequity related to the relocation of utilities along Beulah Road in the Town of Vienna. The public service corporations, through their agent, VDOT, are acquiring utility easements on properties adjoining Beulah Road. In some cases, these easements exceed 10 feet beyond the public right-of way, resulting in the wholesale decimation of privately owned trees along major portions of the roadway and limiting citizen's use of the eased areas in perpetuity.

Citizens believe the inequity results from the refusal of the public service corporations to utilize an existing public right-of way in which utilities are currently located. The affected citizens have asked, at meetings with VDOT representatives, why the existing right-of way cannot be used for the utilities. In effect, the citizens were asking the utilities to comply with § 56-259, C, of the Code of Virginia, which states, in part, "Prior to acquiring any easement of right-of way, public service corporations will consider the feasibility of locating such facilities on, over or under existing easement of rights-of way." Residents believe the responsible State agency for assuring compliance with this law is the Virginia State Corporation Commission, Division of Energy Regulation. A resident of Beulah Road has established contact with the commission through Ms. Michelle Grant (phone: 804-225-3863). Ms. Grant has informed us that she has contacted the public service corporations, Dominion Power and Verizon, and has requested a response to our concerns.

A recent marking of trees, made along the East side of Beulah Road between Nelson and the Town Line, has nearly every tree marked for cutting. The proposed level of tree destruction will eliminate the country-like look of our main neighborhood roadway for a generation. Residents find this unacceptable, and as a result, at a meeting held on January 31, 2006, authorized this letter for transmission to your office. We, therefore, respectfully request your assistance in this matter by the following actions:

1. Direct VDOT to immediately develop a utility pole placement design which utilizes the existing right-of way without requiring any additional easements. Residents suggest relocating Utility poles to the utility strip between the sidewalk and street.
2. Direct VDOT to permanently cease all efforts to obtain easements and reverse all easement agreements/property condemnations that are related to utility pole relocations, as they are unnecessary to complete the roadway reconstruction.

3. Direct VDOT to mark all trees on Beulah Road from Maple Avenue to the Town line on all easements and the public right-of-way with a red tag to indicate trees that will be cut down, yellow to indicate trimming and green to indicate the tree will be saved.
4. Direct VDOT to re-start communicating with citizens of North East Vienna as a group by conducting weekday evening or Saturday morning meetings on the design aspects of the road, reconstruction plans and other issues which may affect resident's understanding on the impact to their neighborhood.
5. With regard to property condemnation, we ask that you investigate the fairness of the condemnation process with regards to the burden placed on the citizens of the State, and introduce legislation requiring approval by the State Corporation Commission for all takings of private property. If property condemnations along Beulah are to continue, we request the Division of Energy Regulation to afford the citizens of Vienna an opportunity to defend their position in the event the utilities avert compliance with the cited regulation in this letter. We ask that you remain informed of developments, as they evolve, and that the Division of Energy Regulation furnish your office with copies of all pertinent documents related to this matter.
6. Please read through Attachment A so you are able to fully understand the events which have led to this request.

Because residents do not understand who can execute these actions, we addressed this letter to you as a group. Since this project has both Town and State participation, we respectfully ask you to coordinate actions between your respective offices. We thank you for your continued attention and support in this matter. The residents of Vienna look forward to your help in resolving this serious problem that has a significant impact on our quality of life. If you have any questions, please do not hesitate to phone my work number 703-948-8731 during the day or my number at home, 703-255-0922 in the evenings.

Sincerely,

Original Signed

Ed Belte
Beulah Road Committee
North East Vienna Citizens Association

Attachment A - Historical and Current Background Information on the Beulah Road Reconstruction Project

cc: Mr. Steve Briglia