

Section 26

Public Rights-of-Way Use Fee, 2001

The *Code of Virginia* §56-468.1 authorizes certain localities to charge rights-of-way use fees for the use of publicly owned telephone lines by certified telecommunication firms. Cities and towns whose public streets are not maintained by the Virginia Department of Transportation, as well as any county that has chosen to withdraw from the secondary system of state highways, may impose a public rights-of-way use fee by local ordinance. This fee is in exchange for the use of the locality's electric poles or electric conduits by certified providers of telecommunications services.

The provider collects the use fee on a per access line basis by adding the fee to each end-user's monthly bill for local exchange telephone service (§56-468-1.G). The fee should be stated separately on the phone bill.

The *Code* (§56-468.1.I) permits any locality with an existing franchise agreement or ordinance allowing the use of the public rights-of-way, prior to July 1, 1998, to continue enforcing the existing agreement providing that the county, city, or town does not discriminate among telecommunications providers and does not adopt any additional rights-of-way practices that do not comply with current laws. The public rights-of-way fee cannot be imposed in such localities.

Currently, 12 cities, 2 counties, and 7 towns report imposing the fee on telecommunication providers, while one city, 4 counties and 10 towns report being ineligible to impose it.



Table 26.1
Right-of-Way Use Fees, 2001

Locality	Impose Fee
Cities	Note: All cities responded to the survey. Only those that answered "yes" or "ineligible to impose fee" have been included.
Alexandria	Yes
Fairfax	Yes
Falls Church	Yes
Franklin	Yes
Hampton	Yes
Harrisonburg	Yes
Lynchburg	Yes
Manassas	Yes
Newport News	Yes
Norfolk	Yes
Radford	Yes
Roanoke	Yes
Suffolk	Ineligible to impose fee ^a
Counties	Note: All counties responded to the survey. Only those that answered "yes" or "ineligible to impose fee" have been included.
Arlington	Yes
Chesterfield	Ineligible to impose fee
Fairfax	Ineligible to impose fee
Floyd	Ineligible to impose fee
James City	Yes
Loudon	Ineligible to impose fee
Towns	Note: Only towns that answered "yes" or "ineligible to impose fee" have been included.
Amherst	Ineligible to impose fee
Blacksburg	Yes
Blackstone	Yes
Coeburn	Ineligible to impose fee
Dillwyn	Ineligible to impose fee

^a See Code of Virginia §56.468.1.(l).

Table 26.1 (continued)

Locality	Impose Fee
Towns (continued)	
Farmville	Yes
Front Royal	Yes
Herndon	Yes
Independence	Ineligible to impose fee
Keysville	Ineligible to impose fee
McKerney	Ineligible to impose fee
Montross	Ineligible to impose fee
Mount Jackson	Ineligible to impose fee
Onancock	Ineligible to impose fee
Remington	Yes
South Boston	Yes
Stanley	Ineligible to impose fee