

Section 24

Public Rights-of-Way Use Fees, 2005

The *Code of Virginia* § 56-468.1 authorizes certain localities to charge rights-of-way use fees for the use of publicly owned roads and property by certified telecommunication firms. Cities and towns whose public streets are not maintained by the Virginia Department of Transportation (VDOT), 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 lands for 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 must be stated separately on the phone bill.

The fee is calculated each year by VDOT based on information about the number of access lines and feet of new installation that occur in the reporting localities. Using this information, VDOT develops a formula to calculate the

monthly fee per access line for participating localities. For fiscal year 2005, the fee is \$0.61 per access line. Information about the rights-of-way use fee can be obtained from VDOT at <http://www.virginiadot.org/business/row-usefee.asp>.

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.

Table 24.1 provides the responses of Virginia localities concerning the fee. Currently, 15 cities, 3 counties, and 16 towns report imposing the fee on telecommunication providers, while 1 city, 9 counties and 20 towns report being ineligible to impose it.



Table 24.1
Public Rights-of-Way Use Fees, 2005

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
Buena Vista ^a	Yes
Fairfax	Yes
Falls Church	Yes
Franklin	Yes
Hampton	Yes
Harrisonburg	Yes
Lynchburg	Yes
Manassas	Yes
Martinsville	Yes
Newport News	Yes
Radford	Yes
Richmond	Yes
Roanoke	Yes
Suffolk	Ineligible to impose fee
Winchester ^a	Yes
Counties (Note: All counties responded to the survey. Only those that answered "yes" or "ineligible to impose fee" have been included.)	
Arlington	Yes
Bland	Ineligible to impose fee
Chesterfield	Ineligible to impose fee
Cumberland	Ineligible to impose fee
Fairfax	Ineligible to impose fee
Hanover	Yes
Henry	Ineligible to impose fee
James City	Yes
Loudon	Ineligible to impose fee
Orange	Ineligible to impose fee
Prince William	Ineligible to impose fee
Southampton	Ineligible to impose fee
Towns (Note: Only towns that answered "yes" or "ineligible to impose fee" have been included.)	
Amherst	Yes
Blacksburg	Yes
Bridgewater	Yes
Clarksville	Ineligible to impose fee
Coeburn	Ineligible to impose fee
Dillwyn	Ineligible to impose fee
Dublin	Ineligible to impose fee
Dumfries	Yes
Exmore	Ineligible to impose fee
Farmville	Yes
Floyd	Yes
Front Royal	Yes
Glasgow	Ineligible to impose fee
Hamilton	Ineligible to impose fee
Haymarket	Ineligible to impose fee
Herndon	Yes
Independence	Ineligible to impose fee
Jonesville	Ineligible to impose fee
Keysville	Ineligible to impose fee
Leesburg	Yes
Lovettsville	Ineligible to impose fee
Luray	Yes
Madison	Ineligible to impose fee
McKenney	Ineligible to impose fee
Montross	Ineligible to impose fee

^a Locality did not report that it imposed a right-of-way fee, but the Virginia Department of Transportation includes this locality on its web site: <http://www.virginiadot.org/business/row-usefee-faq.asp>.

Table 24.1 Public Rights-of-Way Use Fees, 2005 (continued)

Locality	Impose Fee
Towns (continued)	
Mount Jackson	Ineligible to impose fee
New Castle	Ineligible to impose fee
Onancock	Ineligible to impose fee
Pearisburg	Yes
Rocky Mount	Ineligible to impose fee
South Boston	Yes
Stanley	Ineligible to impose fee
Strasburg	Yes
Vienna	Yes
Vinton	Yes
Woodstock	Yes