

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Chapter 15.1 of Title 56 a section numbered*
3 *56-484.32, relating to wireless support structures; public rights-of-way use fees.*

4 [H 1427]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That the Code of Virginia is amended by adding in Chapter 15.1 of Title 56 a section numbered**
8 **56-484.32 as follows:**

9 **§ 56-484.32. Wireless support structure public rights-of-way use fee.**

10 *A. Notwithstanding any other provisions of law, there is hereby established an annual wireless*
11 *support structure public rights-of-way use fee to replace any and all fees of general application, except*
12 *for permit processing, zoning, subdivision, site plan, and comprehensive plan fees of general application,*
13 *otherwise chargeable to wireless services providers and wireless infrastructure providers in connection*
14 *with a permit for occupation and use of the public rights-of-way under the jurisdiction of the*
15 *Department or a locality for the construction of new wireless support structures.*

16 *B. The amount of the annual wireless support structure public rights-of-way use fee shall be:*

17 *1. \$1,000 for any wireless support structure at or below 50 feet in height;*

18 *2. \$3,000 for any wireless support structure above 50 feet and at or below 120 feet in height;*

19 *3. \$5,000 for any wireless support structure above 120 feet in height; and*

20 *4. \$1 per square foot for any other equipment, shelter, or associated facilities constructed on the*
21 *ground.*

22 *The fee amount specified in this subsection shall be adjusted every five years, as of January 1 of that*
23 *year, in an amount equal to the annual increases for that five-year period in the United States Average*
24 *Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor*
25 *Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.*

26 *C. No later than June 30 of each year, the wireless services provider or wireless infrastructure*
27 *provider shall remit directly to the governmental entity that granted the permit for installation of the*
28 *structure in the public rights-of-way over which it has jurisdiction all wireless support structure public*
29 *rights-of-way use fees for wireless support structures. Wireless support structure public rights-of-way*
30 *fees paid to the Department of Transportation pursuant to this section shall be deposited in the Highway*
31 *Maintenance and Operating Fund established pursuant to § 33.2-1530.*

32 *D. The Department of Transportation or any locality with an agreement, contract, license, easement,*
33 *or permit allowing the use of the public rights-of-way by a wireless services provider or wireless*
34 *infrastructure provider, existing prior to July 1, 2018, may elect to continue enforcing such agreement,*
35 *contract, license, easement, or permit through and until expiration of the current term of the agreement,*
36 *contract, license, easement, or permit.*

ENROLLED

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