

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 2.2-1151 of the Code of Virginia, relating to Department of General*
3 *Services; conveyance of easement and appurtenances thereto to telecommunications companies.*

4 [S 444]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 2.2-1151 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 2.2-1151. Conveyance of easements and appurtenances thereto to cable television companies,**
9 **utility companies, public service companies, political subdivisions by state departments, agencies or**
10 **institutions; communication towers; telecommunications companies.**

11 A. When it is deemed to be in the public interest and subject to guidelines adopted by the
12 Department:

13 1. Any state department, agency or institution, through its executive head or governing board may
14 convey to public utility companies, public service corporations or companies, political subdivisions or
15 cable television companies, *or telecommunications companies* right-of-way easements over property
16 owned by the Commonwealth and held in its possession and any wires, pipes, conduits, fittings, supports
17 and appurtenances thereto for the transmission of electricity, telephone, cable television,
18 *telecommunications*, water, gas, steam, or sewage placed on, over or under the property.

19 2. Any state department, agency or institution having responsibility for a state-owned office building,
20 through its executive head or governing board, may lease space to a credit union in the building for the
21 purpose of providing credit union services that are readily accessible to state employees. The lease shall
22 be for a term of not more than five years, with annual renewals or new leases permitted thereafter. Such
23 lease may be granted for no consideration or for less than the fair market value.

24 3. Property owned by the Commonwealth may be sold or leased or other interests or rights therein
25 granted or conveyed to political subdivisions or persons providing communication or information
26 services for the purpose of erecting, operating, using or maintaining communication towers, antennas, or
27 other radio distribution devices. If any tower proposed to be erected on property owned by the
28 Commonwealth is to be used solely by private persons providing communication or information services,
29 and there is no immediate use planned or anticipated by any department, agency or institution of the
30 Commonwealth or political subdivision, the guidelines shall provide a means to obtain comments from
31 the local governing body where the property is located. The conveyances shall be for such consideration
32 as the Director of the Department deems appropriate, and may include shared use of the facilities by
33 other political subdivisions or persons providing the same or similar services, and by departments,
34 agencies, or institutions of the Commonwealth.

35 B. No transaction authorized by this section shall be made without the prior written recommendation
36 by the Department to the Governor, the written approval by the Governor of the transaction itself, and
37 the approval by the Attorney General as to the form of the instruments prior to execution.

38 C. This section shall not (i) apply to any lease or conveyance of a license or other interest in a
39 communication tower for use in the deployment of wireless broadband service within an unserved area
40 of the Commonwealth made pursuant to § 2.2-1150.2 or (ii) be construed to alter the control or
41 ownership of towers currently maintained by other agencies of the Commonwealth.

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