

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 2.2-1150.2 of the Code of Virginia, relating to Department of General*
3 *Services; state-owned communication towers; charges for use.*

4 [S 1377]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 2.2-1150.2 of the Code of Virginia is amended and reenacted as follows:**8 **§ 2.2-1150.2. Use of communication towers for deployment of wireless broadband services in**
9 **unserved areas of the Commonwealth.**

10 A. As used in this section:

11 "Qualified provider" means a provider of wireless broadband service that has obtained all
12 governmental approvals required for the provision of wireless broadband service in the unserved area in
13 which it seeks to provide such service.14 "Unserved area" means any area within the Commonwealth that is demonstrated not to have access
15 to terrestrial broadband or radio frequency Internet service.16 "Wireless broadband service" means an Internet connection service capable of transmitting
17 information at a rate that is not less than 256 kilobits per second in at least one direction using a
18 wireless link between a fixed location and the Internet service provider's facility. It does not include
19 wireless fidelity technology used in conjunction with dedicated subscriber line service or cable service to
20 connect devices within a facility to the Internet via a broadband connection.21 B. Notwithstanding any provision of § 2.2-1156 to the contrary, any state department, agency, or
22 institution having responsibility for a state-owned communication tower in an unserved area, subject to
23 guidelines adopted by the Department, shall lease or convey a license or other interest in the
24 communication tower to a qualified provider in order to permit the use of the communication tower by
25 the qualified provider in its deployment of wireless broadband service within the unserved area or
26 portion thereof. This requirement is subject to the qualified provider presenting to the Department:

27 1. A spectrum and certified structural analysis of the tower that demonstrates that:

28 a. The new service will not interfere with current equipment;

29 b. No structural element is beyond 85 percent capacity based on current and previously documented
30 future loads; and

31 c. The tower meets the industry standards set forth by ANSI/TIA/EIA 222-F; and

32 2. Proof that the tower satisfies all applicable local government requirements.

33 C. The Department shall adopt guidelines for (i) determining whether a provider of wireless
34 broadband service is qualified to provide such service and (ii) requesting a state department, agency, or
35 institution to enter into a lease or other conveyance of an interest in a communication tower or site
36 pursuant to this section.37 D. The lease or other conveyance shall be for such consideration as the Director of the Department
38 deems appropriate, which consideration shall *not* be *required to be* commensurate with the consideration
39 paid for use of comparable space on similar towers. The lease or other conveyance may include shared
40 use of the facilities by other political subdivisions or persons providing the same or similar services, and
41 by departments, agencies, or institutions of the Commonwealth.42 E. The provisions of § 2.2-1156 as they apply to lease agreements or conveyances of any interest
43 shall not apply to any transaction undertaken pursuant to this section.44 F. No transaction authorized by this section shall be made without the prior approval of the Director
45 of the Department and the approval of the Attorney General as to the form of any conveyancing
46 instrument prior to execution.