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HOUSE BILL NO. 1427

Offered January 16, 2018

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

Patrons—Kilgore, Kory, Byron, Heretick and Marshall; Senators: Dance, Ruff and Stanley

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

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

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

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

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

1. \$1,000 for any wireless support structure at or below 50 feet in height;
2. \$3,000 for any wireless support structure above 50 feet and at or below 120 feet in height;
3. \$5,000 for any wireless support structure above 120 feet in height; and
4. \$1 per square foot for any other equipment, shelter, or associated facilities constructed on the ground.

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

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

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

INTRODUCED

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