

RIGHT OF WAY USE FEE – TELECOMMUNICATION SERVICE FREQUENTLY ASKED QUESTIONS – REVISED 9-21-2016

We collect the right of way use fees in certain localities and send the payment directly to them. Do you want these access lines included in the “Number of Access lines as defined in Section 56-468.1?”

It is important to include all lines that meet the definition in this section, **including lines that are in localities that maintain their own roads whether or not they collect the fee.**

Do not include local, state, and federal government lines; access lines used to provide service to users as part of the Virginia Universal Service Plan; interstate and intrastate dedicated WATS lines; special access lines; off-premises extensions; official lines internally provided and used by providers of telecommunications service for administrative, testing, intercept, and verification purposes; and commercial mobile radio service.

We are a reseller. As such, we don’t have any “feet of new telecommunication facilities installed within public rights of way for the report period.”

That’s correct. Please indicate “0” and state that you are a reseller on the form. If you are a Certificated Provider of Telecommunications Service, you still need to report the qualifying access lines you serve and collect the right of way fee where required.

Is the right of way fee to be paid by every access line within the state (except those listed in the Code as exempt) no matter where located?

No. In localities that maintain their own roads, the Right of Way Fee is collected only when the locality has passed an ordinance to collect that fee and have it paid directly to them. They also have the option of continuing to collect franchise fees established before July 1, 1998, instead of the Right of Way Fee. Otherwise no fee should be collected in these localities.

Which localities maintain their own roads, impose the right of way use fee by ordinance, and are to be paid directly?

We are aware of the following:

Arlington County	City of Hampton	City of Richmond
City of Alexandria	City of Harrisonburg	City of Roanoke
Town of Blacksburg	Town of Herndon	Town of South Boston
Town of Bridgewater	City of Hopewell	Town of Strasburg
City of Buena Vista	Town of Leesburg	Town of Vienna
Town of Culpeper	Town of Luray	Town of Vinton
Town of Dumfries	City of Lynchburg	City of Winchester
City of Fairfax	City of Manassas	Town of Woodstock
City of Falls Church	City of Martinsville	
Town of Farmville	City of Newport News	
City of Franklin	Town of Pearisburg	
City of Fredericksburg	Town of Purcellville	
Town of Front Royal	City of Radford	

Which localities maintain their roads and are not to have the Right of Way Use Fee collected?

See list attached.

Our company provides services via a network of fixed microwave antennas and does not use the public rights of way. Are we subject to the collect and remit requirements of this law?

As long as no facilities located on the public rights of way are used, you are not subject to this legislation.

I am unable to locate the locality I serve in either of the two lists?

If the locality your company serves is not on either of the two lists, then you are to collect and forward the right of way use fees to the Department of Transportation.

**Towns and Cities That Maintain Their Own Roads
and are not to have the Right of Way Use Fee collected**

Town of Abingdon

Town of Altavista

Town of Ashland

City of Bedford

Town of Berryville*

Town of Big Stone Gap

Town of Blackstone

Town of Bluefield

City of Bristol

Town of Broadway*

City of Charlottesville

Town of Chase City

City of Chesapeake

Town of Chincoteague

Town of Christiansburg

City of Clifton Forge

Town of Colonial Beach*

City of Colonial Heights

City of Covington

City of Danville

Town of Elkton

City of Emporia

City of Galax

Town of Grottoes

Town of Lebanon

City of Lexington

City of Manassas Park

Town of Marion

Town of Narrows

City of Norfolk

City of Norton

Town of Orange

City of Petersburg

City of Poquoson

City of Portsmouth

Town of Pulaski

Town of Richlands

Town of Rocky Mount

City of Salem

Town of Saltville

Town of Smithfield

Town of South Hill

City of Staunton

City of Suffolk

Town of Tazewell

City of Virginia Beach

Town of Warrenton

City of Waynesboro

City of Williamsburg

Town of Wise

Town of Wytheville

The County of Henrico

***-Added 9/21/2016**