

RIGHT OF WAY USE FEE – TELECOMMUNICATION SERVICE FREQUENTLY ASKED QUESTIONS – REVISED 9-08-2009

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	

**** Effective July 1, 2003
VDOT Notified September 8, 2009***

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 Big Stone Gap
Town of Blackstone
Town of Bluefield
City of Bristol
City of Charlottesville
Town of Chase City
City of Chesapeake
Town of Chincoteague
Town of Christiansburg
City of Clifton Forge
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