

Capitol Contact

Virginia General Assembly

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Friday, February 2, 2018

House Panel Guts Local Control Over Zoning

The [House Commerce and Labor Committee](#) yesterday reported out [HB 1258 \(Kilgore\)](#), which allows wireless companies to place cell towers up to 50 feet tall within rights-of-way without local control. Additionally, for towers of greater height, the bill hamstring localities' ability to obtain information and address citizen concerns through the public hearing process.

Supporting the bill with testimony were private industry corporations, such as Verizon, Sprint and AT&T. Shentel also offered testimony in support of the bill saying HB 1258 would assist in the rollout of wireless and broadband services to rural Virginia.

Speaking against the bill, and rebutting claims from the industry, were VACo, VML and local governments. We testified that the bill offers NO guarantee of better access to broadband or wireless services to unserved, underserved and urban / suburban areas of Virginia. VACo also highlighted that this bad bill preempts local control over land use decisions and treats a single for-profit industry like a utility. However, unlike a traditional utility, the wireless industry is not required to provide service to citizens.

Even the Wireless Infrastructure Association disagrees with HB 1258. President and CEO Jonathan Adelstein wrote in a [Richmond Times-Dispatch editorial](#) –

“Do not let Virginia become a pincushion covered with tower farms. We can meet the wireless needs of Virginia consumers by including them in a smart process of placing wireless facilities where they are needed – and that means with proper planning and input.”

HB 1258 is likely to be voted on early next week on the House floor. VACo Members – if you don't want a cell tower to be your neighbor, call your [Delegate](#) now to oppose this bad bill.

The Senate version is [SB 405 \(McDougle\)](#), which will be heard in the [Senate Commerce and Labor Committee](#) on Monday. We need to express our dissatisfaction to Committee members and tell them to oppose SB 405.

KEY POINTS

- The bill offers NO guarantee of better access to broadband or wireless services to unserved, underserved and urban / suburban areas of Virginia.
- The bill allows a wireless structure up to 50 feet in height to be placed within rights-of-way without local control.
- The bill strips local governing bodies of their ability to act on community concerns on the siting of wireless towers.

DELEGATES VOTING TO GUT LOCAL CONTROL OVER ZONING

[Kilgore \(Chairman\)](#), [Byron \(Vice Chair\)](#), [Ware](#), [Hugo](#), [Marshall](#), [Cline](#), [Bell](#), [Robert B.](#), [O'Quinn](#), [Yancey](#), [Ransone](#), [Ward](#), [Filler-Corn](#), [Kory](#), [Bagby](#), [Heretick](#), [Mullin](#), [Bourne](#)

VACo Contacts: [Dean Lynch, CAE](#); [Joe Lerch, AICP](#); and [Phyllis Errico, Esq., CAE](#)

Call Now to Oppose Capping Local Charges on Wireless Poles

[HB 1427 \(Kilgore\)](#) and [SB 823 \(McDougle\)](#) establish a limit on what localities may charge for the use of publicly owned rights-of-way by the wireless industry for the placement of poles and towers.

The bills set statutory limits on what may be charged for wireless structures and equipment on both VDOT and locality-owned rights-of-way. Specifically, poles or towers up to 50 feet in height may only be charged an annual fee of \$1,000, towers 50 -120 feet \$3,000, and towers greater than 120 feet \$5,000. While the bill does not affect any existing contracts between a wireless company and a locality, it makes clear that upon expiration of the terms of the agreement, the statutory limits proposed become effective.

HB 1427 unanimously reported out of the [House Commerce and Labor Committee](#) with the support of VDOT speaking on behalf of the Northam administration. SB 823 will be heard in [Senate Commerce and Labor Committee](#) on Monday, February 5.

ACTION REQUIRED - Contact your [legislators](#) now to oppose this giveaway of publicly-owned property to a private entity.

KEY POINTS

- Roads and highways are publicly-owned assets whose value has been enhanced through significant investments in construction and maintenance.
- Local elected bodies are empowered to negotiate, through contract, with private entities for the use of publicly-owned land.
- The state should not usurp local authority in the management of locality-owned assets.

KEY CONTACTS

[House of Delegates](#) | [Senate Commerce and Labor Committee](#)

VACo Contact: [Joe Lerch, AICP](#)

Governor Ralph Northam to Speak at VACo County Government Day

February 8, 2018 | Omni Richmond Hotel | [Agenda](#)

This is our day to advocate for counties at the 2018 General Assembly Session. Join us for VACo County Government Day on Thursday, February 8!

Registration opens at 11 a.m. and the event kicks off with lunch at noon. Governor Ralph Northam will speak on issues that affect counties. VACo staff will provide legislative briefs before inviting all present to meet with their General Assembly representatives that afternoon.

For information on how to reach your representatives, see the [Virginia House of Delegates](#) and the [Senate of Virginia](#) member listings websites. Find information

about VACo's positions in the [2018 Legislative Program](#). We will distribute our VACo County Government Day Bulletin at the event.

We encourage all counties to participate in the legislative process - listen to Governor Northam share his vision for how we can work together to advance policies beneficial to Virginia localities. Also hear the VACo Team talk about the issues and then go speak with your representatives about your County's concerns. The VACo County Government Day event should conclude around 1-1:30 p.m.

Online registration is closed. Late registration will be taken at the VACo registration table, which opens at 11 a.m.

VACo Contact: [Dean Lynch, CAE](#)

Key Dates for 2018 General Assembly Session

The Joint Rules Committee met on December 18 to adopt the procedural resolution that sets the [schedule](#) for the 2018 General Assembly session. Although the procedural resolution will be considered by the full House and Senate in January, typically it is agreed upon without amendments. Key dates in the procedural resolution are as follows:

- **February 13:** Crossover (deadline for legislation to pass its chamber of origin)
- **February 18:** The Senate Finance and House Appropriations Committees must report their respective budgets.
- **February 22:** Deadline for each chamber to complete work on its budget
- **March 5:** Deadline for committee action on legislation
- **March 10:** Scheduled adjournment *sine die*
- **April 18:** Reconvened session to consider the Governor's amendments and vetoes

VACo Contact: [Katie Boyle](#)