

CHAPTER 6135
DEPARTMENT OF NATURAL RESOURCES
UTILITY CROSSINGS

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6135.0400 FEE SCHEDULES.

Subpart 1 **Purpose.** The following fees defray administrative costs and provide a reasonable return for private use of public land or water.

Subp 2 **Application fee.** The applicant shall include \$500 with each application for a license to construct utility crossings over or under public lands. An application may contain more than one crossing.

The applicant shall include \$500 with each application for a license to construct utility crossings over or under public waters. An application may contain more than one crossing. In the case of underwater crossings, the application fee charged shall satisfy the application fee requirements of parts 6115.0010 to 6115.0100 but the crossings shall be subject to all inspection and monitoring fees required by law or regulation.

The checks shall be made payable to the state treasurer. The commissioner will acknowledge the receipt of the application, indicating whether or not the correct application fee was included. The commissioner will take no other action on the application until the commissioner has received the correct fee. The commissioner will not return application fees, even if the application is withdrawn or denied.

Subp 3 **Utility crossing fees.** One-time payment fees securing a 50-year license, made payable to the state treasurer, shall be established for two classes of utility crossings as follows:

A Fees for crossing of public waters

(1) for utility crossings under public waters involving a disturbance of less than ten feet in width at the water's edge, Rate Table I in part 6135.0520 shall apply,

(2) for utility crossings under public waters involving a disturbance of ten feet or more in width at the water's edge, Rate Table II in part 6135.0620 shall apply;

(3) for utility crossings over public waters, Rate Table III in part 6135.0720 shall apply.

B Fees for crossing of public lands

(1) for utility crossings over, under, or across public lands, Rate Table IV in part 6135.0820 shall apply, and

(2) the minimum utility crossing fee for any utility crossings of public lands shall be \$28.

Subp 4 **Option for 25-year license.** An applicant may request a 25-year license instead of a 50-year license. In such a case, a one-time payment fee securing a 25-year license shall be established based on 60 percent of the fee for a 50-year license as computed under subpart 3 and Rate Tables I to IV in parts 6135.0520 to 6135.0820.

[For text of subs 5 and 6, see MR.]

Statutory Authority: *MS s 14 388, L 2003 c 128 art 1 s 158*

History: *28 SR 545*

6135.0510 [Repealed, 28 SR 545]

MINNESOTA RULES 2004

6135.0520 RATE TABLE I, NARROW UNDERWATER CROSSINGS.

The following table applies to underwater crossings involving a disturbance of less than ten feet in width at the water's edge.

Total Length in Feet, All Crossings Per Application						
Type of Utility	0 -100	101 -200	201 -300	301 -400	401 -500	500+
BASE RATE						
Pipeline	\$237	\$293	\$349	\$406	\$462	\$462 plus \$56 per 100 feet or fraction thereof additional.
Electric Transmission	180	225	259	304	349	\$349 plus \$45 per 100 feet or fraction thereof additional
Electric Distribution, Telephone, Telegraph, and Fiberoptic	124	147	180	203	237	\$237 plus \$17 per 100 feet or fraction thereof additional

The length of an underwater crossing is measured by the number of feet of line between banks or shores. The license fee is determined by adding the length of all such underwater crossings on the same application and, using this total distance, selecting the appropriate column to determine the base rate. The license fee is the base rate plus \$28 for each crossing in excess of one listed in the application.

Example #1. Electric distribution line application. Five water crossings

	Length (feet)			
Crossing #1	40	Base rate	\$147	(from 101-200 feet column)
Crossing #2	10	Plus	112	(four crossings in excess of one)
Crossing #3	75		—	
Crossing #4	22	License fee	259	
Crossing #5	35		—	
Total	182			

Example #2. Pipeline application. One crossing.

Crossing #1, 650 feet	Base rate	\$574	(from the 500+ column)
	Plus	\$ 0	(no crossings in excess of one)
	License fee	\$574	

Statutory Authority: *MS s 14 388, L 2003 c 128 art 1 s 158*

History: *28 SR 545*

6135.0610 [Repealed, 28 SR 545]

MINNESOTA RULES 2004

6135.0620 RATE TABLE II, WIDE UNDERWATER CROSSINGS.

The following table applies to underwater crossings involving a disturbance of ten feet or more in width at the water's edge

Total Length in Feet Per Each Crossing						
Type of Utility	0 -100	101 -200	201 -300	301 -400	401 -500	500+
RATE PER CROSSING						
Pipeline	\$293	\$361	\$440	\$507	\$575	\$575 plus \$73 per 100 feet or fraction thereof additional
Electric Transmission	225	270	327	383	440	\$440 plus \$56 per 100 feet or fraction thereof additional
Electric Distribution, Telephone, Telegraph, and Fiberoptic	147	192	225	259	293	\$293 plus \$39 per 100 feet or fraction thereof additional

The length of an underwater crossing is measured by the number of feet of line between banks or shores. The license fee is determined by calculating separately the length of each crossing on the same application, finding the rate for each crossing by referring to the appropriate column, and then adding together the resulting rate determinations.

Example. Pipeline application. Three underwater crossings.

	Length (feet)	Rate
Crossing #1	461	\$575
Crossing #2	24	293
Crossing #3	231	440
License fee		\$1,308

Statutory Authority: *MS s 14.388, L 2003 c 128 art 1 s 158*

History: 28 SR 545

6135.0710 [Repealed, 28 SR 545]

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6135.0720 RATE TABLE III, OVERWATER CROSSINGS.

The following table applies to overwater crossings

Total Length in Feet, All Crossings Per Application						
Type of Utility	0	101	201	301	401	500 +
	-100	-200	-300	-400	-500	
BASE RATE						
Pipeline	\$361	\$473	\$575	\$687	\$789	\$789 plus \$113 per 100 feet or fraction thereof additional
Electric Transmission	293	383	462	552	631	\$631 plus \$90 per 100 feet or fraction thereof additional
Electric Distribution, Telephone, Telegraph, and Fiberoptic	225	282	349	417	473	\$473 plus \$68 per 100 feet or fraction thereof additional

The length of an overwater crossing is measured by the number of feet of line between banks or shores. The license fee is determined by adding the length of all such overwater crossings on the same application and, using this total distance, selecting the appropriate column to determine the base rate. The license fee is the base rate plus \$28 for each crossing in excess of one listed in the application.

Example Telephone line application. Three overwater crossings.

	Length (feet)			
Crossing #1	27	Base rate	\$225	(from 0-100 feet column)
Crossing #2	31	Plus	56	(two crossings in
Crossing #3	10		—	excess of one)
	—	License fee	281	
Total	68			

Statutory Authority: *MS s 14 388, L 2003 c 128 art 1 s 158*

History: 28 SR 545

6135.0810 [Repealed, 28 SR 545]

MINNESOTA RULES 2004

6135.0820 RATE TABLE IV, PUBLIC LAND CROSSINGS.

The following table applies to public land crossings

Type of Utility	Width in Feet of Right-of-Way					
	0	67	100	133	166	198 +
	-66	-99	-132	-165	-198	
	RATE PER ROD OF LENGTH OF CROSSING					
Pipeline	\$4 40	\$6.54	\$8 68	\$10.82	\$12.96	\$15.10
Electric Transmission	2 93	4 40	5 75	7 21	8.68	10 03
Electric Distribution, Telephone, Telegraph, and Fiberoptic	1 47	2 25	2.93	3 61	4 40	5 07

Example #1 Electric transmission line request: 100 foot right-of-way, across two descriptions of public land, 1,320 feet in length for each description.

Total length in feet of public land crossing	2,640
Total length in rods (16.5 feet/rod)	160
	\$920
License fee at \$5.75 per rod (Rate Table IV)	\$920

Example #2 Pipeline request: 75 foot right-of-way, 400 feet across public land

Total length in rods (16.5 feet/rod)	24 24
License fee at \$6.54 per rod (Rate Table IV)	\$158.53

If an additional crossing is to be placed in an existing right-of-way by the original licensee or any other licensee, the fee will be 50 percent of the amount which would be charged if this crossing were the original crossing in the right-of-way

If the appraised value of the land over which a utility will cross is over \$100 per acre, a fee in addition to that contained in Rate Table IV will be charged. The additional fee shall not exceed 15 percent of the appraised value in excess of \$100 per acre of the actual acreage being taken by the right-of-way.

Statutory Authority: *MS s 14 388, L 2003 c 128 art 1 s 158*

History: 28 SR 545