

1.1 moves to amend H.F. No. 963, the second engrossment, as follows:

1.2 Page 1, line 21, delete everything after "means" and insert "a"

1.3 Page 1, line 22, after "facility" insert "constructed"

1.4 Page 2, line 1, after "Facility" insert "or utility facility"

1.5 Page 2, line 10, delete "gas;" insert "natural gas; or"

1.6 Page 2, line 11, delete "; or" and insert a period

1.7 Page 2, delete lines 12 to 13 and insert:

1.8 "Facility includes, but is not limited to, pipes, sewers, conduits, cables, valves, lines,
1.9 wires, manholes, and attachments."

1.10 Page 2, line 14, delete "that the relevant utility facilities run" and insert "a utility
1.11 facility that runs"

1.12 Page 2, line 16, delete everything after "parties," and insert "after which the utility
1.13 facility crosses the railroad lines, terminates, or exits the railroad right-of-way."

1.14 Page 2, delete line 17

1.15 Page 2, after line 20, insert:

1.16 "(f) Short line railroad means a railroad that is classified by federal law or
1.17 regulation as a Class III Railroad or Class III Carrier."

1.18 Page 2, line 21, delete "(f)" and insert "(g)"

1.19 Page 2, line 22, after "agency," insert "municipality,"

1.20 Page 2, line 24, delete everything after "carrier" and insert ". Utility includes
1.21 contractors or agents."

1.22 Page 2, line 25, before "This" insert "(a)"

1.23 Page 2, line 28, delete "of \$750" and insert "that equals or exceeds the standard
1.24 crossing fee under subdivision 6"

1.25 Page 2, after line 30, insert:

1.26 "(b) This section does not apply to a crossing or paralleling of a large energy facility,
1.27 as defined in section 216B.2421, subdivision 2, regardless of length."

2.1 Page 2, line 34, delete "shall" and insert "must"

2.2 Page 2, line 35, delete "drawing" and insert "engineering design"

2.3 Page 3, line 1, after the period, insert "The engineering design must be in
2.4 conformance with guidelines published in the most recent edition of the (1) National
2.5 Electric Safety Code, or (2) Manual for Railway Engineering of the American Railway
2.6 Engineering and Maintenance-of-Way Association."

2.7 Page 3, delete lines 3 to 6 and insert:

2.8 "(c) The application must be accompanied by the standard crossing fee as specified
2.9 in subdivision 6 and evidence of insurance as required in subdivision 7. The utility shall
2.10 send the application to the railroad by certified mail, with return receipt requested.

2.11 (d) Within 15 calendar days of receipt of an application that is not complete, the
2.12 railroad shall inform the applicant regarding any additional necessary information and
2.13 submittals."

2.14 Page 3, before line 7, insert:

2.15 "Subd. 4. **Inductive interference study.** (a) A railroad may require an electric
2.16 utility to conduct an inductive interference study if:

2.17 (1) the facility is for a electric energy transmission line of at least 125 kilovolts; and

2.18 (2) in accordance with guidelines in the National Electric Safety Code and the Manual
2.19 for Railway Engineering of the American Railway Engineering and Maintenance-of-Way
2.20 Association, the railroad reasonably determines that the proposed facility poses a material
2.21 possibility of creating induction issues or interference with railroad property.

2.22 (b) The utility must arrange and pay for the study, perform and pay for any costs of
2.23 modifications to the proposed facility, and pay for any costs of modifications to railroad
2.24 property that necessary to ensure safe and reliable railroad operations. The study must be
2.25 performed by a qualified engineer approved by the railroad.

2.26 (c) A utility facility for which an inductive interference study has been performed
2.27 under this subdivision may not be energized until at least 30 calendar days after the
2.28 railroad receives notice from the utility that the facility is ready to be energized. Within
2.29 30 days of receiving notice that the facility is ready to be energized, the railroad shall
2.30 conduct any appropriate tests to ensure that there will not be any interference with safe
2.31 operation of the railroad following energization."

2.32 Renumber the subdivisions in sequence

2.33 Page 3, line 7, delete "30" and insert "35 calendar"

2.34 Page 3, line 15, delete "\$750" and insert "\$1,250, adjusted as provided in paragraph
2.35 (f)," and before "The" insert "Except as otherwise provided in this subdivision,"

2.36 Page 3, after line 21, insert:

3.1 "(c) In addition to the standard fee under paragraph (a), the utility shall annually
3.2 pay a short line railroad a compensation fee of \$100. The compensation fee under this
3.3 paragraph does not apply for the 12-month period following payment of the standard fee
3.4 under paragraph (a). The requirement of a compensation fee under this paragraph expires
3.5 December 31, 2026."

3.6 Page 3, line 22, delete "(c)" and insert "(d)"

3.7 Page 3, line 23, delete "(d)" and insert "(e)" and delete "shall be considered" and
3.8 insert "is"

3.9 Page 3, after line 25, insert:

3.10 "(f) Annually each May 1, the standard crossing fee under paragraph (a) is adjusted
3.11 based on the percentage change in the annual average producer price index for the
3.12 preceding year compared to the year prior to the preceding year. Each adjustment is
3.13 effective for applications submitted on or after June 1. The producer price index is final
3.14 demand, finished consumer energy goods, as prepared by the Bureau of Labor Statistics of
3.15 the United States Department of Labor."

3.16 Page 3, delete lines 26 to 36 and insert:

3.17 "Subd. 6. **Certificate of insurance; coverage.** (a) The certificate of insurance or
3.18 coverage submitted by:

3.19 (1) a municipal utility or municipality must include commercial general liability
3.20 insurance or an equivalent form with a limit of at least \$1,000,000 for each occurrence
3.21 and an aggregate of at least \$2,000,000;

3.22 (2) a utility providing natural gas service must include commercial general liability
3.23 insurance with a combined single limit of at least \$5,000,000 for each occurrence and an
3.24 aggregate limit of at least \$10,000,000; or

3.25 (2) a utility other than as specified in clauses (1) and (2) must include commercial
3.26 general liability insurance with a combined single limit of at least \$2,000,000 for each
3.27 occurrence and an aggregate limit of at least \$6,000,000."

3.28 Page 4, line 1, delete "(d)" and insert "(b)"

3.29 Page 4, line 2, delete "\$4,000,000" and insert "\$6,000,000"

3.30 Page 5, after line 2, insert:

3.31 "Subd. 9. **Operational relocation.** (a) A railroad may require a utility to relocate
3.32 a facility when the railroad determines that relocation is essential to accommodate
3.33 railroad operations, and the relocation is not arbitrary or unreasonable. Before agreeing
3.34 to the relocation, a utility may require a railroad to provide a statement and supporting
3.35 documentation identifying the operational necessity for requesting the relocation. A utility
3.36 must perform the relocation within a reasonable period of time following agreement.

- 4.1 (b) Relocation is at the expense of the small utility. A standard fee under subdivision
- 4.2 5 may not be imposed for relocation."
- 4.3 Renumber the subdivisions in sequence
- 4.4 Page 5, line 6, delete "The use of" and insert "A utility may choose to undertake
- 4.5 a crossing or paralleling under" and delete "is optional"