

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 2591

(SENATE AUTHORS: MCEWEN and Dibble)

DATE	D-PG	OFFICIAL STATUS
03/06/2023	1352	Introduction and first reading Referred to Transportation
03/22/2023		Comm report: To pass as amended and re-refer to Energy, Utilities, Environment, and Climate

1.1 A bill for an act

1.2 relating to transportation; authorizing certain entities to use public roads for the

1.3 purpose of constructing, using, operating, and maintaining high-voltage

1.4 transmission lines; prohibiting certain entities from receiving relocation

1.5 reimbursement; amending Minnesota Statutes 2022, sections 161.45, subdivisions

1.6 1, 2; 161.46, subdivision 2; 222.37, subdivision 1.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2022, section 161.45, subdivision 1, is amended to read:

1.9 Subdivision 1. **Rules.** (a) Electric transmission, telephone, or telegraph lines; pole lines;

1.10 community antenna television lines; railways; ditches; sewers; water, heat, or gas mains;

1.11 gas and other pipelines; flumes; or other structures which, under the laws of this state or

1.12 the ordinance of any city, may be constructed, placed, or maintained across or along any

1.13 trunk highway, or the roadway thereof, by any person, persons, corporation, or any

1.14 subdivision of the state, may be so maintained or hereafter constructed only in accordance

1.15 with such rules as may be prescribed by the commissioner who shall have power to prescribe

1.16 and enforce reasonable rules with reference to the placing and maintaining along, across,

1.17 or in any such trunk highway of any of the utilities hereinbefore set forth.

1.18 (b) The rules under paragraph (a) must not prohibit an entity that has a right to use the

1.19 public road right-of-way pursuant to section 222.37, subdivision 1, and that has a power

1.20 purchase agreement or an agreement to transfer ownership with a Minnesota utility that

1.21 directly, or through its members or agents, provides retail electric service in the state from

1.22 placing and maintaining electric transmission lines along, across, or in any trunk highway

1.23 except as necessary to protect public safety. Nothing herein shall restrict the actions of

1.24 public authorities in extraordinary emergencies nor restrict the power and authority of the

2.1 commissioner of commerce as provided for in other provisions of law. Provided, however,
 2.2 that in the event any local subdivision of government has enacted ordinances relating to the
 2.3 method of installation or requiring underground installation of such community antenna
 2.4 television lines, the permit granted by the commissioner of transportation shall require
 2.5 compliance with such local ordinance.

2.6 Sec. 2. Minnesota Statutes 2022, section 161.45, subdivision 2, is amended to read:

2.7 Subd. 2. **Relocation of utility.** Whenever the relocation of any utility facility is
 2.8 necessitated by the construction of a project on a trunk highway route ~~other than those~~
 2.9 ~~described in section 161.46, subdivision 2~~ route, the relocation work may be made a part
 2.10 of the state highway construction contract or let as a separate contract as provided by law
 2.11 if the owner or operator of the facility requests the commissioner to act as its agent for the
 2.12 purpose of relocating the facilities and if the commissioner determines that such action is
 2.13 in the best interests of the state. Payment by the utility owner or operator to the state shall
 2.14 be in accordance with applicable statutes and the rules for utilities on trunk highways.

2.15 Sec. 3. Minnesota Statutes 2022, section 161.46, subdivision 2, is amended to read:

2.16 Subd. 2. **Relocation of facilities; reimbursement.** (a) Whenever the commissioner shall
 2.17 determine the relocation of any utility facility is necessitated by the construction of a project
 2.18 on the routes of federally aided state trunk highways, including urban extensions thereof,
 2.19 which routes are included within the National System of Interstate Highways, the owner or
 2.20 operator of such utility facility shall relocate the same in accordance with the order of the
 2.21 commissioner. After the completion of such relocation the cost thereof shall be ascertained
 2.22 and paid by the state out of trunk highway funds; provided, however, the amount to be paid
 2.23 by the state for such reimbursement shall not exceed the amount on which the federal
 2.24 government bases its reimbursement for said interstate system.

2.25 (b) Notwithstanding paragraph (a), on or after January 1, 2024, any entity that receives
 2.26 a route permit under chapter 216E for a high-voltage transmission line necessary to
 2.27 interconnect an electric power generating facility is not eligible for relocation reimbursement
 2.28 unless the entity directly, or through its members or agents, provides retail electric service
 2.29 in this state.

2.30 Sec. 4. Minnesota Statutes 2022, section 222.37, subdivision 1, is amended to read:

2.31 Subdivision 1. **Use requirements.** Any water power, telegraph, telephone, pneumatic
 2.32 tube, pipeline, community antenna television, cable communications or electric light, heat,

3.1 power company, entity that receives a route permit under chapter 216E for a high-voltage
3.2 transmission line necessary to interconnect an electric power generating facility with
3.3 transmission lines or associated facilities of an entity that directly, or through its members
3.4 or agents, provides retail electric service in the state, or fire department may use public
3.5 roads for the purpose of constructing, using, operating, and maintaining lines, subways,
3.6 canals, conduits, transmission lines, hydrants, or dry hydrants, for their business, but such
3.7 lines shall be so located as in no way to interfere with the safety and convenience of ordinary
3.8 travel along or over the same; and, in the construction and maintenance of such line, subway,
3.9 canal, conduit, transmission lines, hydrants, or dry hydrants, the ~~company~~ entity shall be
3.10 subject to all reasonable regulations imposed by the governing body of any county, town
3.11 or city in which such public road may be. If the governing body does not require the ~~company~~
3.12 entity to obtain a permit, a ~~company~~ an entity shall notify the governing body of any county,
3.13 town, or city having jurisdiction over a public road prior to the construction or major repair,
3.14 involving extensive excavation on the road right-of-way, of the ~~company's~~ entity's equipment
3.15 along, over, or under the public road, unless the governing body waives the notice
3.16 requirement. A waiver of the notice requirement must be renewed on an annual basis. For
3.17 emergency repair a ~~company~~ an entity shall notify the governing body as soon as practical
3.18 after the repair is made. Nothing herein shall be construed to grant to any person any rights
3.19 for the maintenance of a telegraph, telephone, pneumatic tube, community antenna television
3.20 system, cable communications system, or light, heat, power system, electric power generating
3.21 system, high-voltage transmission line, or hydrant system within the corporate limits of any
3.22 city until such person shall have obtained the right to maintain such system within such city
3.23 or for a period beyond that for which the right to operate such system is granted by such
3.24 city.