

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 2591

(SENATE AUTHORS: MCEWEN and Dibble)

DATE
03/06/2023

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Introduction and first reading
Referred to Transportation

OFFICIAL STATUS

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; amending Minnesota Statutes 2022, sections 161.45, subdivision
1.5 1; 222.37, subdivision 1.

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

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

1.8 Subdivision 1. **Rules.** Electric transmission, telephone, or telegraph lines; pole lines;
1.9 community antenna television lines; railways; ditches; sewers; water, heat, or gas mains;
1.10 gas and other pipelines; flumes; or other structures which, under the laws of this state or
1.11 the ordinance of any city, may be constructed, placed, or maintained across or along any
1.12 trunk highway, or the roadway thereof, by any person, persons, corporation, or any
1.13 subdivision of the state, may be so maintained or hereafter constructed only in accordance
1.14 with such rules as may be prescribed by the commissioner who shall have power to prescribe
1.15 and enforce reasonable rules with reference to the placing and maintaining along, across,
1.16 or in any such trunk highway of any of the utilities hereinbefore set forth, provided that
1.17 such rules shall not prohibit an entity that has a right to use the public road right-of-way
1.18 pursuant to section 222.37, subdivision 1, from placing and maintaining electric transmission
1.19 lines along, across, or in any trunk highway. Nothing herein shall restrict the actions of
1.20 public authorities in extraordinary emergencies nor restrict the power and authority of the
1.21 commissioner of commerce as provided for in other provisions of law. Provided, however,
1.22 that in the event any local subdivision of government has enacted ordinances relating to the
1.23 method of installation or requiring underground installation of such community antenna

2.1 television lines, the permit granted by the commissioner of transportation shall require
2.2 compliance with such local ordinance.

2.3 Sec. 2. Minnesota Statutes 2022, section 222.37, subdivision 1, is amended to read:

2.4 Subdivision 1. **Use requirements.** Any water power, telegraph, telephone, pneumatic
2.5 tube, pipeline, community antenna television, cable communications or electric light, heat,
2.6 power company, entity that receives a route permit under chapter 216E for a high-voltage
2.7 transmission line necessary to interconnect an electric power generating facility with
2.8 transmission lines or associated facilities of an entity that directly, or through its members,
2.9 provides retail electric service in the state, or fire department may use public roads for the
2.10 purpose of constructing, using, operating, and maintaining lines, subways, canals, conduits,
2.11 transmission lines, hydrants, or dry hydrants, for their business, but such lines shall be so
2.12 located as in no way to interfere with the safety and convenience of ordinary travel along
2.13 or over the same; and, in the construction and maintenance of such line, subway, canal,
2.14 conduit, transmission lines, hydrants, or dry hydrants, the ~~company~~ entity shall be subject
2.15 to all reasonable regulations imposed by the governing body of any county, town or city in
2.16 which such public road may be. If the governing body does not require the ~~company~~ entity
2.17 to obtain a permit, ~~a company~~ an entity shall notify the governing body of any county, town,
2.18 or city having jurisdiction over a public road prior to the construction or major repair,
2.19 involving extensive excavation on the road right-of-way, of the ~~company's~~ entity's equipment
2.20 along, over, or under the public road, unless the governing body waives the notice
2.21 requirement. A waiver of the notice requirement must be renewed on an annual basis. For
2.22 emergency repair ~~a company~~ an entity shall notify the governing body as soon as practical
2.23 after the repair is made. Nothing herein shall be construed to grant to any person any rights
2.24 for the maintenance of a telegraph, telephone, pneumatic tube, community antenna television
2.25 system, cable communications system, or light, heat, power system, electric power generating
2.26 system, high-voltage transmission line, or hydrant system within the corporate limits of any
2.27 city until such person shall have obtained the right to maintain such system within such city
2.28 or for a period beyond that for which the right to operate such system is granted by such
2.29 city.