[Date]

[Address]

Re: Termination of agreement and annual fee payments for utility crossing(s)

Dear [Railroad Contact]:

In 2016, Minnesota Statutes Section 237.045 was enacted to encapsulate the rights and responsibilities of utilities and railroads with regard to utility facilities that cross above or below railroad tracks. I have enclosed a copy of that statute for your reference.

Among its provisions, the statute establishes a one-time standard crossing fee of $1,250 “paid in lieu of any other license, permit, application, or processing fee, or any other fee or charge to reimburse the railroad for direct expenses incurred by the railroad as a result of the crossing. No other fee or charge may be assessed to the utility by the railroad.” (See subd. 6.)

The law applies to new crossings as well as existing crossings “if an agreement concerning the crossing has expired or has been terminated.” (See subd. 2.) “In such instances, if the collective amount that equals or exceeds the standard crossing fee under subdivision 6 has been paid to the railroad during the existence of the crossing, no additional fee is required. . .” Id.

This letter constitutes notice that [utility] hereby terminates its agreement with [railroad] regarding the utility crossing of the railroad’s right-of-way at [location], under the agreement’s provisions governing [utility]’s right to terminate. It is understood by [utility] that all matters of law formerly governed by that agreement henceforth are governed wholly by the laws of the State of Minnesota, including Minnesota Statutes Section 237.045.

Our records indicate that [utility] has made annual payments for crossing [railroad] right-of-way at mile mark x.xx in [County] since [date]. In that time, [utility] has paid a total of $xxx for this crossing. As that amount exceeds the onetime standard crossing fee of $1,250, this letter serves as notice that [utility] has satisfied its statutory requirements and will no longer be submitting payments for this crossing.

Sincerely,