[Date]

[Railroad Address]

Via Certified Mail with

Return Receipt Requested

Re: New utility crossing in public right-of-way

Dear (Railroad Contact):

[Utility] is currently proposing to construct [type of facility] across property utilized by [railroad] at mile post x.xx in [County], which is located within a public right-of-way. Enclosed is [utility]’s completed crossing application and certificate of insurance for the proposed crossing.

Minnesota Statutes Section 237.045 (2016) encapsulates the rights and responsibilities of utilities and railroads when such crossings are to be implemented. I have enclosed a copy of that statute for your reference.

The statute requires [utility] to submit the enclosed application and certificate of insurance in the noted amount. The statute also codifies existing case law that prohibits railroads from charging fees to utilities when they lay facilities across or under railroad tracks within public right-of-ways. (See subd. 6 (c)).

Please note that the statute allows [utility] to commence construction 35 days after (railroad)’s receipt of the enclosed materials unless [railroad] provides written notification to the utility that the proposed crossing presents a serious threat to the safe operations of the railroad or to the current use of the railroad right-of-way. (See subd. 5.)

Sincerely,