

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

707E0770

## HOUSE BILL NO. 1262

Introduced by: Representative Lange

1 FOR AN ACT ENTITLED, An Act to establish procedures to resolve certain disagreements  
2 regarding overhead or underground facilities crossing railroad rights-of-way.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 49-16A-100 be amended to read as follows:

5 49-16A-100. The public utilities commission shall ~~make~~ promulgate rules ~~and regulations~~  
6 pursuant to chapter 1-26 for the setting of poles on railroad right-of-way, and the stringing or  
7 suspending of telephone, telegraph, electric, or other wires over the track of railroads. If public  
8 convenience and necessity require that overhead or underground facilities of common carriers,  
9 public utilities, rural water systems, or municipalities cross over or under railroad right-of-way  
10 located outside of public grounds, streets, alleys, and highways in this state, and the owners of  
11 the facilities and the railroad right-of-way have failed to agree upon the terms and conditions or  
12 compensation for the same, the commission, after notice and hearing, may prescribe reasonable  
13 terms, conditions, and compensation under which the crossing shall be permitted. No  
14 compensation may be required of any common carrier for crossing railroad right-of-way within  
15 public grounds, streets, alleys, and highways in this state.