

88 the standard crossing fee established under Section 54-23-105 to the railroad during the
89 existence of the crossing, no additional fee may be required.

90 Section 4. Section **54-23-104** is enacted to read:

91 **54-23-104. Right-of-way crossing -- Construction.**

92 Unless the railroad notifies the fiber optic carrier in writing or electronically that the
93 approved crossing is a serious threat to the safe operation of the railroad or to the current or
94 future use of the railroad right-of-way, would violate any federal law or regulation applicable to
95 a public transit district, or would violate an agreement between a public transit district and the
96 federal government, the railroad shall issue the permit or crossing agreement and schedule
97 flagging to occur within 45 calendar days of the approved application.

98 Section 5. Section **54-23-105** is enacted to read:

99 **54-23-105. Standard crossing fee.**

100 (1) Unless otherwise agreed by the parties, a fiber optic carrier that crosses a railroad
101 right-of-way ~~H→~~ [~~; other than a crossing within a public right-of-way,~~] ~~←H~~ shall pay the railroad a
102 one-time standard crossing fee of \$1,250, adjusted as provided in Subsection (5), for each
103 crossing.

104 (2) (a) Except as otherwise provided in this chapter, the standard crossing fee is paid in
105 lieu of any license, permit, application, processing fee, or any other fee or charge to reimburse
106 the railroad for direct expenses incurred by the railroad as a result of the crossing.

107 (b) Except as otherwise provided in this chapter, no other fee or charge related to the
108 crossing may be assessed to the fiber optic carrier by the railroad.

109 (3) In addition to the standard crossing fee, the fiber optic carrier shall also reimburse
110 the railroad for any reasonable and necessary flagging expense associated with a crossing,
111 based on the railroad traffic at the crossing.

112 (4) (a) The placement of a single conduit is limited to a single applicant, and the
113 conduit's contents are a single facility.

114 (b) No additional fees are payable based on the individual fibers, wires, lines, or other
115 items contained within a single conduit.

116 (5) On January 1 of each year, the standard crossing fee under Subsection (1) shall be
117 adjusted by multiplying the current standard crossing fee by the sum of:

118 (a) one; and