



**OPERATIONS DIVISION
PROPERTY MANAGEMENT SECTION**

**RENTAL SCHEDULE
FOR ALL AGREEMENTS**

EFFECTIVE JULY 1 2009

Property Management Section oversees the temporary and permanent occupations of the State-owned right-of-way including utilities, municipalities, and abutting land owners. On a daily basis, we deal with unauthorized crossings and occupations. We create and maintain new/existing Leases, Private Crossings, License Agreements, and Master License Agreements. Currently we handle 450 miles that has 4 “active” railroads and 4 “rail banked” lines. State of Vermont currently owns the following:

Active Railroads:

Green Mountain Railroad runs from Rockingham (Bellow Falls) to Rutland Town – 50.02 miles

Vermont Railway, Inc. runs from Bennington to Burlington – 139.75 miles

Washington County Railroad runs from Montpelier to Barre Town – 13.10 miles

Washington County Railroad (Connecticut River Line) runs from Newport to Ryegate and Newbury to Hartford – 102.18 miles

Rail banked Lines:

Beebe Spur Rail Trail (Former Canadian Pacific Railroad) runs in the Town of Derby – 4.05 miles

Delaware & Hudson Rail Trail runs from Rupert to Castleton – 19.74 miles

Lamoille Valley Railroad (formerly St. Johnsbury & Lake Champlain Railroad) runs from St. Johnsbury to Swanton – 97.68 miles

Missisquoi Valley Rail Trail (Former Richford Subdivision of Central Vermont Railway, Inc.) runs from St. Albans to Richford – 26.80 miles

In addition to the 450 miles, there are 295.32 miles of privately owned railroads. Property Management can charge fair market value when entering into agreements per the following statute:

Statute 19 V.S.A. § 26a:

§ 26a. Determination of rent to be charged for leasing or licensing state-owned property under the agency's jurisdiction

(a) Except as otherwise provided by subsection (b) of this section, or as otherwise provided by law, leases or licenses negotiated by the agency under sections 204 and 3405 of Title 5 and section 26 of this title ordinarily shall require the payment of fair market value rent, as determined by the prevailing area market prices for comparable space or property. However, the agency may lease or license state-owned property under its jurisdiction for less than fair market value when the agency determines that the proposed occupancy or use serves a public purpose or that there exist other relevant factors, such as a prior course of dealing between the parties, that justify setting rent at less than fair market value.

(b) Unless otherwise required by federal law, the agency shall assess, collect, and deposit in the transportation fund a reasonable charge or payment with respect to leases or licenses for access to or use of state-owned rights-of-way by providers of broadband or wireless communications facilities or services. The Vermont telecommunications authority, established by chapter 91 of Title 30, may waive such charge or payment in whole or in part if the provider offers to provide comparable value to the state so as to meet the public good as determined by the authority. For the purposes of this section, the terms "comparable value to the state" shall be construed broadly to further the state's interest in ubiquitous broadband and wireless service availability at reasonable cost. Any waiver of charges or payments for comparable value to the state granted by the authority may not exceed five years. Thereafter, the authority may extend any waiver granted for an additional period not to exceed five years if the authority makes affirmative written findings demonstrating that the state has received and will continue to receive value that is comparable to the value to the provider of the waiver, or it may revise the terms of the waiver in order to do so. The authority, in consultation with the agency of transportation, shall adopt rules under chapter 25 of Title 3 to implement this section. For the purpose of establishing rules to implement chapter 91 of Title 30 by July 1, 2007, or as soon thereafter as possible, the authority is authorized to adopt initial rules under this section using emergency rulemaking procedures of chapter 25 of Title 3. Any emergency rules initially adopted may remain in effect longer than 120 days, but in no event shall they remain in effect for more than six months.

(c) Nothing in this section shall authorize the agency to impose a charge or payment for the use of a highway right-of-way which is not otherwise authorized or required by state or federal law.

(d) Nothing in this section shall be construed to impair any contractual rights existing on the effective date of this section. The state shall have no authority under this section to waive any sums due to a railroad. The state shall also not offer any grants or waivers of charges for any new broadband installations in segments of rail corridor where an operating railroad has installed or allowed installation of fiber optic facilities prior to the effective date of this act unless the state offers equivalent terms and conditions to the owner or owners of existing fiber optic facilities. (Added 1997, No. 150 (Adj. Sess.), § 20; amended 2007, No. 79, § 10, eff. June 9, 2007.)

With respect to municipally owned facilities, VTTrans' longstanding practice is not to charge with respect to facilities operated by the municipality in its "governmental" capacity (for example, highway storm drains or wires for fire alarm boxes), but to charge for facilities operated by the municipality in its "proprietary" capacity (for example, electric and water utilities). This, in effect, treats both municipal and investor-owned utilities alike.

DOCUMENT PREPARATION FEES

The following prepaid charges are intended to cover the cost of processing of papers and other incidental expenses incurred by the State of Vermont and are in addition to the rentals shown hereafter in this schedule.

1. New Agreements -	\$300.00
2. Amendment to Agreements -	\$200.00
3. Assignments -	\$200.00
4. Deed Preparation/Title Search -	\$400.00

All documentation, plans, and document preparation fees must be submitted with request.

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**SECTION I: MASTER LICENSE AGREEMENTS AND INDIVIDUAL LICENSE
AGREEMENTS FOR ELECTRICAL OCCUPATIONS**

ANNUAL RENTALS

The minimum annual rental under any agreement where a rental is involved shall be \$200.00

Individual crossings/occupancies which are totally removed from lands of the State shall be deleted from Attachment A and all subsequent billings.

The charges herein are not subject to any pro-rata refund for any period less than the annual term.

ELECTRIC UTILITY OCCUPATIONS

TRANSVERSE CROSSINGS

SECTION A – AERIAL AND UNDERGROUND WIRES

1. Public Highways – Crossing within the limits of a public highway.
No rental
2. State of Vermont right of way and property – Annual rental will be as follows:
 - a) Not exceeding 300 volts to one individual service - \$50.00
 - b) All other crossings up to but not exceeding 69,000 volts - \$150.00
 - c) Over 69,000 volts but not exceeding 345,000 volts - \$350.00
 - d) Over 345,000 volts - \$425.00

SECTION B – POLES, TOWERS, GUYS AND ANCHORS

- 1) Single wooden, concrete or steel pole (per pole) - \$50.00
- 2) Each brace, stub pole or anchor - Included in Paragraph 2 (B) above
- 3) Each brace, stub pole guy or anchor used without wire crossing - \$25.00
- 4) Each span guy wire crossing - \$50.00
- 5) Each anchor left on property without wire or guy - \$50.00
- 6) Manholes, each - \$50.00

NOTE: Attachments of wires, cable, etc., to railroad bridges, buildings, pole or other structures are subject to special consideration in each case. These charges are in addition to the wire or cable occupation charged provided for in Section A.

LONGITUDINAL OCCUPATIONS

SECTION A – AERIAL AND UNDERGROUND WIRES

NOTE: Recognizing the many variables and intangibles involved in each longitudinal occupation of State of Vermont property, each application shall be considered on its own merits, the minimum annual rentals being applied as set out below:

- a) Pole line, highest voltage not exceeding 46,000 volts per circuit per foot - \$0..50
- b) Pole line, voltage 46,001 to 345,000 volts per circuit foot - \$0.75
- c) Pole line, voltage over 345,000 volts per circuit foot - \$1.00
- d) For occupations of less than one quarter mile - \$250.00

NOTE: The above charges cover the complete pole line occupation. Additional charges are not to be made unless there are transverse crossings or attachments of wires, cables, etc. to railroad bridges, poles or other structures are subject to special consideration in each case at the time of application.

SECTION II: MASTER LICENSE AGREEMENTS AND INDIVIDUAL LICENSE AGREEMENTS FOR CABLE, PHONE, AND FIBER OPTIC

TRANSVERSE CROSSINGS

SECTION A – AERIAL AND UNDERGROUND WIRES

1. Public Highways – Crossing within the limits of a public highway. No rental.
2. State of Vermont right of way and property – Annual rental will be as follows:

Pairs -

Minimum – \$200.00 annually

Fiber Optics –

Minimum - \$200.00 annually

7500+ volts perpendicular crossing - \$600.00 annually

Crossing, transverse - \$700.00 to \$1,500.00 annually

SECTION B – POLES, TOWERS, GUYS AND ANCHORS

1. Single wooden, concrete or steel pole (per pole) - \$50.00
2. Each brace, stub pole or anchor – Included in minimum annual rent
3. Each brace, stub pole, guy or anchor used without cable crossing - \$25.00
4. Each span guy wire crossing - \$50.00
5. Each anchor left on property without wire or guy - \$50.00
6. Manholes, each - \$50.00

NOTE: Attachments of wires, cable, etc., to railroad bridges, buildings, pole or other structures are subject to special consideration in each case. These charges are in addition to the wire or cable occupation charges provided for in Section A.

LONGITUDINAL OCCUPATIONS

SECTION A – AERIAL AND UNDERGROUND WIRES

- a) For occupations of less than one quarter mile - \$250.00
- b) For occupations of more than one quarter mile - \$1.00 per foot

- c) Fiber optics - Service Line Crossing \$200.00;
Transmission Line \$.21 per foot plus 12 strands or equivalent for State
use
- d) Occupations of less than one quarter mile - \$250.00
- e) Occupations of more than one quarter mile - \$1.00 per foot

NOTE: The above charges cover the complete pole line occupation. Additional charges are not to be made unless there are transverse crossings or attachments of wires, cables, etc. to railroad bridges, poles, or other structures are subject to special consideration in each case at the time of application.

**SECTION III: MASTER LICENSE AGREEMENTS AND INDIVIDUAL LICENSE
AGREEMENTS FOR WATER & SEWER**

TRANSVERSE CROSSINGS

SECTION A

1. Public Highways – Crossing within the limits of a public highway. No rental.
2. State of Vermont right of way and property – Annual rental will be as follows:
 - a) Circular Lines Carrying No Pressure: \$2.25 per inch of inside nominal diameter per pipe. Minimum charge for each individual crossing - \$200.00
 - b) Circular Lines under Pressure and Carrying Non-Flammable, Non-Explosive or Non-Combustible Supporting Materials, except Coal and water Slurry: \$3.50 per inch of inside nominal diameter per pipe. Minimum charge for each individual crossing - \$200.00
 - c) Circular Lines Under Pressure and Carrying Flammable, Explosive or Combustible Supporting Materials, except Coal and Water Slurry:

Pipe not exceeding 3” inside nominal diameter. Charge for each individual crossing - \$200.00

Pipe over 3” inside nominal diameter and not exceeding 12” inside diameter. Charge for each individual crossing - \$250.00

Pipe over 12” inside diameter and not exceeding 24” inside diameter. Charge for each individual crossing - \$350.00

Pipe exceeding 24” in diameter - \$12.75 per inch. Charge for each individual crossing - \$475.00
 - d) Rental for non-circular pipes shall be determined by the diameter of circular pipe having an equivalent cross-sectional area.
 - e) Rental for pipe tunnels or other special underground construction shall be subject to special consideration.
 - f) Rental for pipe tunnels or other special underground construction shall be subject to special consideration.
 - g) Pipe lines carried over property on bridges or other supports subject to special consideration in each case. Where pipe or pipes are encased in a

protective pipe of larger diameter, no charge shall be made for the protective encasement.

h) Manholes, each - \$50.00

NOTE: Charges for attachments of pipes to railroad bridges, buildings, pole or other structures are subject to special consideration in each case.

LONGITUDINAL OCCUPATIONS

SECTION B

1. Circular lines carrying no pressure:

\$2.25 charge per inch of inside nominal diameter or fraction thereof per 100 feet of occupation or fraction thereof.
2. Circular Lines under Pressure and Carrying Non-Flammable, Non-Explosive and Non-Combustible Supporting Materials, except Coal and Water Slurry:

\$3.50 charge per inch of inside nominal diameter per 100 feet of occupation or fraction thereof.
3. Circular Lines under Pressure and Carrying Flammable, Explosive and Combustible Supporting Materials, and Coal and Water Slurry:

\$7.00 charge per inch of inside nominal diameter per 100 feet of occupation or fraction thereof, plus a negotiated figure based on volume of product transported.
4. Rental for non-circular pipes shall be determined by the diameter of a circular pipe having an equivalent cross-sectional area.
5. Rental for pipe tunnels or other special underground construction shall be subject to special consideration.
6. Pipelines carried along property on bridges or other supports shall be subject to special consideration in each case.
7. Manholes, each - \$50.00
8. Charges for attachments of pipes to bridges, buildings or other structures are subject to special consideration in each case.

9. Where pipe or pipes are encased in a protective type of larger diameter, no charge shall be made the protective encasement.

SECTION IV: PRIVATE CROSSING AGREEMENTS

RAILROAD CROSSING PROCEDURES

No application for a new at-grade crossing or to broaden use of an existing at-grade crossing (i.e. – by changing an existing farm crossing to a general purpose private crossing) will be considered unless the applicant demonstrates that construction of a grade separated crossing (i.e. – an overpass or underpass) is neither reasonable or prudent, and that he or she has reasonably exhausted efforts to obtain alternative access (i.e. – by constructing a frontage road parallel to the railroad to connect to an existing road). Where the State and the railroad operator agree that it is appropriate to construct a new crossing or to broaden use of an existing crossing, they will enter into a Private Crossing agreement licensing the applicant's construction and use of the crossing. Such agreement generally will require payment of an annual fee to the State and will require the licensee to pay the railroad operator for the maintenance of the crossing surface and the inspection and maintenance of the automatic signals (if any).

The select board of a town, acting under the authority of 19 V.S.A. Chapter 7, may lay out a new highway crossing on an existing railroad, provided that the new highway can be constructed as not to obstruct or injure the railroad. The railroad, like other persons with affected property interests, can petition the superior court to review the necessity of the proposed highway, as well as the adequacy of the compensation offered by the town for the taking of land and right in land. In addition, 30 V.S.A. § 1361 grants the railroad right to petition the Transportation Board to determine whether the crossing ought to be at grade. If the Transportation Board determines that the crossing should be grade separated, then the expense of building and maintaining an overpass or underpass may render the proposed new highway financially prohibitive.

Existing farm crossings were established by reservations in the original deeds or commissioners' awards by which railroad right-of-way was assembled or by subsequent agreement between the railroad and abutting landowners. The Transportation Board has jurisdiction to hear and determine disputes regarding the adequacy of farm crossings, as well as proposals to close farm crossings. See 30 V.S.A. § 806 (3), 1471 and 1480.

ANNUAL CROSSINGS FEES

Public Highways	No Fee
Farm Crossings	No Fee
Single Dwelling	\$200.00
Residential:	
2 – 5 Dwellings	\$400.00
6 & up Dwellings	\$650.00
Commercial	\$650.00
Industrial	\$800.00
Longitudinal	\$1,600.00
Recreational Crossing	\$100.00
Recreational Longitudinal:	
Less than 1,000 feet	\$100.00
More than 1,000 feet	would be reviewed

SECTION V: LAND LEASE AGREEMENTS

1. New Agreements: Rentals are typically derived from fair market value analysis or based on the schedule of land rents per square foot annual costs as attached.
2. Renewal Agreements: Rentals will be adjusted according to the most recent Consumer Price Index available.
3. Pre-1980 Agreements: Rentals are normally updated using the schedule of Land rents per square foot annual costs as attached.

The following rental schedule is subject to periodic review which may result in fluctuations according to the market. The following schedule supersedes and replaces prior rental schedules.

LAND RENTS - SQUARE FOOT ANNUAL COSTS
Effective 7/2009 Revised from 6/2004

<u>TOWN OR CITY</u>	<u>INDUSTRIAL</u>	<u>COMMERCIAL</u>	<u>RESIDENTIAL</u>
Arlington	.074	.149	.061
Barre (1)	.074 - .297	.297 - .595	.074
Barre Town	.074	.149	.074
Bennington (1)	.149	.297 - .595	.074
Berlin (1)	.074	.223 - .446	.074
Brandon	-----	.149	.074
Burlington (1)	.297 - .595	.074	.184
Cambridge	.074	.074	.061
Cavendish	-----	-----	.061
Charlotte	-----	.149	.074
Chester	.074	.074	.061
Chester (Village)	.074	.149	.061
Clarendon	.074	.074	.048
Danby	-----	-----	.048
Danville	-----	.037	.037
Fairfield	-----	-----	.024
Ferrisburg	-----	.149	.074
Hardwick	-----	.037	.037
Johnson	-----	.037	.037
Ludlow	.074	.149	.061
Manchester	.074	.223	.074
Manchester (Village)	.074	.223	.123
Middlebury	.074	.223	.098
Montpelier (1)	.149 - .297	.223	.123
Morrisville	.074	.223	.061
New Haven	.037	.149	.037
Pittsford	-----	.149	.074
Proctor	.074	.149	.074
Rockingham	.037	.074	.048
(Bellows Falls)	.074	.149	-----
Rutland (1)	.111 - .223	.297 - .595	.098
St. Albans	.074	.223	.061
St. Johnsbury	.074	.149	.048
Shelburne	.149	.223	.123
Sheldon	.018	.037	.024
Swanton	.037	.074	.048
Vergennes	.149	.149	.074
Wallingford	-----	.074	.048

Agricultural: Use \$0.002 per sq. ft. for all areas

- (1) Communities that may have a wide range of values in any given category. These should be reviewed to determine where the lease may fall within the range.
- Square foot costs are updated periodically and are only representative for the date of this schedule. Generally, costs are adjusted by the consumer price index.
- CPI June 2004 index 201.1
- June 2009 index of 215.693

SECTION VI: TEMPORARY LICENSE/LEASE & DIRECT ACCESS AGREEMENTS

The minimum annual rental under any agreement where a rental is involved shall be \$200.00