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STUDENT NOTE

Mines and Minerals—Surface Transmission of Electricity Under Implied Mining Rights

The modern techniques of drift or deep coal mining demand an abundant supply of electrical power. Safe, economical and efficient transmission of this power throughout the mining operation has raised a legal issue between the owner of the coal and the surface owner. The issue arising is whether the owner of the coal possesses, as incident to that ownership, the implied right to use the surface for the erection of utility poles which carry the transmission lines.

The electrical system for each mine is unique and therefore a rule of thumb comparison of the cost of surface transmission to that of transmission through the mine entries is not possible.