

CLP Encroachment Guidelines Quick Reference Guide

These guidelines are intended to provide guidance on the “dos and don’ts” within or around CLP easements - also referred to as Right-of-Way (ROW). This overview cannot address all possible situations and is intended to provide general guidance. By providing these guidelines, CLP does not waive any rights granted or prescribed by easement or law. CLP’s concurrence that a proposed use does not constitute an interference with its easement rights does not mean that requirements of local, county, state or federal governments or other agencies with governing authority have been met. Certain conditions such as line voltage, line criticality, frequency of required access and structure type may require heightened restrictions in the easements to provide safe and reliable service. If you have questions or concerns about the use of CLP easements, please contact the Cooperative.

ROW - Strips of land on which CLP distribution lines are located are referred to as Right of Way (ROW). CLP acquires ROW for the purpose of construction, as well as safe and reliable operation and maintenance of its plant facilities and infrastructure. The majority of CLP ROW is granted in the form of easements.

What is an Easement? A legal right granted by a landowner to another person or entity to use a portion of their property for a specific purpose. Easements allow CLP to establish and professionally manage its ROW. This includes keeping the ROW clear of obstructions and activities in order to construct, operate, maintain, repair, and replace electrical facilities for the distribution of high voltage power. Easements allow ingress and egress across adjacent lands to and from the ROW. Landowners may continue to use easement areas provided the use is consistent with the easement agreement.

- **Buyer Notice:** CLP easements do not expire; they are perpetual in duration, even if the property is sold and transferred to a new owner. While an easement can have a significant impact on the buyer’s plans to use the property, in many cases an easement allows compatible uses. Prior to closing the purchase of property, the buyer should consult with the closing attorney or the seller about the presence of a CLP easement on the property. CLP easements may or may not be recorded in the Clerk of Court of the respective county in which the facilities are located. CLP easements remain valid even if they are not shown in a title search report. If an easement cannot be located and a CLP facility exists on the property, CLP will maintain its servitude via prescribed rights and current policies and procedures. If an easement does not contain specific language regarding the prohibition of buildings or structures in the ROW, more often than none, the structures will conflict with CLP’s prescribed rights and regulations and will therefore be prohibited.
- **ROW Location and Width:** Most utility line easements specify the location and width of the ROW. Some older easements were frequently “blanket easements” allowing a utility

to cross property whenever it needed. Due to the many versions of easements over the years, it is important for landowners or prospective purchasers to review the specific terms of an easement. This review should provide guidance about permitted uses within the boundaries of a ROW easement. The National Electric Safety Code (NESC) specifies minimum horizontal and vertical clearance requirements for overhead and underground lines. These clearance requirements must be complied with. Specific easement agreements may require more clearance.

The following chart lists typical ROW widths for CLP Distribution lines:

Type of Line	Typical ROW Width
Secondary Overhead Distribution	10 ft. (5 feet each side of center)
Primary and Secondary Underground Distribution	15 ft. (7.5 feet each side of center)
Primary Single Phase Overhead Distribution	40 ft. (20 feet each side of center)
Primary Three Phase Overhead Distribution	50 ft. (25 feet each side of center)

ROW Encroachments: Any use of the property that is not permitted by the terms of the easement. CLP regularly patrols its distribution system and can require a landowner/member to remove an encroachment at the owner’s expense; however, some types of encroachments are allowed with proper approval from CLP. If an unapproved encroachment is discovered during or after installation, CLP will request that it be stopped and removed. Should a landowner/member refuse to cooperate, CLP may seek legal recourse.

Encroachment Requests: Coordinating with CLP early in your planning process and prior to the commencement of any proposed activity within the ROW can help keep you safe and avoid a waste of time and money. If you are planning to build near a distribution line or make use of the ROW, it is important that you contact CLP as early as possible in your planning process to ensure that your intended use meets CLP’s requirements and to determine whether an encroachment variance will be necessary.

If an encroachment request is necessary, it shall be accompanied by a plot plan (drawn to scale) clearly defining the location by address (if assigned) and if applicable, lot number and subdivision name. All servitudes, rights-of-way, and dimensions of property must be shown on the plot plan, along with the proposed encroachment. CLP will review each request along with the pertinent easement, operational, code, and policy requirements. Engineering plans may be required by CLP to fully understand any proposed use by the landowner/member. CLP can

advise you on matters relating to electrical safety or potential impact to our facilities and offer suggestions for resolving any conflicts. With prior approval from CLP, encroachments may be permitted on a case-by-case basis. The proposed encroachment must not dispute CLP's rights or use granted in the easement. CLP will respond to the landowner/member with an objection or no objection letter after considering the following:

- **Safety** – First and foremost, CLP takes into account your safety, the safety of the general public, and the safety of its employees. CLP is unable to approve any item or use that is or could be a safety hazard or that violates a standard or regulation.
- **Reliability** – Other considerations include preservation of ability to safely and quickly access the ROW and our facilities for maintenance and outage restoration, as well as preserving the area needed for any potential additions or upgrades to our facilities.

Uses of ROW that MAY be Permissible*

The following list includes examples of uses that MAY be permitted within the ROW provided certain standards are observed and any necessary agreements are properly executed. Please keep in mind that every encroachment has a unique set of circumstances and is evaluated on a case-by-case basis.

- Agricultural and Farm Use
- Drainage ditches
- Driveways
- Fences with sufficient gated access
- Grading (minor)
- Parking
- Recreational activities
- Underground utility lines

Uses of ROW Generally NOT Permitted*

The following list includes uses that interfere with, obstruct, restrict, or endanger CLP's use of its ROW and are generally NOT permitted in order to preserve our rights to construct, operate, maintain, access, replace and reconstruct our facilities in a safe and timely manner.

- Antennas or Satellite Dishes
- Attachments to CLP structures unless specifically addressed in a Joint Use Agreement
- Burning
- Flammable material
- Fueling or fuel storage
- Garbage receptacles (dumpsters)
- Graves or mausoleums
- Hazardous substances

- Junkyards or solid waste burial
- Kite or model airplane flying
- Land fills
- Manufactured/Mobile homes/Campers/Travel Trailers
- Orchards or tree farms
- Outdoor lighting not owned or maintained by CLP
- Playground equipment
- Ponds
- Pools (in-ground or above ground)
- Retaining Walls
- Septic tanks and field lines (both above and below ground)
- Storage or deposits of soil
- Structures of any kind (including houses, sheds, barns, etc.)
- Tall signs and billboards
- Trees or shrubs which at maturity may exceed four (4) feet in height
- Water Wells

** The lists above are not intended to be exclusive. Always contact CLP in advance of potential encroachment.*

In addition, landowners should also be aware of the following guidelines and issues:

CLP must review and approve the following encroachments in writing:

- Changes in ground elevation in a ROW. Any construction involving the raising or lowering of the natural grade and any topographic changes. Placement of fill dirt in the ROW reduces conductor-to-ground clearance. An unapproved fill could require CLP to raise its electric lines at the landowner's expense.
- Any excavation that affects its access to facilities. Any excavation in the ROW must maintain a distance greater than ten (10) feet from distribution poles. These distances include guy wires and anchors.
- All electric, gas, telephone, cable TV, water, sewer, and other lines within ten (10) feet from distribution poles.
- Light standards or poles within CLP's distribution ROW.
- Roads or lanes are generally permitted to cross ROW. These crossings shall be greater than ten (10) feet from distribution poles.
- Construction of a pond, lake or other water detention area is prohibited inside CLP's ROW.

- Erosion problems from landowner/member actions are the landowner's responsibility. If a problem threatens the integrity of CLP's facilities, the landowner/member should notify CLP immediately to take corrective action.
- Ingress and egress (right of passage in and out of property) to CLP facilities are critical. Any fences within a CLP Transmission or Overhead Distribution ROW should have a gate with a minimum opening of 16 feet and a CLP lock installed. In order to prevent the unnecessary removal of fences installed within CLP's Underground ROWs, it is recommended that an access gate with a minimum of 12 feet be installed.
- CLP performs proactive maintenance to prevent its facilities from coming into contact with trees and other vegetation. Vegetation management methods include total removal of trees and vegetation, trimming and herbicide application.
- No trees shall be planted within CLP's ROW. CLP reserves the right to trim or remove any and all trees within the ROW. Furthermore, CLP reserves the right to remove dead or hazardous trees outside of its ROW that pose a threat to its facilities. Refer to **Planting Guidelines** section of the Integrated Vegetation Management (IVM) Program or website.
- CLP is concerned about safety around its electric lines and urges landowners/members and others to exercise caution when under or in proximity of any overhead lines. Any landowner/member use that increases the danger to themselves, the public or CLP in its use of the easement is considered an encroachment.
- Electricity is a public service and subject to state and federal regulations. Any use by the landowner/member that does or could create regulatory issues is an encroachment.

If you have additional questions, please contact the Cooperative.