

# ENCROACHMENT *guidelines*

**These guidelines are intended to provide guidance on the “do’s and don’ts” within or around DEMCO 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, DEMCO does not waive any rights granted or prescribed by easement or law.** DEMCO’s concurrence that a proposed use does not constitute an interference with its easement rights does not mean that requirements of local, parish, 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 DEMCO easements please contact DEMCO’s Manager, Lands and ROW at [ROW@DEMCO.org](mailto:ROW@DEMCO.org)**

**ROW** - Strips of land in which DEMCO transmission and distribution lines are located are referred to as Right of Way (ROW). DEMCO 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 DEMCO ROW is granted in the form of easements.

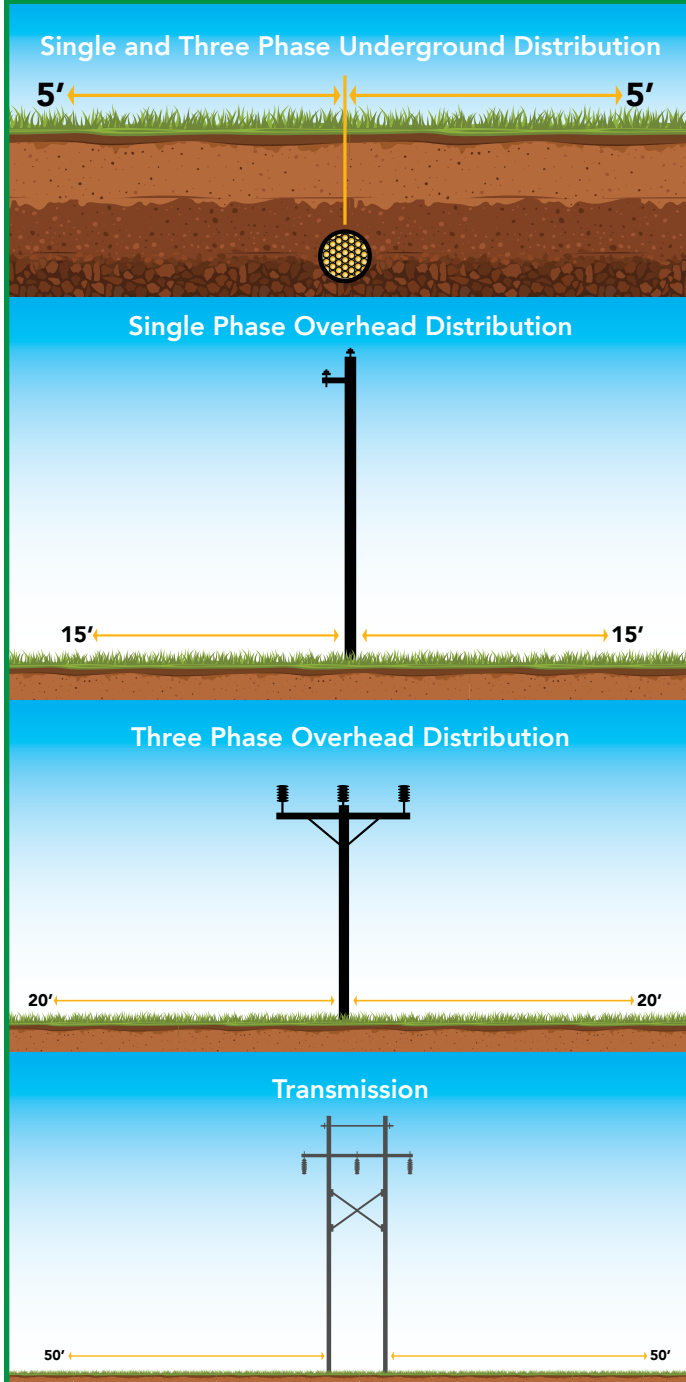
**Easement** - A legal right granted by a landowner to another person or entity to use a portion of their property for a specific purpose. Easements allow DEMCO to establish and professionally manage its ROW. This includes keeping the ROW clear of obstructions and activities in order to construct, operate, maintain, repair, and replace electrical facilities for the transmission and distribution of high voltage power. Easements allow ingress and egress across adjacent lands to and from the ROW. Rather than an outright sale of property encompassed within the ROW, many landowners prefer to grant an easement for ROW which covers surface rights only. **Landowners may use easement areas provided the use is consistent with the easement agreement and guidelines identified herein.**

- **Buyer Beware:** DEMCO 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 DEMCO easement on the property. DEMCO easements are recorded in the Clerk of Court of the respective parish in which the facilities are located. DEMCO easements remain valid even if they are not shown in a title search report. If an easement cannot be located and a DEMCO facility exists on the property, DEMCO 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 DEMCO’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.**



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The following are typical ROW widths for DEMCO Transmission and Distribution lines.



**ROW Encroachments** – Any use of the property that is not permitted by the terms of the easement. DEMCO regularly patrols its transmission and 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 DEMCO. If an unapproved encroachment is discovered during or after installation, DEMCO will request that it be stopped and removed. Should a landowner/member refuse to cooperate, DEMCO will seek legal recourse.

**Encroachment Requests:** Coordinating with DEMCO 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 transmission or distribution line or make use of the ROW, it is important that you contact DEMCO at [ROW@DEMCO.org](mailto:ROW@DEMCO.org) as early as possible in your planning process to ensure that your intended use meets DEMCO's requirements and to determine whether an encroachment agreement 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. Requests shall be emailed to [ROW@DEMCO.org](mailto:ROW@DEMCO.org).

DEMCO will review each request along with the pertinent easement, operational, code, and policy requirements. Engineering plans may be required by DEMCO to fully understand any proposed use by the landowner/member. DEMCO 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 DEMCO, encroachments may be permitted on a case by case basis. The proposed encroachment must not dispute DEMCO's rights or use granted in the easement. DEMCO will respond to the landowner/member with an objection or no objection letter after considering the following:

- **Safety** – First and foremost, DEMCO takes into account your safety, the safety of the general public, and the safety of its employees. DEMCO 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.

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## Uses of ROW Generally NOT Permitted\*

The following list includes uses that interfere with, obstruct, restrict, or endanger DEMCO'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 DEMCO 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 DEMCO
- Playground equipment
- 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

## 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
- Ponds (small)
- Recreational activities
- Underground utility lines

*\* The lists above are not intended to be exclusive. Always contact DEMCO in advance of potential encroachment at ROW@DEMCO.org.*

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

**DEMCO 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 DEMCO 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 fifteen (15) feet away from transmission poles and 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 (15) feet from transmission poles and within ten (10) feet from distribution poles.
- **Light standards or poles** within DEMCO's transmission and distribution ROW.
- **Roads or lanes** are generally permitted to cross ROW. These crossings shall be greater than fifteen (15) feet away from transmission poles and greater than ten (10) feet from distribution poles.



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- Construction of a pond, lake or other water detention area is prohibited inside DEMCO's transmission line ROW.
- Erosion problems from landowner/member actions are the landowner's responsibility. If a problem threatens the integrity of DEMCO's facilities, the landowner/member should notify DEMCO immediately to take corrective action.
- Ingress and egress (right of passage in and out of property) to DEMCO facilities are critical. Any fences within a DEMCO Transmission or Overhead Distribution ROW should have a gate with a minimum opening of 16 feet and a DEMCO lock installed. In order to prevent the unnecessary removal of fences installed within DEMCO's Underground ROWs, it is recommended that an access gate with a minimum of 12 feet be installed.
- DEMCO 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 DEMCO's ROW. DEMCO reserves the right to trim or remove any and all trees within the ROW. Furthermore, DEMCO reserves the right to remove dead or hazardous trees outside of its ROW that pose a threat to its facilities. Refer to [DEMCO.org/Planting-Guidelines](http://DEMCO.org/Planting-Guidelines).
- DEMCO 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 DEMCO 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.

