

BOARD POLICY

Subject: Encroachments on Transmission & Distribution Easements/ROW

*Note: Refer to the **Definitions** section beginning on Page 3 as needed for clarification of terms throughout this document.*

Objective

DEMCO must preserve and protect its Rights-of-Way (ROW) to ensure the cooperative is able to provide safe and reliable electricity to its members and the public. DEMCO must also have access to the ROW for construction, operation, maintenance, and repair of its facilities and equipment.

Any encroachment that interferes with DEMCO's easement rights must be addressed immediately.

Policy

New service shall not be connected to any structure that is constructed within the limits of DEMCO's ROW.

In the event DEMCO's facilities need to be relocated due to an encroachment, DEMCO employees shall follow Board Policy "Line Extensions or Relocations of Electrical Facilities". In the event the party that created the encroachment refuses to resolve the relocation of the line by way of policy DEMCO may pursue legal action and disconnect service until compliance is met.

No Buildings or Structures

Most DEMCO ROW easements prohibit the erection or construction of any buildings or structures within the limits of the ROW. If this specific language is contained in an easement, DEMCO will strictly enforce this prohibition. If the easement does not contain specific language regarding the prohibition of buildings or structures in the ROW, more often than not, the structures will conflict with DEMCO's prescribed rights and regulations and will therefore be prohibited.

Encroachment Request/Letter of No Objection

A proactive identification of and taking immediate action in addressing encroachments keeps the ROW clear of prohibited obstructions and activities. Before a landowner/member makes any change to the topography of, or constructs any improvements on an easement, the property owner/member must submit an encroachment request to DEMCO. Once submitted, DEMCO's Manager, Lands & ROW, will review the request, the easement, operational and legal requirements, as well as any other applicable documents. If approved, the Manager, Lands & ROW, will issue a written Letter of No Objection, outlining conditions for permitting the encroachment. Verbal consent is not recognized, and only the Manager, Lands & ROW, is authorized to issue written approvals. These letters are generally non-transferable and can be revoked at DEMCO's discretion.

Compliance with National Electrical Safety Code and all Other Applicable Laws

All uses within an easement must comply with the National Electrical Safety Code (NESC). The NESC specifies minimum horizontal and vertical clearance requirements for overhead and underground facilities. These clearance requirements are mandatory and must be maintained by the cooperative. Note that a use or improvement within the limits of the ROW does not have to be an NESC violation to constitute an encroachment. However, all NESC violations within the ROW are encroachments and must be corrected or removed immediately.

Note that any activity or improvement in the ROW must also comply with all other applicable laws, including by way of example and not limitation, (a) laws and regulations promulgated by the Occupational Safety and Health Administration (OSHA), (b) the National Electrical Code, (c) building codes, and (d) zoning ordinances.

Any DEMCO employee who discovers a violation of this policy shall immediately create a Customer Repair Letter service order, including at a minimum: 1) detailed notes about the encroachment, 2) type of encroachment, 3) exact location of the encroachment, 4) pictures of the encroachment, 5) whether any NESC violations exist, and 6) if immediate safeguards need to be put into place by DEMCO to protect the member or the general public.

Responsibility

The Manager, Lands & ROW, the Director of Operations, the District Managers, the Safety Department, the Manager, Engineering Design, the Chief Engineering & Operations Officer, and the CEO/General Manager are responsible for seeing that this policy is adhered to.

The Manager, Lands & ROW, the Director of Operations, the District Managers, the Safety Department, and the Chief Engineering & Operations Officer are responsible for updating this policy as needed.

The Manager, Quality and Compliance shall have the authority to audit all aspects of this policy.

Definitions

Easements: 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 ingress and egress across adjacent lands to and from the ROW, which allows the cooperative to construct, operate, maintain, repair, and replace electrical facilities for the transmission and distribution of electricity.

Encroachments: Any use of the property that is not permitted by the terms of the easement.

Facilities: Any and all equipment owned and installed by DEMCO on an easement, including, by way of example and not limitation, lines, poles, guy wires, anchors, transformers, pedestals, and the like.

Right of Way: Strips of land on which DEMCO's transmission and distribution lines are located.

Policy History	
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DATE May 15, 2025

PRESIDENT /s/Daniel Berthelot

SECRETARY /s/Dennis R. Lott