



VELCO's (Vermont Electric Power Company) Electric Transmission Right-of-Way Usage Policy

This document sets forth VELCO's general policy regarding landowner requests to use rights-of-way. This policy serves as a useful guideline for resolving landowner requests to use VELCO rights-of-way. Each landowner request to use VELCO rights-of-way will be granted or denied by VELCO in its sole discretion, on a case-by-case basis. Any right-of-way use approved or allowed by VELCO may be revoked by VELCO at any time. Any right-of-way use approved or allowed by VELCO may include conditions or terms that, in VELCO's opinion, are necessary to protect VELCO's interests in the right-of-way. The Right-of-Way Usage Policy may be amended, in VELCO's discretion, from time to time.

One of VELCO's primary objectives is to provide safe, reliable, and economical electrical service to all customers. Maintaining reliability of electrical service requires unobstructed, continuous, all weather access for constructing, operating, and maintaining power lines, facilities, and hundreds of miles of transmission rights-of-way. These must be kept free from hazards and interfering encroachments. Accordingly, VELCO exercises its rights acquired by easements over private properties, allowing VELCO to control and restrict certain uses of rights-of-way. Many conditional landowner use requests of VELCO's rights-of-way interfere with this objective and/or increase the company's cost of service. For those reasons, VELCO does not routinely grant joint right-of-way use and will only consider those uses where the requirements of the following guidelines are fully met. The guidelines have been developed to provide an overview of the joint uses of VELCO transmission rights-of-way that will be considered. The first step in all related planning for any proposed use of VELCO transmission rights-of-way for any purpose is to contact the appropriate VELCO representative to discuss preliminary plans prior to a formal design and submittal that is detailed below.

Request for Landowner Conditional Right-of-Way Use Approval:

A properly submitted proposal will be reviewed and considered for conditional approval if the request, in VELCO's sole opinion, does not interfere with the operating needs of VELCO (including regulatory requirements) or compromise public safety. A complete request for Landowner Conditional Right-of-Way Use Approval shall be submitted in writing (along with all required documentation) to:

Director of Planning, Operations, & Engineering
Vermont Electric Power Company, Inc.
366 Pinnacle Ridge Road
Rutland, VT 05701

A submittal should include a letter of request and an engineered plot plan and elevation drawn to scale and stamped by a Vermont Registered Land Surveyor. Profile sections should have an exaggerated vertical scale ten times that of the horizontal scale, for example V: 1" = 10' & H: 1" = 100'. The plan must show all pertinent dimensions referenced to the right-of-way bounds and numbered structures within. Grounding and other design

VELCO's (Vermont Electric Power Company) Electric Transmission Right-of-Way Usage Policy

plans, where needed, are also to be prepared and stamped by a Vermont Professional Engineer. When a proposed utilization requires a permit or license, to be granted by others than VELCO, a list of approved and pending permits shall be included in the submittal package, except for the storm water permits. A complete copy of the storm water permit (or pending application) is required, since it may involve grading within VELCO's right-of-way.

Proposals that include driveways or parking areas near VELCO structures may require protective barriers to prevent vehicular contact with towers and other utility equipment. Parking within or adjacent to the right-of-way may induce an electric charge on the vehicle. Induced charges may also be imposed on objects such as fences, signs, or any other conductive object. An engineering firm should be consulted to provide a proper grounding system to prevent induced shock. Construction vehicles operating near transmission lines should also be properly grounded.

General Restrictions and Conditions for Right-of-Way Use:

General restrictions and conditions applicable to right-of-way use include:

- 1) Safety, not only for VELCO workers, but also for the public, is of paramount concern to VELCO, therefore:
 - a) Any approval given for the utilization of rights-of-way is with the understanding that any unsafe activity or condition observed that is associated with such utilization will be cause for VELCO to order immediate correction to meet VELCO's satisfaction.
 - b) Construction equipment operators must remain constantly aware of the hazards associated with working under or near high voltage electric lines.
 - c) Stockpiling of loam, gravel, stumps, rubble, snow, or any other material whatsoever, under or close to the electric lines, structures, and access roads is prohibited.
 - d) Burning of any material within the right-of-way is prohibited.
- 2) Structures, above and below ground, including, but not limited to dwellings, decks, barns, storage buildings, foundations, swimming pools, landscaping berms, towers, flag poles, and storage tanks are not permitted in VELCO rights-of-ways.
 - a) Lighting structures within the right-of-way may not exceed 14 feet in height, and must have a grounded power source and a grounded exterior, if applicable.
 - b) Flammable, hazardous, and explosive materials are not allowed within the right-of-way limits, regardless of the type of vessel used for containment.
- 3) Mobile homes and recreational type trailers are not allowed in the rights-of-way.
- 4) Fences may be approved subject to the following conditions:
 - a) They shall not exceed 6 feet in height.
 - b) They shall not be attached or closer than 20 feet to electric line poles or towers.
 - c) All metal fences must be grounded. Grounding shall be in accordance with all applicable rules and requirements contained in Section 9 of the National Electrical Safety Code.
- 5) Vehicle parking may be approved subject to the following conditions:
 - a) Parking is restricted to no closer than 20 feet from any pole or tower.
 - b) No signs will be installed within the right-of-way, and any attachments to VELCO structures are prohibited.
 - c) Safe clearance from electric lines, as determined by VELCO, must be maintained.
 - d) Access roads, or any access areas, entrances, or exits should be aligned (where feasible) at right angles to the centerline of the right-of-way and shall not pass within 20 feet of any pole or tower or structure.

VELCO's (Vermont Electric Power Company) Electric Transmission Right-of-Way Usage Policy

- e) Paving of parking areas is subject to review and approval by VELCO.
- f) To protect a pole or tower, a barrier, sufficient to withstand a 15 mph vehicular impact shall be erected by the party constructing the parking area. The barrier(s) shall be located in such a manner as to restrict parking to at least 20 feet from the structure.
- 6) Grading, filling or gravel excavation is generally prohibited. Approval may be given subject to the following conditions (in addition to the general provisions above):
 - a) A plan must be submitted for review that describes in detail the intended activity. The existing and final profile of the right-of-way must be included on the plan(s).
 - b) The intended activity cannot impede VELCO's established travel routes or access to lines and structures.
 - c) Any modifications to VELCO lines and structures that may be necessitated by unsafe clearances between the overhead lines and the finished grade – resulting from grade changes – will be paid for by the party encroaching or requesting utilization of the right-of-way. VELCO is responsible for determining what the minimum clearance will be, in accordance with the appropriate governing bodies.
 - d) Grading is prohibited within 30 feet of any pole, tower leg, or guy wire.
 - e) Grading shall not result in slopes exceeding 3:1 (three units horizontal to one unit vertical) on the right-of-way.
 - f) VELCO and other appropriate groups (*i.e.* Dig Safe) must be appropriately notified prior to the commencement of any activity that disturbs the existing grades in the right-of-way.
- 7) Roads, streets, walkways and driveways may be approved subject to the following conditions:
 - a) They shall not parallel the centerline of the right-of-way
 - b) The conditions previously mentioned in reference to grading and excavating in Part 6 above are applicable here.
 - c) Ramps for crossing purposes may be installed where roads will cross the existing right-of-way.
 - d) Paving is subject to review and approval by VELCO.
- 8) Buried counterpoise wires associated with the electric line(s) must remain continuous. VELCO will advise the applicant of any buried counterpoise in the vicinity of an approved joint-use area. If a wire is inadvertently exposed, severed or otherwise damaged, VELCO must be notified. The party will provide trenching if required and VELCO will repair and reconnect the counterpoise wire.
- 9) The utilization of rights-of-way for subsurface items such as septic systems, drainage systems, or utilities conduits requires specific approval. Approval may be given subject to the following conditions:
 - a) A detailed plan prepared and signed by an individual possessing a Vermont ANR (Agency of Natural Resources) "Designer License" (or by a Vermont Profession Engineer with appropriate endorsement) must be submitted for review. The location and route of all system appurtenances must be dimensioned on the plan and referenced to VELCO's numbered structures and right-of-way bounds. Systems must be adequately delineated to prevent inadvertent damage by heavy equipment.
 - b) The creation of new wells is not permitted within rights-of-ways.
 - c) Marking tape must be installed within six inches of finished grade for all buried piping and conduit.
 - d) Drainage systems that have the potential to allow water to pond or cause erosion of right-of-way will not be approved.
 - e) Underground utilities conduit and piping may be allowed to run parallel to the center line if buried within the first 10 feet from the edge of the right-of-way.
 - f) Underground installations in the right-of-way will not be permitted when deemed, in VELCO's sole opinion, to be hazardous to VELCO facilities or to have the potential to interfere with maintenance and construction operations.
 - g) The practice of burying tree stumps in rights-of-way is a hazard, and is not permitted.

VELCO's (Vermont Electric Power Company) Electric Transmission Right-of-Way Usage Policy

- 10) Vegetation growth in rights-of-way is restricted and controlled by VELCO. Periodic maintenance is performed to remove uncontrolled brush and trees in the rights-of-way that have the potential to interfere with or damage lines. The following vegetation restrictions apply on rights-of-way:
- a) If there is a landscaping planned for the area within the right-of-way, a landscaping plan shall be submitted for VELCO approval. Elevation changes and mature species heights should be clearly indicated.
 - b) Trees and other vegetation may be allowed, but are restricted to low growing species that do not mature at heights greater than 12 feet.
 - c) Agriculture activities, such as plowing, are not allowed underneath or within 10 feet of individual transmission structure components, to prevent damage to grounding equipment (*i.e.* counterpoise or ground rods) installed in the right-of-way. (Generally, this restriction does not apply to areas underneath transmission lines.)

The preceding restrictions are based upon safety and VELCO's immediate and future needs. These restrictions should answer the most often asked questions but are not intended to cover every possible situation. Any request for use of rights-of-way not specifically mentioned here will be processed on an individual basis with these considerations in mind.

Any approval by VELCO is given with the understanding that our easement rights are in no way diminished nor does the company assume any liability. The landowner is solely responsible for complying with all applicable federal, state, and local laws, regulations, (and obtaining any necessary permits and approvals) including, but not limited to, local zoning requirements, Act 250 requirements, Army Corps of Engineers regulations, and the Vermont Agency of Natural Resources regulations.

All Landowner Conditional Right-of-Way Use Approvals are conditioned on the landowner holding VELCO harmless from and defending VELCO against all claims for injury or property damage arising from the landowners' use of the right of way.

Furthermore, it is specifically understood that, in the event that VELCO, in its sole opinion, determines that a violation of any condition or term set forth herein or in an conditional right of way use approval has occurred or is likely to occur, or, due to the activity in its rights-of-way, an unsafe or unauthorized activity is taking place, VELCO shall have the right, without notice to the landowner, to take any and all action, at the landowner's expense, as is deemed necessary by VELCO.