



Electric Transmission Conditional Right-of-Way Usage Policy

For over 60 years, VELCO has managed the safe, reliable and economical delivery of electric energy through Vermont's high voltage transmission system. Maintaining reliable 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 (ROW).

VELCO's transmission corridors must be kept free from hazards and interfering encroachments, and therefore, our easement rights acquired over private properties generally prohibit the placement of structures within the ROW, and restrict certain uses of the ROWs. VELCO does not routinely grant right-of-way use requests, but will consider only those potential uses that will not interfere with our objective of keeping the ROWs free of encroachments, will not pose a safety risk, and will not increase the company's cost of service. The following guidelines have been developed to provide an overview of the conditional uses of VELCO transmission rights-of-way that may be considered and approved by VELCO engineers and managers.

Properly submitted landowner requests for approval 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, at sole expense of the landowner(s) (or landowner's/landowners' successors, heirs or assigns). 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.

This policy may be amended by VELCO from time to time.

Landowner Requests for Conditional Right-of-Way Use Approval

A landowner's first step in seeking a conditional right-of-way use approval is to contact a VELCO ROW department representative and discuss preliminary plans. VELCO's ROW department may be reached by phone at (802)770-6292 or by email at ROW@velco.com.

After the informal consultation has taken place, the landowner may request conditional right-of-way use approval by submitting a Right-of-Way Usage Application online at www.velco.com/rowuseapp, or by mailing a request and supporting documents to:

Vermont Electric Power Company, Inc.
366 Pinnacle Ridge Road
Rutland, VT 05701
Attn: Real Estate & Right-of-Way Department

The request should include:

1. A completed copy of the Conditional Right-of-Way Usage application form (attached).
2. A drawing or sketch labeled with the parcel ID/SPAN number, county, GPS coordinates, proposed encroachment location between identified VELCO structure numbers (can be found on the top of the pole), distance between structures (and/or guy wires, anchors etc.) and the proposed encroachment, and any grading plans showing the proposed maximum depth of cut, maximum slope and files (if plans include a change to present grade. For more complex/significant proposals it will be required to provide a surveyed plot plan with elevations drawn to scale and stamped by a Vermont Registered Land Surveyor. Existing VELCO transmission line profile sections should have an exaggerated vertical scale ten times that of the horizontal scale (at V: 1" = 20' & H: 1" = 200') showing existing and proposed ground elevations. The plan must show all pertinent dimensions referenced to the edge of right-of-way and numbered transmission structures within.
3. Electrical grounding and other design plans should be prepared by and stamped by a Vermont Professional Engineer or a licensed professional.
4. For proposed uses that require permits, licenses, or other authorizations from someone other than VELCO, a list of same, indicating the status of those applications (e.g., approved or pending, etc.) or permits shall be included in the submittal package, except for 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.

The submittal must also include a proposed construction schedule that identifies the earliest and latest start and completion dates. A properly submitted proposal will be reviewed by VELCO's Engineering Department 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. For more complex requests, VELCO may require that a deposit to cover estimated additional engineering costs be paid in advance of the review.

Within 45 days of construction completion, all applicants with a conditionally approved project are required to provide VELCO with an "as-built" set of drawings stamped by a Vermont Professional Engineer, a Vermont Registered Land Surveyor, or a licensed professional showing concurrence with, or minor deviations from, the VELCO approved plan.

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 unsafe activity or field condition observed by VELCO that is associated with an approved ROW use will be cause for VELCO to order immediate cessation of all work, and/or revocation of approval, until the safety breach is corrected to VELCO's satisfaction.
 - b. Construction equipment operators and others working or recreating in the ROW 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, solar panels, and storage tanks are not permitted in VELCO rights-of-way.
 - a. Lighting structures within the right-of-way may not exceed 6 feet in total height above the existing ground level (including the base or pedestal 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, recreational type trailers and established recreational/athletic fields 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 to or be located within a 20-foot radius of any electric line poles or towers.
 - c. All metal fences and gates 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 a 20-foot radius 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.
 - 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 Part 6 above in reference to grading and excavating are applicable.
 - 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 and other buried wires associated with the electric transmission line(s) must remain continuous. These wires are designed to enhance the system connection to ground. If a wire is inadvertently exposed, severed or otherwise damaged, VELCO must be notified. VELCO will repair and reconnect the counterpoise wire, at VELCO's expense.
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 edge of right-of-way. Systems must be adequately delineated to prevent inadvertent damage by heavy equipment.
 - b. The creation of new wells or water supplies is not permitted within rights-of-ways.
 - c. Marking tape must be installed within one foot of finished grade for all buried piping and conduit. The marking tape shall be 6" wide Detectable Warning Tape that has a 0.35 mil thick solid aluminum core.
 - d. Drainage systems that have the potential to allow water to pond or cause erosion of the 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 outer 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.
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 landscaping is 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, in order to prevent damage to grounding equipment (*i.e.*, counterpoise or ground rods) installed in the right-of-way. Generally, this plowing restriction does not apply to areas underneath transmission lines. Agricultural activities within the right-of-way are conducted at the landowners/assigns own risk and it is the obligation of the landowner/assign to maintain safe distances with machinery or personnel from VELCO assets (whether it be aerial, sub-surface or at ground level) and/or construction materials.

In its sole discretion, VELCO may require the Landowner(s) (and Landowner's/Landowners' agents, contractors, successors, heirs, assigns etc.) at his/her own cost and expense to promptly remove the installation, cease the use, and/or comply with safety requirements including, but not limited to, prior safety training, field inspections, and construction oversight. It will be the Landowner's responsibility to schedule and make arrangements for any required removal, training, inspection, or oversight. No decision, omission, or act of VELCO contemplated under this section shall be deemed to create any duty or liability owed by VELCO to the Landowner, his/her agents, contractors, licensees or invitees, nor shall any such decision, omission, or act of VELCO in any way diminish Landowners' legal duties, including the Landowners' duty to exercise reasonable care, control, and judgment in and around VELCO's ROW.

11. Within 45 days of construction completion, all applicants with a conditionally approved project are required to provide VELCO with an "as-built" set of drawings stamped by a Vermont Professional Engineer, a Registered Land Surveyor, or a licensed professional, showing concurrence with, or minor deviations from, the VELCO approved plan. All conditional approvals are preliminary until such time as the "as-built" drawings are submitted and accepted by VELCO.

The preceding restrictions are based on safety and VELCO's immediate and future needs. These restrictions should answer questions most often asked, 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 revocable and conditionally 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 landowner's use of the right-of-way.

Furthermore, it is specifically understood that, in the event that VELCO, in its sole opinion, determines that the installation can no longer remain or that a violation of any condition or term set forth herein, or in a 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.



RIGHT-OF-WAY USAGE APPLICATION

NOTE: No work may begin within the transmission right-of-way until Applicant or Landowner has received an approval letter executed by VT Transco LLC (VELCO).

Please initial here to indicate that you have read and understand VELCO's Conditional Electric Transmission Right-of-Way Usage Policy.

Date of request:

Applicant Information:

Name of person making request: _____

Company name: _____

Address: _____

Phone/cell: _____ Email: _____

Landowner name, if different than applicant: _____

Landowner address: _____

Landowner phone/cell: _____ Landowner email: _____

VELCO Contact: _____

Complete if you've had contact with a VELCO representative

Project Location Information:

Name of Project: _____

E-911 address of project: _____

Nearest road intersection: _____

VELCO line and structure number, if available: _____

Please describe the proposed project and use of the VELCO transmission right-of-way.

Proposed start of construction and duration: _____

Are you planning any cutting or filling of existing grade within the right-of-way?

☐ **Yes (describe below)** ☐ **No**

Does the proposed project involve the relocation of a VELCO structure?

☐ **Yes (describe below)** ☐ **No**

List of construction equipment that will likely be used within the right-of-way:

Bulldozer, trencher, crane, front end loader, backhoe, etc.

Project Plans:

Please provide a drawing or sketch labeled with the parcel ID/SPAN number, county, GPS coordinates, proposed encroachment location between identified VELCO structure numbers (can be found on the top of the pole), distance between structures (and/or guy wires, anchors etc.) and the proposed encroachment, and any grading plans showing the proposed maximum depth of cut, maximum slope and files (if plans include a change to present grade. For more complex/significant proposals it will be required to provide a surveyed plot plan with elevations drawn to scale and stamped by a Vermont Registered Land Surveyor. Existing VELCO transmission line profile sections should have an exaggerated vertical scale ten times that of the horizontal scale (at V: 1" = 20' & H: 1" = 200') showing existing and proposed ground elevations. The plan must show all pertinent dimensions referenced to the edge of right-of-way and numbered transmission structures within. Electrical grounding and other design plans should be prepared by and stamped by a Vermont Professional Engineer or a licensed professional. For proposed uses that require permits, licenses, or other authorizations from someone other than VELCO, a list of same, indicating the status of those applications (e.g., approved or pending, etc.) or permits shall be included in the submittal package, except for 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.