



## FACT SHEET

### TRANSMISSION LINE RIGHT-OF-WAY AND EASEMENTS

*Landowners have basic protections under state and federal laws that regulate the acquisition of real estate for public use to build transmission lines and substations. Idaho Falls Power will follow the standard sequence of practices described below for acquiring easements.*

#### **ABSTRACT OF TITLE**

The utility right-of-way representative will complete a search of the public records of all lands involved in the project. A title report will be developed to include the legal description of the property, the owner(s) of record of the property, and information regarding easements, liens, restrictions, encumbrances, and other conditions of record.

#### **SURVEY NOTIFICATION**

A right-of-way representative will contact each property owner or his or her representative to inform them of the project. The right-of-way representative will describe the need for the transmission line and how it may affect the property. The utility's survey crews then will enter the property to complete preliminary survey work.

#### **SURVEY STAKING**

After the transmission line design is completed, a survey crew will stake the line. This requires the survey crew access to your land to determine the location for each structure. They will mark the locations with surveyor's stakes. Then the right-of-way representative can show landowners exactly where the structure(s) will be located on their property and discuss any concerns related to the location.

#### **DOCUMENT PREPARATION**

The utility will prepare all of the documents required to complete each transaction. Some of the documents that may be required include survey permission easement, purchase agreement, or deeds.

#### **ACQUISITION PROCESS**

The utility's representative will review each property on which easement rights are to be acquired to determine the appropriate amount of compensation for the rights. In the event that a complicated appraisal problem exists, or if statutory requirements in the local jurisdiction dictate, the utility's representative will complete an appraisal to determine the value of the rights. The utility will make an offer to the owner to obtain the property rights.

#### **NEGOTIATIONS**

The utility right-of-way representative will begin the negotiating process by presenting the required legal document(s) to the property owner. The representative also will provide maps of the transmission line route, maps showing the landowner's parcel, and an offer of compensation for the easement or purchase. The landowner will be allowed a reasonable amount of time to consider the offer and to respond.

#### **NEGOTIATED SETTLEMENT**

In nearly all cases, the utility's representatives are able to work with the landowners to address their concerns and to arrive at negotiated settlements that are fair and acceptable to all parties. However, in rare cases when negotiated settlements are not possible, the utility has the right to have an independent third party determine the value of the rights. This is accomplished through the exercise of the utility's right of eminent domain. The process of exercising the right of eminent domain is called condemnation.

***For more information or questions on ROW issues, please contact Shawn Weingartner, HDR Realty Specialist at (208) 860-0375, or ifpnorthloop.com.***

### ***ACQUISITION BY EMINENT DOMAIN (CONDEMNATION)***

In any project that requires easements for transmission line construction, the goal is to offer fair and equitable compensation to landowners. The utility will initiate condemnation proceedings only when reasonable efforts to negotiate an agreement on just compensation have failed.

### ***CONSTRUCTION***

Once the easement or land rights have been acquired and immediately prior to construction, the utility's right-of-way representative will contact the property owner and discuss the construction schedule. During construction the following may be required:

- Temporary removal or relocation of certain fences
- Installation of temporary gates (or permanent gates at landowner's request)
- Removal or relocation of vegetation, equipment and livestock from the right of way

### ***RESTORATION AND CLEANUP***

The right-of-way representative will contact each property owner after construction is completed to see if any damage has occurred as a result of the utility's project. If damage has occurred to crops, fences, or the property, the utility will reimburse the landowner fairly for the damages. In some cases the utility may engage an outside contractor to restore the damaged property as near as possible to its original condition.



## FREQUENTLY ASKED QUESTIONS TRANSMISSION LINE RIGHT-OF-WAY AND EASEMENTS

### ***What is an easement?***

An easement is a permanent land right acquired by a person or party to use the land or property of another for a special purpose. Landowners are paid for the easement and can continue to use the land for most purposes, such as agriculture and lawns.

### ***How wide will the right-of-way need to be for the proposed transmission line?***

Idaho Falls Power is proposing to acquire an easement 60-feet-wide or 30 feet wide adjacent to existing public right-of-way.

### ***What is the difference between a right of way and an easement?***

These terms are used interchangeably. But an easement is the document that transfers the permanent land right, and the right of way is the land area described in the easement on which the facilities are located.

### ***What easement rights will be needed for the transmission line construction?***

A transmission line project requires an easement that allows for surveying, constructing, operating, and maintaining a transmission line across a defined strip of the landowner's property.

### ***What landowner activities are allowed within the easement area?***

Land within the right of way may be used for any purpose that does not interfere with constructing or operating the transmission line. In agricultural areas, the land may be used for crop production and pasture. In areas where the land will be developed, streets, lawn extensions, underground utilities, curb and gutters, etc., may cross the right of way with the utility's permission.

### ***What are the main building and planting restrictions in the easement?***

The primary building and planting restrictions prohibit constructing buildings or structures within the right-of-way strip and planting tall-growing species of trees in the right-of-way strip.

### ***Why can't buildings or tall-growing vegetation be placed in the right of way?***

If a building, structure or tall-growing vegetation located within the right of way were to catch fire, it could burn into the transmission line and take it out of service for an extended period. Additionally, tall-growing vegetation can cause interruptions in service if they grow into or fall on the transmission line. When a power line is out of service it affects thousands of people who are not able to heat and light their homes or businesses. At certain times of the year, especially during winter months, outages not only are an inconvenience, but they may become life-threatening. Utilities have determined that the best way to prevent the possibility of these types of outages is to restrict structures and vegetation within the right of way. In addition, if an outage occurs, line workers must be able to get to the line. Buildings or other structures and dense vegetation within the right of way could hamper line maintenance crews and slow repairs to downed lines.

### ***Why doesn't the utility buy a strip of land for the line instead of taking an easement interest?***

Utilities occasionally purchase rights of way for transmission lines in fee title. However, we have found that in most cases, landowners prefer to retain ownership of the property so they can maintain better control over its use, subject to the limitations of the transmission line easement. In many cases, this provides the landowner with continued use of the property for such things as agricultural operations, yard extensions, or open areas adjacent to residences. In each of these cases, the property continues to contribute positively and productively to the owner as well as to the public. Utilities simply must protect their rights to operate transmission lines. In most cases, adjacent uses pose no threat to the lines nor do they create hazards to the public.