



## Frequently Asked Questions About Rights of Way and Easements

### INTRODUCTION

This brochure is intended to help you, the landowner, better understand the need for new electric distribution lines, how electric utilities build lines, and what part the landowner plays in the process.

Electric distribution lines carry electricity from substations to customers. These types of electric lines include customer service lines and local distribution lines.

### WHAT IS A RIGHT-OF-WAY?

An electric line right-of-way (ROW) is a strip of land that an electric utility uses to construct, maintain, repair or replace an overhead or underground power line. The ROW allows the utility to provide clearance from trees, buildings and other structures that could interfere with the line installation, maintenance and operation. It usually is 10 to 20 feet wide unless terrain, vegetation, or unusual construction conditions require a wider easement. This ROW is obtained through an easement from the property owner.

### WHAT IS AN EASEMENT?

An easement is a written legal document by which the property owner grants an electric utility a permanent right to use land for a specific purpose, such as for the installation of utility facilities (lines) to serve you and others. An easement runs with the land, which means it stays with the property even if ownership of the property changes.

### WHAT ARE SOME REASONS NEW OR RECONSTRUCTED ELECTRIC DISTRIBUTION LINES MIGHT BE NEEDED?

New electric distribution lines may be needed because of:

- a. Growth in each customer's average electricity use;
- b. Growth in the number of customers;
- c. Replacement of old lines due to age of equipment;
- d. Additional lines constructed from new substations needed to meet increased demand for electricity; and
- e. Customer demand for improved electric reliability.

## DO UTILITIES NEED GOVERNMENT APPROVAL TO BUILD NEW ELECTRIC DISTRIBUTION LINES?

A variety of permits may be needed from various governmental agencies. Local road permits, Wisconsin Department of Transportation permits, Wisconsin Department of Natural Resources permits, and Federal Aviation Authority permits are required if the interests of those agencies are involved. Depending on the size of the project, Public Service Commission (PSC) of Wisconsin approval may be required of municipal electric utility project plans. (*Wis. Admin. Code, PSC §112.05 (3)*).

## CAN CONSERVATION ELIMINATE THE NEED FOR ELECTRIC DISTRIBUTION LINES?

Yes and no. Conservation can reduce the number of new electric distribution lines and power plants needed because conservation makes energy use more efficient. While conservation helps reduce the need for new electric distribution lines, it does not eliminate all future needs. In order to eliminate the need for new lines, conservation would have to be great enough to satisfy all the needs in points “a” through “e” in question 3.

The PSC also reviews utility energy conservation programs in its Biennial Strategic Energy Assessment.

## HOW IS IT DECIDED WHEN AND WHERE NEW OR RECONSTRUCTED ELECTRIC DISTRIBUTION LINES WILL BE BUILT?

Many new lines are constructed based on new customer needs. Utility engineers study models of the power system to determine the need for new electric distribution lines. The results help a utility decide if a new electric distribution line is needed or if an existing line should be rebuilt or relocated. In some instances the need for new or rebuilt electric distribution lines becomes apparent due to insufficient capacity to meet customer requirements in an area or changes required in response to significant storm damages.

## DOES A UTILITY HAVE THE RIGHT TO CONSTRUCT ITS LINES ON MY PROPERTY?

According to State law, utilities “...may acquire lands or necessary easements...” to conduct the business of electrical distribution within their service territory. (*Wis. Stat. §182.017(1)*).

If the distribution line is located on private property, an easement from the landowner is required. While if the distribution line is located in road right-of-way, a permit from the municipality is required.

## WILL MY TREES NEED TO BE CUT?

To ensure safe and reliable power, it is important to keep electric distribution lines free of any kind of interference. This means that tall-growing trees should not be placed near to or under existing electric distribution lines. A utility maintains a regular trimming schedule to keep interference from trees to a minimum. It is important for our utility and our customers to work together and cooperate in this matter.

In some cases, electric distribution lines are built along wooded areas or near existing trees. This is often the case when electric distribution lines are built along roadways or at the rear of residential lots. Therefore, trees in these areas may need to be trimmed and sometimes removed.

## WHAT CAN THE LANDOWNER EXPECT IN THE EASEMENT NEGOTIATION PROCESS?

A utility representative will visit each potentially affected landowner and review all of the terms and conditions of the easement with you. It's important to us that all of your questions are answered. At times, special terms and conditions may be negotiated to meet the needs of the utility and the landowner. Standard easement agreements have been developed which cover topics such as proper clearance/cover for utility facilities, restoring the land and tree trimming.

## WHAT IS INCLUDED IN THE EASEMENT DOCUMENT?

The standard easement is intended to cover normal distribution facility installations. Your easement will include any additional special terms or conditions that are negotiated. Some requirements are more relevant for certain facilities or properties than others.

The easement agreement grants the utility the right to locate and maintain distribution facilities on your property. The utility will make every reasonable effort to locate these facilities in setback areas that are unbuildable to minimize impact on your property. It is the landowner's responsibility to keep the easement area clear to allow the utility access its facilities for maintenance and repair.

## WHAT ARE MY RIGHTS AS A LANDOWNER?

As a landowner, you have the right to have all your questions answered surrounding the need for distribution facilities. Wis. Admin. Code, PSC §113.0509 gives the landowner a minimum of five days to examine the materials provided by the utility before signing any new or revised easement agreement. If you are comfortable signing the easement agreement after reading the document and getting answers to your questions, you may waive the 5-day review period.

## DOES THE UTILITY ULTIMATELY HAVE THE RIGHT OF CONDEMNATION?

Yes. This is referred to as the power of "eminent domain." However, as a general practice, municipal utilities in Wisconsin do not seek or use eminent domain to install electric distribution

facilities. Only in extremely unusual situations, would the utility consider the use of its eminent domain authority. The utility and the landowner will usually negotiate a reasonable solution.

#### WHOM DO I CONTACT FOR MORE INFORMATION?

For information on a specific project, contact your local utility or the Public Service Commission (PSC). Please include the name and location of the project.

Contacts for Menasha Utilities can be reached at:

Greg Shull  
Electric Distribution Technician  
Menasha Utilities  
321 Milwaukee Street, P.O. Box 340  
Menasha, WI 54952-0340  
(920) 967-3422; cell – (920) 475-4733  
[gshull@wppienergy.org](mailto:gshull@wppienergy.org)

or

William Menting  
Electric Manager  
Menasha Utilities  
321 Milwaukee Street, P.O. Box 340  
Menasha, WI 54952-0340  
(920) 967-3421; cell – (920) 585-3971  
[wmenting@wppienergy.org](mailto:wmenting@wppienergy.org)

The PSC generally does not have detailed information about all electric distribution projects and will need this information plus the name of the utility from you in order to investigate. The PSC can be reached at:

Public Service Commission of Wisconsin  
P.O. Box 7854  
Madison, WI 53707-7854  
1-800-225-7729

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This information is provided for land owners and conforms with Wisconsin Public Service Commission Chapter 113.0509.