

CLEARWATER POWER COMPANY
Lewiston, Idaho 83501

POLICY BULLETIN NO. 93

SUBJECT: Rights-of-Way

POLICY:

Wherever possible, the electric lines of the Cooperative will be constructed on private right-of-way pursuant to easements granted by landowners, rather than upon highways or other public right-of-way, which will make the costs of relocating such electric lines an obligation of the authority requiring the relocation rather than burdening the Members with such costs.

Every reasonable method shall be employed to obtain: easements from private landowners; permits from public bodies for the use of streets, roads, and highways; crossing agreements with railroads; and joint-use agreements with utility and telephone companies with respect to moving or attaching to their lines.

Right-of-way easements shall be obtained from landowners on an approved standard Right-of-Way Easement form in such form as is attached to and made a part of this policy.

All Right-of-Way easements shall be recorded in the proper county for recording.

The General Manager and the Cooperative's Attorney shall follow the procedure for obtaining adequate rights-of-way as recommended from time to time by the Rural Utilities Service (RUS) in Bulletin 20-3 or any revisions thereof.

RESPONSIBILITY:

Attorney, General Manager, Manager of Engineering, and Manager of Operations

PROCEDURE:

Right-of-Way Easement – In cases where new transmission or distribution line is to be constructed, the Cooperative will request each prospective Member, who is also a landowner, to execute an easement on the adopted easement form, granting the right to enter upon his real property as described in the easement and to construct, reconstruct, rephase, repair, operate and maintain an electric transmission or distribution line or system, and to cut and trim trees and shrubbery to the extent necessary to keep them clear of said electric line or system and to cut down, from time to time, all dead, weak, leaning or dangerous trees that are tall enough to strike the wires in falling.

Each prospective Member will also be requested to secure to, and for, the Cooperative, all necessary and convenient rights-of-way from adjacent property owners upon whose land it may be necessary to locate the lines to serve such Member.

Any fees the Cooperative may be charged for rights-of-way and permits, shall be paid by the prospective Member, in addition to other line extension costs.

In the interest of good public relations, the Cooperative will discuss the plans for location, additions to, and relocation of the poles and anchors of the line with each landowner and tenant and obtain a consent to use the proposed method, always bearing in mind that any unreasonable demands, which in any way, could create excessive costs or indicate preferential treatment will be discriminatory to the other Members.

Right-of-Way Clearing – In cases where new distribution line is to be constructed, the prospective Member(s) will be required to furnish the necessary labor and equipment to clear the brush and trees from the right-of-way extending only from the existing lines of the Cooperative and in accordance with the Cooperative's requirements. After the original right-of-way clearing has been done, the Cooperative will maintain the right-of-way in accordance with the Cooperative's specifications as a part of its planned maintenance program at no additional cost to the Member(s). The Cooperative will clear all rights-of-way for the construction of transmission lines.

Access to Premises – Duly authorized representatives of the Cooperative shall have the right to ingress and egress of the premises of the Member at all reasonable times for the purpose of: maintaining and repairing the lines; reading, testing, inspecting, repairing, replacing or removing its meters or other property; inspecting the Member's installation; or for the purpose of removing its property upon the termination of a contract or upon discontinuance of service for whatever cause.

SOURCE: Adopted by Board Resolution – November 13, 1961.
Amended in part – August 22, 1984; March 21, 1990; October 24, 2007.
Board Reviewed – May 27, 2009; June 19, 2013.