

KEEPING THE TRANSMISSION RIGHT OF WAY ENCROACHMENT FREE

“Dos and don'ts” in and around electric line easements

Unleashed dogs running freely in an open yard. Sheds filled to the brim with rusty tools. Swimming pools full of water ready for a day of fun in the sun. These are just a few of the potential obstacles that right of way professionals encounter regularly in our goal of keeping transmission rights of way encroachment free.

BY KIMBLY MEDINA

As a senior right of way specialist at Burns & McDonnell, my job is to clear obstructions that may interfere in any way with the safe operation of the transmission system. Transmission rights of ways can be found anywhere from remote, desolate parts of the country with unique challenges — such as access issues and overgrown vegetation — to densely populated roadside neighborhoods that require collaborating with residents, homeowner associations and community development districts to relocate encroachments.

Encroachments within a transmission right of way can be a serious hazard for workers and can impact the ability of construction and maintenance crews to safely and efficiently perform their jobs. Maintaining a clear right of way is a crucial preventive safety measure and thus limits the opportunity for an encroachment to alter the safe work practices of crews.



Forward-Thinking Solutions

Because of the challenges associated with identifying encroachments, it is important to use innovative methods. Using drone imagery, advanced satellites and aircraft-mounted lidar-scanning technology, encroachment review teams are better able to identify encroachments within a right of way. These solutions help encroachment removal teams minimize the need for time-consuming and potentially hazardous corridor walks.

Additionally, teams can determine how long encroachments have been present by utilizing time-stamped aerial imagery. Having access to historical imagery is especially important when determining the length of time an encroachment has been on a right of way. This helps determine if there are any concerns about a landowner making an adverse possession claim, which is when landowners try to obtain a real estate title if they have used land as their own for a significant period of time.

The statute of limitations may vary across states and a utility's passive acceptance of an encroachment over the course of many years may limit the ability to enforce easement rights. This affects how a team approaches each encroachment and whether financial compensation may need to be offered as a solution.

Coordinating a Cohesive Team

Resolving encroachments effectively and keeping transmission rights of ways free of encroachments requires close coordination with other internal utility stakeholders. The encroachment resolution team can include public engagement, real estate, construction and vegetation management specialists. By collaborating with these stakeholders on capital improvement projects, we have found it to be beneficial to have one singular point of contact for each property owner to relay necessary information. This prevents an influx of people knocking on one person's door multiple times, unexpectedly, and helps to maintain a consistent message. Sometimes, this is an encroachment resolution professional and other times it makes sense to have a different stakeholder, depending on the landowner's primary needs.

During capital improvement projects, these specialists physically walk a transmission right of way corridor during the project's planning phase to identify encroachments. Not only does the cohesive team pursue streamlined communication between each invested party, but also working in teams promotes safety in the right of way, where upset landowners, wild animals and plants all could present a safety concern for a project team member.

Educating landowners is the first step in the process of encroachment removal. Sometimes, landowners simply do not know there is an encroachment or easement on their property and what that might mean in terms of needing to move it.

The ongoing pandemic has also posed a variety of new challenges when it comes to safety. In 2020, our team quickly adopted wearing masks to mitigate the spread of illness and implemented a practice of standing a distance away from residents when going door to door to discuss property challenges. While virtual options were and are a reality for many different jobs, maintaining the transmission right of way often requires personal interaction, as there may not be a phone number publicly listed for a property owner.

An Organized Approach

Collaboration, safety and organization together provide an organized approach to transmission right of way encroachment resolution projects. These projects help determine encroachments using technology to estimate a budget and schedule time to execute encroachment removals prior to construction.

It is vital to have a robust data management system to serve as the backbone of the program, where relevant information is compiled on known encroachments. Having a system set up to send daily action item updates to the project team and project manager helps decision makers decide the correct course of action regarding encroachment removals and time frames. To properly report to clients on the anticipated and actual costs of encroachment removal, it's vital to develop periodically refined estimates based on updated information documented by the encroachment removal team.

Additionally, it is important to have periodic and real-time reporting to keep clients well informed throughout the entire process. In addition to tracking status, these auto-generated reports can be used during regular biweekly status meetings to inform clients about the reasoning behind the variances between initial budgets and actual spending.

By taking this proactive approach to maintain safety collaborate across all teams, and keep clients well-informed, teams can strive to create clear channels of communication regardless of how complicated a region might be to identify and remove encroachments.

Our work requires the ability to address a multitude of unique scenarios, from septic systems and fences to dumpsters and trailers. This is critical work that helps transmission clients provide consistent, safe service to their customers. 🌟



Kimbly Medina is a senior right of way specialist at Burns & McDonnell. With a career spanning more than 25 years, she has a wide array of experience in right of way program management on projects ranging from multibillion-dollar transmission and telecommunication programs to distribution maintenance projects.