



Wisconsin Public Service

System Modernization Reliability Project ("SMRP") Easement Q&A

Please explain a utility easement to me?

A utility easement is a written legal contract by which the landowner grants a permanent right to WPS to enter a specific area of the landowner's property to build, maintain and protect WPS' underground electric facilities. The easement "runs with the land" which means that it stays with the property even if ownership of the property changes. The owner maintains general ownership of the land and pays the taxes on the parcel. The easement specifies restrictions on both WPS' and the landowner's use of the land and specifies WPS' rights. The land owner decides whether or not to grant an easement to WPS, but WPS needs to have the easement in place before installing underground facilities on the property.

What kind of discussions should be expected?

While WPS' standard easement is intended to cover normal distribution facility installations, questions may arise regarding terms or conditions in the document. The landowner should not sign an easement without first reading it and resolving any questions that may arise. To help answer questions, WPS contact information will be included with the easement document.

Are there specific waivers of rights involved in the easement negotiation process?

Wisconsin Administrative Code § PSC 113.0509 gives the landowner, unless voluntarily waived, a minimum period of five days to examine the materials WPS provides before signing any new or revised easement agreement. If the landowner is comfortable signing the easement agreement after reading the document and getting answers to questions, he or she may waive the five-day review period established under the PSC Rule.

May I construct on or use the easement area?

No permanent structures (structures with foundation footings) may be installed within the easement area. The easement area must be kept clear of septic systems including drain fields. However, the easement area may be used for gardens, shrubs, landscaping, driveways, and other purposes if the use will not interfere with future maintenance of electric facilities. Contact WPS prior to installing facilities within the easement area.

How wide is the easement?

Generally, if WPS is solely serving one property, or crossing through one property, WPS will, in most cases, request a 12-foot wide easement. Twelve feet of width is the minimum necessary to accommodate workers and equipment needed to construct the underground facilities, as well as to maintain or repair the underground facilities in the future.

There are times when WPS will serve two adjoining customers who share a common lot line. In these cases, the easement would typically still be 12-foot wide but may be split between the two properties, resulting in a 6-foot wide easement on each property. Situations in the field may vary. In most cases a WPS designer will work with the owner to determine the best location for the underground facilities, taking into account the owner's preferences and WPS' best-engineered design for installation and future maintenance.

How often would WPS have to enter the easement area?

After construction is complete, minimal maintenance is required. Although infrequent, there may be times when WPS would need access to repair faulted underground cables or other facilities. WPS also has inspection programs and may need to access the property for that reason.

How deep does WPS bury underground lines within the easement area?

Generally speaking WPS will install the underground lines at a depth of 36 inches. The install depths are six inches more than is required by the National Electric Safety Code to allow the customer to do minor grading without violating the code.