



Transmission Right-of-Way Joint Use Guidelines

One of Tampa Electric Company's (TEC) primary objectives is to provide safe, reliable, and economical electrical service to all customers. Maintaining reliability of electrical service requires unobstructed, around-the-clock, all-weather access for constructing, operating, and maintaining power lines, facilities, and rights-of-way. Most joint uses of TEC's rights-of-way interfere with this objective and/or increase the Company's cost of service. For those reasons, the Company does not routinely grant joint right-of-way use and will only consider those uses where the requirements of these guidelines are fully met. The guidelines have been developed to provide an overview of the joint uses of TEC transmission rights-of-way that will be considered. If you wish to use TEC's transmission rights-of-way for any purpose, for any length of time, please contact **TEC's Real Estate Services** representatives as the first step in all related planning.

Subsequent to this initial contact, a *Transmission Right-of-Way Joint Use Application Form*, *Transmission Right-of-Way Joint Use Application Checklist* and applicable supporting drawings and other documentation must be submitted for all requests. All costs of the application and review process will be borne by the applicant and will vary commensurate with the complexity of the request.

These guidelines should be used in planning every project. However, compliance with the guidelines shall not be construed as TEC permission or consent to use TEC easements or fee owned property without a mutual use agreement or other formal written instrument, appropriate for the purpose, agreed to the executed in advance by the applicant and TEC.

The joint user must ensure that a requested use is compatible with the safe and efficient construction, operations, and maintenance of the Company's existing and/or future lines and facilities. Any remedial action required to resolve conflicts, present and future, related to owner or third party joint use of TEC right-of-way will be at the joint user's sole cost and expense.

TEC transmission rights-of-way currently have or will in the future have high voltage power lines on them. Extreme caution must be exercised at all times when working in the vicinity of high voltage power lines, such as those found on TEC transmission rights-of-way. In all activities on transmission rights-of-way, safety of life shall outweigh all other considerations. All work shall be done in a safe manner and in compliance with the requirements of the Occupational Safety and Health Act (OSHA), and all other applicable rules and regulations including the Safe Work Practices of TEC. No work shall be performed by a dragline, cable type crane, or any other machine unsuitable or unsafe for use around energized power lines. Refueling activities are prohibited on all rights-of-way. At TEC's discretion, a safety inspector may be employed by TEC to oversee the activities associated with applicant's project. The salary of, and all costs associated with, the safety inspector will be borne by the joint user. The salary of, and all costs associated with, the safety inspector will be borne by the joint user. The joint user will be assessed a minimum penalty of \$10,000 per incident for each power line contact that causes an outage to TEC power lines, even if the outage is only momentary. The penalty will be assessed if the outage is caused by activities associated with the applicant's

project, regardless of the circumstances and regardless of whether there are any injuries to persons, and in addition to fees for any damages to TEC's or third parties' facilities.

The transmission right-of-way use guidelines herein are subject to change without notice.

All landowners and third party joint users must adhere to all of the transmission right-of-way use guidelines listed below.

Universal Requirements

For any proposal joint uses of TEC transmission right-of-way the following requirements are universal:

1. Unimpeded, around-the-clock, all-weather access is required for all parts of the transmission rights-of-way.
2. Right-of-way access roads and points of ingress and egress must be kept clear of obstructions so as to accommodate large vehicles requiring wide turning radii.
3. In the event that TEC explicitly approves cross fencing, it shall have a minimum of sixteen (16) foot wide gates and, if secured with locks, must have TEC locks in a chain configuration to permit around-the-clock, TEC controlled access. Non-TEC locks shall be engraved with the name and phone number of the owner of the lock. Unidentified locks will be cut out of the chain and discarded. Fencing shall be of metal fabric or strands of barbed wire providing visibility through the fencing materials. Rail fencing or other non-metallic fencing that allows through visibility may be considered.
4. Fencing shall not prohibit unimpeded access to any parts of the rights-of-way and shall not enclose animals that may pose a danger to TEC employees, contractors, or other authorized representatives in the conduct of patrolling, inspecting, surveying, engineering, constructing, operating, or maintaining lines or facilities, or other business activities in the corridor.
5. A seventy-five (75) foot radius around the base of each transmission line supporting pole or h-frame (two legged plane frame structure) is to be maintained clear at all times to permit the set-up and operations of the large vehicles and equipment necessary for construction, inspection, maintenance, and repair of the structures. For transmission towers (four legged supporting structure) the clear working area shall be a one hundred fifty (150) foot radius measured from one leg of the structure.
6. A one hundred fifty (150) foot wide area centered on the "split of the angle" at each right-of-way turn is to be kept clear at all times to accommodate the present and future transmission line supporting structures, guy wires, and anchors necessarily located at such turn points. The "split of the angle" is the line running from point of intersection of the right-of-way boundary lines on the inside of the turn angle to the point of intersection of the right-of-way boundary lines on the outside of the angle.
7. Ditches, swales, or canals shall not impede, around-the-clock, all weather access to all parts of the rights-of-way.
8. Culverts and bridges must be designed to have at least twelve (12) feet of useable roadways surface and accommodate vehicles of at least eighty thousand (80,000) lbs gross vehicle weight (GVW). Culverts and bridges shall be positioned in the access road

to provide a minimum of fifty (50) feet of approach area without roadway centerline curvature to accommodate the turning radii of large vehicles. Where such straight approach area is not practical the width of the traveled way over the culvert or bridge shall be wide enough to accommodate the turning radii of large vehicles.

9. No activity that result in the creation of new or enlargement of existing wetlands on transmission right-of-way shall be allowed. No right-of-way shall be used as a wetland mitigation area. This prohibition includes retention ponds and the routing of drainage of adjoining lands onto rights-of-way.
10. No trees or other vegetation shall be planted in rights-of-way without prior written approval. In general there will be no consideration of the planting of trees and other vegetation that will grow to a mature height of six (6) feet or greater.
11. Nothing shall be grown or placed in rights-of-way that obstructs the vision of or otherwise endangers drivers along access roads.
12. No burning activities are allowed in any TEC right-of-way.
13. Tampa Electric Company does not permit blowoff / blowdown valves within transmission corridors.
14. Applicant will execute a mutual use agreement and/or other binding legal instruments, appropriate for the purpose, prepared by and in final form acceptable to TEC.

Structures¹, Equipment, and Storage

Permanent or non-movable buildings, swimming pools, mobile homes, airstrips, and other non-compatible uses are **almost never allowed** within TEC's right-of-way and will be considered only in rare circumstances with binding assurances that all of the following criteria are met:

1. Universal Requirements (above) must be met.
2. The encroachment is temporary and is easily and immediately removable by the owner, at the owner's expense – and the owner is willing to effect such removal on very short notice from TEC.
3. The use or activity does not restrict complete around-the-clock, all-weather access and maintenance of lines, right-of-way, roads, trails, culverts, bridges, fences, gates, or other TEC facilities or use.
4. The encroachment does not create any safety concerns for customers, TEC personnel, or the general public.
5. The encroachment facilities are not located under or within fifteen (15) feet of being under any power line conductor on the right-of-way and do not exceed twelve (12) feet in height.

¹ Structures, equipment and storage include, **but are not limited to:** any man-made assembly, buildings, sheds, storage facilities, trailers, signs, street or area lights, hunting stands, recreational facilities, satellite signal receiver systems, items within storage facilities, etc.

Immovable Ground Facilities

Septic tanks and/or related drain fields, absorption pits, retention ponds, wells, burial grounds, sports field, tennis courts, underground vaults, and similar immovable in-ground or underground facilities will not be allowed within TEC's rights-of-way.

Under very limited and controlled circumstances, immovable ground facilities including but not limited to: streets, roads, driveways, water and sewer lines, ditches and other linear or spot located facilities may be considered, provided a binding assurance that the following criteria are met:

1. Universal Requirements (above) must be met.
2. Crossing facilities must cross the centerline of TEC's transmission rights-of-way at nearly right angles (ninety (90) degrees), or at angles of no less than forty-five (45) degrees and the nearest edges of crossing facilities shall be seventy-five (75) feet or more from any parts of TEC transmission support structures and twenty (20) feet from anchors, or other facilities. The clear area around structures shall be increased to a radius of one hundred fifty (150) for transmission towers (four legged structures) measured from the tower legs.
3. All underground facilities must be capable of bearing the weight of TEC's heaviest vehicles (at least eighty thousand (80,000) lbs. gross vehicle weight (GVW)).
4. All third party **underground facilities** shall be marked with permanent above ground markers of a type suitable for the purpose and approved in writing by TEC.
5. **Fire hydrants, utility pedestals**, or any other above ground facilities shall not be allowed under or within fifteen (15) feet of being under any line conductor.
6. The cost of repair of any TEC facilities on the property controlled by the TEC that is damaged during construction of owner or third party facilities is the responsibility of the owner or third party or as otherwise agreed to in the mutual use agreement

Parallel Linear Facilities

Facilities that parallel the centerlines of TEC transmission rights-of-way will be considered only when the requirements and limitations listed below can be **assured through a formal, binding, and legally enforceable agreement**.

To a far greater extent than linear facility crossings, or spot located facilities, parallel linear facilities usurp significant portions of the useable capacity of transmission rights-of-way. Parallel joint use in a segment of right-of-way places a bottleneck in the entire right-of-way not just the portion occupied. Parallel linear facilities shall be considered only when all of the following conditions are met:

1. Universal Requirements (above) must be met.
2. Applicant agrees to fund in advance the entire cost of the application and review process including an initial filing fee to be established by TEC. Applicant agrees to pay other fees and costs in advance that are assessed by TEC to cover its related costs.

3. Applicant agrees to compensate TEC for the full impact of the joint use upon TEC's land rights. Such impacts shall include but not be limited to: the value for the real property rights granted, damages to remaining Company property rights, and a value for the prior "assembly" of the corridor that makes the proposed joint use feasible.
4. Applicant agrees to compensate for or mitigate TEC's increased liability exposure created by the proposed parallel joint use.
5. Applicant agrees to pay for any "make ready" work required to prepare the right-of-way for the proposed joint use, including but not limited to, relocation, removal, or alteration of existing TEC facilities.
6. Applicant agrees to pay for all present and estimated additional future costs incurred by TEC created by the proposed joint use.
7. All outstanding payments will be made in advance at the time of execution of the mutual use agreement unless otherwise agreed to in the agreement.
8. With the proposed joint use facilities in place, TEC shall continue to be able to use the right-of-way for its ultimate build-out capacity and to grant rights to other third parties.
9. All pipelines shall be installed along the outside edge of the right-of-way unless otherwise agreed to in the development of the mutual use agreement for the project.
10. Any pipeline cathodic protection systems shall be designed such that no damage is done to any part of nearby TEC facilities. TEC facilities shall include but not be limited to: line structures, line structure foundations, grounding systems, anchors, and power line cathodic protection systems.

If it is determined that the proposed parallel joint use can be accommodated, a mutual use agreement will be prepared by TEC. No work may commence on land controlled or owned by the Company until both parties have executed a final agreement. A **minimum of four to six months** may be required to review proposed parallel joint use projects.

Parking Lots

Parking facilities may be considered on TEC rights-of-way provided they are in compliance with all of the following requirements and restrictions:

1. Universal Requirements (above) must be met.
2. No parking or other obstruction at any time shall be allowed within a seventy-five (75) foot radius of any transmission line pole or h-frame (two legged plane from structure) or within twenty (20) feet of any guy wire or anchor. For transmission line towers (four legged structures) the clear space shall be increased to radii of one hundred fifty (150) feet measured from each leg.
3. Finished graded of the parking surfaces shall be at the elevation of the area before construction or as approved in writing by TEC.
4. Lighting facilities design, layout, and elevations shall be approved in advance in writing by TEC.
5. Signs and other attachments to any TEC structure are prohibited unless a joint use agreement is developed and executed in advance by the joint user and TEC.

6. Runoff from parking lot drainage shall not be retained within TEC rights-of-way. Existing wetlands on TEC rights-of-way shall not be enlarged, nor shall new wetlands be created by parking lot construction.
7. Ingress and egress to, and access along, TEC rights-of-way shall not be impeded by parking lot construction or operation. An unobstructed traveled way shall be maintained through, or shall bypass, parking areas for around-the-clock, all-weather access to all parts of the rights-of-way. The traveled way shall accommodate turning radii of large vehicles. Any paved areas or other construction where TEC vehicles will be required to operated shall accommodate large vehicles of at least eighty thousand (80,000) lbs. gross vehicle weight (GVW).

Excavating/Grading

Excavating, grading, re-contouring, re-sloping, changing drainage patterns, and similar activities on TEC rights-of-way are **prohibited without prior written approval** from an authorized TEC Real Estate Services representative. Construction for approval of such activities must meet all of the following requirements:

1. Universal Requirements (above) must be met.
2. Any grading that allows water to pond or to cause erosion around any transmission line supporting structure (pole, tower, H-frame, etc.) or anchor is prohibited.
3. Grading within seventy-five (75) feet of any TEC transmission line pole or H-frame (two-legged structure) shall not be permitted. The grading restriction is extended to one hundred fifty (150) feet from transmission towers (four-legged structures).
4. Grading within twenty (20) feet of any TEC anchor shall not be permitted.
5. Slopes may not exceed a one foot rise/fall in elevation over a four foot horizontal distance (4:1 slope) at any location on TEC rights-of-way.
6. No grading or excavation work shall be permitted by means of a dragline, cable type crane, or other machine or unsafe for working around energized high voltage power lines.
7. If required by a permitting authority, it is the applicant's responsibility to perform an endangered/threatened species study, prior to the alteration of the terrain on the TEC's rights-of-way.

Conservation Easements

Conservation easements are **fundamentally inconsistent** with the requirements for the construction, operations, and maintenance of high voltage electric power lines. Conservation easements will not be permitted in the right-of-way.