

Pipelines and Informed Planning Alliance

PIPA Report, November 2010

BL12 Notify Stakeholders of Right-of-Way Maintenance Activities

Practice Statement Transmission pipeline operators should notify affected stakeholders of right-of-way maintenance activities, including vegetation management.

Audience Transmission Pipeline Operator

Practice Description

After a transmission pipeline is installed, the pipeline right-of-way (ROW) must be maintained by the pipeline operator to allow for inspection of surface conditions as required by federal law. The transmission pipeline operator must maintain the ROW vegetation so that it will not hinder pipeline inspection and maintenance activities. Extensive landscaping or other obstructions can block the view of and impede the operator's access to the pipeline.

Prior to implementing ROW maintenance activities, the pipeline operator should make a reasonable effort to contact the affected stakeholders and provide an explanation regarding the need for vegetation management activities. This should include a discussion of the rights granted under easements for the pipeline operator to maintain the ROW, and the anticipated start and completion dates for the maintenance activities. Timely notification should be provided to the affected stakeholder. Notification may take place via methods such as mailed letters, door hangers, phone calls, or face-to-face contacts, depending on the location and situation.

Re-establishing a right-of-way that has not been previously maintained may require additional advance communications between the property owner and the transmission pipeline operator prior to initiating the activity.

Following is a discussion regarding the bases for maintaining the ROW. The transmission pipeline operator may want to include a discussion of these bases in its communication with affected stakeholders.

The transmission pipeline right-of-way must be maintained in order to facilitate the identification of surface conditions such as:

- Unauthorized activities on or near the right-of way
- Heavy equipment on the right-of-way without authorization
- Urban encroachment
- Construction activities on or near the right-of-way
- Soil defects
- Erosion at water crossings, flooding on the right-of-way or sedimentation in streams
- Damage to company property
- Missing or moved aerial markers, pipeline line markers or identification signs
- Evidence of leaking gas or liquid

A transmission pipeline ROW that is adequately maintained free of obstructions is an important visual indicator of the existence of transmission pipeline facilities for anyone performing construction or other work near the pipeline. Third-party incidents are a leading cause of damage to transmission pipelines

and often occur when excavation or other construction activity occurs near the pipeline and the pipe is accidentally struck.

If pipeline damage occurs, the pipeline operator may need direct and immediate access to the pipeline and this will be facilitated by an adequately maintained ROW. In the event of an emergency, a clear ROW is necessary to facilitate access by both the pipeline operator and emergency response personnel. Obstructions on the ROW can prohibit their ability to respond.

A clear ROW makes conducting inspections, often performed via aerial patrol, more efficient and effective. Other methods of inspecting transmission pipelines, such as vehicle and foot patrols, also require a clear ROW.

A clear ROW enables the transmission pipeline operator to conduct inspections and testing to verify pipeline integrity and to perform general maintenance and repairs as needed. According to pipeline safety regulations, transmission pipeline operators must have a patrol program to inspect and observe surface conditions on and adjacent to the transmission line right-of-way for indications of leaks, construction activity, and other factors affecting safety and operation. While an operator may choose to perform inspections more frequently, hazardous liquid transmission pipeline operators must inspect 26 times a year at an interval that does not exceed 21 days. Natural gas transmission pipeline operators must inspect 1 to 4 times a year at an interval that does not exceed 4.5 to 15 months, depending on the population density near the pipeline. The pipeline ROW should be maintained at a frequency that allows the operator to inspect surface conditions at the minimum required inspection intervals.

The ROW maintenance frequency should also be in keeping with the surrounding environment. For example, a greenway in a suburban development may be maintained more frequently than a ROW through a forested park.

Although maintaining the ROW for 25 feet on each side of the pipeline is typical, the easement agreement may dictate otherwise. A smaller maintenance distance may be adequate, depending on local conditions and methods used for ROW inspection, as long as it is adequate for access and inspection of the ROW surface conditions.

Side trimming of the tree canopy may be necessary for aerial surveillance to be effectively performed. For aesthetic purposes, operators may "feather cut" in more urban and developed areas while they may "hard cut" in more rural areas. Whichever technique is used, the result should be a clearly defined ROW to help keep the public aware of the pipeline's presence and provide for operation and maintenance needs.

In addition to side trimming, operator vegetation maintenance practices should include scheduled mowing and brush-hogging where necessary. Typically, pipeline operators use herbicides in a limited way to control weeds, vines and woody vegetation near valve locations, fences, above-ground facilities and difficult to access locations.

Trees should not be allowed within the boundary of the ROW. Tree roots have the potential to damage pipeline coatings which may contribute to the loss of integrity of the pipeline. With prior approval from the transmission pipeline operator, grass and certain types of shrubs may be permitted within the ROW,

provided that the plantings do not interfere with the maintenance, inspection and operation of the pipeline and related facilities. Typically these would include seasonal crops that would be consistent with the area, flower beds, vegetable gardens and lawns. Rights-of-way can provide useful and functional habitats for plants, nesting birds, small animals, and migrating animals. Plants that are native to the area are desirable.

References:

- 49 CFR 192.705, 49 CFR 195.412
- American Petroleum Institute Guidelines for Property Development
- Transportation Research Board Special Report 281, *Transmission Pipelines and Land Use: A Risk-Informed Approach*
- American Petroleum Institute (API) Recommended Practice (RP) 1162, Public Awareness Programs for Pipeline Operators

BL13 Prevent and Manage Right-of-Way Encroachment

Practice Statement Transmission pipeline operators should communicate in a documented and timely manner with property developers/owners to prevent or rectify unacceptable encroachments or inappropriate human activity within the transmission pipeline right-of-way.

Audience Transmission Pipeline Operator

Practice Description

When property developers/owners place structures, trees or other facilities on the transmission pipeline right-of-way (ROW), these encroachments may interfere with pipeline operations. The transmission pipeline operator should seek relief from the encroachment, particularly when the obstruction of an easement is of a permanent character.

To ensure consistency, a transmission pipeline operator should have a written encroachment policy in place. The policy should address: educating stakeholders, patrolling and inspecting the pipeline ROW for unsafe conditions and activities, documenting the results of patrols and inspections, communicating with stakeholders regarding encroachments, and removing unacceptable encroachments, including long-standing ones.

Once an encroachment is detected, the pipeline operator should document the encroachment and contact the encroaching party. If the encroachment is deemed acceptable by the pipeline operator, an encroachment agreement should be documented and signed by the landowner and the pipeline operator in accordance with the operator's policy, and recorded with the statutory office (i.e. county recorder, parish clerk).

Encroachment policies should be enforced diligently, uniformly and consistently. To promote encroachment prevention, landowners and developers should seek approval from the transmission pipeline operator for any plans that could impact the transmission pipeline ROW. Pipeline operators should ensure that all pipeline markers and signs are in good condition, legible and properly located. They should have adequately maintained and clearly defined ROWs (see PIPA Recommended [Practice BL12](#)).

Communication between the transmission pipeline operator and the property developer/owner builds a partnership in pipeline safety.

References:

- Interstate Natural Gas Association of America (INGAA) Sample Documents: Encroachment Procedure, Encroachment Report, Encroachment Reporting Procedure (See [Appendix I](#))
- [49 CFR Parts 195.410, 195.412, 192.705 & 192.707](#)
- [American Petroleum Institute \(API\) Recommended Practice \(RP\) 1162, Public Awareness Programs for Pipeline Operators](#)
- [American Petroleum Institute Guidelines for Property Development](#)

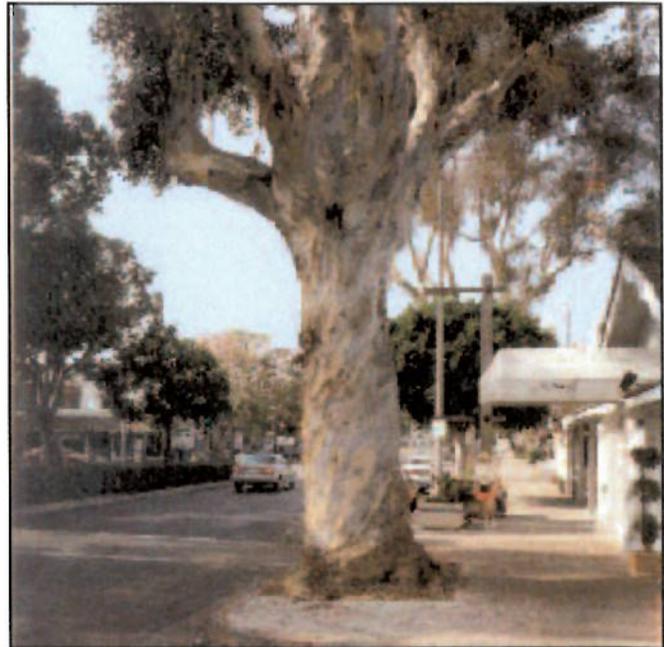
Right of Way Tree Encroachment

A Growing Issue

Do trees and plants negatively impact infrastructure in rights of way?



Quick and easy access to pipelines is critical.



Tree management plans include identification and evaluation of vegetation encroachment hazards.

“Managing encroaching trees within rights of way is an important consideration for many agencies. Conflicts between tree canopies and electrical transmission lines are well-documented, but below-ground conflicts between roots and buried infrastructure result in costly structural damage and potential losses of service.”

BY MICHAEL S. HUFF

Encroaching vegetation can be a significant problem within public easements and rights of way (ROW). Heightened focus on security of linear infrastructure (electrical transmission lines, railways, pipelines, etc.) has prompted public works officials to look closely at the conditions within miles of utility and transportation corridors. Trees and large shrubs within the ROW can affect security and physical access as well as damage facilities. Federal regulations mandate that ROWs be maintained in a manner that allows safe operation. In a precedent-setting example, a pipeline company in Texas was fined by the Department of Transportation for failure to maintain or remove large trees in a residential area thereby creating an unsafe ROW. While structures, fences, pools, driveways, etc., are often unknowingly constructed within established ROWs, by far the most prevalent encroachment is by vegetation — trees causing the most problems. Unmanaged, trees will establish and thrive at amazing rates, threatening access, maintenance, security and even structural integrity, as well as enhancing wildfire damage potential.

Tree and vegetation encroachment in the ROW is a major issue for electrical utilities. One of the largest line items in most electrical distributor's budgets is vegetation management. For example, large utility companies in California spend millions of dollars every year to trim and remove trees within their ROW. Underground utilities also can be negatively impacted by vegetation. A management program will reduce overall system costs, particularly by mitigating the associated risks of large trees and shrubs within ROWs.

The Urban & Community Forestry staff at Dudek works with public agencies and its in-house environmental staff to develop and fund programs to identify, evaluate and manage vegetation encroachment hazards. Dudek is currently working with Southern California Edison to survey and monitor the removal of hundreds of thousands of dead pine trees from electrical transmission ROW to minimize the possibility of trees falling into lines and the possibility of wildfire that also could disrupt transmission.

Experienced arborists and urban foresters use global positioning system (GPS) technology to locate and inventory encroaching trees and shrubs by species, size and distance from the utility, etc., and then identify and prioritize existing or potential threats. Access, security and structural threats are a function of tree numbers, sizes and ages, species, and distribution. Once the database is established, a prioritized maintenance plan is prepared with estimated costs in accordance with environmental regulations. When recommending the removal of high-impact trees, the plan also focuses on the prevention of future problems. And when aesthetics are an issue, recommending the replacement of high-impact trees with low-risk, beneficial trees may be appropriate. A tree management plan will provide a framework for:

- Managing/removing existing trees in the ROW
- Constraining future tree growth or establishment in the ROW
- Defining approved (aesthetic) plantings, if appropriate
- Complying with federal, state and local regulations and policies

Using Technology for Better Presentation

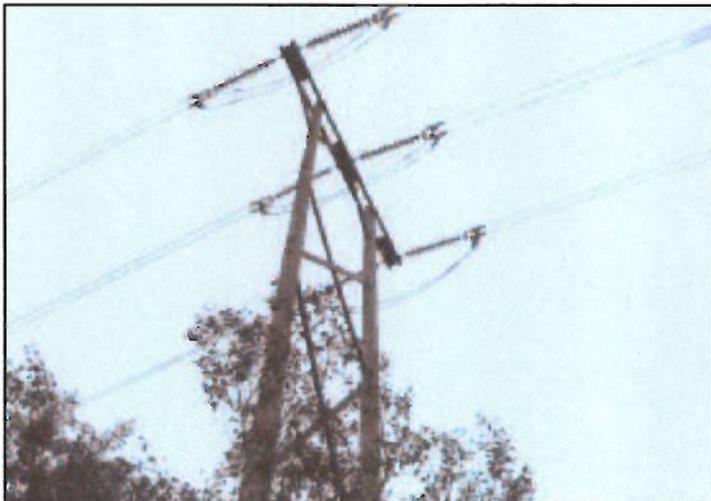
GPS and geographic information system (GIS) technology allow for the preparation of ROW maintenance plans with viewer friendly exhibits detailing types of features, where they are located and color or symbol codes for priority rankings. GIS analysis is also used to determine priority inspection and resulting mitigation for areas that traverse large sections of native vegetation. Concentrations of high-priority removal and maintenance are better identified, presented and appropriately budgeted.

Graphically enhanced maintenance plans facilitate dealings with neighboring landowners. Neighbors are often emotionally attached to encroaching vegetation and must be contacted and informed of pending removals. Before and after visuals often are necessary to show the public in order to obtain cooperation, particularly when replantings are required.

Well-prepared plans facilitate better contractor management. Graphic-based, specific, easy-to-understand plans and specifications help assure that maintenance and removals are completed professionally and efficiently and avoid disturbing property outside the easement. A knowledgeable urban forestry professional must then work with the contractor, providing regular inspections and providing ideas to correct non-approved practices.

The city of Irvine, CA, includes nearly 50,000 city-owned trees. These trees vary in sizes and are planted within city ROWs. Above-ground issues include smaller utilities that may be affected by falling trees, branches or litter. Below-ground issues include sewer, water and other buried utilities that can be damaged by aggressive root systems. Dudek inventories, GPS maps and assesses the ROW trees on a 3-year cycle with a focus on identifying potential issues — either above or below ground — and then prescribing management options to mitigate the potential threat. ROW in urban areas and in more remote locations are prone to invasive (or citizen planted) trees. Often times, these trees are not appropriate for a ROW location due to their mature height, aggressive roots or tendency to limb or total tree failure. Regular inspections catch these issues before they become more costly and politically difficult to mitigate.

Periodic monitoring and database updating are required to avoid future large-scale tree and shrub removal work, resulting in long-term cost savings.



Telephone wires - Tree and vegetation encroachment in the ROW is a major issue for electrical utilities

Types of Tree Encroachment Impacts Potentially Occurring within Your Right of Way

1. Subterranean Root Impacts

- a. Damage to pipeline protective coating – premature corrosion through root contact with pipeline
- b. Growth under pipeline or conduit – lifting or displacement as root expands
- c. Growth around pipeline or conduit – displacement, lever effect with tree failure, pressure
- d. Penetration – old gaskets or fine cracks, degradation of joints
- e. Soil voids – dead and decomposing roots leave soils voids and the potential for trench subsidence
- f. Soil changes – tree transpiration can cause repeated expansion and shrinkage of soils
- g. Lifting or degradation of footers of transmission towers or substations

2. Surface Impacts

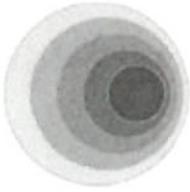
- a. Tree failure on above-ground mechanisms or pipeline
- b. Trees obscure visible damage or exposed sections of the pipeline
- c. Trees hinder access to damaged sections of the pipeline

3. Liability Issues

- a. Tree failure damage to private property or persons
- b. Pipeline failure repairs delayed due to tree-related access issues resulting in increased damage to private property
- c. Tree removal during an emergency may invite lawsuits for tree replacement value
- d. Un-maintained vegetation can enhance wildfire potential and intensity

4. Security Issues

- a. Dense vegetation and tree canopy conceal potentially dangerous activities and situations
- b. Tree and brush cover can conceal minor utility failures
- c. Excess vegetation provides cover for vandals, terrorists, etc., targeting above- or below-ground utilities



BUCKEYE PARTNERS, L.P.

5002 Buckeye Road
Emmaus, PA 18049

June 2009

Dear Municipal Official:

Buckeye Partners, L.P. (Buckeye) is one of the nation's largest independent operators of petroleum pipelines and engages in numerous activities to ensure the safety of the communities where we operate. Our pipelines transport a variety of refined petroleum products and we are proud to deliver the gasoline, jet fuel, diesel and other products that fuel our nation's economy. Buckeye is committed to preventing events that might endanger our neighbors, disrupt our delivery services, or affect our excellent safety record.

The easements that were purchased by Buckeye prior to the installation of our pipelines allow Buckeye to perform general maintenance to the right of way (ROW) to ensure that it is kept clear of undesirable vegetation or other objects that could potentially affect pipeline integrity or hinder access to the pipeline. We work very closely with our neighbors to ensure their enjoyment and use of the pipeline ROW does not impact safety.

Over the next several months, Buckeye intends to perform vegetation maintenance work along its pipeline ROW in your town. This will involve the mowing of brush and removal or trimming of trees within our easements. We are doing this work to ensure that encroachments to the ROW are eliminated or minimized. Prior to working on each property, our contractor, Laurel Ridge Land Clearing, Inc., will attempt to notify each property owner along our ROW about the work to be performed. Additionally, a Buckeye Right of Way agent will be available to meet or speak with any property owner along the ROW to address their concerns or explain how their property may be affected. Buckeye will be diligent in working with property owners to settle any issues that may arise from the work, such as the removal of debris or stump grinding requests from impacted property owners/residents.

As a longtime neighbor in your community, we believe it is critical that accurate information about the upcoming ROW maintenance work be known. This is why we are informing you prior to the commencement of the work. Please contact me with any questions you may have about our vegetation maintenance activities or any pipeline questions. Additional information is contained on the back of this letter, and on Buckeye's website: www.buckeye.com.

Sincerely,

Kevin E. Docherty

Public Information Specialist / Right of Way Agent
1-866-432-4960 x. 2 (toll free)

Why Pipeline Right of Way Clearing is Important

The clearing of Right of Way (ROW) by Buckeye Partners, L.P. is for one purpose: Public Safety.

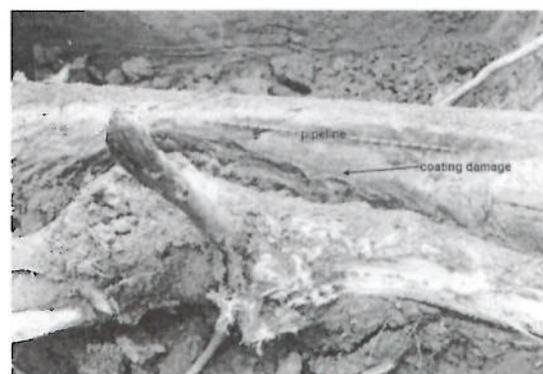
A clear pipeline ROW enhances public safety by:

- ☑ Preventing root damage – Tree and plant roots attack pipelines and damage them.
- ☑ Allowing for a clear pathway for access to the ROW – Access to the pipeline easement is critical for the pipeline operator to monitor and inspect the area around a pipeline. It is important that the pipeline operator has unimpeded access to the pipeline at all times.

The following examples are from the *Pipeline Informed Planning Alliance (PIPA)*, an initiative by the United States Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA). PIPA is a partnership between PHMSA, local government planners, home builders, property developers, transmission pipeline operators and local, state, and federal officials. It was created to further enhance pipeline safety in communities throughout our Nation. (<http://primis.phmsa.dot.gov/comm/PIPA.htm>)

The tree to the right was planted in the ROW between two transmission pipelines, without the authorization of the pipeline operators. It may impede access to the right of way and the pipelines. Fortunately, the transmission pipelines were not damaged during planting, but if not removed from the ROW, the tree roots may cause future problems.

The pictures below illustrate the damage that tree roots can cause to pipelines, and why trees are not permitted in a pipeline right of way.



Concrete encasement shall extend from 150mm below the underside of the pipeline to 150mm above the topside of the pipeline and for the full width of the excavated trench with a minimum encasement of 300 mm on either side. Concrete shall be Grade N20.

6.16 "As Constructed" Records - Requirements

Any works affecting LinkWater infrastructure requires the submission of "As Constructed" drawings in a format acceptable to LinkWater.

Unless otherwise specified, "As Constructed" drawings shall be submitted within one (1) month of construction completion.

6.17 Vegetation planting proposals

Generally, the planting of trees/shrubs within 5 metres of the outermost projection of the pipeline (the clear zone), is not permitted.

Planting outside of the clear zone may be permitted subject to ensuring that the mature canopy and root ball does not encroach into the clear zone and that adequate vehicular and equipment access to LinkWater infrastructure is maintained at all times.

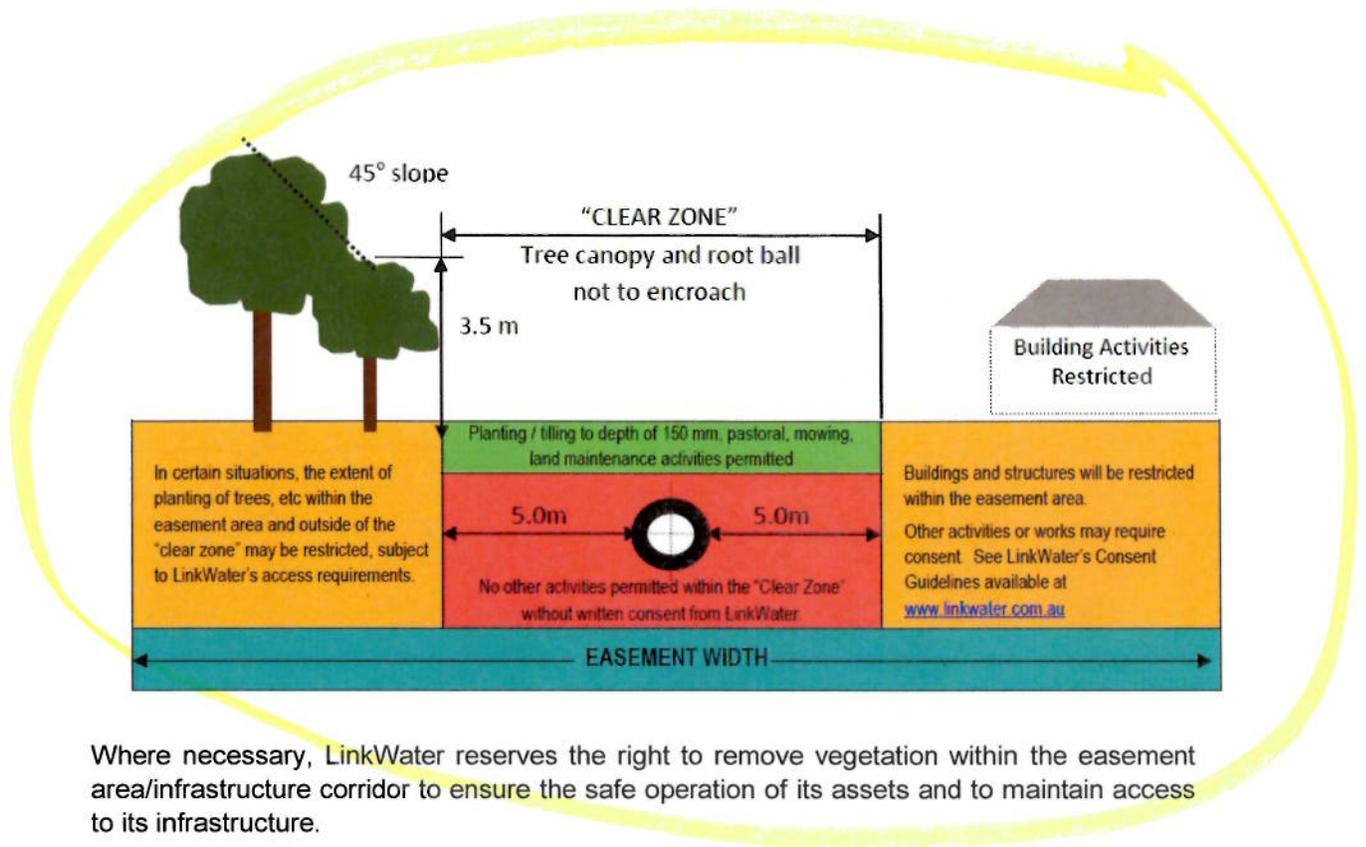
The height profile of the mature plantings is generally indicated in the diagram below. In addition to height, plantings should also take into consideration the spread of the plant selection and the on ground placement to ensure that the clear zone is maintained at maturity.

Planting within the easement area/infrastructure corridor may also be subject to other service authority requirements (e.g. Powerlink or Energex) and these requirements should also be taken into consideration before any planting is undertaken.

The planting of small crops, gardens etc with a nominal root depth of 300 mm maximum may be permitted within the clear zone (however, cultivation activities within the clear zone are generally restricted to a nominal depth of 150mm). LinkWater will require the details of cultivation activities and plantings to be submitted for assessment to ensure that its infrastructure is protected and any operational access routes are preserved.

no trees/shrubs with ~15' from edge of P,

this is an Aussie Water Utility



Where necessary, LinkWater reserves the right to remove vegetation within the easement area/infrastructure corridor to ensure the safe operation of its assets and to maintain access to its infrastructure.

Plant Selection

To source which plants growth habits comply with these criteria within a particular area, enquiries should be directed to local plant nurseries, or contact the local council or any one of the following organisations:

GrowSearch Australia

Phone: (07) 3821 3784 or (07) 3824 9555

Email: growsearch@dpi.qld.gov.au

Web: www.dpi.qld.gov.au

The Queensland Gardening Pages

Web: www.calyx.com.au

Queensland Herbarium

Phone: (07) 3896 9326

Email: Queensland.Herbarium@derm.qld.gov.au

Web: <http://www.derm.qld.gov.au/wildlife-ecosystems/plants/>

6.18 Cost Recovery

LinkWater may recover costs for the assessment of applications where the assessment requires advice from external consultants e.g. engineers, geotechnical advisors and legal advisors. LinkWater will provide details of the estimates of these costs to the applicant prior to the engaging any external consultants.



Municipal Water District

OLIVENHAIN MUNICIPAL WATER DISTRICT RIGHT OF WAY GUIDELINES BOARD APPROVED IN 2004

The Olivenhain Municipal Water District (OMWD) Board approved these guidelines for all future encroachments. (The Board has referred how to handle existing known encroachments to the Facilities Committee and will take this issue up at a Board meeting later in 2004.)

OMWD is committed to serving present and future customers with a safe, reliable, high quality water supply which exceeds all regulatory requirements in a cost-effective and environmentally responsive manner. To that end, OMWD has acquired and will acquire property and rights of way within which it must operate and maintain water and wastewater treatment, distribution, and transmission facilities in addition to any other ancillary facilities required by OMWD for its operations.

OMWD's property and right of way interests must be protected and preserved against unauthorized use, damage to OMWD property and/or facilities, or hindrance of access to said facilities. The District has dramatically increased its property ownership over the last 10 years and currently owns approximately 381 acres of fee site land (excluding the EFRR) **and** as much as 214 miles of pipeline easements varying in width from 10 to 50 feet. Currently, over 243 encroachment permits are issued to property owners by the District. Many of the District's properties have also been owned for more than 10 years, however they were previously in undeveloped areas of the District. As development continues to grow into these previously uninhabited areas, encroachments are becoming more common on our properties and rights of way.

Guidelines for Encroachments:

1. OMWD must maintain access to its properties and rights of way so that it retains the immediate ability to construct, reconstruct, maintain, repair, test, inspect, relocate, and or operate any of its facilities.
2. The District currently allows certain encroachments in its right of way so long as the encroacher completes an encroachment permit (attached.) A minimum 4 foot vertical and 15 foot horizontal clearance is generally required. The following are encroachments that are currently considered impermissible and are currently NOT allowed in encroachments:
 - a. Structures/Buildings that prohibit access to the District facilities are not allowed; **Even though fences and irrigation lines are construed as structures, staff generally allows these encroachments so long as gates are placed in the fences that allow the District access and the owner is responsible for any cost to remove the encroachments in the event of an emergency wherein the District must access its easement/facilities.*
 - b. Deep Rooted Trees are prohibited; However, shallow rooted trees that grow no higher than 25 feet and have a mature root spread of no more than 20 feet may be permitted provided the trees are planted no closer than 25 feet from the closest edge of the District's pipeline. Bushes and shrubs are generally allowed where they do not block access and they are no

more than 3 feet tall. Additionally, trees can not make the District's easement impassable, even if they comply with all of the aforementioned criteria.

- c. Grade Elevation Changes that result in less than 3 feet or more than 6 feet of cover over the pipeline are not allowed; Additionally, adequate precautions must be employed as determined by the District's Engineer to protect the District's facilities, including, but not limited to provisions for adequate clearance, non-interference with patrol roads during construction, and finish grading and potholing.
 - d. Large Boulders over 500 lbs are not allowed;
 - e. Blasting and Heavy Equipment are not allowed;
3. All requests for an encroachment permit are determined on a case-by-case basis depending on the recorded document that originally fixed the legal rights of the District and are subject to review and approval by the Olivenhain Municipal Water District Board of Directors.
 4. Proposed underground facilities of the applicant which parallel the District's facilities are generally not allowed. Sewer and water facilities that are allowed (that do not parallel) must meet the requirements of California Department of Health Services. Electrical and telephone utilities (that do not parallel) that are allowed must be encased in red concrete slurry .
 5. The applicant must indemnify and hold the District harmless for any damage to the District's facilities and also any damages to the encroachments when removal by the District is required.
 6. The applicant must always supply the District with as-builts.
 7. Generally permissible items in an encroachment permit are as follows:
 - a. Turf and other minor landscaping (trees and deep rooted shrubs not permitted per above.)
 - b. Asphalt per District approved design
 - c. Concrete per District approved design with cold joints every 10 feet
 - d. Perpendicular underground utility crossings complying with approved design specifications
 - e. Fences (so long as appropriate width gates are installed)
 8. When an unauthorized use of a District property or easement is discovered, the District Engineer gives adequate notice of the infraction to the person responsible. District staff engages the property owner in dialogue for a reasonable period of time to resolve the encroachment. If voluntary corrective action is not undertaken in a reasonable amount of time or a resolution is not possible within a reasonable amount of time, District staff refers the matter for review by the District Counsel.
 9. Decisions of management and the General Counsel are always subject to review and approval of the Board. Emergency actions of management for health and safety reasons that are not inline with this encroachment and easement policy will be reviewed with the Board at the next Board meeting following the emergency action.

NorthWestern Energy

Planting Trees Along A Gas Pipeline

Utilities are particularly interested in where and how trees are planted. In addition to ensuring your trees will not grow into overhead power lines, you should not plant closer than 25 feet from any natural gas transmission line.

When planting a tree, here's what you need to know.

- NorthWestern Energy applies a protective coating to steel pipelines and adds a small amount of direct current to mitigate corrosion. Tree roots are attracted to the loosened soil of the pipeline ditch and to the typically constant temperature created by the moving gas. Tree roots can damage the coating and come in contact with the steel. Tree roots carry water and nutrients to the rest of the tree and for that reason are very good conductors of electricity. Risks associated with corrosion leaks and corrosion-related pipeline failures are significantly increased when the pipeline coating is damaged and the tree roots absorb the electric current necessary to stop corrosion.
- Trees often hide pipeline markers and the corridor that reminds neighbors and contractors of a pipeline in the area. Keeping the pipeline right-of-way clear reduces the risks of third party damage and increases the safety of all.
- No one wants to lose a tree after many years of growth. Pipelines need maintenance and may even need to be replaced. Trees growing in the pipeline right-of-way could be destroyed when these activities are required.

To assure that you are planting your new tree a good distance away from any buried pipes, make sure you [Call Before You Dig](#). One simple call to 811 will get all underground pipelines identified. You should plan to leave any pipeline right-of-way clear.

Properly located, planted, and cared for, your tree should continue to stand for many years, providing shade on sunny days and generating oxygen for us all to breathe.

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Easement dispute pits Sandy homeowner and his yard improvements against water district

By [Amy Joi O'Donoghue](#)

Deseret News

Published: Friday, May 13, 2011 12:12 a.m. MDT

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SANDY — On one of the first warm days of spring, a proud homeowner is guiding a visitor around his backyard, pointing out the thousands of dollars of improvements he has made to create his own private paradise.

"All I am asking is to just let us live here, enjoy our backyard," said Zdenek Sorf, a native of Czechoslovakia who bought his home off 9600 South in Sandy more than two decades ago.

At the time, no one told him his backyard included a 120-foot wide easement for the Salt Lake aqueduct. For years, his expansive property was mostly rolling terraces of weeds and overgrowth. There was a patio outside his sliding back door and a 60-foot tree that became bug infested.

He tore the tree out, which led to a flurry of improvements that has transformed cheat grass and milk weed into a sprawling two-tier waterfall made of boulders and complemented by flowering plants. A wood deck was put in and to the west sits an elaborately styled gazebo providing shelter for a large, large hot tub.

That gazebo, the waterfall, a shiny storage barn to the east and other improvements in excess of \$100,000 may have to be ripped out at Sorf's expense because they fall within the boundaries of the easement to the aqueduct, which is a 43-mile pipeline carrying drinking water from Deer Creek Reservoir to the mouth of Parleys Canyon.

Sorf's property is one of potentially 1,000 parcels of land adjacent to the pipeline's right of way that extends from the Utah County communities of Orem and Lindon to Draper, Sandy, Holladay and Cottonwood Heights.

Seeking to minimize encroachment problems and provide more access, the Metropolitan Water District of Salt Lake and Sandy took Sorf to court, resulting in an order that gave him 20 days to rip out his improvements. Sorf was in court again this week, asking the judge to delay the order while he appeals the actions of the water district.

For now, Thursday's ruling in his favor gives the homeowner a reprieve.

"So far, it went well," he said.

The pipeline was put in during the mid-1940s by the Bureau of Reclamation and in 2006, the Metropolitan Water District took full title. Soon after, the district came up with rules and regulations regarding what could be placed within easement boundaries.

Before that, subdivisions went in, patios were poured and trees took root.

The district has since started an exhaustive inventory of the right-of-way, anticipating the time will come when repairs will have to be made to the 60-year-old pipe that delivers water to 125,000 households.

"It's in good shape," said the district's general manager, Mike Wilson. "We do foresee the time that we will need to replace it. It may be over 10, 20, 30 years or it could happen tomorrow if we have a leak on it."

Sorf is fighting the water district's edict, contending that should the district ever need to fix or replace the pipe on his