

# Easement Encroachments

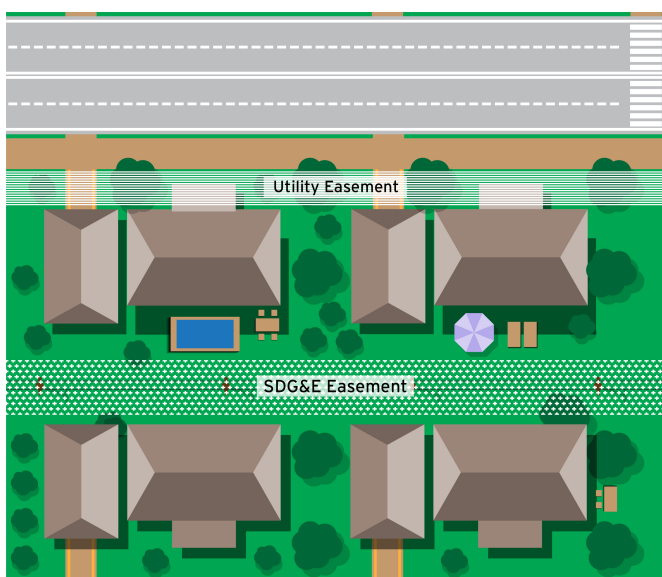
## BACKGROUND

San Diego Gas & Electric Company's (SDG&E®) gas and electric system delivers safe and reliable energy to homes and businesses throughout San Diego and southern Orange counties. Much of the infrastructure that makes up SDG&E's system is on land owned by the Utility or within rights-of-way on private property granted to the Utility through easement agreements with property owners.

This document provides basic guidelines to avoid encroachments within SDG&E's rights-of-way and information on how customers can work with SDG&E to ensure the success of their projects.

## WHAT IS AN EASEMENT?

An easement or right-of-way is a legal right to use the property of another for certain purposes. SDG&E obtains easements on property owned by others to install, maintain, operate, and access its facilities. An easement may restrict certain uses within the area to ensure SDG&E has access to its facilities and to maintain the safety and reliability of the systems that serve customers.



Utility easements are dedicated areas that provide utility companies with the right to install, access, and maintain infrastructure to deliver energy, water, telephone, internet, and other services to homes and businesses.

Utility companies, such as SDG&E, need to be able to access easement areas to install and maintain facilities in the area.

Easements are typically recorded with the property, meaning the agreement remains in effect when the property is sold or transferred to a new owner. Property owners should refer to the title report or title policy for their property to determine if there are any easements on their property.

SDG&E is responsible for maintaining its easements and rights-of-way to ensure the safety and reliability of its system. This responsibility includes keeping easements clear of any structures, improvements, or other uses that might interfere with SDG&E's ability to provide safe and reliable service.

Property owners generally can continue to use the land within SDG&E easements, as long as the use is compatible with SDG&E's operations, facilities, and the conditions of the easement agreement, if applicable. Each request to use an SDG&E right-of-way will be reviewed on a case-by-case basis.

## COORDINATING FOR SUCCESS

SDG&E is obligated to limit encroachments within its easements and fee-owned properties. An encroachment is when a person builds or intrudes on, under, or over the property of another—including within an easement—without permission from the property owner or easement holder.

Every encroachment within an SDG&E easement requires special considerations due to safety, maintenance, and access concerns. SDG&E takes every precaution to ensure the safety of its system and the communities it serves. Any request to encroach upon SDG&E easements or fee-owned land requires detailed internal review to determine if the proposed encroachment is compatible with SDG&E's operations and to verify if authorization from the California Public Utilities Commission (CPUC) is required pursuant to Public Utilities Code Section 851 (Section 851).

SDG&E will work with customers and contractors during planning to avoid encroachments within its rights-of-way when possible, and to ensure compliance with SDG&E's regulatory requirements, as appropriate.

Encroachments installed without review by SDG&E could create significant safety risks.

Projects that bypass SDG&E's review may violate CPUC rules and requirements.

If SDG&E determines an encroachment conflicts with its infrastructure or operations, does not meet design standards, or impacts system safety and reliability, SDG&E may enforce its land rights in the right-of-way and the improvement may need to be altered or removed at the customer's expense.



**Why is early coordination with SDG&E so important?**

Unauthorized encroachments create obstacles, challenges, and expenses—all of which can be avoided through coordination.

## IDENTIFYING SDG&E EASEMENTS

While most SDG&E high-voltage transmission power lines are above-ground, the majority of SDG&E's gas infrastructure and electric distribution facilities are located underground and out of sight. Although some gas and electric facilities may not be visible, that does not mean they aren't there.

If SDG&E has an easement on a property, the easement should be reflected on the title report for the property. Any easements associated with the property should also be included in plans submitted to the local jurisdiction during the permitting process.

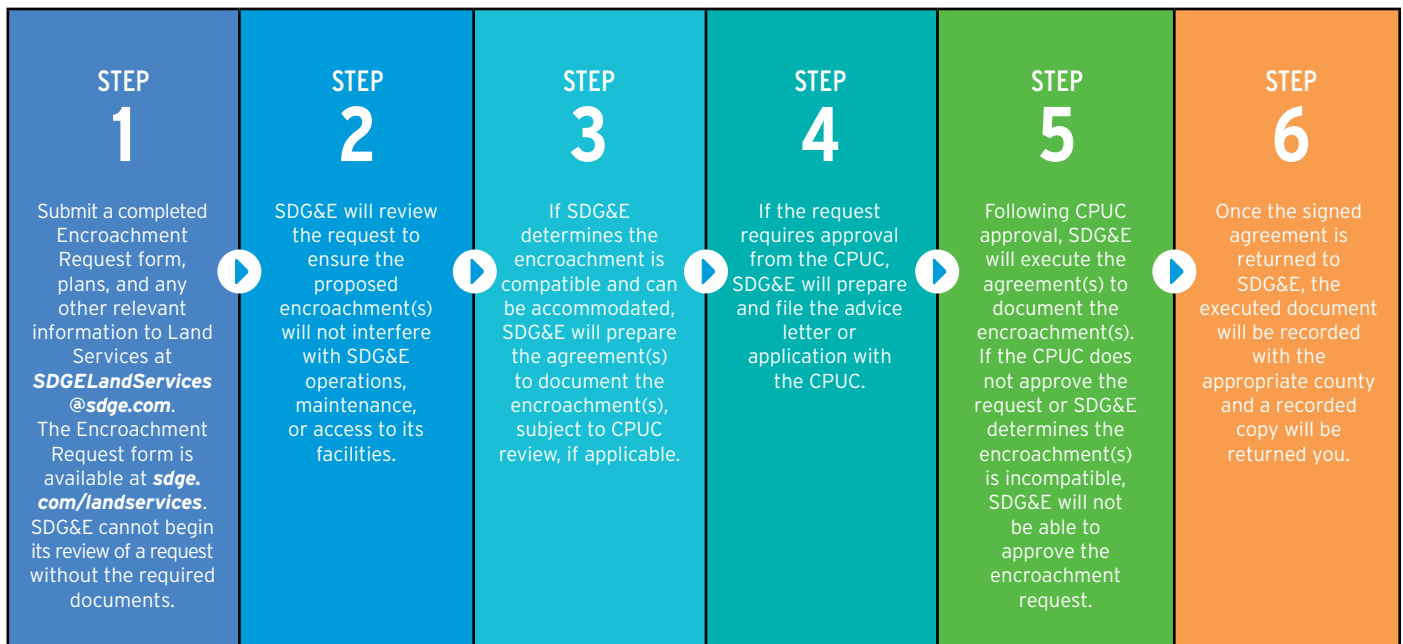
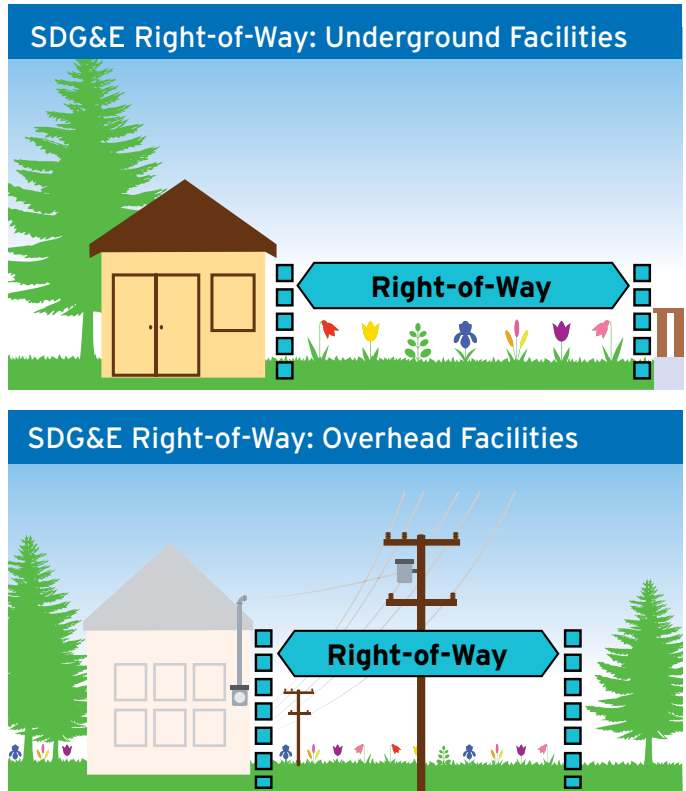
Projects within SDG&E rights-of-way need to be planned in coordination with SDG&E, as there may be restrictions on what can be built, planted, or stored in the easement area. Customers are encouraged to contact SDG&E Land Services at [SDGELandServices@sdge.com](mailto:SDGELandServices@sdge.com) early in project planning to have plans reviewed for safety and compatibility.

To learn more about use of SDG&E land and rights-of-way, please visit SDG&E's Land Services at [sdge.com/landservices](https://sdge.com/landservices).

## USE OF SDG&E EASEMENTS

SDG&E takes great care to keep its easements clear of anything that could create a safety or reliability issue. Permissible uses within an SDG&E right-of-way are usually very limited in scope and type. Any use within an SDG&E easement requires consent from SDG&E and must comply with all applicable CPUC regulations and safety standards. Certain encroachments may require approval from the CPUC. Review by the CPUC can take 6-12 months and approval cannot be guaranteed.

The following provides an overview of the process to have SDG&E review requests to encroach within an SDG&E easement or right-of-way. For project-specific guidance, consult with SDG&E Land Services.



## LAND USE CONSTRAINTS

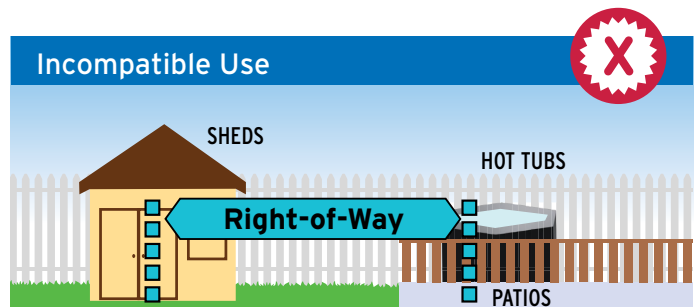
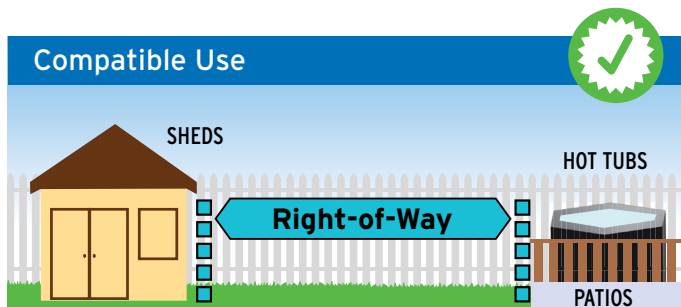
It is SDG&E's preference that projects be designed to avoid encroachments within the Utility's rights-of-way. SDG&E understands it is not always possible to avoid these areas and is always available to consult during project planning to avoid encroachments when possible and to ensure compliance with applicable regulatory requirements when certain types of encroachments cannot be avoided. Certain encroachments and activities are inherently incompatible with SDG&E operations and are typically denied, including but not limited to:

- Buildings, homes, porches, additions, and decks
- Fire hydrants
- Retaining walls
- Swimming pools, above, and below ground
- Retention ponds
- Fuel storage facilities, above, and below grade
- Billboards
- Lights, flag poles, and antennas
- Fences that limit SDG&E's access to the area
- Flammable or combustible materials
- Certain types of trees and other vegetation
- Swing sets, slides, and climbing equipment
- Changing the ground elevation (grading)
- Excavating near utility poles, towers, and other facilities
- Use of easement area for fill dirt or other refuse
- Operating machinery in a manner that has the potential to contact or damage SDG&E facilities
- Storage of trailers, recreational vehicles, and inoperable vehicles

The following are basic guidelines to illustrate some compatible and incompatible uses of SDG&E rights-of-way:

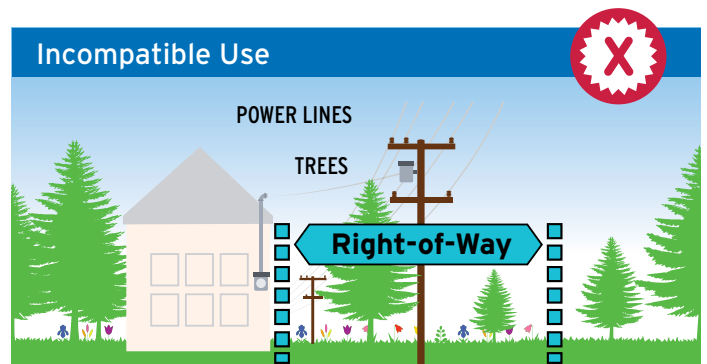
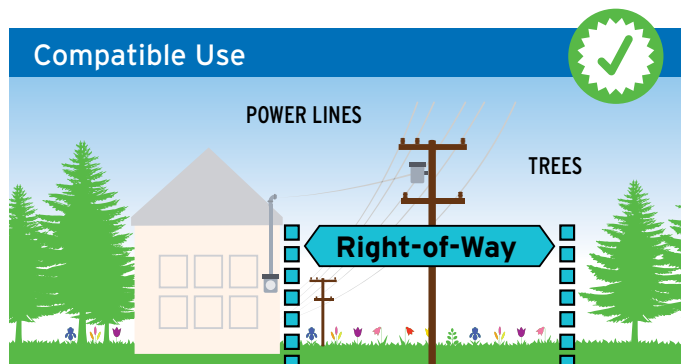
## BUILDINGS AND STRUCTURES

Buildings and structures such as homes, sheds, porches, additions, accessory dwelling units (ADU), and decks may interfere with SDG&E's operations and facilities. SDG&E will review these types of requests on a case-by-case basis due to the maintenance, access, and safety concerns.



## TREES AND VEGETATION

Certain trees and vegetation should not be planted in SDG&E easements because they could interfere with overhead and underground utility infrastructure. If tall-growing trees are planted within SDG&E's rights-of-way, it will require trees to be pruned to maintain proper clearance from power lines. This could result in the trees having an unnatural appearance. SDG&E will work with property owners to select trees and landscaping compatible with the easement and nearby facilities. Additional information, including a tree planting guide, is available at [sdge.com/tree-safety](https://sdge.com/tree-safety).



**Questions?** Contact SDG&E's Land Services at [SDGELandServices@sdge.com](mailto:SDGELandServices@sdge.com). For additional information, visit [sdge.com/landservices](https://sdge.com/landservices).