

Electric Transmission Right of Way Requirements for Shared-Use Paths/Trails

This list of Duke Energy's transmission right of way requirements for the co-location of shared-use paths/trails has been developed as a guideline to answer the most frequently asked questions. This should not be considered a comprehensive list of all requirements or factors that may need to be addressed. You should contact the Asset Protection Right of Way Specialist if you have additional questions or concerns. This list of requirements and guidelines is subject to change at any time and without notice. Duke Energy reserves all rights conveyed to it by the right of way agreement applicable to the subject property. An engineering drawing, including topographic grade changes, location of Duke Energy structures and paths/trails must be approved by an Asset Protection Specialist.

Compliance with these Duke Energy Shared-Use Path/Trails requirements, or approval of any such plans by Duke Energy, does not guarantee that other applicable requirements imposed by any local, county, state, federal or other applicable regulatory agency have been satisfied.

Definition: For purposes of this document the term "trail(s)" shall be used to refer to Multi-Use Paths or Shared-Use Paths as defined by the American Association of State Highway and Transportation Officials (AASHTO).

1. The trails must not exceed a total of 12 feet in width, regardless of the surface construction material.
2. A minimum separation of 25 feet is required between the trail and its associated easement, to any Duke Energy electrical facility. This includes, but is not limited to, poles, towers, guy anchor(s), equipment, etc. If the owner of the trail is not the current owner of the fee simple title to the lands underlying Duke Energy's easement, the trail owner shall obtain a legally sufficient easement from the current fee simple title owner and produce said easement to Duke Energy prior to commencing activities within the Duke Energy easement. In the event a private easement is not required, no portion of the trail or shoulder, or associated grading, shall be located within 25 feet of any electrical facility.
3. The owner of the trail shall be responsible for safety and liability associated with its construction or use thereof.
4. Bollards shall be installed per Duke Energy specifications, with Duke Energy locks, where the trailheads connect with roads/streets as to prevent vehicular traffic. Duke Energy may require reinforcement of the trail at specified access points along the corridor for Duke Energy heavy equipment crossings. These trail reinforcement areas shall consist of a 20-foot-long, 12-foot-wide paved area capable of supporting 80,000 pounds with pavement markings indicating "heavy equipment crossing."
5. Culverts shall be installed where the trails cross creeks, ditches, etc. These culverts shall be capable of supporting 80,000 pounds, and shall be a minimum of 20 feet wide. Signage must indicate the maximum load of the crossing at culvert approach.
6. No structures including, but not limited to, lights, signs, benches, exercise equipment, and irrigation systems shall be located within the Duke Energy easement.
7. Planting of vegetation shall adhere to the Right of Way (RW) Restrictions Guidelines for the specific Duke Energy territory. A copy of the RW Restrictions/Guidelines can be obtained from your Asset Protection Specialist.
8. Duke Energy reserves the right to close, without notice, all or a portion of the trail located within the transmission line easement, for any length of time, for construction, maintenance or emergency line operations.
9. Duke Energy will not be held responsible for any damages to the trails due to its operations or any liability based on the use of the trail. Prior to the installation of a shared-use trail, a "Trail Encroachment Agreement", which includes "hold harmless" language, shall be executed with Duke Energy. In addition, deed information of all property owners that the trail affects must be supplied to Duke Energy. Proof that the property owners have signed an easement agreement with the owner of the trail will be required, as applicable.
10. All other Duke Energy electric transmission right of way restrictions/guidelines shall apply to the installation of trails.

We hope this is useful information. If you have additional questions or plan any activity not mentioned above, please contact:

Duke Energy Representative

Phone Number