

NextEra Energy Transmission New York, Inc.

(NEETNY)

Empire State Line

Case 18-T-0499

Appendix J

Comprehensive Right-of-Way Encroachment Plan

June 2020



Comprehensive Right-of-Way (ROW) Encroachment Plan

PLAN PURPOSE

This document summarizes ROW Encroachments Plan of NextEra Energy Transmission New York Inc. (NEETNY).

ROW ENCROACHMENT POLICY

NEETNY manages its real estate assets in a manner that minimizes or avoids encroachments. Encroachments are defined as any unauthorized use, activity or improvement taking place or placed on real estate assets or real property. To achieve this goal, NEETNY will:

- Maintain complete and accurate records of its real estate holdings;
- Classify its holdings by operating, non-operating, surplus, subsidiary properties, etc.; and,
- Develop a pro-active monitoring approach, including, an on-going program to check and monitor vulnerable properties on a regularly scheduled basis, depending on available resources.

In order to accomplish the goals of the ROW Encroachment Policy as applicable to the Empire State Line, NEETNY will implement the following:

- Provide Tax Assessors with transmission line easement holdings for Town tax maps (not currently shown on all tax maps);
- Provide Towns with a bulletin on who to contact regarding activities on NEETNY transmission line corridors;
- Develop a long-term plan to survey real estate holdings;
- Obtain copies of plans from surveyors requesting information on NEETNY properties; and,
- Develop and implement a training program for NEETNY personnel to monitor, report and investigate encroachments.

RESPONSIBILITY

The External Affairs Department is responsible for implementing the NEETNY ROW Encroachment Plan. This will include work plans, reporting, policy recommendations and updates.

In doing so, the External Affairs Department will, as necessary, enlist the aid of shared services including Transmission Maintenance, Legal Department, and Corporate Real Estate.

PLAN IMPLEMENTATION

Reporting:

Encroachments will be reported on an Encroachment Report. Typically, encroachments will be identified by:

- NEETNY Operations personnel
- Other NEETNY personnel
- Joint ROW tenant personnel
- Contract personnel
- Helicopter flights (inspections)
- Law enforcement authorities
- Customers/Landowners

Encroachments posing a safety, emergency or operational concern, will be reported to the External Affairs Department immediately.

Investigating Encroachments:

Once an encroachment report is received the External Affairs Department will:

1. Identify the location of the encroachment using appropriate deeds, plans and other NEETNY records available.
2. Determine NEETNY's property rights (e.g., fee, easement or other rights) and identify reservations or usage rights conveyed to others.
3. Investigate, or arrange to have investigated, all non-emergency encroachments reported within 30 working days (depending on available resources).
4. Consult with and seek the assistance of available resources.
5. After each investigation, complete the Encroachment Form to be retained in the External Affairs Department for future reference.

Encroachments involving safety or emergency situations will be investigated immediately. At the time of the investigation a Safety Notice will be issued to the encroaching party where possible. Emergency encroachments involving transmission lines (e.g., wood harvesting operations) also

will be investigated immediately. Encroachments involving theft, vandalism or environmental damage will be investigated immediately when they involve unauthorized removal of timber, gravel, excavation of any kind or nature or illegal dumping. A report will be made to the appropriate enforcement agency as part of the initial investigation.

Follow-up Investigation

There will be follow-up investigations of all encroachments will be to confirm that any agreed upon resolution has been carried out. Follow-up investigation will take place no later than 90 days after the initial investigation (depending on available resources). Resolution will comply with established NEETNY policies on approved uses of NEETNY lands and easements.

Co-located Rights of Way

NEETNY will coordinate with the Real Estate department of the transmission owners owning assets on adjacent rights of way. Encroachments identified in these areas will be reported to the co-located transmission owner and a coordinated plan to address the encroachment will be developed. To facilitate this communication, NEETNY will provide the co-located transmission owner with the contact phone number of the NEETNY External Affairs Department after the project is operational and personnel has been hired.

ROW Encroachment Status

NEETNY has completed evaluation of existing encroachments on the ROW. None of the existing encroachments on the NYSEG-owned ROW, or on the private parcel that NEETNY has an option to construct the Dysinger Switchyard, will prevent construction of the Empire State Line project.