

Right-of-Way “101”

Defining the Easement

To deliver critically needed natural gas via our network of interconnected pipelines, Spectra Energy must at times cross private and public lands. We obtain property interests from a landowner in a legal document called a Grant of Easement that provides us with the necessary rights to construct, operate and maintain pipeline facilities authorized by the Federal Energy Regulatory Commission (FERC).

After the landowner and our company agree to a compensation amount, the landowner signs the easement document, which is then placed on record at the local registry of deeds. The rights and responsibilities described in the document “run with the land” and remain effective with future owners.

The Grant of Easement conveys to us the rights to construct, operate and maintain the proposed facilities but the actual fee ownership of the property remains with the landowner. Because the pipeline is buried, the landowner may resume use of the surface of the right-of-way after construction and restoration, subject to some limitations as discussed under *What is an encroachment?* in the *Frequently Asked Questions* section of this document.

Property needed for any aboveground facilities, such as meter stations and valve sites, is usually purchased in fee rather than by easement or lease.

Defining the Right-of-Way

The permanent right-of-way as defined in the Grant of Easement is typically 50 feet wide. The access to the permanent right-of-way is limited to the existing public ways and any private access roads identified and acquired for the project.

Defining Temporary Workspace

When the pipeline is constructed or expanded, temporary workspace will be needed adjacent to and along the permanent right-of-way. The width of the temporary workspace will vary depending upon the local topography and/or sensitive resource areas in the vicinity of the construction. In certain areas, additional temporary workspace may be required to create safe working environments or to accommodate special crossing techniques required by permit conditions. These areas may include rocky or sloping terrain, as well as street, road, stream, railroad or wetland crossings.

We will work with each landowner who is directly affected by the proposed construction to negotiate fair compensation for the permanent right-of-way and temporary workspace. Our right to use the temporary workspace areas typically expires after the proposed permanent and temporary right-of-way is restored as close as possible to the original contours. The temporary workspace outside of the permanent right-of-way will return to its original state. The entire work area will be restored in compliance with all applicable federal, state and local permits.

Frequently Asked Questions

Q: *What is an easement or right-of-way?*

A: An easement is a legal right of a third-party to use a portion of property for a specific and limited purpose. A right-of-way generally refers to the easement area where the legal rights of the easement holder are used through another person’s property.

A Grant of Easement is the legal document that conveys to a Spectra Energy pipeline company the use of the

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Permanent structures cannot be placed on the right-of-way/easement such as:

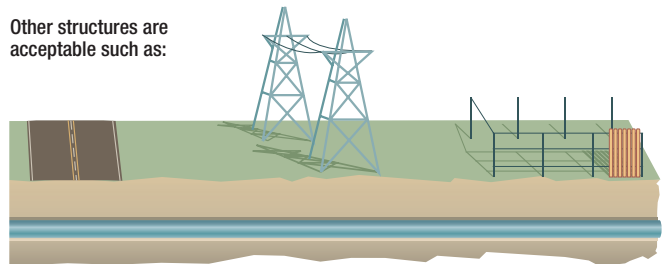


swimming pools

garages

trees

Other structures are acceptable such as:



roads

utility easements

fences

right-of-way and provides us with the necessary rights to construct, operate and maintain the pipeline facilities authorized by FERC. If the property is sold, the rights and responsibilities under the Grant of Easement stay with the property and remain in effect with the new owner of the property.

Q: *Where can a landowner find the easement that affects his or her property?*

A: Depending upon the laws of a particular state, the local registry of deeds, court house or county property records department keeps a record and a copy of the easement agreement. If the easement was granted by a prior owner, a reference to the easement also may be found in the deed conveying the property to a new owner. If this is a new easement, Spectra Energy will provide the landowner with a copy after it is executed and will record that document in the registry of deeds.

Q: *How big is the easement?*

A: The Grant of Easement generally describes the width of the permanent right-of-way and any temporary workspace that was acquired for the project. The Grant of Easement also typically references a plan, which depicts the location of the permanent right-of-way and temporary workspace with respect to property boundaries. If a landowner does not have a copy of the easement or referenced plan readily available, Spectra Energy will provide a copy or assist the landowner in determining the width.

Q: *Whom does a landowner call to locate the pipeline or facilities on his or her property?*

A: *Before digging on or near the right-of-way, a landowner should contact the local one-call center by dialing 811 – at least 48 hours (excluding weekends and holidays) prior to beginning any activities.* When we receive notification from a one-call center that someone intends to dig near our pipeline facilities, we send personnel to mark the location of the facilities in the vicinity of the proposed digging and have company employees on-site when the excavation occurs.

Q: *What size is the pipeline?*

A: Spectra Energy's pipelines typically range in size from small diameter pipelines of 4 inches to 12 inches in diameter, to large diameter pipelines of 16 inches to 48 inches in diameter. Spectra Energy will assist a landowner who wishes to know the diameter of the pipeline that is installed or proposed to be located on his or her property.

Q: *What is an encroachment?*

A: An encroachment is anything that is placed within the easement that may interfere with Spectra Energy's ability to use the easement. In most cases, the property owner may continue activities that do not pose a problem to the long-term integrity of the pipeline.

Examples of encroachments that interfere with our use of the easement and are not allowed include, but are not limited to, buildings, houses, garages, excess vegetation, mobile homes, trailers, sheds, trees, poles, decks, patios, swimming pools or other structures that obstruct or impede access to or along the right-of-way.

Utilities, driveways, streets, roads, fences and approved parking lots generally may be placed across the pipeline easement provided they meet certain criteria required to protect the pipeline. Spectra Energy can provide the landowner with the criteria. We also encourage landowners to contact the Right-of-Way Agent early in the planning process to discuss their proposals and determine what, if anything, may be required to work or place improvements near or across our pipelines.

Q: *Why does Spectra Energy maintain clear rights-of-way?*

A: Spectra Energy maintains clear rights-of-way to ensure that its operations remain as safe as possible to protect landowners, the public and the pipeline facilities. Spectra Energy must have unrestricted entry and access to all of its facilities at all times for regular maintenance or during emergency situations. A clear right-of-way provides easy identification and monitoring of pipeline facilities, which is imperative in preventing third-party damage. Trees and large shrubs obstruct the view for foot patrols and aerial inspections, which are routine procedures for maintenance. Tree roots also create a danger to the coating that protects the pipeline from corrosion.

Q: *What are the markers that are along the right-of-way?*

A: We use pipeline markers along the right-of-way for easy recognition of the presence of underground pipelines. The markers are typically located in a "line of sight" manner within the rights-of-way, along streets and at road and railroad crossings. The markers provide helpful information about what each pipeline transports, who operates the pipeline, and how to contact the pipeline company. The marker does not necessarily mark the exact location of the pipeline; therefore, pipelines in the vicinity of any excavation activity should always be located and marked by contacting the local one-call center – at 811 – prior to digging.