

1 AN ACT relating to public utilities.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS 278.010 TO 278.450 IS CREATED
4 TO READ AS FOLLOWS:

5 *(1) As used in this section, unless the context requires otherwise:*

6 *(a) "Vegetation maintenance" means cutting or mowing vegetation and*
7 *includes trimming, pruning, or removing trees and brush, and selectively*
8 *removing tree branches that extend into the utility right-of-way for the*
9 *purpose of maintaining the utility's facilities located in the right-of-way.*
10 *Vegetation maintenance shall not include brush vegetation with stems less*
11 *than six (6) inches in diameter at a height of no more than five (5) feet;*

12 *(b) "Property owner" means the person who owns the underlying fee interest*
13 *in the land encumbered by the utility right-of-way; and*

14 *(c) "ANSI" means American National Standards Institute.*

15 *(2) Except in cases of emergency, after a right-of-way for any utility defined under*
16 *KRS 278.010(3)(a) has been established, a utility shall:*

17 *(a) Provide written notice two (2) weeks prior to commencement of vegetation*
18 *maintenance to the property owner or to the utility customer located at the*
19 *address where the vegetation maintenance is to commence. Notice shall*
20 *include name, address, and phone number for a contact at the utility*
21 *commencing vegetation maintenance and shall disclose that all vegetation*
22 *maintenance shall be performed in conformance with the ANSI endorsed by*
23 *the International Society of Arboriculture;*

24 *(b) Obtain the property owner's written consent if vegetation maintenance*
25 *involves removing more than twenty-five percent (25%) of a tree's canopy;*
26 *and*

27 *(c) Be subjected to a temporary cessation to last no more than ten (10) business*

1 days following the receipt of a written response or a time and date stamped
2 call by the property owner to the utility during the period of prior notice
3 referenced in paragraph (a) of this subsection to the utility. Objections shall
4 include that vegetation maintenance is likely to cause property damage,
5 does not conform to ANSI standards, or will not be performed by qualified
6 personnel or qualified licensed contractors.

7 (3) Once the utility receives an objection to vegetation maintenance under subsection
8 (2)(c) of this section, the utility shall respond to the property owner in no more
9 than three (3) business days. If a property owner fails to file for an injunction
10 with a court of competent jurisdiction where the vegetation maintenance is to be
11 performed within seven (7) days after the utility's response, the vegetation
12 maintenance shall commence as scheduled.

13 (4) Vegetation maintenance shall:

14 (a) Be performed in accordance with the most recent version of ANSI A300,
15 Part 1, and ANSI Z133;

16 (b) Be performed by qualified electric utility personnel or licensed contractors
17 trained to conduct vegetation maintenance consistent with the standards in
18 paragraph (a) of this subsection or by an arborist certified by the
19 International Society of Arboriculture;

20 (c) Meet the requirements of the most recent version of the National Electrical
21 Safety Code; and

22 (d) Include the removal of debris not more than three (3) days after vegetation
23 maintenance. Utilities shall not be subject to the time frame in this
24 paragraph in situations of cleanup from storm damage.

25 (5) Utilities shall develop a customer education plan that details how the utility
26 performs vegetation maintenance, including the trimming and pruning cycles,
27 proper methods for pruning trees, and necessary clearances from poles and lines.