

HOUSE No. 2863

The Commonwealth of Massachusetts

PRESENTED BY:

Josh S. Cutler

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to public utility company vegetation management.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>

HOUSE No. 2863

By Mr. Cutler of Duxbury, a petition (accompanied by bill, House, No. 2863) of Josh S. Cutler and others relative to public utility company vegetation management

□. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to public utility company vegetation management.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 25 of the General Laws as appearing in the 2012 official edition is hereby
2 amended by adding the following sections :-

3 Section 23. (a) The Department of Public Utilities shall promulgate rules and regulations
4 that require public utility companies to file, and the Department to approve, a vegetation
5 management plan prior to any vegetation removal in transmission rights of way. A public utility
6 company shall not remove any vegetation, unless in preparation for or response to an imminent
7 emergency event, until

8 (1) the removal is described and approved in a valid vegetation management plan; and

9 (2) the company complies with the notice requirements of section 25.

10 (b) Prior to approval by the Department, the Department shall hold a public meeting in
11 each municipality in which the utility company proposes to remove vegetation.

12 (c) Vegetation removal shall not begin within 60 days of the date the Department
13 approves the vegetation management plan.

14 (d) A vegetation management plan that is approved by the department will be valid for a
15 maximum of four years from the date the Department approves the plan.

16 Section 24. A vegetation management plan shall include, in addition to requirements
17 specified by the Department:

18 (a) an evaluation of the impact the proposed vegetation removal will have on the each
19 of the following in each municipality in which vegetation will be removed:

20 (1) endangered species;

21 (2) local water supplies;

22 (3) storm water runoff;

23 (4) septic treatment areas; and

24 (b) the company's plans to restore removed vegetation with compatible species of
25 plants.

26 Section 25. (a) If the vegetation management plan is approved by the Department, the
27 utility company shall file a copy of the plan in each municipality in which the company will be
28 removing vegetation. The company shall have 30 days from the date the Department approves
29 the plan to file a copy with all applicable municipalities.

30 (b) The public utility company will conduct, at its own cost, a formal land survey
31 detailing the actual physical boundaries of the right of way through each parcel of land where

32 vegetation removal will occur. This survey will be used to accurately mark the vegetation that
33 will be removed. Vegetation that will be removed will be marked conspicuously as such at least
34 30 days prior to the start of removal.

35 (c) The public utility company will provide written notice of the vegetation removal to
36 each homeowner abutting the right of way at least 30 days prior to the start of removal. This
37 notice must include, but is not limited to, the date on which the removal will begin, describe the
38 process by which the homeowner may request a meeting with company representatives, and
39 describe the process the company will use to replant compatible species.

40 Section 26. During vegetation removal, the public utility company shall complete stump
41 grindings whenever it cuts trees to the stump. The company shall also re-plant compliant species
42 of plants to partially restore the vegetation it removes. The company shall bear the cost of stump
43 grinding and restoration efforts.

44 Section 27. The penalty for removing any tree, if the trunk of the tree is outside of the
45 surveyed right of way, shall be a fine of \$1,000 per tree removed.