

SENATE BILL 654

M1, C5

8lr2521

By: **Senator Frosh**

Introduced and read first time: February 1, 2008

Assigned to: Education, Health, and Environmental Affairs and Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Utility Tree Management Act**

3 FOR the purpose of requiring certain public utilities to prepare a certain plan in
4 accordance with certain requirements under certain circumstances; requiring a
5 certain public utility to enter into a certain agreement with the Department of
6 Natural Resources under certain circumstances; requiring certain programs and
7 plans to be published in accordance with certain requirements; authorizing the
8 Department to issue a stop work order under certain circumstances; providing
9 for certain penalties under certain circumstances; authorizing the Department
10 to adopt certain regulations; defining a certain term; and generally relating to
11 public utilities and tree preservation.

12 BY adding to

13 Article – Natural Resources

14 Section 5–1901 through 5–1905 to be under the new subtitle “Subtitle 19. Public
15 Utility Tree Preservation”

16 Annotated Code of Maryland

17 (2005 Replacement Volume and 2007 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Natural Resources**

21 **SUBTITLE 19. PUBLIC UTILITY TREE PRESERVATION.**

22 **5–1901.**

23 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
24 INDICATED.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) “COMPATIBLE VEGETATION” MEANS VEGETATION THAT DOES NOT**
2 **POSE A PRESENT OR LONG-TERM RISK TO UTILITY INFRASTRUCTURE OR**
3 **RELIABILITY.**

4 **(C) “PUBLIC UTILITY” MEANS AN ELECTRIC COMPANY, A GAS COMPANY,**
5 **OR A TELEPHONE COMPANY AS THOSE TERMS ARE DEFINED IN §**
6 **1-101 OF THE PUBLIC UTILITY COMPANIES ARTICLE.**

7 **5-1902.**

8 **NOTWITHSTANDING § 5-1602(B)(5) AND (6) OF THIS TITLE, THIS**
9 **SUBTITLE APPLIES TO TREE REMOVAL BY A PUBLIC UTILITY.**

10 **5-1903.**

11 **(A) (1) IN ADDITION TO ANY TRANSMISSION VEGETATION**
12 **MANAGEMENT PROGRAM OR ANNUAL PLAN FOR VEGETATION MANAGEMENT**
13 **PREPARED IN ACCORDANCE WITH A STANDARD, RECOMMENDATION, ORDER,**
14 **REGULATION, OR OTHER PROCLAMATION OF THE FEDERAL ENERGY**
15 **REGULATORY COMMISSION, A PUBLIC UTILITY, BEFORE CLEARING OR**
16 **TRIMMING VEGETATION ON OR ADJACENT TO A PUBLIC UTILITY**
17 **RIGHT-OF-WAY, SHALL PREPARE A TREE MANAGEMENT PLAN.**

18 **(2) THE TREE MANAGEMENT PLAN SHALL INCLUDE MEASURES TO**
19 **MINIMIZE:**

20 **(I) TREE REMOVAL; AND**

21 **(II) ADVERSE ENVIRONMENTAL IMPACTS ON AND**
22 **ADJACENT TO THE PUBLIC UTILITY RIGHT-OF-WAY, INCLUDING:**

23 1. **WETLANDS;**

24 2. **AREAS WITHIN 100 FEET OF STATE WATERS;**

25 3. **STEEP SLOPES; AND**

26 4. **ERODIBLE LANDS.**

27 **(3) THE TREE MANAGEMENT PLAN SHALL PROVIDE FOR THE**
28 **PLANTING OF COMPATIBLE SPECIES ON AREAS ADJACENT TO A RIGHT-OF-WAY**
29 **FROM WHICH TREES AND OTHER VEGETATION HAVE BEEN REMOVED.**

1 (4) (I) THE TREE MANAGEMENT PLAN SHALL BE SUBMITTED
2 TO THE DEPARTMENT AT LEAST 30 DAYS BEFORE THE PLAN WILL BE
3 IMPLEMENTED.

4 (II) THE PLAN SHALL BE ACCOMPANIED BY A MAP OF THE
5 WORK AREA SHOWING:

6 1. PROPERTY BOUNDARIES, WATERWAYS, AND
7 TOPOGRAPHY; AND

8 2. SPECIFIC AREAS WHERE VEGETATION
9 MANAGEMENT ACTIVITIES, INCLUDING TREE REMOVAL, TRIMMING, HERBICIDE
10 APPLICATION, AND PLANTING, WILL OCCUR.

11 (B) A PUBLIC UTILITY SHALL ENTER INTO A BINDING 2-YEAR
12 MANAGEMENT AGREEMENT WITH THE DEPARTMENT THAT DESCRIBES HOW
13 AREAS AFFORESTED WITH COMPATIBLE SPECIES WILL BE MAINTAINED TO
14 ENSURE PROTECTION AND SATISFACTORY ESTABLISHMENT, INCLUDING
15 REFORESTATION PROVISIONS IF SURVIVAL FALLS BELOW REQUIRED
16 STANDARDS.

17 (C) TRANSMISSION VEGETATION MANAGEMENT PROGRAMS, ANNUAL
18 PLANS FOR VEGETATION MANAGEMENT, AND TREE MANAGEMENT PLANS SHALL
19 BE PUBLISHED AND MADE AVAILABLE TO THE PUBLIC AT LEAST 30 DAYS
20 BEFORE IMPLEMENTATION.

21 **5-1904.**

22 (A) THE DEPARTMENT MAY ISSUE A STOP WORK ORDER AGAINST ANY
23 PERSON WHO VIOLATES THIS SUBTITLE OR A PROVISION OF A TRANSMISSION
24 VEGETATION MANAGEMENT PROGRAM, AN ANNUAL PLAN FOR VEGETATION
25 MANAGEMENT, OR A TREE MANAGEMENT PLAN ADOPTED UNDER THIS
26 SUBTITLE.

27 (B) FAILURE TO ADHERE TO THE REQUIREMENTS OF THIS SUBTITLE OR
28 TO THE PROVISIONS OF A TREE MANAGEMENT PLAN SHALL SUBJECT A PUBLIC
29 UTILITY TO THE PENALTIES UNDER § 5-1301 OF THIS ARTICLE.

30 **5-1905.**

31 THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS
32 SUBTITLE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2008.