

**Department of Legislative Services**  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 352

(Senator Peters, *et al.*)

Education, Health, and Environmental Affairs

Economic Matters

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**Public Utility Tree Management Act of 2009**

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This bill requires a public utility to prepare a specified tree management plan before tree removal on or adjacent to a public utility transmission right-of-way in a residentially zoned area. A plan must include measures to minimize adverse environmental impacts and must provide procedures for identifying, conducting outreach to, and communicating with stakeholders. A plan must be made available to the public and submitted to the Department of Natural Resources (DNR) and the local government within the boundaries of which the tree removal is proposed. The bill, however, does not apply if a tree is uprooted or its branches are broken so as to contact or endanger wires, or if a tree or its branches endanger persons or property. DNR is authorized to adopt regulations to implement the bill.

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**Fiscal Summary**

**State Effect:** Any necessary enforcement of the bill is assumed to be absorbable within existing resources.

**Local Effect:** Any impact on local governments with municipal utilities is not expected to be significant.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Cutting or clearing of public utility rights-of-way or land for licensed electric generating stations is exempt from the Forest Conservation Act, subject to specified conditions, including conducting the cutting or clearing so as to minimize the

loss of forest. Routine maintenance of public utility rights-of-way is also exempt. The Act, generally aimed at minimizing the loss of Maryland's forest resources during land development, requires the preparation and approval of a forest conservation plan, consistent with specified standards and requirements, for any activity requiring a subdivision plan or grading or sediment control permit on areas 40,000 square feet or greater. The forest management plan must include a binding two-year management agreement regarding maintenance of areas designated for afforestation or reforestation.

The Public Service Commission (PSC) is required to consider the need to minimize the loss of forest and the Forest Conservation Act's provisions for afforestation and reforestation, along with all applicable electrical safety codes, when reviewing applications for certificates of public convenience and necessity required for the construction of electric generation facilities and transmission lines.

DNR administers the Roadside Tree Law. The law and its associated regulations seek to ensure the proper care and protection of roadside trees and their compatibility with an efficient and dependable public utility system. A person generally must obtain a permit from DNR in order to cut down or trim a roadside tree. A permit is not required if a tree is uprooted or its branches broken so as to contact wires, or if the tree or its branches endanger persons or property. DNR issues two types of tree care permits: (1) Roadside Tree Project Permit – for specific tree care operations on a specific tree or group of trees for a term of not more than one year; and (2) Roadside Tree Blanket Permit – for comprehensive and continuing programs of general tree care such as those administered by government entities, corporations, or public utilities.

The Secretary of Natural Resources is responsible for the enforcement of all natural resource laws of the State and rules and regulations adopted pursuant to the Natural Resources Article.

**Background:** In recent years, trees have been a significant cause of electric service interruptions during stormy weather as evidenced by outages during Hurricane Isabel in 2003 and other major storm events since that time. PSC indicates that more than 2,000 miles of electric power transmission line right-of-ways are located throughout Maryland.

The Maryland Electric Reliability Tree Trimming Council, which includes representatives of electric utilities, PSC, and DNR, was formed in 2000 and meets quarterly. The council is geared toward cooperation and facilitation of communication between State government and electric utilities to address environmental and electric reliability concerns.

Five municipalities in Maryland (Berlin, Easton, Hagerstown, Thurmont, and Williamsport) have municipal electric utilities.

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### **Additional Information**

**Prior Introductions:** SB 654 of 2008, a similar bill, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

**Cross File:** HB 480 (Delegate Levi, *et al.*) - Economic Matters.

**Information Source(s):** Department of Natural Resources; Public Service Commission; Carroll, Harford, and Montgomery counties; Town of Williamsport; City of Havre de Grace; Department of Legislative Services

**Fiscal Note History:** First Reader - February 22, 2009  
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