HOUSE DOCKET, NO. 3496 FILED ON: 1/21/2011

HOUSE . . . . . No. 3058

The Commonwealth of Massachusetts

PRESENTED BY:

Paul W. Mark

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 passage of the accompanying:

An Act to study safe, reliable and cost-effective transmission of electric power in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Paul W. Mark	*2nd Berkshire*

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HOUSE . . . . . No. 3058

By Mr. Mark of Hancock, a petition (accompanied by bill, House, No. 3058) of Paul W. Mark for legislation to establish a special commission (including members of the General Court) to make an investigation and study relative to the safe, reliable and cost-effective transmission of electricity. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

An Act to study safe, reliable and cost-effective transmission of electric power in the Commonwealth.

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

SECTION 1. Whereas, Safe and efficient high-voltage transmission in the Commonwealth is essential for the reliable and cost-effective transmission of electric power to homes and businesses in Massachusetts; and

Whereas, Awareness of the vital importance of climate change has made energy efficiency a matter of national and state urgency, and

Whereas, the Federal Energy Regulatory Commission issued a report on September 7, 2004 describing the need for clarification of the state, federal and local regulatory environment to permit efficient and coordinated control of vegetation along ROWs; and

Whereas, the uncontrolled growth of trees in the “wire security zone” was found, by a Canadian/US commission to be the principle cause of the worst blackout in US history, affecting some 50 million people in August, 2003, and

Whereas, the toxicity of herbicides used for such vegetation control to fish, birds, mammals and, especially amphibians is well established by a preponderance of scientific evidence, to the extent that the U.S. Fish and Wildlife Service prohibits herbicidal applications during certain periods of the year to protect the environment and endangered species.

Therefore, a commission is formed to study ways to preserve and enhance safe and efficient transmission of electric power in the Commonwealth, including a) the relative merits and applications of above-ground and underground transmission relative to safety, cost and

19 reliability, b) current industry vegetation control practices in “wire security zones” and the
20 vegetation

21 control’s impact on efficiency of energy transmission and on animals and humans and
22 alternative vegetation management practices which might reduce the need for herbicides, c) the
23 security and regulation of wind, solar, hydroelectric and other forms of privately–owned (i.e.
24 distributed generation) electricity including the qualifications of approved installers and just and
25 fair compensation for electricity added to the grid from these sources.

26 SECTION 2. The study commission shall include four members

27 appointed by the Speaker of the House, four members appointed by

28 the Senate President, and eight members appointed by the Governor.

29 These members shall include the chairs of the joint committee on the

30 environment, the chairs of the joint committee on energy, one

31 member of a Massachusetts environmental group, the commissioner

32 of agriculture, one biologist specializing in pesticides and herbicides,

33 the secretary of the department of telecommunications and energy,

34 and two representatives of the electric industry. The committee shall

35 request opinions from Electricity Producers and Distributors, UMass Extension, the
36 Massachusetts Geological Information Services, the Massachusetts delegation to the US

37 Congress, the National Council of State Legislators, the North

38 American Electric Reliability Council, the National Association of

39 Regulatory Utility Commissioners, and the United States Fish and

40 Wildlife Service and any other institution or individual.

41 The charge to the Commission shall include, but not be limited to the following:

42 a) Study the reliability of above-ground transmission lines in urban areas, including
43 Lynn and surrounding cities and towns, and recommend legislation or other actions to be taken
44 to assure reliable, efficient and safe electricity transmission,

45 b) Assess the width of ROWs in Massachusetts relative to the voltage

46 carried by power lines and the need, if any, for additional emergency

47 powers for utility line managers to prune, top, or remove individual

48 trees on private or state-owned land outside the ROW that pose a

49 danger of falling or being blown down onto active high-voltage

50 lines, thus interrupting the effective transmission of electrical power

51 throughout the power grid.

52 c) Evaluate current industry standards and practices of installing, managing and
53 recompensing private producers of electricity and the need for changes in practice relative to any
54 aspect of those standards, including the qualifications of installers and

55 d) Evaluate industry practices of vegetation management in electric "wire security
56 zones" including impact on animals, including fish, birds, mammals and amphibians, and on
57 humans.

58 e) Explore the applicability of vegetation management practices

59 that propagate and encourage the growth of low bushes and shrubs

60 such as Hazelnut (Corylus Americana), Mountain Laurel (Kalmia

61 latifolia), blueberries (Vaccinium corymbosum), and other species

62 that can provide food for animals and humans and beautification as a

63 supplement or alternative to cutting, mowing and the application of herbicides.

64 f) Determine the feasibility and costs of mapping of the entire

65 high-voltage electrical grid in Massachusetts highlighting areas requiring enhancement or
66 new construction to ensure safe, reliable and efficient transmission of electricity and of

67 designating wetlands, streams and vernal pools where frogs and amphibians breed.

68 g) Provide recommendations for legislation or regulation changes

69 for the protection and preservation of species diversity, including but

70 not limited to restrictions on vegetation control methods, rates of

71 herbicide application and seasonality of vegetation control to accommodate the
72 reproductive cycle of affected amphibians and any other species of critical concern.

73 h) Appraise the feasibility of creating a state program to allow municipalities

74 to plant and maintain native bushes and shrubs, including Blueberries,

75 Hazelnut, and Mountain Laurel in electric “wire securityzones”, as an alternative to
76 current vegetation management.

77 i) Generate recommendations for further study, if necessary, including

78 how and when that further study should take place.

79 SECTION 3. Within nine months of the commission appointment,

80 a final report shall be filed with the joint committee on energy, the

81 joint committee on the environment, the governor, and shall be made

82 available to the public. The commission shall end three months after

83 the publishing of the final report.