HOUSE DOCKET, NO. 595 FILED ON: 1/18/2011

HOUSE . . . . . No. 885

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas M. Stanley

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 relative to the protection of shade trees. .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas M. Stanley	*9th Middlesex*

HOUSE DOCKET, NO. 595 FILED ON: 1/18/2011

HOUSE . . . . . No. 885

By Mr. Stanley of Waltham, petition (accompanied by bill, House, No. 885) of Thomas M. Stanley for legislation to require utility companies to establish vegetation management and hazard tree removal plans. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

An act relative to the protection of shade trees. .

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

Chapter 87 of the General Laws is hereby amended by adding the following section:-

Section 14. (a) For the purposes of this section, a utility shall be defined as any overhead distribution of services through transmission wires. Any utility company required to maintain an overhead distribution network for the safe and reliable distribution of services to its customer base shall be exempted from sections 3 and 5 if the provisions of this section are met.

(b) A utility shall, annually, submit a vegetation management plan or hazard tree removal plan to each tree warden, or other officers charged with the care of shade trees, in the municipalities in which maintenance work or tree removal work shall be performed. Each city or town receiving the plan shall at least 30 days prior to any consideration of the plan, cause a public hearing to be held, after giving timely notice, in the city or town where such plan is implemented for the purpose of receiving public comment on the proposed plan. Such public comment shall be considered by the tree warden. Upon receiving formal, written notification from the tree warden that the plan has been reviewed and approved, approved with modifications agreed to by both parties or disapproved, the utility may be granted or denied an exemption for said work only under sections 3 and 5.

(c) If the vegetation management plan or the hazard tree removal plan is not reviewed and approved or approved with modifications agreed to by both parties, then the exemptions set forth in sections 3 and 5 shall not apply. The municipal tree warden shall have a period of 90 days from receipt of the vegetation management plan or hazard tree removal plan to notify the utility of the rendered decision in writing.

(d) A utility shall provide to the state forester a copy of the annual vegetation management plan or hazard tree removal plan and a copy of any approval or denial letter from each tree warden.

24 (e) A utility shall, annually, submit a set of utility tree maintenance standards and
25 specifications and evidence that these standards have been adopted by the utility company to the
26 state forester's office. These standards and specifications shall be in conformance with the:
27 American National Standard Institute A-300, American National Standard Institute Z-133,
28 National Electric Safety Code 218 Tree Trimming and OSHA 29 CFR Part 1910 Line Clearance
29 Tree Trimming Operations.