

HOUSE No. 3081

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to Study the 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:

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

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

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

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

12 Whereas, the toxicity of herbicides used for such vegetation control to fish, birds,
13 mammals and, especially amphibians is well established by a preponderance of scientific
14 evidence,

15 Therefore, a commission is formed to study ways to preserve and enhance safe and
16 efficient transmission of electric power in the Commonwealth, including

17 a) evaluating the relative merits and applications of above-ground and underground
18 transmission relative to safety, cost and reliability,

19 b) studying 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, and

23 c) assessing the security and regulation of wind, solar, hydroelectric and other forms of
24 privately–owned (i.e. distributed generation) electricity including the qualifications of approved
25 installers and just and 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 American Electric Reliability
38 Council, the National Association of Regulatory Utility Commissioners, and the United States
39 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 construction, capacity
47 enhancement, and emergency

48 powers for utility line managers to prune, top, or remove individual
49 trees on private or state-owned land outside the ROW that pose a

50 danger of falling or being blown down onto active high-voltage
51 lines, thus interrupting the effective transmission of electrical power
52 throughout the power grid.

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

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

59 e) Explore the applicability of vegetation management practices
60 that propagate and encourage the growth of low bushes and shrubs
61 such as Hazelnut (*Corylus Americana*), Mountain Laurel (*Kalmia*
62 *latifolia*), blueberries (*Vaccinium corymbosum*), and other species
63 that can provide food for animals and humans and beautification as a
64 supplement or alternative to cutting, mowing and the application of herbicides.

65 f) Determine the feasibility and costs of mapping of the entire
66 high-voltage electrical grid in Massachusetts highlighting areas requiring enhancement or
67 new construction to ensure safe, reliable and efficient transmission of electricity and of
68 designating wetlands, streams and vernal pools where frogs and amphibians breed.

69 g) Appraise the feasibility of creating a state program to allow municipalities
70 to plant and maintain native bushes and shrubs, including Blueberries,
71 Hazelnut, and Mountain Laurel in electric “wire securityzones”, as an alternative to
72 current vegetation management.

73 h) Provide recommendations for legislation or regulation changes on any matters arising
74 from this study, to include recommendations

75 for the protection and preservation of species diversity, including but
76 not limited to restrictions on vegetation control methods, rates of

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

79 i) Generate recommendations for further study, if necessary, including
80 how and when that further study should take place.

81 SECTION 3. Within nine months of the commission appointment,
82 a final report shall be filed with the joint committee on energy, the
83 joint committee on the environment, the governor, and shall be made
84 available to the public. The commission shall end three months after
85 the publishing of the final report.