

HOUSE No. 4791

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act RELATIVE TO CUTTING DOWN, TRIMMING OR REMOVING BUSHES AND SMALL TREES..

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. Chapter 87 of the General Laws is hereby amended by inserting after
2 section 13 the following section:-

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

7 (a) The utility shall, annually, submit a vegetation management plan to each tree warden
8 in the municipalities in which maintenance work will be performed. Upon receiving formal,
9 written notification from the tree warden that the plan has been reviewed and approved,
10 approved with modifications agreed to by both parties, or disapproved, the utility shall be
11 granted or denied an exemption for said work only under sections 3 and 5 of this chapter.

12 (b) The utility shall submit an annual utility hazard tree removal plan to each tree warden
13 in the municipalities in which hazard tree removal work will be performed. Upon receiving

14 formal, written notification from the tree warden that the plan has been reviewed and approved,
15 approved with modifications agreed to by both parties, or disapproved, the utility shall be
16 granted or denied an exemption for said work only under sections 3 and 5 of this chapter.

17 (c) If the vegetation management plan or the hazard tree removal plan is not reviewed
18 and approved or approved with modifications agreed to by both parties, then the exemptions set
19 forth in sections 3 and 5 will not apply and all sections of chapter 87 will be adhered to. The
20 municipal tree warden will have a period of 45 days from receipt of the vegetation management
21 plan or hazard tree removal plan to notify the utility of the rendered decision in writing.

22 (d) The utility shall provide to the state forester a copy of the annual vegetation
23 management plan or hazard tree removal plan and a copy of the approval/denial letter from each
24 tree warden. The state forester will provide the utility with a read receipt.

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