

**HOUSE . . . . . No. 5121**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Ten**  
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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 adding the following  
2 section:-

3 Section 14. For the purposes of this section, a utility shall be defined as any distribution  
4 company as defined in chapter 164.

5 (a) A utility may or at the request of the tree warden shall submit an annual vegetation  
6 management plan describing the maintenance work to be performed in the municipality. The  
7 plan shall include, at a minimum, a map of the circuits where the maintenance work will be  
8 performed, the tree maintenance standards that will be followed and any foreseeable variance  
9 from those standards. In addition, the plan shall comply with local ordinances and regulations.

10 The vegetation management plan shall be submitted not less than 90 days prior to the  
11 date the utility proposes to begin its maintenance work. Upon receipt of the plan, the tree warden  
12 or their designee shall have 60 days to notify the utility in writing whether the plan has been  
13 approved.

14           Upon receiving written notification that the plan has been approved, or approved with  
15 modifications agreed to by both parties, the utility shall be exempted from the requirements of  
16 sections 3 and 5 for the work described in the approved plan.

17           (b) A utility may or at the request of the tree warden shall submit an annual hazard tree  
18 removal plan describing hazard tree removal work to be performed in the municipality. The plan  
19 shall include, at a minimum, the specific trees that the utility has identified as a hazard and  
20 proposes to remove. In addition, the plan shall comply with local ordinances and regulations.

21           The hazard tree removal plan shall be submitted not less than 90 days prior to the date the  
22 utility proposes to begin tree removal. Upon receipt of the plan, the tree warden or their  
23 designee shall have 60 days to notify the utility in writing whether the plan has been approved.

24           Upon receiving written notification that the plan has been approved, or approved with  
25 modifications agreed to by both parties, the utility shall be exempted from the requirements of  
26 sections 3 and 5 for the work described in the approved plan.

27           (c) If the tree warden fails to notify the utility whether the vegetation management plan or  
28 hazard tree removal plan has been approved within 60 days of receipt of the plan, the utility may  
29 request a decision by the selectmen, mayor or chief administrative officer of the municipality.

30           (d) Notwithstanding the fact that a vegetation management plan or hazard tree removal  
31 plan has been approved, the utility shall notify the tree warden in writing not less than 14 days  
32 prior to beginning maintenance work or tree removal work in a municipality. If a local  
33 ordinance or regulation requires more than 14 days notice, the utility shall comply with such  
34 ordinance or regulation. Such notice shall include the date on which the utility will begin work  
35 and the phone number of the person or persons supervising the work in the field.

36 (e) The utility shall provide to the state forester, or any such person or agency as  
37 designated by the secretary of energy and environmental affairs, a copy of the annual vegetation  
38 management plan or hazard tree removal plan and a copy of the approval or denial letter from  
39 each tree warden. The state forester, or any such person or agency as designated by the secretary  
40 of energy and environmental affairs, shall provide the utility with a read receipt.

41 (f) The utility shall, annually, submit a set of utility tree maintenance standards and  
42 specifications and evidence that these standards have been adopted by the utility company to the  
43 state foresters office. These standards and specifications shall be in conformance with the  
44 following: American National Standard Institute A-300, American National Standard Institute  
45 Z-133, National Electric Safety Code 218 Tree Trimming and OSHA 29 CFR Part 1910 Line  
46 Clearance Tree Trimming Operations, as amended by the issuing authority. The state forester, or  
47 any such person or agency as designated by the secretary of energy and environmental affairs,  
48 shall make these standards and specifications available to the public on their websites or other  
49 accessible locations. They shall accept, and maintain a publicly accessible record of, comments  
50 received on the standards and specifications and shall transmit them to the utilities.