

HOUSE No. 5121

The Commonwealth of Massachusetts

Substituted by the House, on motion of Mr. Pedone of Worcester, for a Bill relative to cutting down, trimming or removing bushes and small trees (House, No. 5121). December 21, 2010.

The Commonwealth of Massachusetts

In the Year Two Thousand and 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 adding the following
2 section:-

3 Section 14. For the purposes of this section, a utility shall be defined as any distribution company
4 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 date the
11 utility proposes to begin its maintenance work. Upon receipt of the plan, the tree warden or their
12 designee shall have 60 days to notify the utility in writing whether the plan has been approved.
13 Upon receiving written notification that the plan has been approved, or approved with
14 modifications agreed to by both parties, the utility shall be exempted from the requirements of
15 sections 3 and 5 for the work described in the approved plan.

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

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

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

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

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

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

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