

# HOUSE . . . . . No. 764

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By Mr. Guyer of Dalton (by request), petition of Davio Danielson for legislation to establish a special commission (including members of the General Court) to make an investigation and study relative to vegetation management within electric wire security zones. Environment, Natural Resources and Agriculture.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Seven.

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### AN ACT TO STUDY VEGETATION MANAGEMENT IN ELECTRIC WIRE SECURITY ZONES.

*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*, High-voltage transmission lines in the  
2 Commonwealth are essential for the safe, reliable and cost-effective  
3 transmission of electric power to homes and businesses in Massa-  
4 chusetts; and  
5 *Whereas*, the uncontrolled growth of trees in the so-called “wire  
6 security zone” was responsible for the worst blackout in history,  
7 affecting more than 50 million people in August, 2003; and  
8 *Whereas*, a binational Canadian/US commission found that  
9 uncontrolled and unmanaged growth of vegetation was a contribu-  
10 tory cause of the blackout; and  
11 *Whereas*, the Federal Energy Regulatory Commission issued a  
12 report on September 7, 2004 describing in detail the need for a range  
13 of actions, including but not limited to clarification of the state, fed-  
14 eral and local regulatory environment to permit efficient and coordi-  
15 nated control of vegetation along ROWs; and  
16 *Whereas*, the toxicity of herbicides used for such vegetation con-  
17 trol to fish, birds, mammals and, especially amphibians is well-  
18 established by a preponderance of scientific evidence, to the extent  
19 that the U.S. Fish and Wildlife Service prohibits herbicidal applica-  
20 tions during certain periods of the year to protect the environment  
21 and endangered species;

22 *Therefore*, a commission is formed to study the current industry  
23 vegetation control practices in the “wire security zone” and the vege-  
24 tation control’s impact on animals and humans and alternative vege-  
25 tation management practices which reduce the need for herbicides.

1 SECTION 2. The study commission shall include four members  
2 appointed by the Speaker of the House, four members appointed by  
3 the Senate President, and eight members appointed by the Governor.  
4 These members shall include the chairs of the joint committee on the  
5 environment, the chairs of the joint committee on energy, one  
6 member of a Massachusetts environmental group, the commissioner  
7 of agriculture, one biologist specializing in pesticides and herbicides,  
8 the secretary of the department of telecommunications and energy,  
9 and two representatives of the electric industry. The committee shall  
10 request opinions from UMass Extension, the Massachusetts Geolog-  
11 ical Information Services, the Massachusetts delegation to the US  
12 Congress, the National Council of State Legislators, the North  
13 American Electric Reliability Council, the National Association of  
14 Regulatory Utility Commissioners, and the United States Fish and  
15 Wildlife Service and any other institution or individual which may  
16 be affected by vegetation control in electric “wire security zones”

17 a) The width of ROWs in Massachusetts relative to the voltage  
18 carried by the lines and the need, if any, for additional emergency  
19 powers for utility line managers to prune, top, or remove individual  
20 trees on private or state-owned land outside the ROW that pose a  
21 danger of falling or being blown down onto active high-voltage  
22 lines, thus interrupting the effective transmission of electrical power  
23 through the power grid.

24 b) Evaluate current industry standards and practices of vegetation  
25 management in electric “wire security zones”.

26 c) Evaluate the impact of vegetation control in electric “wire  
27 security zones” on animals, including fish, birds, mammals and  
28 amphibians, and on humans.

29 d) Explore the applicability of vegetation management practices  
30 that propagate and encourage the growth of low bushes and shrubs  
31 such as Hazelnut (*Corylus Americana*), Mountain Laurel (*Kalmia*  
32 *latifolia*), blueberries (*Vaccinium corymbosum*), and other species  
33 that can provide food for animals and humans and beautification as a

34 supplement or alternative to cutting, mowing and the application of  
35 poisonous herbicides.

36 e) Determine the feasibility and costs of mapping of the entire  
37 high-voltage electrical grid in Massachusetts highlighting areas of  
38 designated wetlands and streams and areas of vernal pools where  
39 frogs and amphibians breed.

40 f) Provide recommendations for legislation or regulation changes  
41 for the protection and preservation of species diversity, including but  
42 not limited to restrictions on vegetation control methods, rates of  
43 herbicide application and timing of vegetation control especially in  
44 the spring to accommodate the reproductive cycle of affected  
45 amphibians and other species of critical concern.

46 g) Feasibility of creating a state program to allow municipalities  
47 to plant and maintain native bushes and shrubs, including Blueber-  
48 ries, Hazelnut, and Mountain Laurel in electric “wire security  
49 zones”, as an alternative to current vegetation management.

50 h) Recommendations for further study, if necessary, including  
51 how and when that further study should take place.

1 SECTION 3. Within nine months of the commission appointment,  
2 a final report shall be filed with the joint committee on energy, the  
3 joint committee on the environment, the governor, and shall be made  
4 available to the public. The commission shall end three months after  
5 the publishing of the final report.