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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- VEGETATION PLANNING AND  
MAINTENANCE ACT

Introduced By: Representatives Carson, Cortvriend, McGaw, Boylan, Donovan,  
Speakman, Cotter, and Kazarian

Date Introduced: March 01, 2024

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. It is hereby found and declared:

2 (1) Due to climate change, excessive winds produce enough force to cause large trees with  
3 weak root systems to be uprooted, cause tree trunks to fail at their weakest points, resulting in snaps  
4 or breaks, and winds causing a twist of the tree trunk can leave dangerous splits and cracks causing  
5 enough tree damage to down utility lines and cause power outages;

6 (2) High winds, heavy rain and ice buildup place a lot of stress on a tree, which can lead to  
7 fallen branches or structural damage. To protect trees against storms, it is important to incorporate  
8 regular pruning into tree maintenance.

9 (3) When the soil becomes supersaturated and almost soup-like it loses its strength and the  
10 roots slip through the soil more. This can contribute to tree failure if strong winds were to blow  
11 after or during massive rainfall, or if the tree is out of balance due to a lean or asymmetric canopy;

12 (4) Rhode Island needs to transition from reactive to proactive roadside vegetation  
13 management planning to protect against tree damage resulting in the loss of electric power. Rhode  
14 Island needs to expedite tree removals, as to transition from a reactive to proactive approach to  
15 vegetation management. The public needs to be educated as to why there is a need for these tree  
16 removals; and at the same time every effort needs to be made to keep this process of tree removal  
17 at a level that is appropriate to the problem, is intelligent in its approach, cost effective and effective  
18 over the long term;

1 (5) Rhode Island needs municipal, emergency management agency (EMA) and department  
2 of transportation (DOT) involvement in vegetation management planning since municipalities and  
3 DOT are responsible for the "care and control" of the vast majority of trees alongside Rhode Island  
4 roads and the EMA is responsible for road safety;

5 (6) The "Right Tree Right Place program" includes both small and large Trees: "Right Tree,  
6 Right Place" is an important concept, as it captures the need for trees to be planted in places where  
7 they are appropriate (i.e., size, form, growth requirements and other features). This means small  
8 trees in the vicinity of utility wires, but it also means large trees where the site is appropriate, for  
9 all the personal, social, and environmental advantages associated with both small and large trees  
10 on state and local roads.

11 SECTION 2. Title 39 of the General Laws entitled "PUBLIC UTILITIES AND  
12 CARRIERS" is hereby amended by adding thereto the following chapter:

13 CHAPTER 33

14 VEGETATION PLANNING AND MAINTENANCE ACT

15 **39-33-1. Purpose and intent.**

16 (a) This chapter is enacted to promote cost efficient vegetation maintenance by Rhode  
17 Island electric distribution companies, with a focus on enhancing utility safety, cost efficiency,  
18 energy efficiency, environmental conservation, climate resilience, public engagement and public  
19 safety.

20 (b) By establishing clear guidelines for preparing a statewide utility managed vegetation  
21 plan every four (4) years, utility companies and electric distribution companies must, as part of  
22 their plan preparation, include public and private property owners, municipal tree wardens and tree  
23 commissions. This chapter aims to create a comprehensive and inclusive approach to sustainable  
24 vegetation management planning and implementation and operational safety and cost efficiency  
25 for utility companies.

26 (c) The principal objective of the vegetation planning and maintenance act (VMP) is to  
27 selectively eliminate woody vegetation which may potentially short circuit overhead conductors or  
28 significantly restrict physical access on the right-of-way. This management program will  
29 accomplish that objective at the lowest cost to utility customers with due regard for worker safety,  
30 protection of public health and without unreasonable adverse effects on the environment, including  
31 the protection of sensitive areas. The VPM must be designed to maintain acceptable appearance of  
32 the right-of-way and to minimize erosion by encouraging the development of low shrubs and  
33 ground cover and right tree, right place installations and planting.

34 **39-33-2. Definitions.**

1 As used in this chapter:

2 (1) "Abutting property owner" means the public or private owner of the property abutting  
3 or adjacent to that portion of a public road, public highway or public grounds where the tree or  
4 shrub that the utility proposes to remove or prune is located;

5 (2) "Hazardous tree" means any tree or part of a tree that is dead, extensively decayed, or  
6 structurally weak, which, if it falls, would endanger utility infrastructure, facilities or equipment;

7 (3) "Private property owner" means the owner of the property where a tree or shrub the  
8 utility proposes to remove or prune is located, which may include municipally-owned land;

9 (4) "Pruning" means the selective removal of plant parts to meet specific utility  
10 infrastructure reliability goals and objectives, when performed according to current professional  
11 tree care standards and in a manner that retains the structural integrity and health of the vegetation;

12 (5) "Utility" means electric distribution company;

13 (6) "Utility protection zone" means any rectangular area extending horizontally for a  
14 distance of eight feet (8') from any outermost electrical conductor or wire installed from pole to  
15 pole and vertically from the ground to the sky; and

16 (7) "Vegetation management" means the retention of trees and shrubs that are compatible  
17 with the utility infrastructure and the pruning or removal of trees, shrubs or other vegetation that  
18 pose a risk to the reliability of the utility infrastructure.

19 **39-33-3. Creation of the state vegetation management task force.**

20 (a) A state vegetation task force is created to develop standards with utility companies for:

21 (i) Roadside tree care on public and private property;

22 (ii) Vegetation management practices for utility rights of way;

23 (iii) Recommendations to the utility on the proposed vegetation management plans;

24 (iv) Design and processes for the creation of trimming notification procedures for private  
25 and public abutting property owners;

26 (v) Development of public education programs; and

27 (vi) Proposing a mediation process with property owners for projects involving trimming  
28 on public and private property.

29 (b) The task force shall be composed of the following members; the chairperson of the  
30 public utilities commission, or designee; two (2) members from any electric utility; a utility arborist  
31 or designee; the department of environmental management arborist, or designee; a representative  
32 of the Rhode Island tree council; five (5) municipal tree wardens, or municipal designee; two (2)  
33 representatives from municipal tree or conservation commissions; one member of a municipal tree  
34 equity and conservation program; the director of the Rhode Island emergency management agency.

1 or designee; the director of the Rhode Island department of transportation, or designee; a  
2 representative of one statewide environmental organization; and one representative of the  
3 Providence tree plan organization.

4 (c) The utility shall convene a meeting of the task force once annually for the purpose of  
5 reviewing the update of the utility's four (4) year vegetation management plans. Meetings of the  
6 task force are open to the public and shall be announced publicly.

7 (d) The utility shall provide the task force with a copy of any annual vegetation  
8 management plan that updates the four (4) year long-term plan for vegetation management.

9 (e) The VMP plan submitted annually to the vegetation management task force shall  
10 include a set of utility tree maintenance standards and specifications and evidence that these  
11 standards have been adopted by the utility with the statewide plan. These standards and  
12 specifications shall conform with: American National Standard Institute A—300; American  
13 National Standard Institute Z—133; and National Electric Safety Code 218 Tree Trimming and  
14 OSHA 29 CFR Part 1910 Line Clearance Tree Trimming Operations.

15 **39-33-4. Design of the statewide vegetation plan.**

16 (a) The utility shall prepare the proposed vegetation management plan every four (4) years  
17 describing the maintenance work to be performed by the vegetation management task force, EMA  
18 and DOT for the review and comments. The plan shall be updated annually.

19 (b) The plan shall include, but not be limited to, a map of the circuits where the maintenance  
20 work will be performed, the tree maintenance standards that will be followed and any foreseeable  
21 variance from those standards. The utility shall then distribute the plan for comments in accordance  
22 with § 39-33-5.

23 **39-33-5. Participation of municipal tree wardens, tree commissions, and tree equity**  
24 **programs in the design of the plan.**

25 (a) Municipal Tree Wardens. The utility shall distribute the VMP to the task force, all  
26 municipal tree wardens, or their designees in advance of final plan approval to ensure municipal  
27 coordination for the implementation of the vegetation plan.

28 (b) Tree Commissions:

29 (1) Municipalities may engage a tree commission or conservation commission or their  
30 designee, to comment on any proposed plan, and the implementation, and oversight of vegetation  
31 management efforts in any municipality. Comments must be fair and reasonable and provided to  
32 the utility within sixty (60) days of receiving the proposed plan;

33 (2) Municipal tree commissions may engage with local community organizations to gather  
34 input and address concerns related to vegetation planning and trimming.

1 (c) Municipal receipt of the VMP. Upon receipt of the plan from the utility, municipal tree  
2 wardens, or a municipal designee thereof, tree or conservation commissions shall notify the utility  
3 within sixty (60) days, in writing, with comments on the proposed plan. The vegetation  
4 management plan shall comply with all municipal ordinances and regulations and shall comply  
5 with all municipal permitting ordinances. Trimming without a municipal permit is subject to  
6 municipal penalties.

7 **39-33-6. Notification procedures.**

8 (a) Public Property Owners:

9 (1) Public property owners shall be notified thirty (30) days in advance of any planned  
10 vegetation planning and maintenance activities in their vicinity; and

11 (2) Notifications shall include the nature of the work, anticipated timeline, and utility and  
12 municipal contact information for further inquiries.

13 (b) Private Property Owners:

14 (1) Private property owners shall be notified thirty (30) days in advance of any vegetation  
15 planning and maintenance activities that directly affect their property;

16 (2) Notifications shall be delivered through various means, including mail, email, or direct  
17 visits, to ensure effective communication;

18 (3) Notifications shall include the nature of the work, anticipated timeline, and utility and  
19 municipal contact information for further inquiries; and

20 (c) Disputes over tree trimming and vegetation management shall be handled through a  
21 mediation dispute resolution process approved by the vegetation task force in consultation with the  
22 municipal tree warden, or their designee and the utility pursuant to the procedure in § 39-33-7.

23 **39-33-7. Vegetation management dispute resolution.**

24 After receiving notice pursuant to § 39-33-6, any public or private property owner may  
25 request a mediation meeting to include the property owner, the utility, and the municipal tree  
26 warden to discuss the vegetation management plan relative to their property and work to resolve  
27 any issues presented by the property owner. During this mediation process, the tree warden shall  
28 arrange for a meeting time and location and shall be the primary point of contact for the task force  
29 during any mediation meeting under this section.

30 **39-33-8. Right tree-right place education.**

31 Any property owner affected by the provisions of this chapter regarding vegetation  
32 management, shall, as part of the notification procedures contained in § 39-33-6, be provided with  
33 educational materials on the energy-saving trees program which promotes the planting of the right  
34 tree in the right place in order to maximize the energy-saving benefits of trees.

1           **39-33-9. Reporting and accountability.**

2           Effective January 1, 2025, and annually thereafter, state agencies responsible for vegetation  
3 planning and maintenance shall provide reports to the general assembly and the utility detailing  
4 activities, progress, and any challenges encountered.

5           In accordance with § 39-1-27.7.1, the electric distribution company shall present funding  
6 proposals to the public utilities commission to be allocated to support operation and maintenance  
7 expenses on a statewide vegetation management plan, the implementation of this chapter, including  
8 public awareness campaigns, training programs.

9           **39-33-10. Severability.**

10          If any provision of this chapter or its application to any person or circumstances is held  
11 invalid, the invalidity shall not affect other provisions or applications of the chapter that can be  
12 given effect without the invalid provision or application.

13          SECTION 3. This act shall take effect on January 1, 2025.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- VEGETATION PLANNING AND  
MAINTENANCE ACT

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- 1           This act would establish the Vegetation Planning and Management Act to provide
- 2 guidelines for utilities to manage and maintain vegetation near power lines.
- 3           This act would take effect on January 1, 2025.

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