

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 839
Economic Matters

(Delegate Lafferty, *et al.*)

Public Utility Companies - Electric Companies - Tree Care Activities

This bill requires an electric company, at least 60 days prior to engaging in specified tree care activities, to contact affected community associations, give specified notice to the public in the county or municipal corporation in which the tree care activities will be conducted, provide an opportunity for public comment, and hold a public hearing that presents a descriptive plan of the proposed tree care activities. A landowner must have the opportunity to procure a private tree expert for specified, proposed tree removals.

Fiscal Summary

State Effect: The bill would not directly affect governmental operations or finances.

Local Effect: Local governments with municipal-owned utilities could be impacted to the extent the bill's requirements increase costs associated with electric utility-related tree trimming activities.

Small Business Effect: Minimal.

Analysis

Current Law/Background: The Department of Natural Resources administers the Roadside Tree Law. The law and its associated regulations seek to ensure the proper care and protection of roadside trees and their compatibility with an efficient and dependable public utility system. A person generally must obtain a permit from DNR in order to cut down or trim a roadside tree. DNR issues two types of tree care permits: (1) specific tree care operations on a specific tree or group of trees for a term of not more than one year

(Roadside Tree Project Permit); and (2) comprehensive and continuing programs of general tree care such as those administered by government entities, corporations, or public utilities (Roadside Tree Blanket Permit).

Cutting or clearing of public utility rights-of-way or land for licensed electric generating stations is exempt from the Forest Conservation Act, subject to specified conditions including conducting the cutting or clearing so as to minimize the loss of forest. Routine maintenance of public utility rights-of-way is also exempt. The Act, generally aimed at minimizing the loss of Maryland's forest resources during land development, requires the preparation and approval of a forest conservation plan, consistent with specified standards and requirements, for any activity requiring a subdivision plan or grading or sediment control permit on areas 40,000 square feet or greater.

The Public Service Commission is required to consider the need to minimize the loss of forest and the Forest Conservation Act's provisions for afforestation and reforestation, along with all applicable electrical safety codes, when reviewing applications for certificates of public convenience and necessity necessary for construction of electric generation facilities and transmission lines.

The Maryland Electric Reliability Tree Trimming Council, which includes representatives of various utilities, PSC, and DNR, was formed in 2000 and meets quarterly. The council is geared toward cooperation and facilitation of communication between State government and electric utilities to address environmental and electric reliability concerns.

Three municipalities in Maryland, Hagerstown, Berlin, and Easton have municipal-owned electric utilities.

Additional Information

Prior Introductions: None.

Cross File: SB 727 (Senators Klausmeier and Kasemeyer) – Finance.

Information Source(s): Department of Natural Resources, Public Service Commission, Department of Legislative Services

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mll/hlb

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