

Sponsor: Colorado Association of Municipal Utilities; Northwest Public Power Association

**In Support of Legislation to Promote Better Management of Vegetation Surrounding
Transmission Lines and Distribution Facilities**

1 Of great concern to the electric utility industry is the timely management of vegetation growing along
2 electric transmission and distribution lines on rights-of-way (ROW) located on federal lands. Proper
3 vegetation management ensures reliable electric service, reduces power-line caused wildfires, and
4 safeguards electric infrastructure.

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6 U.S. Forest Service (FS) lands include 3,000 authorized electric transmission and distribution facilities,
7 accounting for nearly 18,000 miles of electricity rights-of-way. The Bureau of Land Management (BLM)
8 lands include over 71,613 miles of electricity transmission and distribution lines. The costs of operating,
9 maintaining, and repairing electricity lines within these ROW on federal land are borne by utility
10 companies and their electricity customers. The FS reported 232 wildfires in 2012 and 113 in 2013 that
11 were caused by contact between power lines and trees on public lands. In spite of these statistics and the
12 clear need for proper vegetation management, there has been a lack of federal agency consistency,
13 accountability, and timely decision-making to enable utilities to protect these facilities from starting
14 wildfires.

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16 Utilities and their customers bear the cost of maintaining and repairing ROW, and suffer the reliability
17 and financial consequences of if they are not allowed timely access to federal lands to manage vegetation.
18 Utilities may be liable for fire damage if vegetation in or near ROW cause fires when coming into contact
19 with electric lines. Utilities may be liable for fire suppression costs even when federal land managers
20 have denied a utility's request to trim vegetation that ultimately caused the fire. In addition, utilities that
21 are held liable for fire damage costs can be denied future liability insurance.

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23 In order to perform inspections and to operate and maintain the lines on federal lands, public power
24 utilities seek permission and approval from the appropriate federal land management agency, which
25 typically uses the processes under the National Environmental Policy Act (NEPA) to assess whether the
26 proposed vegetation management measures comply with federal law. Unfortunately, the BLM and FS
27 have not allowed vegetation management of ROW to be carried out on a consistent or timely basis. In
28 some cases, utilities have found that federal land managers apply inconsistent policies to vegetation
29 management requests.

31 This inconsistency is highly problematic given it has been more than a decade since the North American
32 Electric Reliability Council (now the North American Electric Reliability Corporation or NERC),
33 finalized vegetation management standards and guidelines for the electric industry. Properly maintaining
34 electric transmission and distribution facilities is still necessary to ensure grid reliability. The Department
35 of Energy's (DOE) first installment of the Quadrennial Energy Review (QER 1.1) stated, "reliability and
36 resilience projects have also included operations and maintenance activities, such as aggressive vegetation
37 management. While it might be considered low-tech, vegetation management is an essential activity; both
38 the 1996 West Coast and 2003 East Coast-Midwest power outages started from trees along transmission
39 lines." The American Public Power Association (APPA) agrees with DOE's assessment and supports
40 efforts by Congress to direct federal agencies to develop and apply consistent vegetation management
41 policies that provide utilities with a sensible framework for managing ROW on federal lands.

42 by Congress

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44 **NOW, THEREFORE, BE IT RESOLVED:** That the American Public Power
45 Association (APPA) continues to support the language included in the Energy Policy Act of 2005 that
46 requires any federal agency with jurisdiction over property on which electric transmission facilities are
47 located, to work cooperatively with the owners and operators of the facilities to implement vegetation
48 management procedures and standards for maintaining the reliability of the facilities and urges Congress
49 to ensure that that language is being implemented appropriately; and

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51 **BE IT FURTHER RESOLVED:** That APPA supports policies that provide electric utilities with
52 transmission and distribution lines located on ROW on federal lands with reasonable certainty that the
53 approving federal agency will respond in a timely and consistent manner; and

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55 **BE IT FURTHER RESOLVED:** That APPA supports legislation that would provide electric utilities
56 with a sensible framework to manage ROW on federal lands in a consistent and reliable manner, allow for
57 procedures to reduce delays, modify rules on liability on an immediately adjacent to ROW, and allow for
58 training of federal personnel to ensure consistency on ROW determinations; and

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60 **BE IT FURTHER RESOLVED:** That APPA supports a federal policy (whether through legislation or
61 rulemaking) that allows utilities to immediately remove vegetation from nearby federal land to protect the
62 electrical infrastructure from impending damage and/or destruction in an emergency situation; and

64 **BE IT FURTHER RESOLVED:** That APPA supports a federal policy (whether through legislation or
65 rulemaking) that ensures that a utility is not liable if the federal government fails to allow the utility to
66 manage vegetation on or adjacent to the right-of-way.

**As adopted June 14, 2016, by the membership of the American Public Power Association at its
annual meeting in Phoenix, Arizona.**