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December 13, 2018

Municipal Clerks: Please forward to Mayor, Governing Body and Department Heads.

Assembly to Vote on Bill Giving Control of Vegetation Management in ROW to Electric Utilities

On Monday, the Assembly Appropriations Committee voted to approve [A-2558](#), known as the, "Vegetation Management Response Act," which would provide electric utility companies completely unfettered authority to clear, move, cut, or destroy any dangerous vegetation. While we appreciate the sponsors' intentions and response to recent storms, the League opposes this bill.

The approach taken in this legislation is unnecessarily broad and overreaching, and removes local governments' ability to plan and manage vegetation in the right-of-way. While A-2558 seemingly limits what vegetation a public utility can address to only "dangerous vegetation," that term is unnecessarily broad to the point of near total inclusion of all vegetation.

As defined within the bill, "dangerous vegetation" would include any "vegetation growing in, near, or adjacent to the electric public utility's right of way, and the electric distribution and transmission system...which may fall into, touch, affect, or otherwise interfere with an electrical distribution line." This would seemingly include any vegetation on either public or private property and gives public utilities sole discretion to determine what meets the criteria of "dangerous vegetation." The utility is also under no requirement to receive any input from the public before the utility can unilaterally choose to clear, move, cut, and destroy to remove or replace the vegetation.

Committee amendments included provisions requiring electric utilities provide notice in advance to municipalities and private property owners whenever they plan to undertake vegetation management work. However, while advance notice of planned work is appreciated the amendments do not provide a mechanism for the hearing of objections

nor any recourse for utilities for failure to provide notice.

A-2558 has been scheduled for a vote before the Assembly on December 17, 2018. We need your assistance to ensure that state legislators hear the concerns of municipal leaders. We are asking that you please contact your state representatives to let them hear your concerns with allowing electric utilities to have total control of the vegetation in your municipal rights-of-way. Your legislator's contact information can be found using the [state's website](#) which breaks this information down by municipality.

Contact: Frank Marshall, Esq., League Staff Attorney, FMarshall@njslom.org, 609-695-3481 x 137.



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