

VEGETATION MANAGEMENT STAKEHOLDER ISSUES OUTLINE

N.J.A.C. 14:5-9

Topics for Discussion:

Should the BPU consider a policy granting homeowners the right to negotiate an agreement/contract with their EDC to maintain their vegetation in the border zone?

- ✍ Practical feasibility – do utilities have staff to do this?
- ✍ Homeowner liability – what if homeowner’s contractor causes damage to the utility line or neighbor’s property?
- ✍ Who will monitor compliance with the vegetation management rules? Utility? Municipality? BPU?
- ✍ Costs? Benefits? To homeowners, utilities, ratepayers.

Possible changes under consideration by BPU staff:

1. **Transmission Line Clearances:**

- ✍ N.J.A.C. 14:5-9.6(b) – minimum basic standard:
 - ? Should the cross reference to NESC refer instead to NERC FAC-003?
 - ? This would parallel the federal requirements, which the EDCs have to follow anyway;
- ✍ N.J.A.C. 14:5-9.6(e)3 – Wire zone:
 - ? Wire zone requirements must ensure both:
 - ✍ A safe distance between vegetation and lines, and
 - ✍ Adequate access for utility vehicles to drive under lines
 - ? Existing limit is no species that grows higher than 3 feet at maturity AND non-woody
 - ? “Woody” limit is intended to ensure that emergency vehicles can run over vegetation when necessary
- ✍ N.J.A.C. 14:5-9.6(e)4 –Border zone:
 - ? Border zone requirements must ensure utility access to lines for maintenance and emergencies
 - ? Existing limit is no species that grows higher than 15 feet at maturity AND non-woody
- ✍ N.J.A.C. 14:5-9.6(e)5 – Wire zone agricultural crops:
 - ? Agricultural crops tend to be easier to knock over in emergencies
 - ? Existing requirement is no species that grows higher than 12 feet at maturity AND non-woody
 - ? Should heights be increased?
 - ? Should height limits vary based on size of line? Other factors?
 - ? Should the “woody” limits remain?

2. **Notice:**

- ✍ Existing rules require at least 7 days notice to property owners and 60 days notice to municipal governments.
 - ? Increase notice for property owners to give them more time to react?
 - ? Should municipalities get more than 60 days notice?
- ✍ Current rules require that the vegetation management be **started** within 45 days after the property owner notice is given. This is intended to prevent, for example, notice on January 1, the customer forgets about it, then the chainsaws show up in November.
 - ? Should the 45 days be changed to require the job to start within 60 days?
 - ? This would line it up with municipal notices
- ✍ Clarify that the job must be **completed** within the notice deadline, and that **re-notice** is required if, on a particular property, the job is not started within the 45-day deadline.
- ✍ What is the reason for reported notice problems?
 - ? Are the rule requirements inadequate?
 - ? Are the rule requirements adequate but EDCs are not complying with the rule requirements?
 - ? Do municipalities do anything when they receive a notice?

3. **Wetlands, Riparian Buffers, Herbicides/Pesticides**— some commentators want special provisions for wetlands and other special areas, and were concerned about the environmental impacts of chemical vegetation management on utility Rights of Way.

- ✍ No changes under consideration on these issues
- ✍ Primary jurisdiction over wetlands and riparian buffers resides in other agencies (for example, New Jersey and U.S. environmental protection agencies, New Jersey and US Departments of Agriculture)
- ✍ DEP has already looked at this issue, and makes special provisions for utility line maintenance in freshwater wetlands and flood hazard areas. See N.J.A.C. 7:7A for example.
- ✍ Pinelands has legal authority to adopt its own rules about this.
- ✍ Our rules currently require that all laws and regulations be met when using these chemicals.