

1 (4) States;

2 (5) relevant colleges, universities, and institu-
3 tions of higher education with relevant expertise;
4 and

5 (6) other entities, as appropriate.

6 (d) AT-RISK COMMUNITY DEFINED.—The term “at-
7 risk community” has the meaning given the term in sec-
8 tion 101 of the Healthy Forests Restoration Act of 2003
9 (16 U.S.C. 6511).

10 **SEC. 111. VEGETATION MANAGEMENT, FACILITY INSPEC-**
11 **TION, AND OPERATION AND MAINTENANCE**
12 **RELATING TO ELECTRIC TRANSMISSION AND**
13 **DISTRIBUTION FACILITY RIGHTS OF WAY.**

14 (a) IN GENERAL.—Title V of the Federal Land Pol-
15 icy and Management Act of 1976 (43 U.S.C. 1761 et seq.)
16 is amended by adding at the end the following:

17 **“SEC. 512. VEGETATION MANAGMENT, FACILITY INSPEC-**
18 **TION, AND OPERATION AND MAINTENANCE**
19 **RELATING TO ELECTRIC TRANSMISSION AND**
20 **DISTRIBUTION FACILITY RIGHTS OF WAY.**

21 “(a) DEFINITIONS.—In this section:

22 “(1) HAZARD TREE.—The term ‘hazard tree’
23 means any tree or part thereof (whether located in-
24 side or outside a right-of-way) that has been des-
25 ignated, prior to tree failure, by a certified or li-

1 censed arborist or forester under the supervision of
2 the Secretary concerned or the owner or operator of
3 a transmission or distribution facility to be—

4 “(A) dead, likely to die within the routine
5 vegetation management cycle, or likely to fail
6 within the routine vegetation management
7 cycle; and

8 “(B) if the tree or part of the tree failed,
9 likely to—

10 “(i) cause substantial damage or dis-
11 ruption to a transmission or distribution
12 facility; or

13 “(ii) come within 10 feet of an electric
14 power line.

15 “(2) OWNER; OPERATOR.—The terms ‘owner’
16 and ‘operator’ include contractors or other agents
17 engaged by the owner or operator of an electric
18 transmission or distribution facility.

19 “(3) PLAN.—The term ‘plan’ means a vegeta-
20 tion management, facility inspection, and operation
21 and maintenance plan that—

22 “(A) is prepared by the owner or operator
23 of 1 or more electric transmission or distribu-
24 tion facilities to cover 1 or more electric trans-
25 mission and distribution rights-of-way; and

1 “(B) provides for the long-term, cost-effec-
2 tive, efficient, and timely management of facili-
3 ties and vegetation within the width of the
4 right-of-way and abutting Federal land, includ-
5 ing hazard trees, to enhance electric reliability,
6 promote public safety, and avoid fire hazards.

7 “(4) SECRETARY CONCERNED.—The term ‘Sec-
8 retary concerned’ means—

9 “(A) the Secretary, with respect to public
10 lands; and

11 “(B) the Secretary of Agriculture, with re-
12 spect to National Forest System land.

13 “(b) GUIDANCE.—

14 “(1) IN GENERAL.—To enhance the reliability
15 of the electric grid and reduce the threat of wildfire
16 damage to, and wildfire caused by vegetation-related
17 conditions within, electric transmission and distribu-
18 tion rights-of-way and abutting Federal land, includ-
19 ing hazard trees, the Secretary concerned shall issue
20 and periodically update guidance to ensure that pro-
21 visions are appropriately developed and implemented
22 for utility vegetation management, facility inspec-
23 tion, and operation and maintenance of rights-of-
24 way, regardless of the means by which the rights-of-

1 way are established (including by grant, special use
2 authorization, and easement).

3 “(2) LIMITATION.—The guidance issued under
4 paragraph (1) shall be compatible with mandatory
5 reliability standards established by the Electric Reli-
6 ability Organization.

7 “(3) CONSIDERATIONS.—The guidance issued
8 under paragraph (1) shall take into account—

9 “(A) all applicable law, including fire safe-
10 ty and electric system reliability requirements
11 (including reliability standards established by
12 the Electric Reliability Organization under sec-
13 tion 215 of the Federal Power Act (16 U.S.C.
14 824o)); and

15 “(B) the Memorandum of Understanding
16 on Vegetation Management for Powerline
17 Rights-of-Way between the Edison Electric In-
18 stitute, Utility Arborist Association, the Depart-
19 ment of the Interior, the Department of Agri-
20 culture, and the Environmental Protection
21 Agency signed in 2016.

22 “(4) REQUIREMENTS.—The guidance issued
23 under paragraph (1) shall—

1 “(A) be developed in consultation with the
2 owners of transmission and distribution facili-
3 ties that hold rights-of-way;

4 “(B) seek to minimize the need for case-
5 by-case approvals for —

6 “(i) routine vegetation management,
7 facility inspection, and operation and
8 maintenance activities; and

9 “(ii) utility vegetation management
10 activities that are necessary to control haz-
11 ard trees; and

12 “(C) provide for prompt and timely review
13 of requests to conduct vegetation management
14 activities that require approval of the Secretary
15 concerned, especially activities requiring expe-
16 dited or immediate action.

17 “(c) VEGETATION MANAGEMENT, FACILITY INSPEC-
18 TION, AND OPERATION AND MAINTENANCE PLANS.—

19 “(1) DEVELOPMENT AND SUBMISSION.—Con-
20 sistent with subsection (b), the Secretary concerned
21 shall provide owners and operators of electric trans-
22 mission or distribution facilities located on public
23 lands and National Forest System land, as applica-
24 ble, with the option to develop and submit a plan.

1 “(2) ERO STANDARDS.—Owners and operators
2 subject to mandatory reliability standards estab-
3 lished by the Electric Reliability Organization (or
4 superseding standards) may use those standards as
5 part of the plan.

6 “(3) PLAN REQUIREMENTS.—A plan developed
7 under paragraph (1) shall—

8 “(A) identify the applicable transmission
9 or distribution facilities to be maintained;

10 “(B) take into account operations and
11 maintenance plans for the applicable trans-
12 mission or distribution line;

13 “(C) describe the vegetation management,
14 inspection, and operation and maintenance
15 methods that may be used to comply with all
16 applicable law, including fire safety require-
17 ments and reliability standards established by
18 the Electric Reliability Organization;

19 “(D) include schedules for—

20 “(i) the applicable owner or operator
21 to notify the Secretary concerned about
22 routine and major maintenance;

23 “(ii) the applicable owner or operator
24 to request approval from the Secretary

1 concerned about undertaking routine and
2 major maintenance; and

3 “(iii) the Secretary concerned to re-
4 spond to a request by an owner or operator
5 under clause (ii); and

6 “(E) describe processes for—

7 “(i) identifying changes in conditions;
8 and

9 “(ii) modifying the approved plan, if
10 necessary.

11 “(4) REVIEW AND APPROVAL PROCESS.—

12 “(A) IN GENERAL.—The Secretary con-
13 cerned shall jointly develop a consolidated and
14 coordinated process for the review and approval
15 of plans submitted under paragraph (1) that—

16 “(i) includes timelines and bench-
17 marks for—

18 “(I) the submission of agency
19 comments on the plans and schedules
20 for final decision; and

21 “(II) the timely review of modi-
22 fications of the plans in cases in
23 which modifications are necessary;

24 “(ii) is consistent with applicable law;
25 and

1 “(iii) includes a process for modifica-
2 tions to a plan in a prompt manner if
3 changed conditions necessitate a modifica-
4 tion to a plan; and

5 “(iv) ensures, to the maximum extent
6 practicable, a prompt review and approval
7 process not to exceed 120 days.

8 “(B) PLAN MODIFICATION.—Upon reason-
9 able advance notice to an owner or operator of
10 an electric transmission or distribution facility
11 of any changed conditions that warrant a modi-
12 fication to a plan, the Secretary concerned
13 shall—

14 “(i) provide an opportunity for the
15 owner or operator to submit a proposed
16 plan modification, consistent with the proc-
17 ess described under subparagraph (A)(iii),
18 to address the changed condition identified
19 by the Secretary concerned;

20 “(ii) consider the proposed plan modi-
21 fication consistent with the process de-
22 scribed under paragraph (4)(A); and

23 “(iii) allow the owner or operator to
24 continue to implement any element of the
25 approved plan that does not directly and

1 adversely affect the condition precipitating
2 the need for modification.

3 “(5) CATEGORIES OF ACTIONS NOT REQUIRING
4 ENVIRONMENTAL ANALYSIS.—With respect to the
5 development and approval of plans submitted under
6 paragraph (1), as well as with respect to actions car-
7 ried out under such plans, the Secretary concerned
8 shall identify categories of actions for which neither
9 an environmental impact statement nor an environ-
10 mental assessment shall be required under section
11 1508.4 of title 40, Code of Federal Regulations (or
12 a successor regulation).

13 “(d) CERTAIN OWNERS AND OPERATORS.—

14 “(1) IN GENERAL.—The owner or operator of
15 an electric transmission or distribution facility that
16 is not subject to the mandatory reliability standards
17 established by the Electric Reliability Organization
18 or that sold less than or equal to 1,000,000 mega-
19 watt hours of electric energy for purposes other than
20 resale during each of the 3 calendar years imme-
21 diately preceding the date of enactment of this sec-
22 tion may enter into an agreement with the Secretary
23 concerned in lieu of a plan under subsection (c).

1 “(2) MINIMUM REQUIREMENTS.—The Secretary
2 concerned shall ensure that the minimum require-
3 ments for an agreement under paragraph (1)—

4 “(A) reflect the relative financial resources
5 of the applicable owner or operator compared to
6 other owners or operators of an electric trans-
7 mission or distribution facility;

8 “(B) include schedules as described in sub-
9 section (c)(3)(D);

10 “(C) are subject to modification require-
11 ments as described in subsection (c)(4)(B); and

12 “(D) comply with applicable law.

13 “(e) EMERGENCY CONDITIONS.—If vegetation or
14 hazard trees have contacted or present an imminent dan-
15 ger of contacting an electric transmission or distribution
16 line from within or adjacent to an electric transmission
17 or distribution right-of-way, the owner or operator of the
18 electric transmission or distribution lines—

19 “(1) may prune or remove the vegetation or
20 hazard tree—

21 “(A) to avoid the disruption of electric
22 service; and

23 “(B) to eliminate immediate fire and safe-
24 ty hazards; and

1 “(2) shall notify the appropriate local agent of
2 the Secretary concerned not later than 1 day after
3 the date of the response to emergency conditions.

4 “(f) ACTIVITIES THAT REQUIRE APPROVAL.—

5 “(1) IN GENERAL.—Except as provided under
6 paragraph (3), the owner or operator of an electric
7 transmission or distribution facility may conduct
8 vegetation management activities that require ap-
9 proval of the Secretary concerned in accordance with
10 a plan approved under subsection (c) or an agree-
11 ment entered into under subsection (d) only with the
12 approval of the Secretary concerned.

13 “(2) REQUIREMENT TO RESPOND.—The Sec-
14 retary concerned shall respond to a request for ap-
15 proval to conduct vegetation management activities
16 in accordance with the applicable schedules in a plan
17 approved under subsection (c) or an agreement en-
18 tered into under subsection (d).

19 “(3) AUTHORIZED ACTIVITIES.—The owner or
20 operator of an electric transmission or distribution
21 facility may conduct vegetation management activi-
22 ties that require approval of the Secretary concerned
23 in accordance with a plan approved under subsection
24 (c) or an agreement entered into under subsection

1 (d) without the approval of the Secretary concerned
2 if—

3 “(A) the owner or operator submitted a re-
4 quest to the Secretary concerned in accordance
5 with the applicable schedule in a plan approved
6 under subsection (c) or an agreement entered
7 into under subsection (d);

8 “(B) the vegetation management activities,
9 including the removal of hazard trees, proposed
10 in the request under subparagraph (A) are in
11 accordance with a plan approved under sub-
12 section (c) or an agreement entered into under
13 subsection (d); and

14 “(C) the Secretary concerned fails to re-
15 spond to the request under subparagraph (A) in
16 accordance with the applicable schedule in a
17 plan approved under subsection (c) or an agree-
18 ment entered into under subsection (d).

19 “(g) LIABILITY.—

20 “(1) IN GENERAL.—The Secretary concerned
21 shall not impose strict liability for damages or injury
22 resulting from—

23 “(A) the Secretary concerned unreasonably
24 withholding or delaying—

1 “(i) approval of a plan under sub-
2 section (c); or

3 “(ii) entrance into an agreement
4 under subsection (d); or

5 “(B) the Secretary concerned unreasonably
6 failing to adhere to an applicable schedule in a
7 plan approved under subsection (c) or an agree-
8 ment entered into under subsection (d).

9 “(2) DAMAGES.—For the period ending 10
10 years after the date of the enactment of this sub-
11 section, the Secretary concerned shall not impose
12 strict liability in an amount greater than \$500,000
13 per incident for damages or injury resulting from ac-
14 tivities conducted by an owner or operator in accord-
15 ance with an approved agreement under subsection
16 (d).

17 “(3) RULE OF CONSTRUCTION.—Nothing in
18 paragraph (2) shall be construed to effect any liabil-
19 ity imposed by the Secretary concerned under sec-
20 tion 251.56(d) of title 36, Code of Federal Regula-
21 tions (as in effect on the date of the enactment of
22 this section) and section 2807.12 of title 43, Code
23 of Federal Regulations (as in effect on the date of
24 the enactment of this section), for activities con-

1 ducted by an owner or operator in accordance with
2 an approved plan under subsection (c).

3 “(h) REPORTING REQUIREMENT.—

4 “(1) ACTIVITIES THAT REQUIRE APPROVAL.—

5 The Secretary concerned shall report requests and
6 actions made under subsection (f) annually on the
7 website of the Secretary concerned.

8 “(2) LIABILITY.—Not later than four years
9 after the date of enactment of this subsection, the
10 Secretary concerned shall prepare and submit a re-
11 port to the Committee on Natural Resources of the
12 House of Representatives and the Committee on En-
13 ergy and Natural Resources of the Senate that de-
14 scribes the effect on the Treasury of the strict liabil-
15 ity limitation established by subsection (g)(2).

16 “(i) TRAINING AND GUIDANCE.—In consultation with
17 the electric utility industry, the Secretary concerned is en-
18 couraged to develop a program to train personnel of the
19 Department of the Interior and the Forest Service in-
20 volved in vegetation management decisions relating to
21 electric transmission and distribution facilities to ensure
22 that the personnel—

23 “(1) understand electric system reliability re-
24 quirements as the requirements relate to vegetation
25 management of transmission and distribution rights-

1 of-way on Federal land, including reliability stand-
2 ards established by the Electric Reliability Organiza-
3 tion and fire safety requirements;

4 “(2) assist owners and operators of electric
5 transmission and distribution facilities in complying
6 with applicable electric reliability and fire safety re-
7 quirements;

8 “(3) encourage and assist willing owners and
9 operators of electric transmission and distribution
10 facilities to incorporate on a voluntary basis vegeta-
11 tion management practices to enhance habitats and
12 forage for pollinators and for other wildlife if the
13 practices are compatible with the integrated vegeta-
14 tion management practices necessary for reliability
15 and safety; and

16 “(4) understand how existing and emerging un-
17 manned technologies can help electric utilities, the
18 Federal Government, State and local governments,
19 and private landowners—

20 “(A) to more efficiently identify vegetation
21 management needs;

22 “(B) to reduce the risk of wildfires; and

23 “(C) to lower ratepayer energy costs.

24 “(j) IMPLEMENTATION.—The Secretary concerned
25 shall—

1 “(1) not later than 1 year after the date of en-
2 actment of this section, propose regulations, or
3 amended existing regulations, to implement this sec-
4 tion; and

5 “(2) not later than 2 years after the date of en-
6 actment of this section, finalize regulations, or
7 amended existing regulations, to implement this sec-
8 tion.

9 “(k) EXISTING VEGETATION MANAGEMENT, FACIL-
10 ITY INSPECTION, AND OPERATION AND MAINTENANCE
11 PLANS.—Nothing in this section requires an owner or op-
12 erator to develop and submit a new plan under this section
13 if a plan consistent with this section has already been ap-
14 proved by the Secretary concerned before the date of en-
15 actment of this section.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 for the Federal Land Policy and Management Act of 1976
18 (43 U.S.C. 1761 et seq.), is amended by inserting after
19 the item relating to section 511 the following new item:

“Sec. 512. Vegetation management, facility inspection, and operation and main-
tenance relating to electric transmission and distribution facil-
ity rights-of-way.”.

20 **SEC. 112. GOOD NEIGHBOR AUTHORITY IMPROVEMENT.**

21 Section 8206(a) of the Agricultural Act of 2014 (16
22 U.S.C. 2113a(a)) is amended—

23 (1) in paragraph (3)(B)(i), by striking “areas;
24 or” and inserting the following: “areas, other than