

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 474

By: Bingman

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5  
6 AS INTRODUCED

7 An Act relating to electric suppliers; providing  
8 guidelines for certain tree trimming, removal and  
9 control of vegetation; authorizing electric suppliers  
10 to perform certain actions in certain locations;  
11 authorizing landowners to give certain authority to  
12 electric suppliers; authorizing electric suppliers to  
13 remove trees of certain height; requiring notice;  
14 stating exceptions; requiring for removal of dead  
15 trees within certain time period; providing for  
16 disputes to be initiated in certain district courts;  
17 limiting authority requirements; providing for  
18 codification; providing an effective date; and  
19 declaring an emergency.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 690 of Title 63, unless there is  
23 created a duplication in numbering, reads as follows:

24 A. The provisions of this section shall apply to the trimming,  
removing and controlling of trees and other vegetation by any  
electric supplier authorized to operate in this state.

B. Every electric supplier operating electric transmission or  
distribution lines shall have the authority to maintain such lines

1 by trimming, removing and controlling trees and other vegetation  
2 posing a hazard to the continued safe and reliable operation  
3 thereof.

4 C. An electric supplier may exercise its authority granted in  
5 Subsection B of this section if the trees and other vegetation are  
6 within the legal description of any recorded easement or, in the  
7 absence of a recorded easement, the trees and other vegetation are:

8 1. Within ten (10) feet, plus one-half the length of any  
9 attached cross arm, of either side of the centerline of electricity  
10 lines potentially energized at or below thirty-four and one-half  
11 (34.5) kilovolts measured line to line and located within the limits  
12 of any municipality;

13 2. Within thirty (30) feet of either side of the centerline of  
14 electricity lines potentially energized at or below thirty-four and  
15 one-half (34.5) kilovolts measured line to line and located outside  
16 the limits of any municipality;

17 3. Within fifty (50) feet of either side of the centerline of  
18 electric lines potentially energized between thirty-four and one-  
19 half (34.5) and one hundred (100) kilovolts measured line to line;  
20 or

21 4. Within the greater of the following for any electricity  
22 lines potentially energized at one hundred (100) kilovolts or more  
23 measured line to line:

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- 1           a.    seventy-five (75) feet to either side of the  
2                    centerline, or
- 3           b.    any required clearance distance adopted by either the  
4                    Federal Energy Regulatory Commission or an Electric  
5                    Reliability Organization authorized by the federal  
6                    Energy Policy Act of 2005.

7           D.    An electric supplier may trim, remove and control trees and  
8 other vegetation outside the provisions of subsection C of this  
9 section, as otherwise provided by law, if such actions are, in the  
10 discretion of the electric supplier, appropriate to maintain the  
11 continued safe and reliable operation of its electric lines.

12           E.    An electric supplier may secure from the owner or occupier  
13 of land greater authority to trim, remove and control trees and  
14 other vegetation than provided in subsection C of this section and  
15 may exercise any and all rights regarding the trimming, removing and  
16 controlling of trees and other vegetation granted in any easement  
17 held by the electric supplier.

18           F.    An electric supplier may trim or remove any tree of  
19 sufficient height outside the provisions of subsection C of this  
20 section when such tree, if it were to fall, would threaten the  
21 integrity and safety of any electric transmission or distribution  
22 line and would pose a hazard to the continued safe and reliable  
23 operation thereof.

1 G. Prior to the removal of any tree under the provisions of  
2 subsection C of this section, an electric supplier shall notify the  
3 owner or occupier of land, if available, at least fourteen (14) days  
4 prior to such removal unless the electric supplier deems the removal  
5 to be immediately necessary to continue the safe and reliable  
6 operation of its electric lines, or the electric supplier is  
7 trimming or removing trees and other vegetation caused by a major  
8 weather event or other emergency situation.

9 H. If any tree partially trimmed by an electric supplier dies  
10 within three (3) months as a result of such trimming, the owner or  
11 occupier of land upon which the tree was trimmed may request in  
12 writing that the electric supplier remove the tree at the electric  
13 supplier's expense. The electric supplier shall respond to such  
14 request within ninety (90) days.

15 I. Any dispute between an owner or occupier of land affected by  
16 the trimming, removing or controlling of trees or other vegetation  
17 and any electric supplier shall be initiated in the district court  
18 of the county where the property is located.

19 J. The provisions of this section shall not require any  
20 electric supplier to fully exercise the authorities granted by this  
21 section.

22 SECTION 2. This act shall become effective July 1, 2009.

23 SECTION 3. It being immediately necessary for the preservation  
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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