

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 563
94TH GENERAL ASSEMBLY

Reported from the Committee on Commerce, Energy and the Environment, March 29, 2007, with recommendation that the Senate Committee Substitute do pass.

2328S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 537.340, RSMo, and to enact in lieu thereof one new section relating to tree trimming by electric utilities.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 537.340, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 537.340, to read as follows:

537.340. 1. If any person shall cut down, injure or destroy or carry away
2 any tree placed or growing for use, shade or ornament, or any timber, rails or
3 wood standing, being or growing on the land of any other person, including any
4 governmental entity, or shall dig up, quarry or carry away any stones, ore or
5 mineral, gravel, clay or mold, or any ice or other substance or material being a
6 part of the realty, or any roots, fruits or plants, or cut down or carry away grass,
7 grain, corn, flax or hemp in which such person has no interest or right, standing,
8 lying or being on land not such person's own, or shall knowingly break the glass
9 or any part of it in any building not such person's own, the person so offending
10 shall pay to the party injured treble the value of the things so injured, broken,
11 destroyed or carried away, with costs. Any person filing a claim for damages
12 pursuant to this section need not prove negligence or intent.

13 **2. Notwithstanding the provisions of subsection 1 of this section,**
14 **the following rules shall apply to the trimming, removing, and**
15 **controlling of trees and other vegetation by any public electrical**
16 **company, municipal utility, rural electric cooperative, or organization**
17 **operating under section 394.200, RSMo, hereafter referred to as an**
18 **electric utility:**

19 (1) Every electric utility that operates electric transmission or
20 distribution lines shall have the authority to maintain the same by

21 **trimming, removing, and controlling trees and other vegetation posing**
22 **a hazard to the continued safe and reliable operation thereof;**

23 **(2) An electric utility may exercise its authority under**
24 **subdivision (1) of this subsection if the trees and other vegetation are:**

25 **(a) Within ten feet, plus one-half the length of any attached**
26 **crossarm, of either side of the centerline of electricity lines potentially**
27 **energized at or below 34.5 kilovolts measured line to line and located**
28 **within the limits of any city; or**

29 **(b) Within forty feet of either side of the centerline of electricity**
30 **lines potentially energized at or below 34.5 kilovolts measured line to**
31 **line and located outside the limits of any city; or**

32 **(c) Within fifty feet of either side of the centerline of electricity**
33 **lines potentially energized between 34.5 and one hundred kilovolts**
34 **measured line to line; or**

35 **(d) Within the greater of the following for any electricity lines**
36 **potentially energized at one hundred kilovolts or more measured line**
37 **to line:**

38 **a. Seventy-five feet to either side of the centerline; or**

39 **b. Any required clearance distance adopted by either the Federal**
40 **Energy Regulatory Commission or an Electric Reliability Organization**
41 **authorized by the Energy Policy Act of 2005, 16 U.S.C. Section**
42 **824o. Such exercise shall be considered reasonable and necessary for**
43 **the proper and reliable operation of electric service and shall create a**
44 **presumption that the electric utility acted with reasonable care,**
45 **operated within its rights regarding the operation and maintenance of**
46 **its electricity lines, and has not committed a trespass;**

47 **(3) An electric utility may trim, remove, and control trees and**
48 **other vegetation outside the provisions in subdivision (2) of this**
49 **subsection if such actions are necessary to maintain the continued safe**
50 **and reliable operation of its electric lines;**

51 **(4) An electric utility may secure from the owner or occupier of**
52 **land greater authority to trim, remove, and control trees and other**
53 **vegetation than the provisions set forth in subdivision (2) of this**
54 **subsection and may exercise any and all rights regarding the trimming,**
55 **removing, and controlling of trees and other vegetation granted in any**
56 **easement held by the electric utility;**

57 **(5) An electric utility may trim or remove any tree of sufficient**

58 height outside the provisions of subdivision (2) of this subsection when
59 such tree, if it were to fall, would threaten the integrity and safety of
60 any electric transmission or distribution line and would pose a hazard
61 to the continued safe and reliable operation thereof;

62 (6) Prior to the removal of any tree under the provisions of
63 subdivision (5) of this subsection, an electric utility shall notify the
64 owner or occupier of land, if available, at least one week prior to such
65 removal;

66 (7) Any owner of property may notify in writing the electric
67 utility which services such owner's property that a tree or other
68 vegetation on such property poses a threat to an electric line and may
69 request that the electric utility remove or trim such tree or
70 vegetation. The electric utility shall within ninety days of receipt of
71 such request either make a good faith effort to remove or trim such
72 tree or vegetation or explain why such removal is unnecessary;

73 (8) Any owner of property upon which any electric utility is
74 trimming a tree may request in writing that in lieu of such trimming,
75 the electric utility may remove such tree. The electric utility shall
76 either remove such tree or explain in writing why such removal is
77 unnecessary;

78 (9) Nothing in this subsection shall grant any electric utility
79 greater authority to remove, trim, or control trees or vegetation beyond
80 the negotiated terms of any recorded easement;

81 (10) Nothing in this subsection shall be interpreted as requiring
82 any electric utility to fully exercise the authorities granted in this
83 subsection.

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