

Utility Rights-of-Way: Electricity Reliability and Forest Protection Act/H.R. 1873



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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Representatives Doug LaMalfa and Kurt Schrader introduced H.R. 1873 into the United States House of Representatives which is titled:

The Electricity Reliability and Forest Protection Act

The bill includes requirements that the United States Department of the Interior and Department of Agriculture ensure that all existing and future rights-of-way for electrical transmission and distribution facilities include requirements for utility vegetation management, facility inspection, and operation of maintenance activities with respect to lands under their respective jurisdictions.

The departments are required to give facility owners and operators the option to submit to the appropriate agency a:

- Vegetation management facility inspection
- Operation and maintenance plan

Both the United States Department of Interior and Department of Agriculture are required to jointly develop a consolidated and coordinated process for review and approval of such plans. Further, they are required to apply their categorical exclusion process under the National Environmental Policy Act to such plans.

The legislation also addresses scenarios if vegetation is in imminent danger of contacting transmission or distribution lines and liability of an owner or operator of a transmission or distribution facility for wildfire damage, loss, or injury in certain circumstances.

The National Rural Electric Cooperative Association sent a June 19th letter to the Chairman of the United States House of Representatives Committee on Natural Resources supporting H.R. 1873 stating it was “common-sense legislation” providing “opportunities for electric cooperatives to better enhance safety and ensure the delivery of affordable, reliable electricity to their members.” Mr. Jim Matheson, Chief Executive Officer, of the organization stated in part:

. . . moving electricity from generation facilities to customers frequently requires transmission and distribution lines to cross land that is federally managed. Access to these lines is essential to perform routine maintenance, upgrades, and equipment replacement. Further, vegetation management is of utmost importance to meet state and federal safety requirements and to ensure electric reliability for our member-owners.

The bill was introduced on April 4th. A copy of the bill and the National Rural Electric Cooperative Association's June 19th letter can be downloaded [here](#).