



AN ACT AUTHORIZING A UTILITY TO REMOVE OR ALTER VEGETATION OR OTHER MATERIAL WITHIN A UTILITY RIGHT-OF-WAY; PROVIDING THAT THE UTILITY PROVIDE NOTICE UNDER CERTAIN CIRCUMSTANCES; PROHIBITING A PERSON FROM DENYING ACCESS OR INTERFERING WITH A UTILITY'S REMOVAL OR ALTERATION ACTIVITIES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Authorization to remove vegetation or other materials from utility right-of-way -- notice -- prohibition. (1) A utility, as defined in 69-5-102, may remove or alter any vegetation or other material within a utility right-of-way or easement if the utility:

(a) determines that the removal or alteration is reasonably necessary for the safe repair, use, operation, or maintenance of the utility's electricity or gas transmission or distribution facilities; and

(b) complies with the notice provisions of subsection (2).

(2) (a) Except as provided in subsection (2)(b), a utility shall provide an affected property owner with written notice at least 15 days prior to the removal or alteration of vegetation or other materials when the action is part of a preventative maintenance program for the utility's easements and rights-of-way. The written notice must include contact information for the utility where the affected property owner can receive information regarding the utility's right to remove or alter any vegetation or material within a utility right-of-way or easement.

(b) A utility is not required to give notice to an affected property owner when the removal or alteration of the vegetation or other materials is undertaken to alleviate an imminent threat to the safe and reliable operation of the utility's electricity or gas transmission or distribution facilities.

(3) An affected property owner may not deny access to or interfere with the activities of a utility within a utility's right-of-way or easement to remove vegetation as provided in this section.

(4) Nothing in this section may be construed to expand a utility's right-of-way or easement.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title

69, and the provisions of Title 69 apply to [section 1].

Section 3. Effective date. [This act] is effective July 1, 2009.

- END -

I hereby certify that the within bill,
HB 0287, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2009.

President of the Senate

Signed this _____ day
of _____, 2009.

HOUSE BILL NO. 287

INTRODUCED BY R. DRISCOLL, B. BECK, KEANE, TAYLOR, VILLA

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