

6/15/11

(Attachment E)

# Pepco halts tree removal along county's rustic roads

■ Elrich wants county more involved in utility's procedures

BY ERIN CUNNINGHAM  
STAFF WRITER

Pepco has stopped removing trees in protected parts of the upcounty after an incident last week in which century-old trees were leveled, drawing criticism from environmentalists and residents.

Now, Councilman Marc Elrich (D-At large) of Takoma Park says he is considering drafting legislation requiring the utility to consult with the county's arborists before trimming or removing trees.

"Their solution seems to be to cut down every living thing," Elrich said of Pepco.

He said reports that the utility was cutting trees on the opposite side of the street from power lines motivated him to get involved.

Pepco is allowed to trim trees in the county's right of way, but if the utility is planning to remove trees from the same land it needs permission from the county, county spokesman Patrick K. Laceyfield said. Trimming trees on private property requires the permission of the property owners.

Pepco spokesman Clay Anderson said the company had permission from private landowners to trim trees on their property Thursday in the area of Budd Road and Hughes Road in Poolesville.

But because those roads are among 97 in the county deemed to be rustic, Laceyfield said they constitute a gray area in the law.

Under the county's rustic roads master plan, trees close to the roads are a significant feature of the roads. The majority of such roads are in the county's Agricultural Reserve in upcounty.

Anderson said Pepco has removed and trimmed 71 of the 79 trees it plans to along Hughes road, and 37 of the 46 targeted trees on Budd. But he was unsure if all of that work took place last week.

Those who witnessed the work in the area Thursday said the trees were cut down, not trimmed.

"They just leave the carnage behind," said Caroline Taylor, who lives at the corner of Budd and Hughes roads. "To me, it's shocking to see what looks like almost a natural disaster has occurred."

Taylor serves as executive director of the Montgomery Countryside Alliance, a nonprofit committed to land preservation.

Anderson said Pepco is working to schedule meetings about the trimming and tree removals, but no such meeting had been scheduled as of Tuesday.

"Pepco has decided not to schedule further tree removal but will continue tree trimming pending an upcoming meeting between county residents, officials and Pepco," he said in a written statement.

Elrich said it appears as if Pepco is retaliating against the county for its public statements about the poor reliability of the utility's service.

"It almost feels like revenge," he said. "You don't want power outages, so we'll just make the place look like a mess."

Elrich said that 10 years ago, while he was serving on the Takoma Park City Council, the local law was changed to require Pepco to consult with city arborists before cutting.

Such a law, if enacted in the county, would allow the government to track where Pepco plans to trim or cut trees and involve trained arborists in the work, he said.

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# Council caught off-guard as county withdraws from probe

■ Leggett: Cost of proceeding estimated at \$200,000

BY ERIN CUNNINGHAM  
STAFF WRITER

Montgomery County has withdrawn as a party in the Maryland Public Service Commission's investigation into Pepco's reliability. County Executive Isiah Leggett (D) said Tuesday.

The news came as a surprise to members of the County Council who say the county now will be less involved in the effort to improve the quality of its primary electric utility.

"This was a mistake," Council Vice President Roger Berliner (D-Dist. 1) of Potomac said bluntly. Leggett disagreed, saying the county would remain actively involved in the probe.

Berliner authored the legislation that allows for the county's involvement in the PSC hearings, which begin Thursday. The PSC is the regulatory authority for the state's utilities.

Leggett said he chose to withdraw as a party in the case Thursday

after the PSC made clear last week that a report he requested would be treated as testimony, which is subject to questions from Pepco as well as the commission.

As a party to the proceedings, the county would incur about \$200,000 in costs defending the report through testimony and other means, Leggett said Tuesday, adding that he was unsure how much had been spent so far.

However, Berliner, an energy attorney, said he does not think it would cost that much.

Leggett said the county would still be involved in the proceedings, but would have less of a duty to provide documents and other supporting information about the Montgomery County Pepco Work Group's report.

The volunteer work group, led by former Lockheed Martin CEO Norman Augustine, issued its report in April. The impetus for the work group and report were widespread power outages in the winter and summer of 2010.

The report was critical of Pepco, calling it the region's worst power provider, and also of the PSC, saying the regulatory body had not done

enough to regulate the struggling utility.

Pepco customers in Montgomery and Prince George's counties lose power more often and for longer than most electricity users in the state and nation.

Councilman George L. Leventhal (D-At large) of Takoma Park said Leggett led the charge to hold Pepco accountable by commissioning the work group report. Now, he said, it seems the county is backing off.

"Either county government is involved, or we're saying we're just bystanders," Leventhal said. "It can't be both."

Leggett said he planned to provide the council with more information in the next several days.

"I'm astounded," Councilwoman Nancy M. Floreen (D-At large) of Garrett Park told Leggett during a meeting in Rockville on Tuesday. "Why are we not fully engaged in this? Our community needs to be aggressively represented."

She said the loss of power has cost the county's residents and businesses millions of dollars.

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*"It almost feels like revenge. You don't want power outages, so we'll just make the place look like a mess."*

Del. March Elrich,  
(D-At large) of Takoma Park


T&E COMMITTEE #1  
July 18, 2011

Discussion

MEMORANDUM

July 14, 2011

TO: Transportation, Infrastructure, Energy and Environment (T&E) Committee

FROM:  Keith Levchenko, Senior Legislative Analyst

SUBJECT: **Discussion: Pepco's Tree Trimming Program**

The issue of Pepco's reliability was brought to the forefront last year during the major regional snow event in February 2010 and by a July 2010 severe rain event, both of which resulted in widespread and multiple day power outages in Montgomery County. A major winter storm event on January 26 of this year also led to widespread power outages.

In August 2010, PEPCO announced a six point reliability enhancement plan intended to reduce the frequency and duration of outages (occurring both during major storm events and during non-major storm events). A summary of this plan is attached on ©17-18 along with a progress update from May 2011 (see ©14-15). Vegetation management (i.e., tree trimming) is a key component of the plan. PEPCO believes that the vegetation issue is the primary cause of outages during major storm events. The Montgomery County PEPCO Work Group's Final Report concurred with this conclusion.<sup>1</sup>

As noted on ©1, PEPCO has trimmed over 1,800 miles of tree line.

**Discussion Topics**

With the increased level of PEPCO's tree trimming has come concerns from neighborhoods about loss of tree canopy and resulting changes in the character of neighborhoods (or, in some cases, in the character of officially designated rustic roads). As a result, PEPCO has encountered resistance from property owners regarding its tree trimming efforts on private property. In response, PEPCO has asked the Council to consider legislation that would provide a process by which PEPCO could seek

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<sup>1</sup> Page 10 of the Work Group Report notes, "In the case of the former (major events), the Work Group concludes that vegetation is indeed the primary cause of disruptions." However, in Non-Major Event conditions, outages are primarily attributable to system internal malfunctions (switch failures, transformer outages, etc., that not uncommonly are a consequence of inadequacies in preventative maintenance) or by animal interference (potentially avoidable with barriers)...Because the overall period without major storm activity is greater than that with such storms, the cumulative reason for overall outages can be largely attributed to internal system failures."

from the County the designation of trees and plant growth as a public nuisance under certain circumstances.

Specific concerns (both for and against Pepco's tree trimming) have also arisen over tree trimming along the right of way of rustic roads (see ©27-31). On June 9, 2011, Pepco implemented a suspension of trimming trees along rustic roads and arranged a meeting on June 30, 2011 which included representatives from Pepco, Montgomery Countryside Alliance (MCA), M-NCPPC, the Agricultural Advisory Committee, and the Rustic Roads Advisory Committee. Comments from the Montgomery County Farm Bureau's President and Vice President are attached on ©27-29.

To ensure a comprehensive discussion of the tree trimming issue, the T&E Committee has assembled a panel for each of three major discussion topics as noted below. In addition, Council staff expects other Executive officials, staff, and interested parties to be present at the meeting and available to discuss these topics as well:

**Topic #1: Current laws, standards, and practices**

- Brett Linkletter, Tree Maintenance Manager, Montgomery County Department of Transportation
- Tod Erickson, Urban and Community Forester, Maryland Department of Natural Resources

**Topic #2: Pepco's tree trimming efforts to date and suggestions for legislative changes**

- Pepco officials

**Topic #3: Community Concerns and Best Practices**

- Jim Woodworth, Director of Tree Planting, Casey Trees
- Caren Madsen, Chair, Conservation Montgomery Board of Directors
- Caroline Taylor, Executive Director, Montgomery Countryside Alliance
- Dr. Lonnie Luther, President, Montgomery County Farm Bureau

**Attachments**

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