

**AMENDMENT TO H.R. 1873**  
**OFFERED BY MR. TIPTON OF COLORADO**

At the end of the bill, add the following new section:

1 **SEC. 3. ELECTRIC TRANSMISSION AND UTILITIES RIGHTS-**  
2 **OF-WAY VEGETATION MANAGEMENT PILOT**  
3 **PROGRAM.**

4 (a) FINDINGS.—Congress makes the following find-  
5 ings:

6 (1) Declining forest health has contributed to  
7 an increased risk of wildfire on National Forest Sys-  
8 tem lands.

9 (2) This increased risk of wildfire on National  
10 Forest System lands has resulted in an increased  
11 fire threat to electric transmission and associated  
12 utility infrastructure located on rights-of-way on Na-  
13 tional Forest System lands.

14 (3) The reliability of electric transmission may  
15 be enhanced when the owners or operators of rights-  
16 of-way on National Forest System lands are allowed  
17 to engage in limited and selective vegetation man-  
18 agement, including thinning or fuel reduction, on  
19 National Forest System lands located outside, but in  
20 the vicinity, of their rights-of-way to help lessen the

1 impact of wildfires that originate outside of the  
2 right-of-way.

3 (b) PILOT PROGRAM REQUIRED.—To encourage  
4 owners or operators of rights-of-way on National Forest  
5 System lands to partner with the Forest Service to volun-  
6 tarily perform vegetation management on a proactive basis  
7 to better protect utility infrastructure from potential  
8 wildfires that originate outside of the right-of-way, the  
9 Secretary of Agriculture shall conduct a limited, voluntary  
10 pilot program, in the manner described in this section, to  
11 permit vegetation management projects on National For-  
12 est System lands adjacent to or near such rights-of-way.

13 (c) ELIGIBLE PARTICIPANTS.—A participant in the  
14 pilot program must have an existing special use authoriza-  
15 tion (in this section referred to as a “right-of-way”) issued  
16 by the Forest Service allowing the placement of electric  
17 transmission lines and related structures on National For-  
18 est System lands. In selecting participants, the Secretary  
19 of Agriculture shall give priority to holders of a right-of-  
20 way who have worked with Forest Service fire scientists  
21 and used technologies, such as Light Detection and Rang-  
22 ing surveys, to improve transmission infrastructure pro-  
23 tection prescriptions.

24 (d) PROJECT ELEMENTS.—A vegetation manage-  
25 ment project under the pilot program involves limited and

1 selective vegetation management activities, including  
2 thinning or fuel reduction, adjacent to or near the partici-  
3 pant's right-of-way to better protect utility infrastructure  
4 in the right-of-way from passing wildfires. The project is  
5 subject to the approval by the Forest Service.

6 (e) PROJECT COSTS.—A participant in the pilot pro-  
7 gram shall be responsible for all costs, as determined by  
8 the Secretary of Agriculture, incurred in participating in  
9 the pilot program, unless the Secretary determines that  
10 it is in the public interest for the Forest Service to con-  
11 tribute funds for a vegetation management project con-  
12 ducted under the pilot program.

13 (f) LIABILITY.—

14 (1) IN GENERAL.—Participation in the pilot  
15 program does not affect any existing legal obliga-  
16 tions or liability standards that—

17 (A) arise under the special use authoriza-  
18 tion described in subsection (c); or

19 (B) apply to fires resulting from causes  
20 other than activities conducted pursuant to an  
21 approved vegetation management project.

22 (2) PROJECT WORK.—A participant shall not be  
23 liable to the United States for damage proximately  
24 caused by activities conducted pursuant to an ap-  
25 proved vegetation management project unless—

1           (A) such activities were carried out in a  
2           manner that was grossly negligent or that vio-  
3           lated criminal law; or

4           (B) the damage was caused by the failure  
5           of the participant to comply with specific safety  
6           requirements expressly imposed by the Forest  
7           Service as a condition of participating in the  
8           pilot program.

9           (g) IMPLEMENTATION.—The Secretary of Agri-  
10          culture shall utilize existing laws and regulations in the  
11          conduct of the pilot program and, in order to implement  
12          the pilot program in an efficient and expeditious manner,  
13          may waive or modify provisions of such regulations, in-  
14          cluding modifications to allow for formation of contracts  
15          or agreements on a noncompetitive basis.

16          (h) TREATMENT OF PROCEEDS.—Notwithstanding  
17          any other provision of law, the Secretary of Agriculture  
18          may—

19               (1) retain any funds provided to the Forest  
20               Service by a participant in the pilot program; and

21               (2) use such funds in the conduct of the pilot  
22               program.

1           (i) DURATION.—The authority to conduct the pilot  
2 program, and any vegetation management project under  
3 the pilot program, expires December 31, 2037.

