



General Assembly

**Substitute Bill No. 6957**

January Session, 2001

**AN ACT CONCERNING THE TRIMMING OF TREES BY THE STATE  
WITHIN THE BOUNDS OF A MUNICIPALITY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 13a-140 of the general statutes is repealed and the following  
2 is substituted in lieu thereof:

3 (a) The commissioner may cut, remove or prune any tree, shrub or  
4 other vegetation situated wholly or partially within the limits of any  
5 state highway so far as is reasonably necessary for safe and convenient  
6 travel thereon. No person, firm or corporation, and no officer, agent or  
7 employee of any municipal or other corporation, shall cut, remove or  
8 prune any tree, shrub or vegetation situated partially or wholly within  
9 the limits of any such highway without first obtaining from said  
10 commissioner a written permit therefor, provided however, that  
11 nothing contained in this subsection shall limit the rights of public  
12 service companies, as defined in section 16-1, to cut and trim trees and  
13 branches and otherwise protect their lines, wires, conduits, cables and  
14 other equipment from encroaching vegetation. No such permit shall be  
15 issued by the commissioner unless the chief elected official of the  
16 municipality in which any tree with a diameter greater than eighteen  
17 inches to be trimmed, cut or removed is situated is notified in writing.  
18 The notice shall include the location and a description of such tree to  
19 be trimmed, cut or removed. The chief elected official of such  
20 municipality shall have opportunity to submit to the commissioner

21 any information concerning the proposed trimming, cutting or  
22 removal of such tree. Such chief elected official may appeal to the  
23 commissioner any decision concerning an application for trimming,  
24 cutting or removing of such tree upon which said chief elected official  
25 submitted information. No such permit for the removal of any such  
26 tree, shrub or vegetation shall be refused if such removal is necessary  
27 for that use of such adjoining land [which] that is of the highest  
28 pecuniary value. If such permit is refused on any state highway  
29 right-of-way, where the state does not own the right-of-way in fee, the  
30 owner of such tree, shrub or vegetation may, within thirty days  
31 thereafter, request said commissioner in writing to purchase or  
32 condemn an easement for the purpose of maintaining such tree, shrub  
33 or vegetation and, if said commissioner does not purchase the same,  
34 [he] said commissioner shall condemn it, in the manner provided for  
35 the condemnation of land for the construction, alteration, extension or  
36 widening of state highways. Any payment so made shall be from  
37 funds appropriated to the Department of Transportation. Said  
38 commissioner may plant, set out and care for trees, shrubs or  
39 vegetation within the limits of such highways and, by agreement with  
40 the owner of land adjoining such highways, upon such adjoining land.  
41 Upon request in writing within thirty days of planting of trees, shrubs  
42 or vegetation to delimit boundaries of a highway by an adjoining  
43 owner not agreeing thereto, said commissioner shall purchase or  
44 condemn an easement for the purpose of maintaining such tree, shrub  
45 or vegetation in the manner provided in this subsection. When the  
46 removal of such tree, shrub or vegetation is necessary for that use of  
47 such adjoining land which is of the highest pecuniary value, said  
48 commissioner shall remove the same upon payment [to him] of all  
49 sums paid for said planting and for any such easement with interest at  
50 the rate of six per cent per annum. Any person, firm or corporation  
51 cutting, removing, damaging or pruning any tree, shrub or vegetation  
52 in violation of the provisions of this subsection, whether it was planted  
53 by the commissioner or not, without a permit from said commissioner,  
54 shall be fined not more than one thousand dollars for each such  
55 violation and shall be liable civilly for any damage in an action

56 brought by said commissioner.

57 (b) Notwithstanding the provisions of section 51-164p, any  
58 municipality, by ordinance, may establish a civil penalty of not more  
59 than one thousand dollars, for cutting, removing, damaging or  
60 pruning any tree, shrub or vegetation in violation of the provisions of  
61 subsection (a) of this section, on any scenic road, designated pursuant  
62 to section 13b-31c, located in said municipality. Any such ordinance  
63 shall provide for notice and an opportunity for a hearing prior to the  
64 imposition of any such civil penalty. Any person who is assessed a  
65 civil penalty pursuant to this subsection may appeal therefrom to the  
66 Superior Court.

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**JOINT FAVORABLE SUBST. C/R**

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