



General Assembly

February Session, 2002

***Raised Bill No. 5484***

LCO No. 1569

Referred to Committee on Environment

Introduced by:  
(ENV)

***AN ACT CONCERNING TREES ON PUBLIC PROPERTY.***

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

1 Section 1. Subsection (a) of section 13a-140 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2002*):

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

18 inches] to be trimmed, cut or removed is situated is notified in writing.  
19 The notice shall include the location and a description of such tree to  
20 be trimmed, cut or removed. The chief elected official of such  
21 municipality shall have opportunity to submit to the commissioner  
22 any information concerning the proposed trimming, cutting or  
23 removal of such tree. Such chief elected official may appeal to the  
24 commissioner any decision concerning an application for trimming,  
25 cutting or removing of trees upon which said chief elected official  
26 submitted information. No such permit for the removal of any such  
27 tree, shrub or vegetation shall be refused if such removal is necessary  
28 for that use of such adjoining land [which] that is of the highest  
29 pecuniary value. If such permit is refused on any state highway  
30 right-of-way, where the state does not own the right-of-way in fee, the  
31 owner of such tree, shrub or vegetation may, within thirty days  
32 thereafter, request said commissioner in writing to purchase or  
33 condemn an easement for the purpose of maintaining such tree, shrub  
34 or vegetation and, if said commissioner does not purchase the same, he  
35 shall condemn it, in the manner provided for the condemnation of  
36 land for the construction, alteration, extension or widening of state  
37 highways. Any payment so made shall be from funds appropriated to  
38 the Department of Transportation. Said commissioner may plant, set  
39 out and care for trees, shrubs or vegetation within the limits of such  
40 highways and, by agreement with the owner of land adjoining such  
41 highways, upon such adjoining land. Upon request in writing within  
42 thirty days of planting of trees, shrubs or vegetation to delimit  
43 boundaries of a highway by an adjoining owner not agreeing thereto,  
44 said commissioner shall purchase or condemn an easement for the  
45 purpose of maintaining such tree, shrub or vegetation in the manner  
46 provided in this subsection. When the removal of such tree, shrub or  
47 vegetation is necessary for that use of such adjoining land which is of  
48 the highest pecuniary value, said commissioner shall remove the same  
49 upon payment to him of all sums paid for said planting and for any  
50 such easement with interest at the rate of six per cent per annum. Any  
51 person, firm or corporation cutting, removing, damaging or pruning

52 any tree, shrub or vegetation in violation of the provisions of this  
53 subsection, whether it was planted by the commissioner or not,  
54 without a permit from said commissioner, shall be fined not more than  
55 one thousand dollars for each such violation and shall be liable civilly  
56 for any damage in an action brought by said commissioner.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>

**Statement of Purpose:**

To increase municipal authority concerning the trimming, cutting or removal of trees on state land.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*