



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2 repealed and the following is substituted in lieu thereof (*Effective*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, provided the chief elected official of the municipality in
8 which any such tree with a diameter of six inches or greater to be
9 trimmed, cut or removed has first been notified in writing of the
10 location and description of such tree to be trimmed, cut or removed
11 and such official had the opportunity to submit to the commissioner
12 any information concerning the proposed trimming, cutting or
13 removal of such tree. No person, firm or corporation, and no officer,
14 agent or employee of any municipal or other corporation, shall cut,
15 remove or prune any tree, shrub or vegetation situated partially or
16 wholly within the limits of any such highway without first obtaining
17 from said commissioner a written permit therefor, provided however,
18 that nothing contained in this subsection shall limit the rights of public
19 service companies, as defined in section 16-1, to cut and trim trees and
20 branches and otherwise protect their lines, wires, conduits, cables and
21 other equipment from encroaching vegetation. No such permit shall be

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

57 person, firm or corporation cutting, removing, damaging or pruning
58 any tree, shrub or vegetation in violation of the provisions of this
59 subsection, whether it was planted by the commissioner or not,
60 without a permit from said commissioner, shall be fined not more than
61 one thousand dollars for each such violation and shall be liable civilly
62 for any damage in an action brought by said commissioner.

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

ENV *Joint Favorable Subst.*