



General Assembly

January Session, 2003

Raised Bill No. 6552

LCO No. 3849

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING TREES ALONG STATE HIGHWAYS.

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2 repealed and the following is substituted in lieu thereof (*Effective*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, 2003*):

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. [No such permit for the removal of any
27 such tree, shrub or vegetation shall be refused if such removal is
28 necessary for that use of such adjoining land which is of the highest
29 pecuniary value.] The chief elected official of such municipality shall
30 have the opportunity to submit to the commissioner any information
31 concerning the proposed trimming, cutting or removal of such tree.
32 Such chief elected official may appeal to the commissioner any
33 decision concerning an application for trimming, cutting or removing
34 of trees upon which said chief elected official submitted information. If
35 such permit is refused on any state highway right-of-way, where the
36 state does not own the right-of-way in fee, the owner of such tree,
37 shrub or vegetation may, within thirty days thereafter, request said
38 commissioner in writing to purchase or condemn an easement for the
39 purpose of maintaining such tree, shrub or vegetation and, if said
40 commissioner does not purchase the same, he shall condemn it, in the
41 manner provided for the condemnation of land for the construction,
42 alteration, extension or widening of state highways. Any payment so
43 made shall be from funds appropriated to the Department of
44 Transportation. Said commissioner may plant, set out and care for
45 trees, shrubs or vegetation within the limits of such highways and, by
46 agreement with the owner of land adjoining such highways, upon
47 such adjoining land. Upon request in writing within thirty days of
48 planting of trees, shrubs or vegetation to delimit boundaries of a
49 highway by an adjoining owner not agreeing thereto, said
50 commissioner shall purchase or condemn an easement for the purpose
51 of maintaining such tree, shrub or vegetation in the manner provided

52 in this subsection. [When the removal of such tree, shrub or vegetation
53 is necessary for that use of such adjoining land which is of the highest
54 pecuniary value, said commissioner shall remove the same upon
55 payment to him of all sums paid for said planting and for any such
56 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, 2003</i>

ENV *Joint Favorable*