



General Assembly

February Session, 2012

Raised Bill No. 5551

LCO No. 2619

02619_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING THE PROTECTION OF POWER AND
TELEPHONE LINES.**

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

1 Section 1. Section 16-234 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 (a) No telegraph, telephone or electric light company or association,
4 nor any company or association engaged in distributing electricity by
5 wires or similar conductors or in using an electric wire or conductor
6 for any purpose, shall exercise any powers which may have been
7 conferred upon it to change the location of, or to erect or place, wires,
8 conductors, fixtures, structures or apparatus of any kind over, on or
9 under any highway or public ground, without the consent of the
10 adjoining proprietors, or, if such company or association is unable to
11 obtain such consent, without the approval of the Public Utilities
12 Regulatory Authority, which shall be given only after a hearing upon
13 notice to such proprietors, [~~;~~ or] except that the authority may, if it
14 finds that public convenience and necessity require, authorize the
15 changing of the location of, or the erection or placing of, such wires,
16 conductors, fixtures, structures or apparatus over, on or under such

17 highway or public ground.

18 (b) Except as provided in subsection (c) of this section, no telegraph,
19 telephone or electric light company or association, nor any company or
20 association engaged in distributing electricity by wires or similar
21 conductors or in using an electric wire or conductor for any purpose,
22 shall exercise any powers which may have been conferred upon it to
23 cut or trim any tree on or overhanging any highway or public ground,
24 without the consent of the owner thereof, or, if such company or
25 association is unable to obtain such consent, without the approval of
26 the tree warden or the consent of the authority, which consent shall be
27 given only after a hearing upon notice to such owner, [; but the
28 authority may, if it finds that public convenience and necessity require,
29 authorize the changing of the location of, or the erection or placing of,
30 such wires, conductors, fixtures, structures or apparatus over, on or
31 under such highway or public ground; and] except that the tree
32 warden in any town or the authority may, if [he or it] the tree warden,
33 town or authority finds that public convenience and necessity require,
34 authorize the cutting and trimming and the keeping trimmed of any
35 brush or tree in such town on or overhanging such highway or public
36 ground, which action shall be taken only after such notice and hearing,
37 [as aforesaid,] which hearing shall be held within a reasonable time
38 after the application therefor.

39 (c) A telegraph, telephone or electric light company or association,
40 or any company or association engaged in distributing electricity by
41 wires or similar conductors or in using an electric wire or conductor
42 for any purpose, may acquire by eminent domain any tree or shrub or
43 portion of such tree or shrub that is on or abuts a right-of-way or
44 easement held by such company or association if the company or
45 association finds a reasonable probability that such tree or shrub or
46 portion of such tree or shrub would constitute an immediate public
47 hazard to such electric wire or conductor or otherwise cause an
48 interruption in the delivery of electric or telephone service (1) because
49 of the condition of the tree or shrub, or (2) in the event of a storm

50 accompanied by winds of hurricane force, snow or ice. If such
51 company or association cannot agree with the owner of such tree or
52 shrub upon the amount to be paid to the owner for such tree or shrub,
53 or portion of such tree or shrub, the company or association shall
54 proceed in the same manner specified for redevelopment agencies in
55 accordance with sections 8-128, 8-129, 8-129a, 8-130, 8-131, 8-132, 8-
56 132a and 8-133. For the purposes of this section, a portion of such tree
57 or shrub includes the limbs, roots or other parts of such tree or shrub.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	16-234

Statement of Purpose:

To (1) allow companies that provide electric or telephone services to acquire by eminent domain a tree or shrub that is on or adjacent to an existing right-of-way or easement held by the company if the company determines that such tree or shrub would cause an interruption in the delivery of such service due to the condition of the tree or in the event of a storm accompanied by winds of hurricane force, snow or ice, and (2) make technical changes.

[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.]