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Testimony of Eric Hammerling, Executive Director, Connecticut Forest & Park Association

Legislation before the Energy & Technology Committee on March 5, 2013	Support/ Oppose
RAISED BILL 6471: AN ACT CONCERNING TREE TRIMMING BY UTILITIES.	Oppose

The Connecticut Forest & Park Association (CFPA) is the first conservation organization established in Connecticut in 1895. CFPA has offered testimony before the General Assembly every year since 1897 on issues such as sustainable forestry, state parks and forests, trail recreation, natural resource protection, and land conservation.

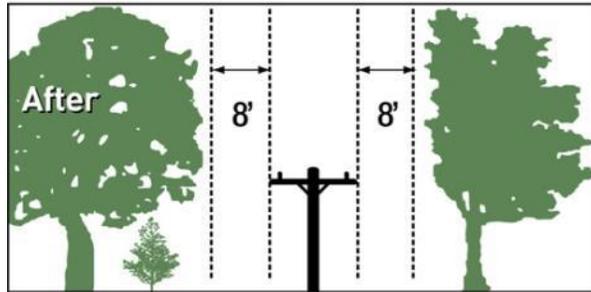
In 2012, the Commissioner of the Department of Energy & Environmental Protection commissioned the State Vegetation Management Task Force (Task Force) “to develop standards for road side tree care in Connecticut, vegetation management practices and schedules for utility rights of way, right tree/right place standards, standards for tree wardens, municipal tree inventories and pruning schedules.” As Chair of this Task Force which offered its final report on August 28, 2012, I feel obligated to note matters that were considered by the Task Force and were included in our final report. **That being said, I oppose this raised bill on behalf of CFPA, not the Task Force.**

The “utility clearance zone” recommended in Section 1a of Raised Bill 6471 goes beyond the tree trimming recommendation put forward jointly by UI and CL&P. This bill suggests a 10 foot horizontal zone (opposed to 8 feet in the Task Force report).

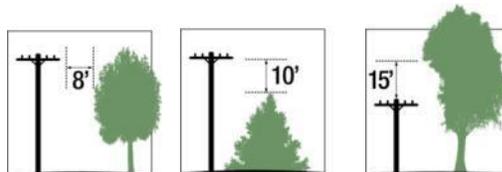
In the Task Force’s Final Report (pages 46-7), UI and CL&P jointly recommended utility clearance requirements as follows:

1. Routine maintenance tree and brush work (tree trimming) shall be performed on a 4-year cycle.
 - a. All roadside and off-road primary voltage lines shall be cleared at least once every 4 years.
2. The utility clearance zone shall be the area 8 feet to the side of all primary conductors from the ground to the sky.
 - a. Enhanced Clearance shall be performed to achieve the following clearances on all circuit backbone and lateral conductors selected for enhanced tree work:

- i. Remove all tall growing tree species below within the clearance zone
- ii. Remove all overhanging limbs within the clearance zone



- b. Scheduled Maintenance Clearance shall be performed to achieve the following clearance around all primary voltage conductors not selected for enhanced tree work:
 - i. 10 feet below within the clearance zone
 - ii. 15 feet overhead within the clearance zone



- 3. Remove hazard trees within the clearance zone
- 4. Each tree shall be evaluated at the time that it is pruned. The tree crew shall consider tree species, condition, growth rate and location when performing line clearance.
- 5. Clearance shall be performed in accordance with the following tree care industry standards:
 - a. ANSI Z133.1
 - b. OSHA 29 CFR 1910.269
 - c. ANSI A300 Part 1: Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices, Pruning
 - d. Best Management Practices, Utility Pruning of Trees

Section 1b appears to remove some authority of municipal tree wardens to have local hearings in favor of disputes being elevated to PURA. Having a locally-based hearing on land-use decisions is an important right that we have grown to expect in Connecticut. That right should not be given up so easily, especially when PURA itself may not wish to be the arbiter for a potentially large number of local tree-related disputes. It also appears that municipal electricity providers or other local electric distribution associations would be precluded from the same rights proposed for utilities under this bill.

Section 1c ends with an absurdly broad and seemingly unnecessary sentence: “The Public Utility Regulatory Authority may, if it finds that public convenience and necessity require, **authorize the cutting and trimming of any tree in a municipality [emphases added]**, which action shall be taken only after notice and hearing as aforesaid.” This should be removed to avoid unintended consequences from broadening PURA’s authority over trees beyond the context of electrical utility infrastructure.

Section 1d would give private utilities authority to remove, without notice, any vegetation with less than a 12” diameter within this zone. This is also overly broad, especially considering the “right tree/right place” species that utilities and the Task Force have recommended landowners to plant in areas near utility infrastructure. The utilities should not have free reign over those species of trees or shrubs that would not actually pose a risk to the utility infrastructure when fully grown.

Section 1e of R.B. 6471 suggests utilities and municipalities 1) collaborate to establish a program to identify hazardous trees (not a bad goal), and then 2) municipalities take on the onus of implementing this program. This is certainly an unfunded mandate for municipalities, and a potentially very large, expensive responsibility in some municipalities. Although the Task Force Report does suggest the need for developing standards for tree removals (pages 50-52), it does not recommend that the responsibility for this be borne solely by municipalities.

For all of the reasons stated in this testimony, we ask the Committee to vote against Raised Bill 6471.

Thank you for the opportunity to testify on this bill, and I am glad to respond to any questions you may have.