Testimony of Mary-Michelle U. Hirschoff
Spokesman on Trees and Power for The Garden Club of New Haven
Energy and Technology Committee, March 5, 2013

In opposition to House Bill No. 6471: An Act Concerning Tree Trimming by Utilities

Promoting the preservation of natural resources is one of the primary missions of The Garden Club of New Haven, and of the organizations with which it is affiliated, the Garden Club of America and the Federated Garden Clubs of Connecticut. The Garden Club of New Haven has over one hundred members in the greater New Haven area. As of 2011, members of Connecticut Garden Club of America clubs totaled 1,565 and Federated members totaled 8,143.

We oppose Raised House Bill No. 6471 because it is likely to have a detrimental impact on protection of healthy roadside trees and shrubs that form such an important part of the character of rural, suburban and urban towns in Connecticut, and because it fails to respect private property rights in those trees and shrubs, which have long been protected under Connecticut law. This roadside forest provides important economic (including reduction of heating and cooling costs), environmental, aesthetic, social, health and safety benefits to Connecticut residents, as detailed in the State Vegetation and Management Task Force report of August 28, 2012.

We agree that roadside trees and shrubs must be properly managed to increase the reliability of the electrical distribution system, and we support efforts to prune and remove trees and shrubs that are defective or diseased or otherwise pose a threat to that reliability. However, the changes proposed in H.B. 6471 are either not necessary to achieve reliability, or inadequate to address the problems posed by hazardous trees outside of the public right-of-way.

Our objections to specific sections of the bill are as follows:

(1) Proposed subsection 1(a) establishes a new concept, a “utility clearance zone,” which, at ten feet horizontally on either side of electrical conductors, would go beyond the public right-of- way next to a road, to which utility pruning and removal have been limited, into purely private property, such as the front yards of homeowners.

(2) Within the expansive “utility clearance zone,” proposed subsection 1(d)(2) eliminates any notice to the property owner that a shrub will be trimmed or removed or that a tree with a diameter of twelve inches or more measured at four and one-half feet above ground level will be trimmed or removed. Both many shrubs and numerous trees that have a diameter twelve inches or less are listed as compatible with right tree/right place principles in the State Vegetation Management Task Force report, and pose no threat to electric system reliability.

No property owner would be happy to come home or arrive at his business to find that his trees and shrubs had been removed without notifying him in advance, even if he would not have objected had he received notice. Notice is essential to ensure that blanket orders for removal in

broad areas within a public right-of-way or the proposed utility clearance zone do not lead to unnecessary removal or inappropriate pruning of trees and shrubs that do not threaten electric system reliability. In addition, notice allows property owners to monitor the work to ensure that the work crews do not inadvertently remove or damage right tree/right place trees or shrubs not actually identified for removal or pruning by the utility arborist.

Current Section 16-234 (see proposed subsection 1(b) for deleted sections) requires a utility to obtain the consent of the adjacent property owner, who technically owns the land subject to the right-of-way and the trees and shrubs within it, prior to trimming or cutting a shrub or tree. There appears to be no evidence that the ability of property owners to object to proposed trimming or removal has contributed in any significant way to power outages. (See discussion in (3) below.)

(3) Proposed subsection 1(c) eliminates the hearing before the tree warden provided in current section 16-234 when the adjacent property owner does not give consent to removal or pruning, and only provides for a hearing before PURA. It is difficult to understand why this change is proposed. In answers to interrogatories by both electric utilities in the PURA tree trimming docket, 12-01-1, United Illuminating stated that it has not exercised its right to appeal to PURA, and the last time Connecticut Light & Power used the right to appeal to PURA from a property owner's refusal was in 1987. Had the local hearing process not adequately protected electric system reliability, one would expect that there would have been frequent appeals to PURA. Having a hearing at the local level is likely to yield a more expeditious decision at lower cost to the utility and the property. It has appeared to work well, and essentially allows for discussion and education.

(4) Proposed subsection 1(d) does at least appear to recognize that hazardous trees pose the greatest threat to electric system reliability, and that they may be outside even the proposed "utility clearance zone." The directives in this subsection, however, raise numerous issues that are not adequately addressed and that require careful analysis and consideration.

The Garden Club of New Haven respectfully requests that the Committee vote against H.B. 6471.

Thank you for your consideration of this written testimony. I will be happy to respond to any questions you might have. Please contact me at mhirschoff@comcast.net or mikeyuh@mac.com.