



**Testimony of Connecticut Fund for the Environment
Before the Committee on Energy and Technology**

In support of HB 5408, AN ACT CONCERNING TREE TRIMMING

Submitted by Zachary Bestor
Legal Fellow / Attorney
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Connecticut Fund for the Environment ("CFE") is a non-profit environmental organization with over 5,500 members statewide. The mission of the CFE, and its program Save the Sound, is to protect and improve the land, air and water of Connecticut and Long Island Sound. We use legal and scientific expertise and bring people together to achieve results that benefit our environment for current and future generations.

Dear Senator Duff, Representative Reed, and members of the Committee on Energy and Technology:

Connecticut Fund for the Environment submits this testimony in support of Proposed HB 5408, *An Act Concerning Tree Trimming*, but also recommends additional changes to Sec. 60 of Section 16-234 of the 2014 supplement to the general statutes to defend healthy trees from overzealous tree trimming projects. As currently written, this legislation is a positive step in that it would clarify that the burden of proof is on the utility company to show that the pruning or removal of the selected tree is required by public convenience and necessity. However, we believe that Sec. 60 has been disregarded in tree trimming plans submitted by the utilities and thus the section should be further amended to strike a better balance between the interests involved.

Last year, Public Act 13-298, *An Act Concerning Implementation of Connecticut's Comprehensive Energy Strategy and Various Revisions to the Energy Statutes*, amended Section 60 to allow for the pruning or removal of trees in a defined Utility Protection Zone ("UPZ") under certain circumstances by the utility companies. Subsection (c) of Section 60 establishes a notification and appeal system. In order to prune or remove a tree on public property (within or overhanging the public right of way), the utility must give notice to adjacent property owners. Similarly, if a tree is fully on private property, the utility must notify the owner of the property. In either case, the private citizens may request a consultation with the town's tree warden. If the abutting property owner objects within ten business days, the tree warden shall issue a written decision within ten business days of the objection. Either the owner or the utility may appeal the decision of the tree warden to PURA within ten days of the warden's decision, in which case PURA may authorize the pruning or removal if it finds that public convenience and necessity require such action.

If this bill, as written, is passed, it would further clarify that the burden of proving that “public convenience and necessity require such action” will be on the utility. Putting the burden of the utility is appropriate because the Utility is the party who selected the tree for removal in the first place, thus beginning the “action.” By selecting the tree for removal, the utility has made an initial determination that public convenience and necessity require removal; therefore, it is the utility’s burden to prove its claim.

In addition to the proposed amendment, we recommend further amendment to Sec. 60 of Section 16-234 of the 2014 supplement to the general statutes to address some of the many other issues that have been raised in the year following its passage. While the section mandates that vegetation management policies of the utilities follow the recommendations of the State Vegetation Management Task Force (“SVMTF”), we believe that the proposal submitted by the utilities have failed to do so in significant ways. In particular, there is substantial overreliance on Enhanced Tree Trimming, which is the arbitrary removal of a tall growing tree species and limbs within 8 feet of the power lines.

Thus, we recommend that you amend subsection (a)(4) and (b) to only permit the pruning or removal of *hazardous trees*, and to forbid the removal of a tree unless the utility receives an independent assessment by a master arborist that the tree poses a genuine risk to the utility infrastructure.

This change will vigorously protect utility lines without unduly destroying the trees that provide so many benefits to our health, quality of life, and economy.

Thank you for your time and consideration on this matter.

Sincerely,

/s/ Zachary R. Bestor

Zachary Bestor

Legal Fellow / Attorney

Connecticut Fund for the Environment

zbestor@ctenvironment.org

Tel: (203) 787-0646 x 108

Fax: (203) 787-0246