



State of Connecticut
HOUSE OF REPRESENTATIVES
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Energy and Technology Committee Public Hearing
Tuesday, March 4, 2014
Testimony in Support of
HB 5408 An Act Concerning Tree Trimming

Senator Duff, Representative Reed and distinguished members of the Energy and Technology Committee, thank you for the opportunity to submit written testimony on H.B. 5408 *An Act Concerning Tree Trimming*.

I represent Hamden's 91st Assembly District:

- It is a diverse district with compact walking neighborhoods in Whitneyville to bucolic farmland in Dunbar Hill.
- It is in UI's service area: PILOT AREA in DUNBAR Hill Neighborhood
- UI's plans resulted in significant interest and consternation
- Community meetings; several hundred attendees
- An organization, "Hamden Alliance for Trees" formed, some of whom are here today and have contacted Chairwoman Reed.
- PURA coming to Hamden on Thursday for public hearing on its docket concerning utilities' plans.

I wholeheartedly support this piece of legislation and its initiative to clarify that the utility bears the burden of proof, if the utility appeals a tree warden's decision to prevent the utility from culling a tree.

I am here to ask you to do more. The Act is a perfect vehicle for the Legislature to make necessary and critical revisions that will balance the rights of our citizens with the desire to ensure reliable power.

No one, certainly not the Dunbar Hill Residents, disputes the need to trim or remove damaged, dangerous or dying trees that jeopardize the power infrastructure and safety of community.

But the utilities "one size fits all" approach, – an 8ft zone clearing anything, including healthy trees, is drastic and unnecessary and does not take into account the differing nature of **each home, each street, each neighborhood, each town.**

Issues are not just aesthetic and environmental. There is a practical need to revise the laws regarding tree trimming.

- I am not just here as a community representative; I am here as a homeowner with personal experience. **A Contractor told me if I did not agree to the removal, I would be billed for any resulting power outage caused by that tree.**
- What has become clear in our meetings with UI, is that UI leaves tree identification to its contractors.
- There is no on-site oversight as to what the contractors recommend; nor is there any consistent approach to how they identify trees for culling.
- UI has no comprehensive approach to tree management. If it is in the zone – tag, it lets the tree warden decide.

Here are several revisions to the statutory scheme of Sec. 16-234 that my constituency and I respectfully recommend to this Committee:

- I. Require utilities to obtain written consent from property owners for removal of trees on private property.
 - Right of way v. private trees a critical distinction
 - Private affirmative consent NOT currently required by CGS §16-234 (PA 13-298, sec. 60).
- II. Place the burden on the utility to prove that a tree is in the public right of way
 - No consistent definition of public right of way
- III. Require that utilities provide a direct phone line and email account to assigned to handle questions on (and/or objections to) tree trimming and removal
 - **And allow objections to be made via that dedicated phone line and/or a dedicated email account -- both prominently displayed on the notice.**

- IV. Create greater accountability of tree service contractors through the requirement of a performance bond.
- V. Embed in the statute the Tree Warden's power to have final say to a trees fate, based not only on potential hazards, but also to the importance of or historical presence of any given tree in any given neighborhood
- VI. Require PURA to conduct a biannual review and evaluation of utility's the plan, including public comment, to allow for adjustments as needed
- VII. Require utilities to plant a replacement tree for every healthy tree removed, at owner's request; require utilities to grind stumps of removed trees, at owner's request.

These revisions strike the balance between our role as legislators setting policy and PURA's role in overseeing the utilities on a day-to-day basis.

We understand that the storms and power outages we have experienced the past couple of years have been disruptive and even dangerous. It is understandable that we have become reactionary in light of that experience. We blame the utilities, they blame the trees.

But we should not be so reactionary as to completely alter the character of our landscape, our land, our towns, our streets.

Thank you Madam Chairwoman and Mr. Chairmen and Committee members for the opportunity to present testimony.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D'Agostino", with a long horizontal flourish extending to the right.

Michael D'Agostino
91st District