
OLR Bill Analysis

sHB 5408

AN ACT CONCERNING TREE TRIMMING.

SUMMARY:

This bill makes several changes to the process telephone, telecommunications, and electric distribution companies (“utilities”) must follow before conducting vegetation management (pruning or removing any trees or shrubs around their poles and wires). Among other things, it:

1. eliminates the deadline for certain private property owners to object to a utility’s proposed vegetation management on the owner’s property, effectively allowing them to delay the utility’s proposal indefinitely;
2. expands the information a utility must include in its notice to a property owner about proposed vegetation management to include that a property owner may suggest modifications to the utility’s proposal;
3. places the burden of proof on a utility if a property owner objects to its proposed vegetation management and the case is appealed to the Public Utilities Regulatory Authority (PURA);
4. requires utilities to grind the stumps of any trees removed on private property and plant replacement trees at the property owner’s direction (PURA must allow a utility to recover the reasonable costs for these actions at its next general rate case); and
5. requires each utility to operate an e-mail account to receive questions and complaints about the vegetation management process.

EFFECTIVE DATE: Upon passage

DEADLINES TO OBJECT

Subject to certain restrictions, current law generally allows utilities to conduct vegetation management anywhere (1) within eight feet of either side of their wires and (2) vertically above or below them. Among other things, a utility conducting vegetation management must notify any abutting property owners and give them at least 10 business days to object before proceeding. The notice can be (1) delivered by first class mail, (2) deposited at the property, or (3) delivered orally and in writing. Under the last option, the utility can proceed any time after giving the notice, as so long as the owner has (1) not filed a written objection within 10 business days or (2) waived the right to object in writing.

Under the bill, a utility that gives notice under the last option for vegetation management on private property can no longer proceed if there is no objection within 10 days. Instead, it can only do so if the property owner waives, his or her right to object in writing. This change allows property owner to delay the proposed vegetation management on his or her property indefinitely if he or she does not waive his or her right to object.

The bill also limits the 10-day objection deadline to instances where the state is the abutting property owner and the proposed the vegetation management is on state property. Limiting the deadline in this manner, however, makes it unclear when a utility can proceed with vegetation management on municipal property (where most subject trees are located) if an abutting property owner fails to object. (It appears that an abutting property owner who chooses not to object could delay the proposed vegetation management indefinitely.)

NOTICE REQUIREMENTS

The bill requires a utility's notice to abutting property owners to inform them that they can, in writing, consent, object, or offer modifications to the utility's proposed vegetation management. For trees on private property, the notice must also state that an owner who

objects will not be billed for any damage caused by trees falling on any utility infrastructure.

By law, unchanged by the bill, the notice must still indicate that a property owner (1) must file a written objection within 10 business days and (2) can request a consultation with the local tree warden or transportation commissioner, as appropriate. (The bill sets no deadline for a property owner to file a proposed modification to the utility's vegetation management.)

APPEALS TO PURA

The bill requires the utility to prove that its proposed vegetation management is required for public convenience and necessity when a property owner or utility appeals a tree warden's or transportation commissioner's decision to PURA. It also extends the entire appeals process to instances when the utility does not accept a private property owner's proposed modifications as allowed under the bill's notice requirement.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute

Yea 16 Nay 7 (03/18/2014)