



Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

**STATE OF CONNECTICUT  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – February 4, 2015  
Environment Committee

Testimony Submitted by Commissioner Robert J. Klee  
and by Deputy Commissioner Susan Whalen

**Raised House Bill No. 6032 – AN ACT CLARIFYING PROVISIONS OF THE GENERAL STATUTES CONCERNING THE USE OF BARRIER SYSTEMS FOR CERTAIN PLANTINGS.**

Thank you for the opportunity to present testimony regarding **Raised House Bill No. 6032 – AN ACT CLARIFYING PROVISIONS OF THE GENERAL STATUTES CONCERNING THE USE OF BARRIER SYSTEMS FOR CERTAIN PLANTINGS**. The Department of Energy and Environmental Protection (DEEP) welcomes the opportunity to offer the following testimony.

This bill would revise the provisions of Public Act 14-100 by making it clear that running bamboo cannot be legally planted within forty feet of any abutting property or public right-of-way. However, this proposal does not provide clarification for instances in which running bamboo is planted more than forty feet from a boundary and then subsequently grows closer to the adjoining property. This is an important consideration in that running bamboo is capable of growing up to 18 feet per year via underground rhizomes.

DEEP wishes to inform members of the Environment Committee that the current statute provides for a private cause of action. Once multiple cases of this encroachment have been adjudicated, the case law will lend some clarification to parties' rights and responsibilities. The Connecticut Judicial Branch, Law Library Services Unit has prepared a guide to resources in the law library that may be helpful to those seeking such a remedy for encroachment by vegetation <http://www.jud.ct.gov/lawlib/Notebooks/Pathfinders/Encroachment.pdf> .

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Robert LaFrance, DEEP's Director of Governmental Affairs at 860-424-3401 or [Robert.LaFrance@ct.gov](mailto:Robert.LaFrance@ct.gov) (or, Elizabeth McAuliffe, DEEP Legislative Liaison, at 860-424-3458 or [Elizabeth.McAuliffe@ct.gov](mailto:Elizabeth.McAuliffe@ct.gov)).