



House of Representatives

General Assembly

File No. 714

February Session, 2016

Substitute House Bill No. 5150

House of Representatives, April 25, 2016

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING TREE WARDENS' NOTICES ON TREES AND SHRUBS PRIOR TO REMOVAL, TREE REMOVAL ALONG STATE HIGHWAYS AND CLEAN-UP BY PUBLIC UTILITY CORPORATIONS FOLLOWING CERTAIN TREE REMOVAL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 23-59 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 The town or borough tree warden shall have the care and control of
4 all trees and shrubs in whole or in part within the limits of any public
5 road or grounds and within the limits of his town or borough, except
6 those along state highways under the control of the Commissioner of
7 Transportation and except those in public parks or grounds which are
8 under the jurisdiction of park commissioners, and of these the tree
9 warden shall take the care and control if so requested in writing by the
10 park commissioners. Such care and control shall extend to such limbs,
11 roots or parts of trees and shrubs as extend or overhang the limits of
12 any such public road or grounds. The tree warden shall expend all
13 funds appropriated for the setting out, care and maintenance of such
14 trees and shrubs. The tree warden shall enforce all provisions of law

15 for the preservation of such trees and shrubs and of roadside beauty.
16 The tree warden shall remove or cause to be removed all illegally
17 erected signs or advertisements, placed upon poles, trees or other
18 objects within any public road or place under the tree warden's
19 jurisdiction. The tree warden may prescribe such regulations for the
20 care and preservation of such trees and shrubs as the tree warden
21 deems expedient and may provide therein for a reasonable fine for the
22 violation of such regulations; and such regulations, when approved by
23 the selectmen or borough warden and posted on a public signpost in
24 the town or borough, if any, or at some other exterior place near the
25 office of the town or borough clerk, shall have the force and effect of
26 town or borough ordinances. Whenever, in the opinion of the tree
27 warden, the public safety demands the removal or pruning of any tree
28 or shrub under the tree warden's control, the tree warden may cause
29 such tree, [or] shrub or group of shrubs to be removed or pruned at the
30 expense of the town or borough and the selectmen or borough warden
31 shall order paid to the person performing such work such reasonable
32 compensation therefor as may be determined and approved in writing
33 by the tree warden. Unless the condition of such tree, [or] shrub or
34 group of shrubs constitutes an immediate public hazard, the tree
35 warden shall, at least ten days before such removal or pruning, post
36 [thereon] on each tree or shrub and may post on each group of shrubs
37 a suitable notice stating the tree warden's intention to remove or prune
38 such tree, [or] shrub or group of shrubs. If any person, firm or
39 corporation objects to such removal or pruning, such person, firm or
40 corporation may appeal to the tree warden in writing, who shall hold a
41 public hearing at some suitable time and place after giving reasonable
42 notice of such hearing to all persons known to be interested therein
43 and posting a notice thereof on such tree, [or] shrub or group of
44 shrubs. Within three days after such hearing, the tree warden shall
45 render a decision granting or denying the application, and the party
46 aggrieved by such decision may, within ten days, appeal therefrom to
47 the superior court for the judicial district within which such town or
48 borough is located. The tree warden may, with the approval of the
49 selectmen or borough warden, remove any trees or other plants within

50 the limits of public highways or grounds under the tree warden's
51 jurisdiction that are particularly obnoxious as hosts of insect or fungus
52 pests.

53 Sec. 2. Section 16-234 of the general statutes is amended by adding
54 subsections (h) and (i) as follows (*Effective October 1, 2016*):

55 (NEW) (h) When conducting vegetation management within a
56 utility protection zone pursuant to this section, the utility shall provide
57 for the removal of any debris generated as a result of such pruning or
58 removal. The provisions of this subsection shall apply only to
59 vegetation management requested by the utility and approved
60 pursuant to this section and, if applicable, section 23-65.

61 (NEW) (i) Not later than January 31, 2017, and each year thereafter,
62 each utility intending to conduct vegetation management in a town or
63 borough in this state shall provide the following to the tree warden of
64 such town or borough, or to the chief elected official of each such town
65 or borough: (1) A plan detailing the proposed roads or areas in said
66 town or borough where such vegetation management will take place
67 in the forthcoming calendar year, and (2) the estimated time schedule
68 for such proposed vegetation management. Each town or borough
69 provided with a utility vegetation management plan in accordance
70 with this subsection shall make such plan publicly available, by
71 electronic means or otherwise, not later than fourteen days after
72 receipt, and keep such plan publicly available for the remainder of the
73 forthcoming calendar year.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	23-59
Sec. 2	<i>October 1, 2016</i>	16-234

TRA *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which imposes two requirements on public utilities related to vegetation management, has no fiscal impact to the state or municipalities.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 5150

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SUMMARY:

This bill imposes two requirements on utilities related to vegetation management (pruning or removing trees or shrubs around utility poles and wires). It applies to telephone, telecommunications, and electric distribution companies.

The bill requires, by January 31, 2017, utilities intending to conduct vegetation management to begin annually providing the tree warden or chief elected official of the town or borough where the work will occur, (1) a plan with the proposed roads or areas for vegetation management activity and (2) an estimated schedule for the work. Within 14 days after receiving the plan, the town or borough must make it publicly available for the rest of the year, either electronically or by some other method.

The bill also requires utilities to remove any debris from vegetation management activities conducted in "utility protection zones" (within eight feet of either side of their wires and anywhere above or below them). The requirement applies only to projects that a utility requests and receives approval from a tree warden or other applicable authority.

Lastly, the bill allows tree wardens to post notices of proposed shrub removal or pruning on groups of shrubs, instead of each individual shrub. By law, a warden must do this at least 10 days before removing or pruning a shrub under his or her control unless its

condition requires immediate removal or pruning.

EFFECTIVE DATE: October 1, 2016

BACKGROUND

Legislative History

The House referred the bill (File 398) to the Transportation Committee, which reported a substitute that eliminated provisions (1) requiring the Department of Transportation to submit plans for tree removal and (2) giving town tree wardens exclusive authority to hold certain tree or shrub removal hearings.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 26 Nay 3 (03/16/2016)

Transportation Committee

Joint Favorable Substitute

Yea 31 Nay 0 (04/19/2016)