



House of Representatives

File No. 903

General Assembly

January Session, 2019

(Reprint of File No. 50)

House Bill No. 5308
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 16, 2019

AN ACT CONCERNING VEGETATION MANAGEMENT ALONG STATE HIGHWAYS BY THE DEPARTMENT OF TRANSPORTATION.

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

1 Section 1. (NEW) (*Effective from passage*) (a) The Department of
2 Transportation shall develop guidelines governing the management of
3 vegetation and tree removal along state highways. Such guidelines
4 shall include provisions for, but shall not be limited to: (1) Safety of the
5 traveling public, (2) general roadside vegetation management activities
6 performed by the department, including, but not limited to, mowing,
7 herbicide application, grassing, replanting with native species
8 whenever practicable, limb management, tree removal and debris
9 removal, (3) beautification and enhancements, (4) visibility
10 enhancement, (5) work zone traffic control, and (6) worker safety. For
11 vegetation management and tree removal, such guidelines shall
12 require the department to consider the environmental impact of such
13 work, including, but not limited to: (A) Preventing invasive tree, brush
14 or plant species growth and impact; (B) storm water run-off; (C)
15 erosion; (D) replanting of vegetation species to expand and improve

16 pollinator corridor habitat; (E) reduced mowing; and (F) the effect on
17 scenic highways or other similarly designated roadways.

18 (b) Such guidelines concerning vegetation management shall be
19 reviewed and approved by a licensed arborist if the services of such a
20 licensed arborist are available from a licensed arborist who is
21 employed at either the Department of Energy and Environmental
22 Protection or the Department of Transportation.

23 (c) The guidelines developed pursuant to this section shall be: (1)
24 Posted on the Department of Transportation's Internet web site, (2)
25 updated, as necessary, to comply with provisions of federal and state
26 law concerning vegetation management on state highways, and (3)
27 reviewed by all maintenance and contractor personnel prior to the
28 commencement of any vegetation management activity.

29 (d) The provisions of this section shall not apply to the removal of
30 any trees or vegetation that constitute an immediate public hazard or
31 any Department of Transportation construction project that constitutes
32 such an immediate public hazard.

33 (e) A copy of the guidelines developed in accordance with this
34 section shall be provided by the Department of Transportation to the
35 joint standing committees of the General Assembly having cognizance
36 of matters relating to the environment and transportation.

37 Sec. 2. (NEW) (*Effective from passage*) Not later than August first of
38 each year, the Department of Transportation shall report the amount of
39 funds the department expended for vegetation management for the
40 last quarter of the fiscal year ending the previous June thirtieth and the
41 amount of funds said department allocated for the first half of the
42 forthcoming fiscal year to the joint standing committees of the General
43 Assembly having cognizance of matters relating to the environment,
44 finance and transportation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section

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 does not result in a fiscal impact as the Department of Transportation already develops the guidelines outlined in the bill.

House "A" struck the underlying bill and its associated fiscal impact.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**HB 5308 (as amended by House "A")*****AN ACT CONCERNING VEGETATION MANAGEMENT ALONG STATE HIGHWAYS BY THE DEPARTMENT OF TRANSPORTATION.****SUMMARY**

This bill requires the Department of Transportation (DOT) to develop guidelines for managing vegetation and removing trees along state highways. It specifies what the guidelines must include and requires that they be reviewed and approved by a licensed arborist, updated as needed, and posted on DOT's website. The department must give a copy of the guidelines to the Environment and Transportation committees.

The bill exempts from the guidelines trees or vegetation on a DOT construction project that poses an immediate public hazard.

The bill also requires DOT to report annually, by August 1, the (1) amount of money it expended for vegetation management for the last quarter of the previous fiscal year ending June 30 and (2) amount it allocated for the first half of the upcoming fiscal year. The report must be submitted to the Environment; Finance, Revenue and Bonding; and Transportation committees.

*House Amendment "A" (1) revises the information DOT must include in its annual report on vegetation management funds; (2) requires DOT to submit its report by August 1, rather than May 1, and also provide it to the Transportation Committee; and (3) specifies that DOT's guidelines should include among its general roadside management activities, replanting with native species whenever practicable.

EFFECTIVE DATE: Upon passage

VEGETATION AND TREE MANAGEMENT GUIDELINES

Under the bill, DOT's vegetation and tree removal guidelines must address:

1. the traveling public's safety;
2. general roadside vegetation management activities, including mowing, herbicide application, planting grass, replanting with native species whenever practicable, limb management, and tree and debris removal;
3. beautification and enhancements;
4. visibility enhancement; and
5. work zone traffic control and worker safety.

The bill also requires DOT to consider the environmental impact of vegetation management and tree removal, including:

1. preventing the growth and subsequent impact of invasive tree, brush, or plant species;
2. storm water run-off;
3. erosion;
4. replanting vegetation species to expand and improve pollinator corridor habitat;
5. reduced mowing; and
6. the effect on scenic highways and other similarly designated roads.

GUIDELINES REVIEW

The bill requires the guidelines to be reviewed and approved by a

licensed arborist, if such services are available from one employed by either DOT or the Department of Energy and Environmental Protection.

DOT must post the guidelines on its website and update them as needed to comply with applicable federal and state law. All maintenance staff and contractors must review the guidelines before managing any vegetation.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 29 Nay 0 (02/25/2019)