OLR Bill Analysis
HB 5312

AN ACT CONCERNING VEGETATION MANAGEMENT WITHIN UTILITY PROTECTION ZONES.

SUMMARY

This bill prescribes additional notice requirements for utilities (i.e., telephone, telecommunication, or electric distribution companies) conducting vegetation management, including pruning or removing trees or shrubs, within the utility protection zone (see BACKGROUND).

By law, utilities may perform vegetation management within this zone, as needed, to secure utility service reliability. But to do so, utilities must generally provide notice of this activity to abutting property owners.

The bill requires utilities to do the following:

1. provide the notice required to be sent to abutting property owners also to the applicable tree warden or municipal authority responsible for the municipality’s tree canopy;

2. include with the notice to an abutting property owner a tear-off satisfaction survey for the owner to complete after the pruning or removal activity occurs;

3. provide all plans, records, and information needed for a designated arborist to evaluate the proposed activity, if an abutting property owner requests for the arborist to conduct such an evaluation; and

4. if there was no objection to the proposed vegetation pruning or removal, provide a status update on the activity once it ends.

The bill also gives the abutting property owners the right to be
present when utility vegetation management occurs.

EFFECTIVE DATE: October 1, 2019

UTILITY VEGETATION MANAGEMENT NOTICE

Under existing law, a utility seeking to prune or remove a tree or shrub within the utility protection zone or on or over a public road, highway, or ground, generally must provide notice to any abutting property owner.

By law, the notice to an abutting property owner must be provided at least 15 business days before any proposed pruning or removal begins.

The bill requires that the applicable tree warden or municipal authority with responsibility for the municipality’s tree canopy also receive the notice, at least two weeks before the proposed date for the pruning or removal.

NOTICE CONTENT

Under current law, the notice must, among other things, do the following:

1. give the property owner the option to consent, object, or modify the proposed pruning or removal;

2. provide information on how to object, including that an objection must be in writing; and

3. state that an objection may include a request to consult with the tree warden or transportation commissioner, as appropriate.

The bill additionally allows the abutting property owner to ask for a consultation by an arborist designated by the municipality. The notice must indicate this option. And, under the bill, if the property owner chooses to have the designated arborist evaluate the proposed pruning or removal, the utility must provide all plans, records, and information needed for the evaluation.
The bill also requires the notice to state that the abutting property owner (1) has the right to be present when any approved pruning or removal occurs and (2) may contact the utility or its subcontractor at a provided telephone number to arrange for the property owner to be present.

The bill also requires the notice to have a tear-off satisfaction survey, returnable to the Public Utilities Regulatory Authority, for the property owner to complete after the vegetation pruning or removal occurs.

BACKGROUND

Utility Protection Zone

The utility protection zone is a rectangular area extending horizontally eight feet from an outermost electrical conductor or wire installed from pole to pole and vertically from the ground to the sky.

Vegetation Management

Vegetation management is the retention of trees or shrubs compatible with utility infrastructure and the pruning or removal of trees, shrubs, or other vegetation that pose a risk to infrastructure reliability.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea  28  Nay  1  (03/25/2019)