Bill No.: HB-5312
Title: AN ACT CONCERNING VEGETATION MANAGEMENT WITHIN UTILITY PROTECTION ZONES.
Vote Date: 3/25/2019
Vote Action: Joint Favorable
PH Date: 3/18/2019
File No.: 647

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SPONSORS OF BILL:

Environment Committee


REASONS FOR BILL:

Although the cutting or pruning of certain trees is important to deliver electricity safety, and for other public safety reasons, concerns have been expressed regarding (1) the indiscriminate removal of trees, (2) the lack of notification from utility companies, and (3) inability for community input.

The bill seeks to address such concerns while also acknowledging the importance of tree removal within utility protection zones by (1) requiring utilities to provide notice to abutting property owners, applicable tree warden, or municipal authority responsible for the municipality’s tree canopy, (2) include with the notice a tear-off satisfaction survey, (3) provide all plans and information to a designated arborist if an abutting property owner requests an evaluation, and (4) provide a status update of the tree removal once complete.

RESPONSE FROM ADMINISTRATION/AGENCY:

None submitted.
NATURE AND SOURCES OF SUPPORT:

**Louis W. Burch, Program Director, Citizens Campaign for the Environment:** While systematic removal of dead, dying, or overgrown trees is necessary to prevent public safety hazards, it must be done with consideration to the values of the surrounding areas. The most important mechanism of the bill is the ability of tree owners to object to the work electric companies are proposing, and to request consultation with tree wardens designated by the municipality or the Connecticut Department of Transportation.

**Patrick M. Comins, Executive Director, The Connecticut Audubon Society:** Public safety and infrastructure reliability require proper maintenance of utility protection zones, but it is also important to provide adequate notice to landowners when planning to do work along utility right of ways. Connecticut has been a pioneer in implementing these vegetative management techniques. Coordination with landowners allows more landowners to become aware of techniques and the opportunity to work with utility providers.

**Sigrun N. Gadwa, Chair of Ecology & Conservation Committee, The Connecticut Botanical Society:** While public safety and infrastructure reliability is important, several alternatives to for powerline corridor management have been developed over the years which preserve botanical & habitat diversity. For example selective herbicide treatment of tree saplings have proven to preserve botanical diversity while also being cost effective. Additionally, testimony includes a white paper developed by Dr. Robert Askins, Professor Emeritus of Connecticut College.

**Mary-Michelle U. Hirschoff, Spokesperson on Trees and Power, The Garden Club of New Haven:** The Garden Club of New Haven supports the bill for the following reasons: (1) tree wardens can make appropriate evaluations about trees designated for removal, (2) tear-off satisfaction surveys will be helpful for the Public Utilities Regulatory Authority’s ability to monitor compliance, (3) miscommunications have occurred when a property owner has not been present resulting in unwanted damages or removals of trees, and (4) it is important for the property owner to know when the work has finished.

**JoAnn Messina, Executive Director, Greenwich Tree Consevancy:** Many provisions were discussed at the State Vegetation Management Task Force. Provisions reflect current Eversource practices but should be codified into law to ensure they are continued.

**Margaret Miner, Executive Director, Rivers Alliance of Connecticut:** While supportive of the bill, language should be amended to require that utilities give notice to municipalities and adjacent homeowners when there re pesticides to be applied, including quantities used.

The Environment Committee received approximately 20 written testimonies in support of the bill expressing concern for the lack of communication between utility company notifications and lack of input on tree removals.

NATURE AND SOURCES OF OPPOSITION:

**David Goodson, Manager of Vegetation Management, United Illuminating (UI):** UI opposes the bill for the following reasons: (1) the tree warden notification provision of the bill
is redundant because state law currently requires a tree warden permit for the work, (2) the bill’s requirement to notify an arborist would add another layer of complexity to the process and would usurp the tree warden’s authority for the care and control of trees within a municipal’s right of way, and (3) UI has always provided property owners the opportunity to be notified in advance of work performed and go beyond what is already required by law by obtaining consent for all non-emergency tree work. UI provides a timeline for “line clearance tree work.” Additionally, UI questions the necessity, cost, and administrator of the survey. Furthermore, UI explains that providing notification upon the completion of work is unnecessary and will add costs.

**Alan C. Carey, manager of Distribution Vegetation Management, Eversource Energy:**
Eversource Energy opposes the bill for the following reasons: (1) the legislature had made comprehensive changes to section 16-234 of the general statutes in 2013 and 2014 to provide additional notice, rights and protections to landowners affected by tree trimming, (2) Connecticut Public Utilities Regulatory Authority closely regulates and monitors tree trimming practices of utilities, and (3) the bill “unnecessarily establishes a confusing reporting hierarchy, burdensome scheduling requirements, redundant communications, and unneeded oversight and reporting.” Testimony includes examples of provisions that would be burdensome to Eversource Energy and provides reasoning for such burden.

**Reported by: Pamela Bianca / Ussawin R. Bumpen  Date: 4/17/2019**