



# Senate

General Assembly

**File No. 190**

January Session, 2021

Senate Bill No. 950

*Senate, March 29, 2021*

The Committee on Energy and Technology reported through SEN. NEEDLEMAN of the 33rd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING THE REPLACEMENT OF PUBLIC UTILITY POLES AND REVISING VEGETATION MANAGEMENT IN UTILITY PROTECTION ZONES.***

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

1 Section 1. (NEW) (*Effective July 1, 2021*) (a) For purposes of this  
2 section, "emergency" has the same meaning as provided in subdivision  
3 (1) of subsection (a) of section 16-32e of the general statutes and "public  
4 service company" has the same meaning as provided in section 16-1 of  
5 the general statutes.

6 (b) Not later than ninety days after (1) the occurrence of an emergency  
7 requiring the replacement of a public utility pole, or (2) a preplanned  
8 replacement of a public utility pole, each public service company shall  
9 place all lines, conduits, cables, wires and other equipment owned or  
10 operated by such company on the replaced public utility pole.

11 Sec. 2. Subsection (a) of section 16-234 of the general statutes is  
12 repealed and the following is substituted in lieu thereof (*Effective July 1,*

13 2021):

14 (a) As used in this section:

15 (1) "Utility" means a telephone, telecommunications or electric  
16 distribution company, each as defined in section 16-1;

17 (2) "Utility protection zone" means any rectangular area extending  
18 horizontally for a distance of eight feet from any outermost electrical  
19 conductor or wire installed from pole to pole and vertically from the  
20 ground to the sky;

21 (3) "Hazardous tree" means any tree or part of a tree that is (A) dead,  
22 (B) extensively decayed, or (C) structurally weak, which, if it falls,  
23 would endanger utility infrastructure, facilities or equipment;

24 (4) "Vegetation management" means the retention of trees and shrubs  
25 that are compatible with the utility infrastructure and the pruning or  
26 removal of trees, shrubs or other vegetation that pose a risk to the  
27 reliability of the utility infrastructure. Until such time as the Department  
28 of Energy and Environmental Protection issues standards for  
29 identifying such compatible trees and shrubs, the standards and  
30 identification of such compatible trees and shrubs shall be as set forth in  
31 the 2012 final report of the State Vegetation Management Task Force;

32 (5) "Pruning" means the selective removal of plant parts to meet  
33 specific utility infrastructure reliability goals and objectives, when  
34 performed according to current professional tree care standards and in  
35 a manner that retains the structural integrity and health of the  
36 vegetation;

37 (6) "Abutting property owner" means the owner of the property  
38 abutting or adjacent to that portion of a public road, public highway or  
39 public grounds where the tree or shrub that the utility proposes to  
40 remove or prune is located; [and]

41 (7) "Private property owner" means the owner of the property where  
42 a tree or shrub the utility proposes to remove or prune is located, which

43 may include municipally owned land; [.]

44 (8) "Three phase main" means the segment of a circuit which  
45 originates directly from a substation and is protected by a circuit breaker  
46 or a recloser-type device.

47 Sec. 3. Subsection (e) of section 16-234 of the general statutes is  
48 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
49 *2021*):

50 (e) (1) No utility shall be required to obtain a permit pursuant to  
51 subsection (f) of section 23-65 or provide notice under subsection (c) of  
52 this section to prune or remove a tree, as necessary, if any part of a tree  
53 is in direct contact with an energized electrical conductor or has visible  
54 signs of burning. Nothing in this subsection shall be construed to  
55 require a utility to prune or remove a tree.

56 (2) No utility shall be required to obtain a permit pursuant to  
57 subsection (f) of section 23-65 or obtain consent under subsection (c) of  
58 this section to prune or remove a tree, as necessary, if any part of a tree  
59 (A) is located in the utility protection zone for a three phase main, or (B)  
60 is part of a hazardous tree that could endanger any three phase main.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2021	New section
Sec. 2	July 1, 2021	16-234(a)
Sec. 3	July 1, 2021	16-234(e)

**ET** Joint Favorable

*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**

There is no fiscal impact resulting from the bill, which establishes a 90-day deadline for public service companies to place wires, cables, and other equipment on replaced utility poles after emergency events, and permits utilities to prune trees endangering certain infrastructure without first obtaining a permit from municipal tree wardens.

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

**OLR Bill Analysis****SB 950*****AN ACT CONCERNING THE REPLACEMENT OF PUBLIC UTILITY POLES AND REVISING VEGETATION MANAGEMENT IN UTILITY PROTECTION ZONES.*****SUMMARY**

This bill sets a 90-day deadline for utility companies to place their lines and other equipment on a utility pole after it has been replaced.

It also makes it easier for utilities to trim trees near a three-phase main power line by exempting them, under certain circumstances, from requirements to obtain a permit from the local tree warden and consent from certain property owners. Under the bill, a “three-phase main” is the segment of circuit that originates directly from a substation and is protected by a circuit breaker or recloser-type device.

EFFECTIVE DATE: July 1, 2021

**UTILITY POLES**

The bill requires public service companies to place their lines, conduits, cables, wires, and other equipment that they own or operate on a replaced public utility pole within 90 days after (1) an emergency requiring the pole’s replacement or (2) a preplanned pole replacement.

Under the bill, “public service companies” are the investor-owned utility companies generally regulated by the Public Utilities Regulatory Authority (PURA). An “emergency” is (1) a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought or fire explosion or (2) an attack causing substantial damage or injury to civilian property or people in the country.

**UTILITY TREE TRIMMING**

Current law generally requires a utility that plans to prune or remove a tree on municipal property to obtain a permit from the local tree warden (CGS § 23-65(f)). If the tree is outside of the public right-of-way, current law also requires a utility to obtain written affirmative consent from the property owner where the tree is located (CGS § 16-234).

The bill exempts a utility from both of these requirements if any part of the tree is (1) located in the utility protection zone for a three-phase main or (2) part of a hazardous tree that could endanger a three-phase main.

By law, the “utility protections zone” is a rectangular area that extends horizontally for eight feet on either side of an electrical conductor or wire installed on a utility pole, and vertically from the ground to the sky. A “hazardous tree” is a tree, or part of it, that is dead, extensively decayed, or structurally weak, which, if it fell, would endanger utility infrastructure, facilities, or equipment. A “utility” is an investor-owned telephone, telecommunications, or electric distribution company regulated by PURA.

**COMMITTEE ACTION**

Energy and Technology Committee

Joint Favorable

Yea 25    Nay 0    (03/11/2021)