

# Energy and Technology Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-950

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

**Title:** ZONES.

**Vote Date:** 3/11/2021

**Vote Action:** Joint Favorable

**PH Date:** 3/4/2021

**File No.:**

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## SPONSORS OF BILL:

Energy and Technology Committee

## REASONS FOR BILL:

This bill would permit utilities to remove a tree that is in direct contact with an energized electrical conductor without obtaining a tree warden permit or notifying private property owners.

## RESPONSE FROM ADMINISTRATION/AGENCY:

**Marissa P. Gillett, Chairman (PURA)** submits the following neutral testimony on SB 950:

- Requested Modifications to Section 1, subsection (b)
  - The Authority suggests adding the term “person” and “municipality” to ensure the broadest applicability of the proposed statute to the various entities that may occupy space on a utility pole. Specifically, the Authority recommends the following:
    - (b) Not later than ninety days after (1) the occurrence of an emergency requiring the replacement of a public utility pole or (2) a preplanned replacement of a public utility pole, each public service company, **person, and municipality** shall place all lines, conduits, cables, wires and other equipment owned or operated by such company, **person, or municipality** on the replaced public utility pole.
- Additionally, the Authority respectfully advises that, in certain circumstances, a utility pole replacement may not occur at the time of the emergency event; rather, the situation may be rendered safe and addressed further during a subsequent phase of the restoration process

## **NATURE AND SOURCES OF SUPPORT:**

**Patrick McDonnell-Vice President of Regulatory Affairs for UIL Holdings Corporation** supports SB 950 with the following modifications:

- We welcome efforts by the Energy & Technology Committee to help us find the right balance between vegetation management to reduce outages and the cost and time that a lengthy notification process can add to that work.
- We believe this raised bill strikes an important balance of maintaining the infrastructure at a reasonable cost while not impacting the character of our communities. This bill would also improve our ability to maintain our infrastructure on the main roads where three-phase main lines exist, but would not change the current requirements around notice and permission in residential neighborhoods which are normally served by single-phase circuits. In addition to the provisions of this bill, there may be improvements needed in the definition of direct contact pruning that would clarify the extent of direct contact pruning that the statute currently allows.

**Richard E. Sobolewski, Acting Consumer Counsel** supports SB 950 because The Bill requires that not later than ninety days after an emergency that requires the replacement of a utility pole or a preplanned replacement of a utility pole, “each public service company shall place all lines, conduits, cable, wires and other equipment owned or operated by such company on the replaced public utility pole.” (Sec. 1(b))

## **NATURE AND SOURCES OF OPPOSITION:**

**Chris Donnelly- Urban Forestry Coordinator-DEEP (retired)** opposes lines 56-60 of the bill. This part of the bill would establish a new set of conditions by which utilities are given the authority to prune or remove trees without obtaining a permit from the local Tree Warden or consent from the abutting property owners.

**William Carone-Tree Warden for the City of New Haven** opposes sections 2 and 3 of this bill which amend Section 16-234 C.G.S. This would eliminate requirements in the current law to obtain a tree warden permit or notify property owners before pruning or removing a tree in a utility protection zone in which ‘three phase main’ electric distribution wires are located. This would include a substantial portion of all distribution wires within a municipality.

**Patrick M. Comins, Executive Director of the Connecticut Audubon Society** opposes sections 2 and 3 of this proposed law, these sections would amend Section 16-234 C.G.S. to eliminate requirements in the current law to obtain a tree warden permit or notify property owners before pruning or removing a tree in a utility protection zone in which "three phase main" electric distribution wires are located. This would include a substantial portion of all distribution wires within a municipality

The amendments would effectively give utilities unlimited power over these trees in the public right-of-way, with no ability of tree wardens or property owners to prevent unnecessary

removals, even clear cutting, and to prevent pruning that could be harmful to the health and structural integrity of the trees

**Heather Dionne-Chair of the Connecticut Urban Forest Council** opposes SB 950 because it would take authority away from the Tree Wardens and abutting property owners. This bill would also establish a conflict with the designated responsibility of the Tree Wardens who are given care and control of municipal trees

**Daniel FitzGerald: Chair-Branford Community Forestry Commission** opposes SB 950 because with this bill in place, our town cannot plan to maintain the current state of forested coverage we have giving the utility companies a blank check to remove trees as needed

**Gregory Foran-Tree Warden for the Town of Glastonbury** opposes SB 950, specifically language in Section 3 that circumvents the permit process in place, whereby the utility notifies the Tree Warden of its plans for ongoing line maintenance in advance and is subsequently issued a permit

**Maggie Redfern-President of New London Trees** opposes SB 950, specifically Sections 2 and 3 that seeks to amend Section 16-234 C.G.S to change the requirement that utilities notify property owners and town tree wardens prior to tree trimming on their property or in their town

**Reported by: Jason Snukis**

**Date: March 28, 2021**