



General Assembly

Amendment

February Session, 2022

LCO No. 5484



Offered by:
SEN. MINER, 30th Dist.

To: Subst. Senate Bill No. 4

File No. 406

Cal. No. 278

(As Amended)

"AN ACT CONCERNING THE CONNECTICUT CLEAN AIR ACT."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (a) of section 13a-140 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective July 1,*
5 *2022*):

6 (a) [The] (1) Except as provided in subdivision (2) of this section, the
7 commissioner may cut, remove or prune any tree, shrub or other
8 vegetation situated wholly or partially within the limits of any state
9 highway so far as is reasonably necessary for safe and convenient travel
10 thereon. No person, firm or corporation, and no officer, agent or
11 employee of any municipal or other corporation, shall cut, remove or
12 prune any tree, shrub or vegetation situated partially or wholly within
13 the limits of any such highway without first obtaining from said
14 commissioner a written permit therefor, provided however, that

15 nothing contained in this subsection shall limit the rights of public
16 service companies, as defined in section 16-1, to cut and trim trees and
17 branches and otherwise protect their lines, wires, conduits, cables and
18 other equipment from encroaching vegetation. No such permit shall be
19 issued by the commissioner unless the chief elected official of the
20 municipality in which any tree with a diameter greater than eighteen
21 inches is situated is notified in writing. The notice shall include the
22 location and a description of such tree to be cut or removed. No such
23 permit for the removal of any such tree, shrub or vegetation shall be
24 refused if such removal is necessary for that use of such adjoining land
25 which is of the highest pecuniary value. If such permit is refused on any
26 state highway right-of-way, where the state does not own the
27 right-of-way in fee, the owner of such tree, shrub or vegetation may,
28 within thirty days thereafter, request said commissioner in writing to
29 purchase or condemn an easement for the purpose of maintaining such
30 tree, shrub or vegetation and, if said commissioner does not purchase
31 the same, he shall condemn it, in the manner provided for the
32 condemnation of land for the construction, alteration, extension or
33 widening of state highways. Any payment so made shall be from funds
34 appropriated to the Department of Transportation. Said commissioner
35 may plant, set out and care for trees, shrubs or vegetation within the
36 limits of such highways and, by agreement with the owner of land
37 adjoining such highways, upon such adjoining land. Upon request in
38 writing within thirty days of planting of trees, shrubs or vegetation to
39 delimit boundaries of a highway by an adjoining owner not agreeing
40 thereto, said commissioner shall purchase or condemn an easement for
41 the purpose of maintaining such tree, shrub or vegetation in the manner
42 provided in this subsection. When the removal of such tree, shrub or
43 vegetation is necessary for that use of such adjoining land which is of
44 the highest pecuniary value, said commissioner shall remove the same
45 upon payment to him of all sums paid for said planting and for any such
46 easement with interest at the rate of six per cent per annum. Any person,
47 firm or corporation cutting, removing, damaging or pruning any tree,
48 shrub or vegetation in violation of the provisions of this subsection,
49 whether it was planted by the commissioner or not, without a permit

50 from said commissioner, shall be fined not more than one thousand
51 dollars for each such violation and shall be liable civilly for any damage
52 in an action brought by said commissioner.

53 (2) The commissioner may cut, remove or prune any tree within the
54 limits of any limited access highway, designated pursuant to section
55 13b-27, provided the commissioner determines it is reasonably
56 necessary for the safe and convenient travel thereon and any such tree
57 is diseased, dead or dying."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	July 1, 2022	13a-140(a)