



General Assembly

January Session, 2023

Raised Bill No. 6744

LCO No. 4682



Referred to Committee on TRANSPORTATION

Introduced by:
(TRA)

***AN ACT CONCERNING TREE REMOVAL AND VEGETATION
MANAGEMENT BY THE DEPARTMENT OF TRANSPORTATION.***

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

1 Section 1. (NEW) (*Effective from passage*) (a) The Department of
2 Transportation shall develop guidelines governing tree removal and
3 vegetation management along state highways. Such guidelines shall
4 include, but need not be limited to, provisions addressing (1) the safety
5 of the traveling public, (2) general roadside vegetation management
6 activities performed by the department, including, but not limited to,
7 mowing, herbicide application, grassing, replanting with native species
8 whenever practicable, limb management, tree removal and debris
9 removal, (3) beautification, enhancements and the effect on scenic roads
10 designated pursuant to section 13b-31c of the general statutes, (4)
11 visibility enhancement, and (5) the environmental impact of such work,
12 including (A) preventing invasive tree, brush or plant species' growth
13 and impact, (B) storm water run-off, (C) erosion, (D) replanting of
14 vegetation species to expand and improve pollinator habitats, as
15 described in section 22-90b of the general statutes, and (E) reduced
16 mowing.

17 (b) The guidelines developed pursuant to this section shall be (1)
18 posted on the Department of Transportation's Internet web site, (2)
19 revised, as necessary, to comply with provisions of federal and state law
20 concerning tree removal and vegetation management on state
21 highways, and (3) reviewed by all maintenance employees and
22 contractors of the department prior to the removal of any trees or the
23 commencement of any vegetation management activity.

24 (c) The provisions of this section shall not apply to the removal of any
25 trees or vegetation that constitute an immediate threat to public safety
26 or that is performed during a weather-related civil preparedness
27 emergency declared pursuant to section 28-9 of the general statutes.

28 (d) The Department of Transportation shall submit, in accordance
29 with the provisions of section 11-4a of the general statutes, a copy of the
30 guidelines developed in accordance with this section, and any revised
31 guidelines thereafter, to the joint standing committees of the General
32 Assembly having cognizance of matters relating to transportation and
33 the environment.

34 Sec. 2. Section 13a-140 of the general statutes is repealed and the
35 following is substituted in lieu thereof (*Effective from passage*):

36 (a) The commissioner may cut, remove or prune any tree, shrub or
37 other vegetation situated wholly or partially within the limits of any
38 state highway so far as is reasonably necessary for safe and convenient
39 travel thereon, provided in the case of tree removal, (1) a certified
40 arborist employed by the Department of Transportation or Department
41 of Energy and Environmental Protection reviews and approves the
42 removal of any tree, and (2) not less than twenty-eight days prior to such
43 removal, the commissioner provides notice of such removal to the town
44 tree warden, borough tree warden, city forester or other similar officer
45 where such removal is to be performed and posts such notice on the
46 Department of Transportation's Internet web site. The review and
47 approval by a certified arborist and the notice described in subdivisions
48 (1) and (2) of this subsection shall not apply in cases where the

49 commissioner determines such removal is necessary to address an
50 immediate threat to public safety or is performed during a weather-
51 related civil preparedness emergency declared pursuant to the
52 provisions of section 28-9. The commissioner shall publish in a
53 conspicuous location on the department's Internet web site a work
54 schedule setting forth the days and location where the department
55 intends to remove trees or commence vegetation management activity
56 not less than twenty-eight days prior to such removal or
57 commencement.

58 (b) No person, firm or corporation, and no officer, agent or employee
59 of any municipal or other corporation, shall cut, remove or prune any
60 tree, shrub or vegetation situated partially or wholly within the limits of
61 any such highway without first obtaining from [said] the commissioner
62 a written permit therefor, provided however, that nothing contained in
63 this subsection shall limit the rights of public service companies, as
64 defined in section 16-1, to cut and trim trees and branches and otherwise
65 protect their lines, wires, conduits, cables and other equipment from
66 encroaching vegetation. No such permit shall be issued by the
67 commissioner unless the chief elected official of the municipality in
68 which any tree with a diameter greater than eighteen inches is situated
69 is notified in writing. The notice shall include the location and a
70 description of such tree to be cut or removed. No such permit for the
71 removal of any such tree, shrub or vegetation shall be refused if such
72 removal is necessary for that use of such adjoining land which is of the
73 highest pecuniary value. If such permit is refused on any state highway
74 right-of-way, where the state does not own the right-of-way in fee, the
75 owner of such tree, shrub or vegetation may, within thirty days
76 thereafter, request [said] the commissioner in writing to purchase or
77 condemn an easement for the purpose of maintaining such tree, shrub
78 or vegetation and, if [said] the commissioner does not purchase the
79 same, [he] the commissioner shall condemn it, in the manner provided
80 for the condemnation of land for the construction, alteration, extension
81 or widening of state highways. Any payment so made shall be from
82 funds appropriated to the Department of Transportation. [Said] The

83 commissioner may plant, set out and care for trees, shrubs or vegetation
84 within the limits of such highways and, by agreement with the owner
85 of land adjoining such highways, upon such adjoining land. Upon
86 request in writing [within] not later than thirty days [of] after planting
87 of trees, shrubs or vegetation to delimit boundaries of a highway by an
88 adjoining owner not agreeing thereto, [said] the commissioner shall
89 purchase or condemn an easement for the purpose of maintaining such
90 tree, shrub or vegetation in the manner provided in this subsection.
91 When the removal of such tree, shrub or vegetation is necessary for that
92 use of such adjoining land which is of the highest pecuniary value, [said]
93 the commissioner shall remove the same upon payment to [him] the
94 commissioner of all sums paid for said planting and for any such
95 easement with interest at the rate of six per cent per annum.

96 (c) Not later than August 1, 2023, and annually thereafter, the
97 commissioner shall publish in a conspicuous location on the
98 department's Internet web site the amount of funds expended by the
99 department during the previous fiscal year for tree removal and
100 vegetation management performed pursuant to the provisions of this
101 section.

102 (d) Any person, firm or corporation cutting, removing, damaging or
103 pruning any tree, shrub or vegetation in violation of the provisions of
104 this [subsection] section, whether it was planted by the commissioner or
105 not, without a permit from [said] the commissioner, shall be fined not
106 more than one thousand dollars for each such violation and shall be
107 liable civilly for any damage in an action brought by [said] the
108 commissioner.

109 [(b)] (e) Notwithstanding the provisions of section 51-164p, any
110 municipality, by ordinance, may establish a civil penalty of not more
111 than one thousand dollars, for cutting, removing, damaging or pruning
112 any tree, shrub or vegetation in violation of the provisions of [subsection
113 (a) of] this section, on any scenic road, designated pursuant to section
114 13b-31c, located in said municipality. Any such ordinance shall provide
115 for notice and an opportunity for a hearing prior to the imposition of

116 any such civil penalty. Any person who is assessed a civil penalty
117 pursuant to this subsection may appeal therefrom to the Superior Court.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	13a-140

Statement of Purpose:

To require the Department of Transportation to develop guidelines governing tree removal and vegetation management, to obtain approval from a certified arborist prior to any tree removal and to provide certain notices and disclosures regarding tree removal and vegetation management.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]