
OLR Bill Analysis

HB 5484

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

SUMMARY

Existing law requires the Department of Transportation (DOT) to develop, and revise as necessary, guidelines on tree and vegetation management, removal, and replacement along state highways for its employees and contractors to use for maintenance and construction projects (see BACKGROUND). This bill specifies a new process by which the guidelines must be submitted to, and approved by, the Transportation and Environment committees and restricts DOT's removal of trees or vegetation until they are approved.

Under current law, the DOT commissioner must submit the guidelines to the Transportation and Environment committees by January 1, 2024. The bill delays the submission deadline until 30 days after its passage. Current law also requires these legislative committees to hold a joint public hearing on the guidelines and the commissioner to present them at this hearing; however, it does not specify when the hearing must occur. The bill requires the hearing to be held within 30 days after the committees receive the guidelines.

The bill additionally requires that the committees (1) meet to approve the guidelines by an affirmative vote or reject them and (2) notify the commissioner of their decision. If they do not approve or reject the guidelines within 30 days after receiving them, the guidelines are automatically deemed approved. If the committees reject the guidelines, they must be returned to the commissioner for revisions, and he must resubmit them for reconsideration within 30 days of the rejection. The bill requires the committees to act on the resubmitted guidelines in the same way as the initial submission.

The bill prohibits DOT from removing any trees or vegetation while doing maintenance and construction projects until the guidelines are approved, whether affirmatively or through the committees' inaction. However, it permits the department to remove trees or vegetation needed to maintain public safety or due to a weather-related civil preparedness emergency.

EFFECTIVE DATE: Upon passage

BACKGROUND

DOT Vegetation Management Plan Requirements

Existing law requires that the DOT guidelines aim to ensure that maintenance and construction projects' impacts on the environment, landscape, and noise pollution are balanced or outweighed by measures taken to avoid and minimize them. Additionally, they must address certain issues (e.g., the safety of the traveling public and visibility enhancement). The guidelines apply to construction projects financed, wholly or partially, with federal funds to the extent that they do not conflict with federal laws and regulations. They do not apply to removing trees or vegetation necessary to maintain public safety or due to a weather-related civil preparedness emergency.

Related Bill

SB 289 (§ 3), reported favorably by the Environment Committee, requires the owner, lessor, or operator of land clearing or grinding machinery or equipment used for vegetation management or removal at a DOT maintenance or construction project to get a Certificate of Limited Effects for Arbor Non-Retainment from DEEP within 30 days before using the machinery or equipment at the project.

COMMITTEE ACTION

Transportation Committee

Joint Favorable

Yea 35 Nay 0 (03/20/2024)