



House of Representatives

General Assembly

File No. 335

February Session, 2024

House Bill No. 5484

House of Representatives, April 8, 2024

The Committee on Transportation reported through REP. LEMAR of the 96th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

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

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

1 Section 1. Section 13b-31h of the 2024 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) The Department of Transportation shall develop, and thereafter
5 revise as necessary, guidelines governing tree and vegetation
6 management, removal and replacement along state highways for use by
7 its employees and contractors when undertaking maintenance and
8 construction projects. The goal of the guidelines shall be to ensure the
9 impacts of maintenance and construction projects on the environment,
10 landscape and noise pollution are balanced or outweighed by measures
11 taken to avoid and minimize the impacts.

12 (b) Such guidelines shall include, but need not be limited to,
13 provisions addressing (1) the safety of the traveling public; (2) general

14 roadside vegetation management activities performed by the
15 department, including, but not limited to, mowing, herbicide
16 application, grassing, replanting with native species whenever
17 practicable, limb management, tree removal and debris removal; (3)
18 beautification, enhancements and the effect on scenic roads designated
19 pursuant to section 13b-31c; (4) visibility enhancement; and (5) the
20 environmental impact of such work, including (A) preventing invasive
21 tree, brush or plant species' growth and impact, (B) storm water run-off,
22 (C) erosion, (D) replanting of vegetation species to expand and improve
23 pollinator habitats, as described in section 22-90b, and (E) reduced
24 mowing. Such guidelines shall apply to construction projects financed,
25 in whole or in part, with federal funds to the extent such guidelines do
26 not conflict with federal laws and regulations.

27 (c) Such guidelines shall not apply to the removal of any trees or
28 vegetation necessary to maintain public safety or that is performed
29 because of a weather-related civil preparedness emergency declared
30 pursuant to section 28-9.

31 (d) [On or before January 1, 2024] Not later than thirty days after the
32 effective date of this section, the Commissioner of Transportation shall
33 submit such guidelines to the joint standing committees of the General
34 Assembly having cognizance of matters relating to transportation and
35 the environment, in accordance with the provisions of section 11-4a.
36 [The] Not later than thirty days after the receipt of such guidelines, the
37 committees shall hold a joint public hearing on such guidelines and the
38 commissioner shall present such guidelines at the public hearing. The
39 committees shall meet to approve or reject such guidelines and advise
40 the commissioner of their approval or rejection of such guidelines. If the
41 committees fail to approve or reject such guidelines within thirty days
42 of such receipt, such guidelines shall be deemed approved. Such
43 guidelines shall become effective when approved by an affirmative vote
44 of the committees or deemed approved. If such guidelines are rejected,
45 such guidelines shall be returned to the commissioner for revisions and
46 resubmitted to the committees not later than thirty days after such
47 rejection. Any such resubmitted guidelines shall be acted upon in the

48 same manner as provided in this subsection for the initial submission of
49 guidelines.

50 (e) The Department of Transportation shall not remove any trees or
51 vegetation when undertaking maintenance and construction projects
52 until such guidelines are approved or deemed approved in accordance
53 with the provisions of this section, except the department may remove
54 any trees or vegetation necessary to maintain public safety or because of
55 a weather-related civil preparedness emergency declared pursuant to
56 section 28-9.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	13b-31h

TRA *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:

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Transportation, Dept.	TF - Potential Cost	See Below	See Below

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

The bill results in a potential cost to the Department of Transportation (DOT) to the extent that the bill's approval processes result in a delay to DOT projects that leads to an increase in overall project costs.

The Out Years

The fiscal impact identified above would continue into the future subject to the submission and approval timeline and any resulting project delays.

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)