Is the tree on or overhanging a public right-of-way for a road or highway or a public ground?

- **Yes**: The utility may remove the tree or branch without notice to an abutting property owner or a permit from the tree warden or DOT. (Sec.16-234(e))
- **No**: A tree warden or DOT permit is required, but, if issued, the utility does not need to provide notice to an abutting property owner. Unless the tree is an “immediate public hazard,” the tree warden must post the tree 10 days prior to intended removal and hold a hearing (no time deadline provided) upon an objection by any person. (Sec. 23-59) A decision must be made in 3 days, and may be appealed to PURA within 10 days. The tree warden may hold a hearing even though there is no objection. (Sec.23-65(f))

  - Is the tree hazardous?
    - **Yes**: Reasonable effort required by utility to give 3 days notice to private property owner prior to removal. (Sec. 16-234(d))
    - **No**: 15 days notice by utility required to private property owner prior to pruning/removal in UPZ, including notice of right to obtain information about whether tree is on private land. Property owner consent is required. Property owner can refuse without filing objection or request for modification, and utility must accept refusal to consent. (Sec.16-234(c)(4))

  - Is the tree within the UPZ?
    - **Yes**: Private property owner must give consent; no notice procedure. Utility must accept refusal to consent.
    - **No**: The utility must obtain a permit from the tree warden or DOT for pruning or removal of trees and shrubs by filing a written application (Sec. 23-65(f) ) and must give 15 days notice to an abutting property owner (and private property owner) prior to pruning or removal in the UPZ and within the public right-of-way. The content of the notice is specified. (Sec.16-234(c)(1)-(3) )

  - Is the tree hazardous?
    - **Yes**: The utility may remove the tree or branch without notice to an abutting property owner or a permit from the tree warden or DOT. (Sec.23-65(f))
    - **No**: The tree warden may hold a hearing upon written application for a permit by the utility for removal/pruning. (Sec. 23-65(f)) The tree warden must post a notice on the tree 10 days prior to intended removal/pruning. If any person objects, the tree warden must hold a hearing (no time deadline provided), notifying interested persons, and issue a decision within 3 days. The decision may be appealed to PURA within 10 days of the decision. (Sec. 23-59)

  - Is the tree part in direct contact with a live wire or burning?
    - **Yes**: PURA requires the utility to evaluate a tree at least 10 days prior to notice. (PURA Final Decision, Docket No.12-01-10, p.17)
    - **No**: An abutting property owner may consent to removal or pruning, or object or request a modification within ten business days of delivery of the notice (16-234(c)(3), to the tree warden or DOT and the utility. The property owner may request a consultation with the tree warden or DOT, which must take place before any decision is reached on an objection or request for modification.

The tree warden or DOT must issue a decision 10 business days from receiving an abutting property owner objection or request for modification, provided that a requested consultation has taken place. The property owner or the utility may appeal the tree warden or DOT decision to PURA within 10 business days after the decision. (Sec.16-234(c)(6) Mediation within 30 days is required unless the property owner opts out of mediation. If mediation fails, PURA holds a hearing within 60 days. (Sec.16-234(c)(6)(B))
NOTES:

All references to statutory sections are to the CT general statutes and include amendments made in 2014 by Public Act 14-151. The language of the statutes should be consulted for complete information and detail, especially regarding the notice requirements.

**Abutting property owner** is “the owner of the property abutting or adjacent to that portion of a public road, public highway or public grounds where the tree or shrub that the utility proposes to remove or prune is located.” (Sec. 16-234(6))

**DOT** is the CT Department of Transportation and its Commissioner.

A **hazardous tree** is defined in Sec. 16-234(a)(3) as “any tree or any part of a tree that is (A) dead, (B) extensively decayed, or (C) structurally weak, which, if it falls, would endanger utility infrastructure, facilities or equipment.”

Each town or city must have a **tree warden**. (Sec. 23-58) The tree warden has “care and control” over “all trees and shrubs in whole or in part within the limits of any public road or grounds” and is charged with enforcing “all provisions of law for the preservation of such trees and shrubs and of roadside beauty,” and to protect “public safety.” (Sec. 23-59) Within one year of appointment, a tree warden or the deputy tree warden must successfully complete a course approved by the Department of Energy and Environmental Protection or be a CT licensed arborist. (Sec. 23-59a)

**Private property owner** is “the owner of the property where a tree or shrub the utility proposes to remove or prune is located, which may include municipally owned land.”

**Pruning** is defined as “the selective removal or plant parts to meet specific utility infrastructure reliability goals and objectives, when performed according to current professional tree care standards and in a manner that retains the structural integrity and health of the vegetation.”

**PURA** is the Public Utility Regulatory Authority, which has jurisdiction over the electric distribution companies’ plans for vegetation management. In its Final Decision in Docket No. 12-01-10, Tree Trimming, PURA issued vegetation management standards, including line clearance standards, at pp. 16-19, and required the electric distribution companies to modify their vegetation management plans accordingly.

**UPZ** is the utility protection zone, defined as “any rectangular area extending horizontally for a distance of eight feet from any outermost electrical conductor or wire installed pole to pole and vertically from the ground to the sky.”

**Utility** is a telephone, telecommunications, electric or electric distribution company . . . .” Virtually all pruning and removal of trees and shrubs is done by electric distribution companies.

**Vegetation management** is defined as “the retention of trees and shrubs that are compatible with the utility infrastructure and the pruning or removal of trees, shrubs or other vegetation that pose a risk to the reliability of the utility infrastructure. Until such time as the Department of Energy and Environmental Protection issues standards for identifying such compatible trees and shrubs, the standards and identification of such compatible trees and shrubs shall be as set forth in the 2012 final report of the State Vegetation Management Task Force.” Sec. 16-234(b) provides that “a utility may perform vegetation management within the utility protection zone, as necessary, to secure the reliability of utility services.”