

# Transportation Committee

## JOINT FAVORABLE REPORT

**Bill No.:** HB-6744

AN ACT CONCERNING TREE REMOVAL AND VEGETATION MANAGEMENT

**Title:** BY THE DEPARTMENT OF TRANSPORTATION.

**Vote Date:** 3/17/2023

**Vote Action:** Joint Favorable Substitute

**PH Date:** 2/27/2023

**File No.:**

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### SPONSORS OF BILL:

Transportation Committee

### CO-SPONSORS:

Rep. Joseph P Gresko, 121st Dist.

Rep. Jennifer Leeper, 132nd Dist.

Rep. Josh Elliot, 88th Dist.

Rep. Michael D'Agostino, 91st Dist.

Rep. Robyn A. Porter, 94th Dist.

Rep Jonathan Steinberg, 136th Dist.

### REASONS FOR BILL:

The clear cutting of trees along some of Connecticut's roadways has been met by many complaints from the state's residents. The lack of the once natural tree barrier has led to increased noise and light pollution which has been disparately affecting communities bordering these roadways. To combat this bill would have the state's Department of Transportation develop guidelines for vegetation management.

### PROPOSED SUBSTITUTE LANGUAGE:

Substitute language was also added to the bill to help these affected communities dealing with increased noise and light pollution by creating a program for the construction of noise barriers.

### RESPONSE FROM ADMINISTRATION/AGENCY:

**Katie S. Dykes, Commissioner of the Department of Energy & Environmental Protection**

The commissioner opposes the provision in the bill that requires the Department of Energy & Environmental Protection (DEEP) staff who are licensed arborists, to review the Department of Transportation (DOT) tree removal plans. The commissioner says the additional requirement of a DEEP licensed arborist's review is redundant and would require a significant fiscal impact including adding qualified staff and technical support.

**Garrett Eucalitto, Commissioner of Connecticut Department of Transportation**

The commissioner expressed concerns with section 2 of the bill. He suggests the wording of this section to instead be by site instead of by individual tree and believes a DEEP arborist is unnecessary. The Department of Transportation (CTDOT) employs Landscape Designers in each of the state's four districts who report to a state-licensed arborist. These employees are experienced in identifying compromised and hazardous vegetation and establishing vegetation management priorities along Connecticut state roadways. All dedicated tree crews are required to attend annual training, provided by a contracted, certified arboricultural training service provider. Currently, 4 of CTDOT's Landscape Designers have completed Tree Warden School and 2 are state-licensed arborists, with plans to support further training and arborist licensing for additional employees. While CTDOT understands the disruption that tree clearing can cause abutting property owners, we have concerns with section 2 of the bill which would require CTDOT to notify stakeholders 28 days prior to removal. CTDOT currently notifies the local Department of Public Works (or equivalent) and abutting property owners if the proposed removal is directly adjacent to that owner's property line of upcoming tree-clearing operations. Currently, tree-clearing operations that require lane closure are also posted on CTDOT's website. We are committed to continually notifying appropriate stakeholders and participating in public engagement. We want to work with the Committee and municipalities on the initiative of this section to still allow CTDOT to continue to complete essential tree work that would not delay removing trees from clear zones that could result in a fatality or serious injury.

**NATURE AND SOURCES OF SUPPORT:**

**Urling Searle, President of the Greenwich Tree Conservatory**

Supports the bill with proposed changes. Including the DOT overhauling its existing guidelines to protect Connecticut's Transportation infrastructure while protecting and enhancing our green infrastructure to meet Connecticut's' climate adaptation /resiliency goals. They expressed support for extending the notification period to the local Head of Municipality and Tree Warden should occur at least 60 days prior to any tree removal commencing, and that notification should include the number, size, and species of the trees to be removed and what the replanting plan will look like with input from the Tree Warden. They also want an added stipulation that the Arborist approving removal plans should not an employee of the Department of Transportation.

**Ali Ghiorse, Founder of the Foodshed Network**

Supports this bill and expressed the need for oversight of CTDOT and Eversource tree management practices in ROW and on Private Property. They also expressed support for

tightening CGS 16-234 (e) through the codification of PURA orders in Docket No 18-12-25 to allow trimming only “as necessary” when any part of a tree is in direct contact with an energized electrical conductor or has visible signs of burning and to prevent this provision from being used to justify clear-cutting over a wider area.

**Eric Hammerling, Executive Director of the Connecticut Forest & Park Association**

Supports this bill but believes there still is a need for more transparent and consistent communications from DoT with municipal officials, tree wardens, and the public about proposed tree removals along state highways. He also thinks HB 6744 should include the concept of “compensatory reforestation”; that is, the DoT should be replanting trees to compensate the people of Connecticut for the removal of trees.

**Wes Haynes, Executive Director of the Merritt Parkway Conservancy**

Supports this bill and thinks the proposed public notification of tree removals is also very important in this bill. The executive director suggests adding provisions in this bill to encourage new funding to replace trees removed including an expanded role for the private sector in vegetation management. Currently, private organizations willing to seek private funding for controlling invasives, replanting trees, and introducing new plantings, as designed, and approved by the Landscape division, are currently prohibited by internal CTDOT policy to fund such projects on the Merritt Parkway.

**Dianne Hoffman, Convener, Hamden Alliance for Trees**

Supports the intent of the bill specifically highlighting their disapproval of the DOT's current notification measures, the need to replace vegetation after its removed, and the importance of roadside vegetation to providing pollution control and reducing noise, particulates, sun glare, and stormwater runoff/erosion.

**Mary B. Jenkins**

Mary supports the bill and opposes wholesale tree clearing and pesticide use for the management of roadside vegetation. She also highlighted the importance of the role roadside vegetation plays in reducing sound pollution, absorbing storm runoffs, cleansing the air of carbon, and providing a habitat for the state’s wildlife.

**Carolyn Glebas**

Strongly supports HB 6744. Says that the Department of Transportation should issue guidelines concerning the removal and cutting of trees and vegetation management along transportation corridors that are widely used, viewed, or adjacent to residential property. The environmental impact of mismanagement of trees and vegetation by clear-cutting, improper cutting of trees, and the use of toxic pesticides clearly result in excessive noise pollution, groundwater pollution, and air pollution. Carolyn strongly supports the Department of Transportation providing guidelines, recommendations, and rules that protect and inform the constituent citizens of Connecticut about tree and vegetation cutting and removal.

**Susan Sleeper**

Supports the bill but also wants to see the inclusion of added provisions. They say CTDOT’s vegetation management guidelines must be grounded in the view that vegetation along highways is an asset to be preserved. They also state that deforestation is not vegetation management and negates the many benefits these areas provide. We can have safe roadways and resilient forests. They are not mutually exclusive. Finally, they say that

CTDOT's management plan must include oversight and account for all removals with a detailed plan of what is to be replanted.

**Bryan LeClerc, Fairfield**

Supports this bill and expressed the importance of sound/safety barriers adjacent to highway systems. He states that they not only block noise but also animals/ individuals from entering the highway's right of way. He also recalls that after the natural sound barriers (trees) were removed there was an incident where state police had to shoot at a vehicle on the highway and the next morning, they were woken up by state troopers to search their backyard for projectiles to see where they had struck. Noise and nighttime light pollution have also decreased their quality of life in their home which is next to the interstate.

**JoAnn Messina, Executive Director of the Greenwich Tree Conservatory**

Supports this bill with proposed changes. Including the DOT overhauling its existing guidelines to protect Connecticut's Transportation infrastructure while protecting and enhancing our green infrastructure to meet Connecticut's' climate adaptation /resiliency goals. They expressed support for extending the notification period to the local Head of Municipality and Tree Warden should occur at least 60 days prior to any tree removal commencing, and that notification should include the number, size, and species of the trees to be removed and what the replanting plan will look like with input from the Tree Warden. They also want an added stipulation that the Arborist approving removal plans should not an employee of the Department of Transportation.

**Shirley McCarthy, Yale Professor**

Supports this bill stating the importance of trees in urban areas saying they reduce crime, bring beauty to the landscape, rarely are involved in car crashes, and reduce car accidents.

**David Mack**

Supports this bill and the construction of sound barriers. He also expressed concerns that highway noise pollution has likely decreased his property value.

**William Lenahan, Fairfield**

Supports this bill and the construction of noise barriers, especially along I-95. Says despite living over 3 miles from I-95 he can still clearly hear the noise of traffic with their windows down and the noise disturbance is negatively affecting his sleep and health.

**Jennifer Leeper, State Representative**

Supports this bill and believes that requiring a certified arborist to review and approve the removal of any trees, providing notice of such removal to the tree warden, making sure the removal of the tree is necessary to address public safety, and posting notifications are all very good changes. On top of this Representative Leeper would like a more specific definition of what can be deemed "hazardous" tree is important. Stating that ideally, the DOT should solely be focused on trees that are damaged, dead, or diseased, and as the bill mentions poses an immediate safety risk or are cut because of a weather emergency. On top of this, she believes the provisions for vegetation management practices that include mowing, grassing, replanting with native species and whenever practicable, limb management, beautification, enhancements for scenic roads, preventing invasive trees, brush or plant species' growth, and replanting vegetation species to expand and improve pollinator habitats.

**Suzanne Duval**

Supports this bill. Suzanne disapproves of the clear-cutting that was done along I95 saying it has created a terrible visual on the highway and from their homes. Also stating that the absence of natural vegetation has resulted in increased air light and noise pollution.

**Kerry Veas, Fairfield, CT**

Strongly supporting this bill Kerry has been a resident of Fairfield since 2003 and has experienced increased exposure to air and noise pollution over the years due to increased traffic on the highway and the lack of noise barriers due to the clear-cutting of trees.

**Kathleen Repole**

Supports this bill saying that the clear-cutting of trees is not forest management and that the ecosystem should be preserved except for dead trees that pose a probable threat to public safety.

**Denise Savageu, Environmental Planner**

Supports this bill stating that roadside forests act as vegetated buffers that protect residents by reducing air pollutants (listing O3, NO2, SO2, and PM10), moderate temperatures (through shade), reducing noise pollution, and act as stormwater runoffs by providing erosion control and reducing water pollutants. She references UConn's Stormwise Program to make trees more resilient to storms and says the CTDOT should at a minimum coordinate with UCONN, DEEP, and the CT Agricultural Experiment Station to develop proper guidelines. Denise also warns against the CTDOT using pesticides out of concern for watersheds and private wells which the public depends on for their water supply.

**Myra Klockenbrink**

Supports this bill stating that trees are important for lowering road temperatures, absorbing pollutants, and blocking noise. He also highlights the importance of trees in limiting climate change and that every tree cut is 50-100 years of carbon sequestration out the window.

**Samuel Matos**

Supports this bill stating that trees should only be cut down as a last resort after careful consideration.

**Amy Blaymore Paterson, Executive Director of Connecticut Land Conservation Council**

Supports this bill saying it's a step in the right direction to bring accountability and transparency to the CTDOT plans for planned tree removals along the state's highways they also recommend that HB 6744 include a provision for compensatory reforestation. They also state the importance of these trees in mitigating the impacts of climate change.

**Mark Basso**

Supports this bill stating that noise pollution from the highway has drastically increased due to a lack of trees. He says the lack of this natural barrier between his neighborhood and the highway has led to increased traffic noise and pollution and has been a general disturbance in the neighborhood.

**Michelle Basso**

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**Joanne Seguin**

Supports the bill but also wants to see the inclusion of added provisions. They say CTDOT's vegetation management guidelines must be grounded in the view that vegetation along highways is an asset to be preserved. They also state that deforestation is not vegetation management and negates the many benefits these areas provide. We can have safe roadways and resilient forests. They are not mutually exclusive. Finally, they say that CTDOT's management plan must include oversight and account for all removals with a detailed plan of what is to be replanted.

**Margarita Alban, Chair of the Greenwich Planning & Zoning Commission**

Supports this bill saying that trees help filter noise, help clean the environment, and preserve the landscape's beauty.

**Amanda Ingrasse**

Supports this bill saying too many trees have been cut down which has increased noise pollution, air pollution, diminished natural habitats, and decreased the state's natural beauty. She states that she is excited that the state's idling law will finally be enforced.

**Eileen Simonson, Mrs.**

Supports this bill stating only vegetation that becomes a safety or visibility concern should be removed.

**Berrin Snyder, Greenwich, CT**

Supports this bill stating that over 50% of Greenwich's tree canopy has been cut down and asking that the CTDOT refrain from clear-cutting.

**Nancy Cunniffe**

Supports this bill saying that trees help filter noise, help clean the environment, and preserve the landscape's beauty.

**Robert Svensk Chair of the Southport Conservancy**

Supports the bill saying he lives near I-95 and noise pollution has become a huge issue since the clear-cutting of nearby trees. He says some sort of physical sound barrier is needed to decrease noise pollution and deflect debris from affecting his town.

**The following also submitted testimony in support of HB-6744**

**Sharon Huttner, Commissioner of the Branford Planning & Zoning**

**John Ijams**

**Judith Proctor, Southport, CT**

**NATURE AND SOURCES OF OPPOSITION**

**Frank O’Gorman**

Opposes the bill saying he's against clear-cutting trees as it ruins the scenery of the state.

**Joan Anonymous**

Opposes the bill saying she's against clear-cutting trees as they act as sound barriers, improve air/water quality, reduce flooding, and sequesters carbon.

**Melinda Carroll, Greenwich, CT**

Opposes the bill saying she's against the use of pesticides and clear-cutting trees as they protect from sound and air pollution.

**Reported by: Nathan Vieira**

**Date: 3/21/23**