

Brief Summary of Amended HB 5408:

- Requires the Department of Energy and Environmental Protection to review the utilities' vegetation management practices (tree and shrub pruning and removal) "on and after" the effective date of the legislation;
- Requires PURA to provide a report to the Legislature reviewing the utilities' tree trimming policies a year after its final decision in its current "tree trimming" docket, 12-01-10, and every two years thereafter;
- Clarifies definitions to emphasize retention of healthy trees and shrubs that are compatible with the utility infrastructure and to require that pruning must be done in a manner that retains the structural integrity and health of the tree or shrub;
- Limits vegetation management to that which is necessary to secure the reliability of utility services;
- Clarifies the rights of those who have a tree entirely on private property and those who own property abutting or adjacent to trees in the public right of way;
- Specifies that no utility pruning or removal may be done on a tree entirely on private property without the affirmative written consent of the owner, with the exception of a hazardous tree on private property within the Utility Protection Zone, for which the utility is required to make a "reasonable effort" to provide 3 days notice to the property owner.
- Requires a utility, municipality or the DOT to provide a property owner, upon request, with information as to whether a tree or shrub is in the public right-of-way or on the owner's private property.
- Specifies additional information on the notice to be provided to property owners by the utility as to how to object, including an option to suggest a modification to the planned removal or pruning, and a statement that the property owner will not be billed if the tree later causes damage to the utility infrastructure;
- Permits utility notice to be delivered via electronic mail or text message to property owners;
- Allows property owners to file their objections or request for modification to the utility via electronic mail, but they must continue to file their objection with the tree warden or DOT in writing;
- Explicitly references the requirement that a permit must be obtained from the tree warden or the DOT prior to any pruning or removal of trees or shrub, pursuant to Section 23-65(f);
- Requires PURA to hold a mediation process within thirty days on any appeal by an abutting property owner or a utility of a tree warden or DOT decision regarding tree pruning or removal, unless

the abutting property owner declines mediation and wants to proceed to a hearing. If the issue is not resolved by mediation, a hearing before PURA takes place within 30 calendar days after conclusion of the mediation; [effective after final decision in 12-01-10]

- In the PURA hearing, requires a utility to prove that the public convenience and necessity require the pruning and removal it proposes; and
- Allows PURA to authorize pruning, removal or stump grinding of any tree or shrub at issue after a hearing. [effective re: stump grinding after PURA issues its final decision in Docket No. 12-10-10]