Environmentalists, legislators, residents fight against UI trimming, removing trees

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HAMDEN — Environmental groups, legislators and residents all are objecting to United Illuminating's program aimed at trimming or removing trees without consent from towns or residents.

Under UI's standard tree pruning/removal program — Utility Protection Zone work — a property owner has the right to object to tree work or ask to modify it, but the utility can remove the tree if the property owner doesn't object, provided the utility has the required permit from the municipality's tree warden.

However, the law gives flexibility to utility companies to address trees coming into contact with wires or ones that show signs of burning.

State statute allows a utility company to forgo the permit requirement and notification to property owners when pruning or removing a tree “if any part of a tree is in direct contact with an energized electrical conductor or has visible signs of burning.”
spokesman Ed Crowder. UI's standard vegetation management notification package includes options for consent, objection and modification.

Many objecting to the TRM program said the practice undermines the municipal tree warden's authority and doesn't follow the spirit or intention of the exception.

In letters to the state's Public Utility Regulatory Authority — which oversees the rates and services of utilities, hears complaints and reviews compliance — many are asking the agency stop UI from implementing the TRM program.

“It takes away the right of the tree warden and the town to have any say in what happens to our trees,” Hamden Alliance for Trees member Diane Hoffman said.

State Rep. Michael D'Agostino, D-Hamden, said in comments submitted to PURA that as one of the legislators primarily responsible for crafting the statute, the intent of the “direct contact” language wasn't to allow utilities to circumvent notifying property owners and tree wardens.

D'Agostino, along with state Reps. Robyn Porter, D-New Haven, and Josh Elliot, D-Hamden, told PURA in a letter that the agency shouldn't allow UI to implement the program without evaluation or approval since it's intended for emergency situations.

“UI should not be the sole decider on tree removal without consulting with tree wardens, town leaders or residents,” they said in their letter. “UI has economic interest in removing as many trees as possible as quickly as possible, but this interest should not be the sole determining factor. The public also has an interest in both access to reliable electricity as well as the benefits of having as many healthy trees in their community as possible.”

Hamden recently ordered UI to stop all vegetation management because of resident concerns.

**No Tree Warden Oversight**

Hamden's consulting arborist Geoff Harris said the town would prefer to have eyes on all tree work. Harris said UI's right to perform the work doesn't mean it is doing so everywhere, but he's skeptical.

“They're good guys trying to do the job correctly and the problem we're having is they have a limb on a wire and they want to do 8-10-15 (clearance pruning), and if they want to do that they have to talk to me,” he said. “I want to be able to see the tree first and that's the bottom line.”

Harris said the new specifications have caused a problem in which crews are asked to trim everything in utility protection zone, which isn't a good arborist practice.

Fairfield Tree Warden Jeff Minder said trees are part of a town's infrastructure and especially important to Fairfield. If utilities are pruning without consultation of a municipality's arborist, the crew could be leaving the tree aesthetically unappealing or structurally unhealthy, he said.

“We definitely welcome the trimming program but we'd like it to be transparent,” Minder said. Without consultation with residents or tree wardens, UI will set the pruning standard and do what's necessary to get the
Minder said he doesn’t have reason to believe that they’ll only trim what’s necessary and if they take to much, the tree will suffer.

As a full-time tree warden, Minder makes a point to walk with the identifying crews during their regular circuits — and each time, they propose a lot of work that Minder said isn’t necessary.

“They have one goal in mind — it’s to get utility line clearance,” he said. “They don’t care about neighborhood aesthetics, if your house is in full sun all day, if there’s erosion on roadsides. These things are what a tree warden has to look at.”

David Goodson, UI’s director of vegetation management, told PURA they send crews out to prune trees to a “four-year clearance” of 8 feet to the side, 10 feet below, and 15 feet overhead.

Fairfield has been a designated Tree City USA for nearly 32 years, a recognition of the city’s tree stewardship and urban forest education. In 2019 when UI rolled out TRM, Minder said they didn’t propose any regular tree trimming, but wanted to do 24 miles of TRM work, which the town refused.

“We’re not against UPZ (Utility Protection Zone) or direct contact program,” Minder said. “It needs to take place, but you need to include the tree warden.”

Mary Hogue, chairwoman of the Fairfield Forestry Committee, said she’s concerned that two customer rate increases have been approved specifically for tree trimming, yet Fairfield ratepayers didn’t see any scheduled work done last year.

“We’re convinced the work needs to happen and that there are plenty of roadside trees that need to be removed,” she said. “The tree trimming needs to happen and is essential, but it needs to be done with an arborist’s eye.”

Vegetation Management

Crowder said UI is simply trying to prevent hazards before they become problems.

“When we see a danger spot, we address it instead of waiting for the next trim cycle,” he said. “We have an obligation to provide safe and reliable service.”

Last year, UI did TRM work on about 285 miles of distribution circuit out of about 3,500 miles, prioritizing circuits with poor reliability performance farthest away from scheduled routine management, he said.

When asked why the utility is proposing this work without consulting with the tree wardens, Crowder said, “We have obligation to maintain the safety and reliability of our system and our customers expect us to do that on an ongoing basis.”

Crowder said crews are not taking down trees under this program.

In January 2014, UI began the Utility Protection Zone program to establish a clearance zone extending 8 feet horizontally and ground-to-sky vertically around all of its primary distribution lines, according to the last
Then the authority approved a $162 million, 12-year plan, extending the program to 2025. UI said the increase was needed to fund the escalating costs of municipal traffic control, the consent and objection process and rising costs of tree work.

In UI’s vegetation management report to PURA, the utility said compliance with the legislation governing tree trimming notifications “has a negative impact on crew productivity and schedule completion because of the disruption it causes to the plan and subsequent flow of work.”

Utilities are allowed to pass along tree-trimming costs to ratepayers if they can prove to PURA the expenses are justified.

**Outage Resiliency**

Crowder said UI has seen consistently strong results in reductions of outages over time.

“We're proud of UI’s excellent record of reliability, which ranks near the top in our industry,” he said. “This reflects UI's proactive approach to upgrading and maintaining its system, including its robust vegetation management program.”

UI circuits that have undergone UPZ clearance show a 65 percent improvement — fewer interruptions — in day-to-day reliability from 2015 through 2018, compared with just 9 percent improvement for those that did not undergo UPZ clearance.

Crowder said he didn't know of customer satisfaction surveys collected on tree work.

**Benefits of an Urban Forest**

Street trees can provide benefits far beyond neighborhood beautification, according to the Arbor Day foundation. Trees can provide energy savings for heating and cooling, tame stormwater runoff, mitigate erosion and combat climate change.

Hoffman said trees are one of the main nature-based solutions to the climate crisis.

Yale School of Forestry Urban Resources Initiative Director Colleen Murphy-Dunning works hand-in-hand with New Haven to plant more street trees with consideration of species diversity, ecological benefits and utility line safety.

They plant about 500 trees every year in the city, employing the Right Tree Right Place practice that involves planting smaller, ornamental trees under utility lines that won't grow too tall when fully mature. Across the street from utility lines they can plant taller shade trees so that they avoid the conflict cities have today with utilities, she said.

“The practice has been Right Tree Right Place, but there are trees that are tall and healthy planted under the lines and it’s OK,” she said. “If you have healthy tall trees they bring so much benefit.”
An appeal to PURA

Others in UI’s service territory are equally concerned. The Greenwich Tree Conservancy, a local nonprofit that promotes the preservation and enhancement of the tree and forest resources, oppose the program “because it offers convenience to Connecticut’s utilities at the expense of citizens, local public officials and our communities.”

Eric Hammerling, Connecticut Forest & Park Association executive director, served as chairman of the State Vegetation Management Task Force and said the program would circumvent the public notice requirement that ensures vegetation management work considers landowner and community interests.

Hammerling said when legislators discussed amendments to the law, utility companies asked to include the direct contact provision so they could quickly respond to emergency situations. He said the measure made sense at the time to everyone, but with the TRM program, UI appears to be using an intended ‘emergency measure’ as the basis for much of its planned work in some of its territory.

Crowder said the utility considers an emergency to be when the lights are out or there are live wires on the ground.

“We don't want to wait for that to happen,” he said. “The statute allows UI to address these threats proactively and expediently as part of its obligation to provide safe and reliable service.”

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