



Regulations, Legislation, & Funding Recommendations

During the early meetings of the Task Force, the General Assembly was debating several energy proposals that included recommendations on vegetation management. The most significant legislation that relates to this Task Force is Public Act 12-148 (formerly S.B. 23), which was signed into law on June 15, 2012 by Governor Malloy. This new law requires the Connecticut Public Utilities Regulatory Authority (PURA) to open a docket (#12-06-09) that will consider, among other things, “the standards appropriate for road-side tree care in the state, vegetation management practices in utility rights-of-way, right tree-right place standards, and any other tree maintenance standard recommended by the State Vegetation Management Task Force established by the Department of Energy and Environmental Protection.” The deadline for PURA to produce a report based upon the information submitted to its docket by this Task Force and others is November 1, 2012.

The recommendations of the Task Force follow:

Legislation

- Define “Roadside Forest” and “Roadside Forest Area” in Statutes.
- *Tree Warden Certification*: require all municipal tree wardens to be certified based upon standards developed by CT DEEP (analogous to certification requirements for

arborists or foresters). CT DEEP should be given 6 months to set standards, and municipalities should be given 1 year from the setting of standards to ensure that their tree wardens are certified.

- *Model Tree Care Ordinance:* CT DEEP shall work with the Tree Wardens Association of CT, CUFC, CFPA, CTPA, and the electrical utilities to develop a model tree care ordinance which shall include:
 - A 5-year plan for the maintenance of trees within the jurisdiction of the tree warden.
 - Tree pruning and removal guidelines for trees along public roads.
 - Standards for tree planting that include the avoidance of overhead and underground power and communications lines, road signals and/or the obstruction of other state, municipal or private infrastructure. All trees planted within the public way and on municipal property shall be approved by the tree warden.
- *Tree Warden New Construction Planning:* ensure municipal tree wardens are consulted in the local Planning/Zoning/Wetlands review processes to help ensure implementation of “right tree/right place” and other tree best management practices.
- Give explicit authority (without additional liability) to certified tree wardens to identify “hazard trees” on private property adjacent to roadsides (a tree that has a defect that could cause it to break apart or fall over and if it did, harm or damage a valuable target) and bring those hazard trees to the attention of the landowner.
- Require landowners (state, municipal, private) with active and constructive knowledge of a “hazard tree” to take action to remediate problems within a reasonable amount of time. Homeowner insurance, the utility-supported “private property hazardous tree program” (see below), or other sources may provide funding if landowner is unable to pay for remediation.

Regulations

- Ensure all municipalities have dedicated sites for collecting biomass after a storm event. This is especially important for “big wood” rather than the material created through routine tree maintenance.
- Encourage Road Masters and Scholars program -- a series of workshops offered by the UConn Technology Transfer Center to provide Connecticut's municipal highway personnel with the fundamentals of modern road maintenance management procedures and techniques -- to continue to include roadside forest management issues for the benefit of public work employees and others not necessarily involved in tree maintenance. Similarly, cross-train tree wardens on Road Scholars program considerations.

Funding

- *New Revenue for Municipal Tree Management:* There are broad benefits from trees and universal public safety issues at stake in the roadside forest. The Task Force recommends that the General Assembly actively considers statewide proposals to raise revenue to assist municipalities with the costs of municipal tree maintenance (pruning, removal, and planting) with the understanding that making these investments should avoid larger costs from future storms. Examples include a small tax on tree-related products such as wood chips, mulch, and trees (perhaps with an exemption for “locally grown” products). Revenues generated would be directed to a dedicated fund for municipal tree maintenance. Another suggestion was a tax similar to the recent hotel tax in Connecticut which provides funding for regional performance incentive grants. There are also examples from other states like Missouri which has a 0.1% portion of the sales tax that is dedicated to management of the state’s natural resources.
- Towns should be made aware that funding from Municipal Road Aid can be used for tree maintenance work. At present, the authority for using Municipal Road Aid funding for tree maintenance work exists, but it is rarely used for this purpose.
- As proposed in the Two Storm Panel Report, 1.5 % of all funds approved for utility vegetation management by PURA should be used to fund the private property Hazardous Tree program for 5 years.
- The State should provide “one-time funding” at the level of \$100,000/town for 2 years (perhaps through Municipal Road Aid) for the purpose of tree maintenance and establishment of 5-year municipal tree management plans.
- Ensure that vegetation management funding for utilities is used for vegetation management. For example, an estimated 20-25% of all vegetation management funding by NU and UI goes to “traffic control” and other expenses at work sites rather than to tree care. Traffic control expenses (which represent over 50% of these non-vegetation management costs) should be reviewed to ensure vegetation management funding goes toward its intended purpose. One option is to require municipalities to provide the traffic control or ensure the traffic control services are provided at straight time rather than overtime rates for either flag crews and/or police.
- Seek Federal Funding for Roadside Tree Maintenance through Department of Agriculture, Department of Interior, FEMA, Department of Homeland Security, or other federal partners.

Building a Municipal Tree Management Budget

The Regulations, Legislation and Funding Working Group has had several conversations about the inadequacy of municipal budgets for roadside forest maintenance and has proposed a simple “rule of thumb” formula that municipalities can use to build their roadside tree maintenance (pruning, removal, and planting) budgets:

MR = Miles of road maintained by the town.

MC = Estimated average tree maintenance cost/mile (\$5,000/mile)

DF = Density Factor (higher density population will have higher costs). DF = 1.25 for Urban (population/mile greater than 200), DF = 1 if Suburban (population/mile between 100 – 200), and DF = 0.75 if Rural (population/mile less than 100). This factor can be modified based upon several on-the-ground factors (higher than average number of trees/mile, revenue sharing with utilities in “backbone” areas, etc.).

The formula to use is **MR x MC X DF = Recommended Roadside Tree Maintenance Budget** for any municipality. For the town of Norwalk, the following numbers would be applied:

MR = 244 MC = \$5,000 DF = 1.25

244 x \$5,000 x 1.25 = \$1,525,000/year or \$381,250/year if the municipality chose to use a 4-year cycle for pruning, removals & plantings (the total would actually be less when non-town managed roads are subtracted out, and a rate lower than \$5,000/mile may be negotiated by the town). As a comparison, the actual tree budget for Norwalk in 2004 was \$110,000.

N.B. This formula is not intended to cover the budget for other forested areas such as parks, town forests, etc.

The following graphics (based upon a study by DEEP Forestry in 2004) show how municipal budgets for tree maintenance vary greatly between small towns and large cities. Based upon an average budget of \$3 per capita, the total expenditure on trees by all municipalities in the state is approximately \$10,500,000.

