

Legislative History for Connecticut Act

SB 1330 PA 411 SCAN 1967

House 3240-3241 (2)

Senate 1418, 1423-1424 (3)

Roads + Bridges 21-25 (5)

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1967

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PART 7

2719-3267

May 27, 1967

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THE SPEAKER:

The question is on adoption for Senate Amendment Schedule "A", reference Bill No. 340. All those in favor signify by saying aye. Opposed? The amendment is adopted. I rule the amendment technical in nature.

MR. LASSMAN (46th)

Speaking on the bill itself. When the general assembly here passed the Uniform Commercial Code, certain terms in the Uniform Commercial Code eliminated the use of the word chattel mortgage and conditional bill of sale and referred to security documents in other ways. When the general assembly passed that bill it did nothing to the Section concerning penalties for commercial crimes. As the statutes exist today the penalty section for commercial crimes refers to chattel mortgages and conditional bill of sale. To make this in conformity with the adoption of the Uniform Commercial code, this act is necessary so that the penalties would refer to violations of the Uniform Commercial Code instead of violation relating to chattel mortgages and conditional bill of sale. It's a good bill.

THE SPEAKER:

Will you remark further? The question is on the acceptance of the joint committee's favorable report and passage of the bill as amended by Senate amendment Schedule "A" in concurrence with the Senate. Those in favor signify by saying aye. Opposed nay. The bill is passed.

THE CLERK:

Calendar No. 911 Substitute for Senate Bill No. 1330. An Act concerning Trees along State Highways. Favorable report of the Committee on Roads and Bridges. File #899.

MR. HOGAN (177th)

I move acceptance of the joint committee's favorable report and

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passage of the bill.

THE SPEAKER:

The question is on the acceptance of the committee's favorable report and passage of the bill in concurrence with the Senate. Will you remark?

MR. HOGAN (177th)

It's a good bill and ought to pass.

THE SPEAKER:

Will you remark further? The question is on acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate. All those in favor signify by saying aye. Opposed? The bill is passed.

THE CLERK:

Calendar No. 913 Senate Bill No. 1332. An Act concerning Records, Court Copies and Signing of Documents. Favorable report of the Committee on Roads and Bridges. File #901.

MR. DELLA VECCHIA (26th)

Mr. Speaker, I move acceptance of the committee's favorable report and passage of the bill in concurrence with the Senate.

THE SPEAKER:

The question is on the acceptance of the Committee's favorable report and passage of the bill in concurrence with the Senate. Will you remark?

MR. DELLA VECCHIA (26th)

Mr. Speaker, this bill will permit the Highway Commissioner to delegate to the deputy commissioner, the Chief Engineer, and the Administrative Director the authority to sign any agreement, contract, document or instrument which he is authorized to sign. The signatures of any of the afore-mentioned shall be binding and valid. This bill feels the need of many years standing in the Highway Department. It will avoid needless delays in the routine

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THE CHAIR:

Will you remark further? If not, all in favor of passage of this bill as amended will signify by saying Aye. AYE.

Contrary minded? The bill as amended is passed.

THE CLERK:

Page 16, calendar 815, file 899, substitute SB 1330, An Act concerning Trees Along State Highways. Favorable report of the Joint Committee on Roads and Bridges.

SENATOR MARCUS:

Mr. President, may calendars 815, 816 and 817 be held temporarily retaining their place?

THE CHAIR:

If there are no objections, they will be held retaining their place.

THE CLERK:

Returning to page 13, Calendar 785, file 621, substitute HB 3556, An Act concerning Determination of the Suitability of Gasoline Station Locations. Favorable report of the Joint Committee on Transportation.

SENATOR BURKE:

Mr. President, I move for the acceptance of the committee's favorable report and the passage of the bill. Under section 14-320 of the general statutes the commissioner of motor vehicles is charged with responsibility for the examination of each proposed location of a gasoline station to determine whether such location would imperil the safety of the public. These are

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temporarily, page 16, calendar 815, file 899, substitute SB 1330, An Act concerning Trees Along State Highways. Favorable report of the Joint Committee on Roads and Bridges.

SENATOR AMENTA:

Mr. President, I move for suspension of the rules to take up calendars 815, 816 and 817, all single-starred calendars.

THE CHAIR:

The question is upon suspending the rules for this purpose. All in favor indicate by saying Aye. AYE. Contrary minded? The rules are suspended. You may proceed, Senator.

SENATOR AMENTA:

SB 1330

Mr. President, I move acceptance of the joint committee's favorable report and passage of this bill. This bill would allow the State of Connecticut to take advantage of the federal beautification act. In the first section, it makes it possible for the commissioner to either remove or cut any tree or any bush when it is either wholly or partially within the limits of the state highway department. Also, in that same section, it states that no person or firm shall remove any trees within the confines of the rights-of-way of any state highway. However, it does allow for the Public Utilities Commission to cut the trees for the purpose of maintaining their lines. It also allows that in the case where a property owner asks for a permit to cut a tree and the highway department refuses, and the highway department does not have the right-of-way in fee where within thirty days the highway department shall either purchase or condemn and take title to that property. Mr. President, I believe that

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is the main part of the bill, and I believe it's a good bill and ought to pass.

THE CHAIR:

The question is on passage. Will you remark further on the bill? If not, all those in favor of passage of the bill signify by saying Aye. AYE. Contrary minded? The bill is passed.

THE CLERK:

Calendar 816, file 900, substitute SB 1331, An Act concerning Acquisition of Land for State Highways. Favorable report of the Joint Committee on Roads and Bridges.

SENATOR AMENTA:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill. This bill would permit the highway commissioner to acquire land for maintenance purposes when the use of the site conforms to any zoning ordinance or development plan in effect for the area in which such site is located. This would allow for the highway department to build their maintenance garages and some of the places that they work out of much closer to the roads that they service. The towns have a protection that any condemnation would have to conform to any zoning ordinance. I believe it's a good bill and ought to pass.

THE CHAIR:

The question is on passage of the bill. Will you remark further? If not, all in favor of passage signify by saying Aye. AYE. Contrary minded? The bill is passed.

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I'm referring to the utilities and the State Highway Department. Would you please clarify this and except for this point which you will give the committee your reason on it. Read the bill as he had it.

Is there anyone else who wants to speak for this bill? Anyone want to speak against the bill? If not, we'll declare the hearing closed on S. B. No. 1329 and with the provision that you both come in with some additional information on it.

We now declare the hearing open on S. B. No. 1330.

S. B. No. 1330 (Senator Dinielli) AN ACT CONCERNING TREES
ALONG STATE HIGHWAYS

Adam Knurek: Mr. Chairman, members of the Committee, Adam Knurek, State Highway Department. This present statute 13a-140 actually has three or four parts. In the first part, we inserted the words "wholly or partly". We've had some difficulty when a tree has been on the line. We feel it is necessary for the safety of the travelling public to cut down some brushes or trees right on the line that we should be able to do it.

Now the next part apparently concerns itself only with trees that delimited the boundary line or delimited the highway itself. There is nothing said in here about the trees in between. Now, we don't feel that anybody should have the right to cut down trees within highway limits even though we admit that the owned land underneath. The trees are getting such that we feel that they should be protected and they shouldn't be cut down without a permit as long as they're within the highway limits. That's what the second part of the revision of this bill tends to do.

The third part. We wanted to make sure that we have the right to cut out trees anywhere within the highway limits. If you read this present statute very carefully, it appears to give us only to, only the authority to set trees to delimit boundary. Believe me, we do set out trees in other places. No one questions our authority or rights. We're deleting that part. I also deleted the part where it mentions landscape department. We might have a division or something of that sort but we don't have the department of landscape in the State of Connecticut.

The last part. Anything we plant that somebody want to cut down, we feel that they should pay for it. In other

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words, if we set out a bunch of trees within the highway limits and somebody builds a store right alongside, and we have to give the permit to cut trees because that would be of the highest pecuniary use, we feel that they should pay for those trees especially, if we have, say within the past five years, just planted those trees. That costs money. If they want to cut them down so their business could be seen. That what the last part pertains to. Any questions?

Rep. Salamone of the 84th: You mean that the State Highway Department won't be, won't cut trees, why is it that, I happen to know of a situation where state highway trees are blocking or in the way of an airport. Inaudible.

Adam Knurek: We don't have that authority to begin with. Yes, in your particular situation, I got asked about the other day because we just couldn't find anything in here where we could do that for you.

Rep. Salamone: Why couldn't the State Highway Department use this bill?

Adam Knurek: You mean, try to stretch it to the safety of the traveling public? So you wouldn't hit the top of the trees, to fall down into the highway?

Rep. Salamone: No, this is for traveling people. Let's face it, here or over.

Adam Knurek: Well, it says for travel thereon. To travel on a highway. This is all that that reads. If you want to change it to that that would make the difference.

Chairman Amenta: What's your specific question?

Rep. Salamone: My specific question is that why where the Highway Department worries about the safety of travelers, why isn't it included.

Chairman Amenta: Can your department cut down those trees if they thought it necessary?

Adam Knurek: As a matter of fact, I got asked a question. I said under this bill under this present statute, I didn't think we had the right to spend that money so we could give him a permit or the abutting property owner. Suppose the abutting property owner had some interest in there, too. He may not want those trees cut down.

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Chairman Amenta: Well, these trees are within what, private, right of way or...

Adam Knurek: No, they're within highway rights-of-way but you see the abutting property owner where we don't have the cede has some rights in the highway itself. We don't cut the trees down; we don't let anybody else cut a tree down unless they get authority from the abutting property owner.

Chairman Amenta: If the abutting property owners gave you that right, can you then cut these trees down? with present legislation.

Adam Knurek: I don't think so unless we figure it was for the save, for the safety of the traveler on the highway. Of course, any complaint, any tree anywhere. We're not going to cut them all down.

Rep. Salamone: I think this is a good bill but if the Highway Department is interested in the safety of the traveler, why shouldn't they include something like this is their bill?

Adam Knurek: I'm sure we won't have that many instances where it would break them too much but under this statute we don't feel that we could down the trees just to enhance air travel. Except, indirectly, yes.

Chairman Amenta: Except, indirectly, it might effect a car on your highway. Do you have, all that he wants to know do you have authority to do it if you want to and if if you don't have, how do you get it or how does this committee make it possible for you to get it?

Adam Knurek: Well, in some places it might be, if the airport were, say, abutting the highway in taking off in such a manner that they would have to go over the highway and there were a few there, a few trees there, they might just top them, we'd probably cut those trees down but that's the protection of the highway traveler.

Chairman Amenta: We're only asking, do you have the authority, Adam? That's what we're asking.

Adam Knurek: In very isolated cases, an unusual case, an isolated case. Say if there were an airport right next to the highway and there were trees right in their line of flight, here I think we could take them down. They might hit them, but generally....

Chairman Amenta: Would you work with Mr. Knurek and tell him what you're trying to do and see if we can get some-

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thing drafted either as part of this bill or new legislation and come back to the Committee with it. Will that be alright?

Rep. Salamone: Yes

Rep. Vicino of the 34th District: I hope you can clarify something for me. Did you say that sometimes you set trees and shrubs other than within the limits of the boundaries of a highway?

Adam Knurek: Yes.

Rep. Vicino: Where would you put them, on private property sometimes?

Adam Knurek: Yes, as a matter of fact, we had this right before. You might have the situation, the slopes might be such that you'd want to, of course, we'd only do this by agreement in a case of that sort.

Rep. Vicino: For example, I suppose, by agreement you could put a tree on my property but then I would have to come back to you for permission to cut this tree down. Go to legislation with that? is that correct?

Adam Knurek: I don't think you'd have to get permission if it were strictly on your own property because it doesn't read that way.

Rep. Frate from 150th: Let me ask you for clarification on highway limits and property owned by people. You were talking about highway limits and if there were a tree and it was on someone's property within the highway limits, they can't cut that tree down, I think, you said.

Adam Knurek: This is what we, within the highway limits. Yes.

Rep. Frate: Give me clarification on that, highway limits and property owned by people.

Adam Knurek: Well, where do don't own the cede, the property abutting you own can lead to the middle of the street, even in the city. He generally owns to the middle of the street. Along the older highways, they own to the middle of the highway. You have the right, really, to cut the grass and take the hay off if it's wide enough. Judge Mulvey told us that one time. If you had an apple tree growing within the highway limits, off the traveled way, the apples would be yours.

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Chairman Amenta: What do mean by cede?

Adam Knurek: Where we buy it outright. That's the way we buy property now but in the older highways, they were dedicated highways or given and all we have was a... and in those cases....

Rep. Hogan: I have a question or an observation. Inaudible.

Adam Knurek: Well, for our part, he would have to get a permit, yes. If it were partially within...

Rep. Hogan: Inaudible.

Adam Knurek: No, he would still have to ask us for a permit if it were partially within the highway limits.

Rep. Hogan: Inaudible.

Adam Knurek: Those are not my words. These were probably written 50 years ago. The word delimit. On many of these highways you do see a row of trees. Supposedly they were set out to show where the boundary or the highway was.

Rep. O'Neil of the 52nd: Where a tree is directly on a State line of the Highway Department, and this tree becomes diseased etc, who then is responsible.

Adam Knurek: ^{We} Would take that down.

Mr. Shagru: (Seated two rows away) Inaudible.

Chairman Amenta: Any other questions? Anyone else want to speak in favor of this bill? Anyone want to speak against the bill? If not, we'll declare the hearing closed on S. B. No. 1330 and continue and continue on to S. B. No. 1331

S. B. No. 1331 (SENATOR DINIELLI) AN ACT CONCERNING ACQUISITION OF LAND FOR STATE HIGHWAYS

Mr. Shagru from the Highway Department: The existing statute 13a-73(b) permits the Commissioner to condemn land for the layout, alteration, extension, widening, change of grade or improvement of the highway. It is the purpose of this proposed revision to also permit condemnation for maintenance purposes.

It is very important that our maintenance service centers be located within reasonable proximity to the roadways that they serve. Today's high speed highways