

# New Jersey Shade Tree Federation

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Hello Again Members of the NJ Shade Tree Federation,

Here are some constructive comments regarding proposed legislation S2505 which is due to be voted on January 31, 2019. Thanks to the following individuals who have contributed to the content of this document. Following the document, be sure to take notice of the link(s) provided regarding the Legislative Districts and Members of the Legislature.

Thanks for all that each of you do!

Regards,

Donna Massa, Executive Director  
NJ Shade Tree Federation

**Bill Comery** - LTE, Paramus Shade Tree Commissioner, Former Chairman of the NJ Community Forestry Council, and Past President and current member of the NJ Shade Tree Federation

**Elizabeth Stewart** – LTE, River Edge Shade Tree Commissioner, Vice-President of the NJ Shade Tree Federation

**John Anlian, Esq.**- Member and advisory counsel to the NJ Shade Tree Federation, Ridgefield Park Commissioner

## **1. UTILITY COMPANIES ARE GIVEN COMPLETE CONTROL OVER ALL TREES NEAR UTILITY LINES, PUBLIC RIGHTS OF WAY AND PRIVATE PROPERTY**

The proposed legislation gives the utility companies sole and absolute control over all trees, shrubs, and vegetation within the public rights of way (ROW) and adjacent to and near the public rights of way (ie. private property). It allows utility companies to cut or remove all such trees whether they are in the public right of way or on private property.

**1. ANY TREE OR VEGETATION GROWING NEAR A UTILITY LINE IS CONSIDERED “DANGEROUS”**

The definition of “dangerous vegetation” as presented in the proposed legislation allows the utility companies to remove trees and vegetation which could be 100 ft or more away from utility lines.

New Jersey is the most densely populated State in the Union. There are many utility lines running along public streets. In communities where home lots are small and clustered together the proposed legislation will allow utility companies to reach beyond the public rights of way.

**1. PARTICIPATION BY ENTITIES HAVING KNOWLEDGE OR EXPERTISE ABOUT TREES HAS BEEN REMOVED**

The proposed legislation subverts all protection for trees and urban forests in New Jersey if they grow near a utility line. The proposed legislation removes all authority by the New Jersey Forestry Council, County Shade Tree Commissions, and Municipal Shade Tree Commissions to question the utility companies’ tree pruning and tree removal process.

**1. THERE IS NO OPPORTUNITY FOR GOVERNMENTAL ENTITIES NOR PRIVATE PROPERTY OWNERS TO PROVIDE COMMENT TO THE UTILITY COMPANIES’ NOTIFICATIONS**

The proposed legislation provides language regarding the notifications to be given by utility companies to property owners and governmental entities but provides no provision for a general notice to the public and no opportunity to object to the notifications given.

**1. DUE PROCESS IS BROUGHT INTO QUESTION AND THERE IS A LOSS OF VALUE TO PRIVATE PROPERTY WITHOUT COMPENSATION**

The proposed legislation does not give local residents the opportunity to question the decisions of the utility companies and it does not provide a mechanism to compensate property owners for the loss of value in their properties when trees are removed. Studies have shown that well-maintained trees on private property and the surrounding streets in a neighborhood can raise property values by as much as 15 percent.

**1. UNNECESSARY LANGUAGE**

Much of what the utility companies require in order to maintain utility lines is already

addressed in the existing BPU rules and regulations. There is no objection to assisting utility companies with effectively maintaining utility lines. The proposed legislation eliminates the need to have continued open communication and a working relationship between the municipal arborist and the vegetation management arborist of the utility company.

## **1. THE VOICE OF THE PEOPLE IS LOST**

The proposed legislation eliminates local citizen participation on issues that affect them directly. It eliminates participation by individuals who are educated in the tree industry. The proposed legislation as currently written will change the character of New Jersey communities and neighborhoods and have residual consequences as the tree canopy throughout the State of New Jersey can potentially decrease. Trees battle climate change. It is believed that one of the contributors of climate change is excess CO<sub>2</sub> in the atmosphere. Trees absorb CO<sub>2</sub> by removing it from the atmosphere and storing it while it releases oxygen back into the air. Trees absorb odors and pollutant gases and sift elements out of the air by catching them on leaves and bark.

Contact Members of your Legislature at:

<https://www.njleg.state.nj.us/districts/municipalities.asp>

Or

[https://gallery.mailchimp.com/07b076a24b01eb10cb174dd0f/files/ce52b985-6cf3-4e9c-bd55-960bf01a0fc0/Contact\\_Info\\_re\\_Legislation\\_Members.pdf](https://gallery.mailchimp.com/07b076a24b01eb10cb174dd0f/files/ce52b985-6cf3-4e9c-bd55-960bf01a0fc0/Contact_Info_re_Legislation_Members.pdf)