



Martin O'Malley, Governor
 Anthony G. Brown, Lt. Governor
 John R. Griffin, Secretary
 Eric Schwaab, Deputy Secretary

**Effective Oct. 1
 Roadside Tree Law - Changes to Permit**

Passed in 1914, the Roadside Tree Law and its regulations were developed to protect Maryland's roadside trees by ensuring their proper care and protection and to ensure their compatibility with the public utility system.

Before a roadside tree* is trimmed or cared for in any way including removed, a **Tree Care Permit must be obtained from the Maryland DNR Forest Service**. A roadside tree is any tree that grows all or in part within a public road right-of-way**. A permit is also needed to plant a tree within the public road right-of-way. Any work (including removals) performed on a roadside tree, 20 feet or greater in height, must be done by a licensed tree expert. If tree care or removal is performed on a roadside tree without a permit, a fine or more severe actions may be assessed by the Maryland DNR Forest Service.

During the 2009 Legislative Session, the Roadside Tree Law (NRA §5-401—5-406, Annotated Code of Maryland) was amended to state: **"A county or municipality may not issue a building permit** to an applicant for any clearing, construction, or development that will result in the trimming, cutting, removal, or injury of a roadside tree **until the applicant first obtains a permit from the Department** in accordance with this section." [NRA 5-406(D)] *emphasis added*

* a roadside tree is defined as a plant that has a woody stem or trunk that grows all, or in part, within the right-of-way of a public road. [COMAR 08.07.02.02.B.(10)]
 ** right-of-way of a public road is defined as that land the title to which, or an easement for which, is held by the State, county, or a municipality for use as a public road. [COMAR 08.07.02.02.B.(8)] Right-of-ways of a public road that has not been surfaced with either stone, shell, concrete, brick, asphalt, or other improved surface material is exempt. [COMAR 08.07.02.03A.(2)]

To determine if a permit has been issued:

A website query is currently being developed which will allow the public to query an address or the city to determine if a permit has been issued. This will be located on the MD Forest Service website. The query can only indicate if a permit has been issued. *A negative response from the Roadside Tree Permit Query may indicate that either a roadside tree permit was not requested at this address or that there are no roadside trees at this address (and no permit is required).* Please remember that all applicants receive a paper permit and can submit these as requested.

If the applicant needs a roadside tree permit, a permit can be obtained at:

To obtain a permit: <http://www.dnr.state.md.us/download/060905rtp.doc>
 Mail the completed form to: http://www.dnr.state.md.us/forests/art/county_map.asp

To learn more about Roadside Tree Law: <http://www.dnr.state.md.us/forests/programapps/newrflaw.asp>

For further information, please contact:

<p>Eastern Region: (Caroline, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester Counties)</p> <p>Kathy Kronner MD Forest Service (410)-543-1950 kkronner@dnr.state.md.us</p>	<p>Central Region: (Baltimore, Carroll, Cecil, Harford, Howard, and Montgomery Counties)</p> <p>Tod Ericson MD Forest Service (410) 836-4578 tericson@dnr.state.md.us</p>	<p>Southern Region: (Anne Arundel, Calvert, Charles, Prince George's, and St. Mary's Counties)</p> <p>Horace Henry MD Forest Service (410) 360-9774 hhenry@dnr.state.md.us</p>	<p>Western Region: (Allegany, Frederick, Garrett, and Washington Counties)</p> <p>Becky Wilson MD Forest Service (301) 777-5591 bwilson@dnr.state.md.us</p>
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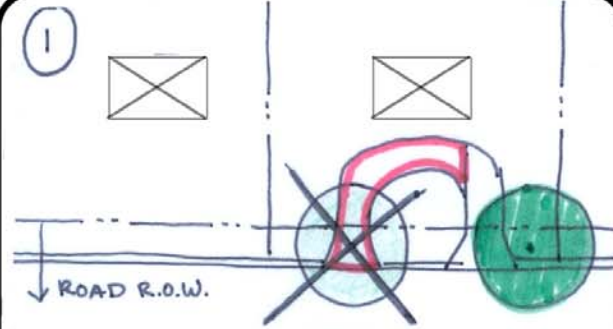
Marian Honecny, Supervisor Urban & Community Forestry, (410) 260-8511 or via email at mhonecny@dnr.state.md.us

Tawes State Office Building • 580 Taylor Avenue • Annapolis, Maryland 21401

410.260.8DNR or toll free in Maryland 877.620.8DNR • www.dnr.maryland.gov • TTY users call via Maryland Relay

Roadside Tree Permit – Typical Situations 9/17/09

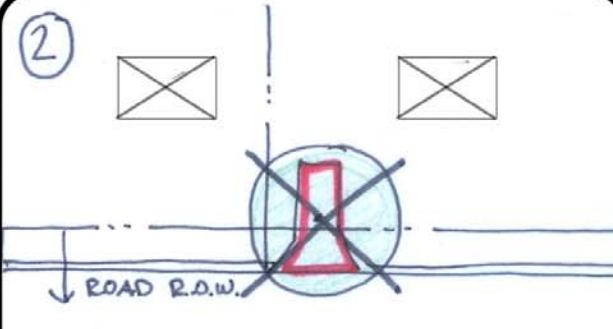
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ROAD R.O.W.

Project: a new driveway
Roadside tree permit **IS** required. Tree trunk is fully or partially located in the road right-of-way

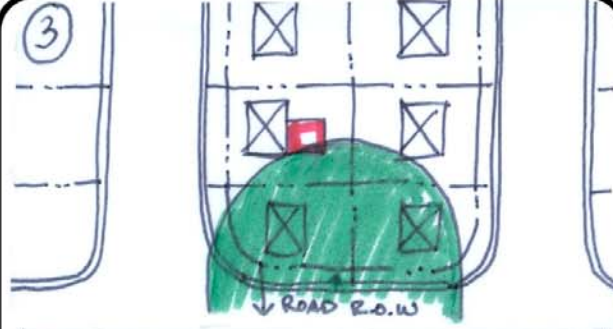
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ROAD R.O.W.

Project: new driveway
Roadside tree permit **IS NOT** required. Tree trunk is not located in road right-of-way.

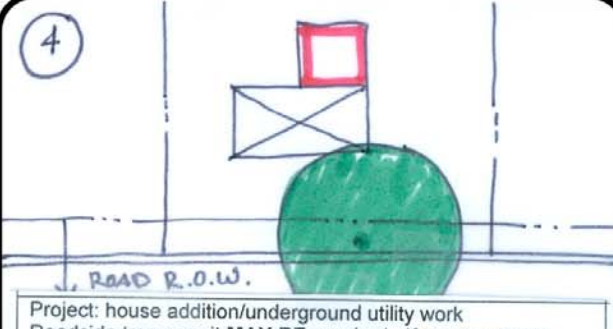
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ROAD R.O.W.

Project: house addition
Roadside tree permit **IS NOT** required. Tree trunk is not located on the same property as the project.

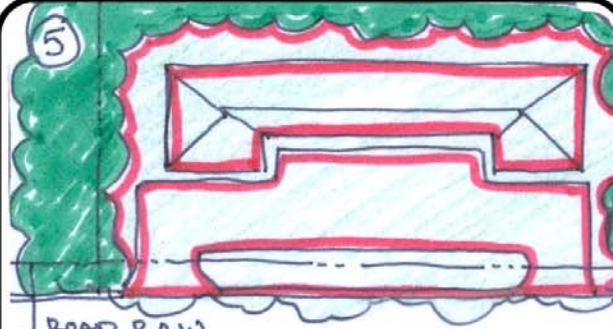
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ROAD R.O.W.

Project: house addition/underground utility work
Roadside tree permit **MAY BE** required. If tree trunk is 6 inches diameter at breast height (dbh) or less and work stops at drip line, no permit is required. If trunk is greater than 6 inches (dbh) or roots 1 inch or greater are impacted, a permit is required.

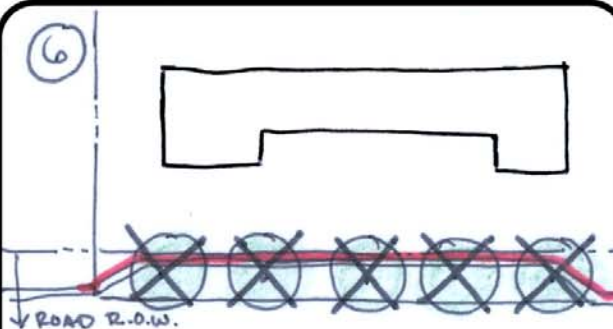
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ROAD R.O.W.

Project: new mall development
Roadside tree permit **IS NOT** required if the roadside trees are included in the Forest Conservation compliance.

⑥



ROAD R.O.W.

Project: redevelopment of existing mall
Roadside tree permit **IS** required if the roadside trees are not included in the Forest Conservation Compliance.