

MARYLAND'S ROADSIDE TREE REGULATIONS AND THEIR IMPLEMENTATION¹

by Tunis J. Lyon

Abstract. In order to improve the appearance of the roadsides in the State of Maryland, the State Legislature, through the foresight and strong insistence of concerned citizen groups, enacted the first roadside tree legislation in the United States in 1914. The rules and regulations that cover permits, tree care standards, slash disposal, use of herbicides, and planting along Maryland's roadsides are discussed. The close cooperation and assistance between the public, public utilities, and the Maryland Forest Service is the reason the law works and the roadsides of Maryland are maintained in an aesthetically pleasing condition.

The problem of how to treat roadside trees stems from the fact that most of you are sold on the proposition that roadside trees interfere with overhead wires and underground utility construction. I have no argument with that premise, but we, in Maryland, for a long time have also realized that overhead wires, and more recently underground utilities, interfere with roadside trees, and that in the ensuing argument, the trees, rather than the wires or underground utility, are likely to suffer damage unless some provision is made to give each a fair shake.

A well shaped and tended roadside tree is a real asset to any state. They not only give shade and lend beauty to the public thoroughfares, but they also make the state attractive to the visitor and a better place to live for the residents. With today's mobility, back roads are all visible at one time or another. Such trees, when "butchered" to make a pole line holiday, are an eyesore that cannot be tolerated, and we, in Maryland, do not propose to allow that to happen.

The preservation and protection of roadside trees in Maryland is a matter of wide public concern. It was because of this public concern and the foresight of Maryland's first State Forester, Mr. Fred Besley, and the strong insistence of garden clubs and influential women's groups, that the Maryland Legislature, some 63 years ago, passed a law that recognized the need for control of these roadside trees. It was then known as

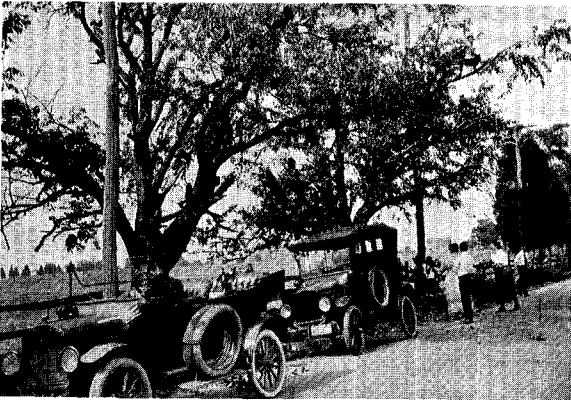
Chapter 824, Acts of 1914, and is now, with little or no changes since its inception, found in Article 5 of the Natural Resources Code. This was the first state-wide legislation in the United States to plant and protect roadside trees and prohibit unauthorized advertising on public highways. Once the law was passed, some women's organizations have volunteered to clear the highways of signs and enforce the new law.

Our roadside tree law applies to overhead as well as underground work. As defined by our law, a roadside tree is any tree or shrub growing within the right-of-way of any public road. The original law stated also that this included the space between the curb or property lines of any street in an incorporated town. Later rewriting of the law deleted this since the legal definition of a public road included these streets. The law also states that a person may not cut down, trim, mutilate, or in any manner injure any roadside tree, without a permit from the Department of Natural Resources. The Maryland Forest Service is assigned the responsibility of the law. The permit is issued by the proper regional forester. We have four regions in the state.



Trimming done under State supervision in 1920

¹ Presented at the ISA conference in Philadelphia, Pennsylvania in August of 1977.

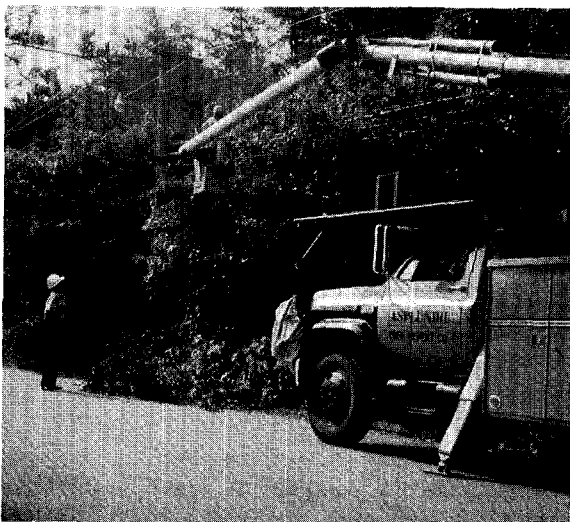


Mutilating a cherry tree along the highway in 1920.

We have four types of permits:

1) *Supervision Waived (SW)*. This permit is issued to competent tree men who require no supervision or follow-up inspection or to any party who desires to remove a tree. Only a preliminary inspection is required to determine the need of the asked-for work.

2) *Supervision Required (SR)*. Here the permittee requires constant supervision or a complicated job is anticipated. It is issued to utilities who require constant supervision, where trees are being trimmed for the first time, or where tree roots are being cut.



Supervisor instructing trimming crew.

3) *Preliminary Instruction and Subsequent Inspection (PII)*. This permit is used where competent tree crews are doing the work. The tree supervisor examines the job to be done and verbally explains what is to be done. Then upon completion of the job, he or she inspects it for compliance to good tree standards. This permit is needed on all new work.

4) *Preliminary Instruction and Subsequent Inspection, Maintenance (PIIM)*. This permit is issued to competent tree crews who are inspected during and upon completion of the work. The tree supervisor examines the work to be done and orally instructs the crew. Upon completion, he or she inspects the job for compliance to good tree standards. This permit is used on maintenance trimming only and is good for a calendar year.

What's involved in securing a permit to do work on a roadside tree? It's simple and straight forward. When the need appears for a Roadside Tree Permit, the applicant applies to the regional forester for a preliminary examination. The regional forester will assign a tree supervisor to make this examination. The supervisor lists details and/or problems on the examination form. After deciding on the work needed, both the applicant and the supervisor sign the form which is forwarded to the regional forester for approval and issuance of the permit. All permits are issued for one year from date of approval except the PIIM permit which is issued for a calendar year.

In the case of utility crews doing work under the PIII permit, examinations are made at the request of the utility company for a specific job.

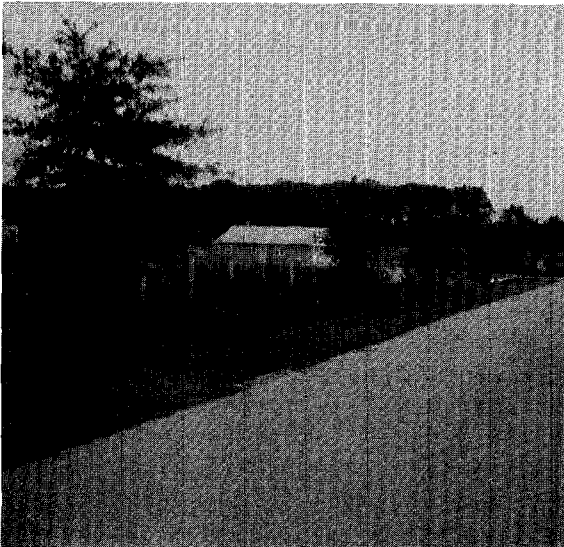
Under our roadside tree law, the utility company pays the salary and expenses of the tree supervisor while he is on the job inspecting and supervising work being done relating to that company. In the 63 years the law has been in effect, it was never deemed necessary to make rules and regulations to govern the care and protection of roadside trees. We have always tried to temper our trimming instructions with common sense. This has resulted in a good working arrangement with the utilities.

In 1976, because of changes in personnel on our part and the large turnover in utility trimming

crews, we felt we should have a few guidelines to maintain a uniformity of tree care. These regulations cover five general categories:

1) The permit.

2) Tree care standards; on that portion of the tree above the ground we like the tree to be trimmed to maintain its natural form. We specify the size of the lateral branch to be left. We ask that all broken limbs and dangerous tree parts be removed. No climbing hooks are allowed and a maximum of two years clearance for the species is allowed. This is determined from the past growth pattern of the tree. On the underground work, we feel that damage can be done to the tree by injuring its root system. We require tunneling or a modified installation to protect the



Recent roadside planting

tree's root system if the utility is located within the dripline of the tree and roots one inch or more in diameter are encountered. This section also specifies replacement of the tree if it dies within one year from the time of construction.

3) We do not allow disposal of slash within 50 feet of the ditch line. Chips are not considered slash and are allowed except in the ditch and on turf areas.

4) We allow the use of herbicides on trees or shrubs three feet or less in height. This does not represent more than one season's recovery from a previous treatment. If it is taller than three feet, the spraying is allowed but the dead material must be removed. In Maryland, the pesticide applicator must have an appropriate license from the Maryland Department of Agriculture.

5) The last section regulates the planting of trees on the public rights-of-way. The regulations were developed with the assistance of the utilities and cover generally the things we had been doing together over the past years but had never put in writing.

The enforcement of the tree care regulations will continue to be tempered with common sense. We feel we have discharged our obligations to the utilities and to the public. We expect cooperation from everyone concerned with the preservation of our roadside trees, this includes a corporation, company, or individuals. There is little doubt in my mind that we will continue to receive it.

*Maryland Forest Service
Tawes State Office Building
Annapolis, Maryland 21401*

ABSTRACT

Anonymous. 1977. **How to control tree diseases and pests: birches.** *Grounds Maintenance* 12(7): 41-42, 44, 46.

Symptom descriptions and control measures are described for the following insects and pests: bronze birch borer, birch skeletonizer, aphid, birch leaf miner, Japanese beetles, oystershell scale, and the following diseases: crown gall, fasciation, cankers of twigs, branches and trunks, Botrytis blight, flower, leaf and twig blight, and Armillaria or Clitacybe root rot.