

# Roadside Tree Protection Law

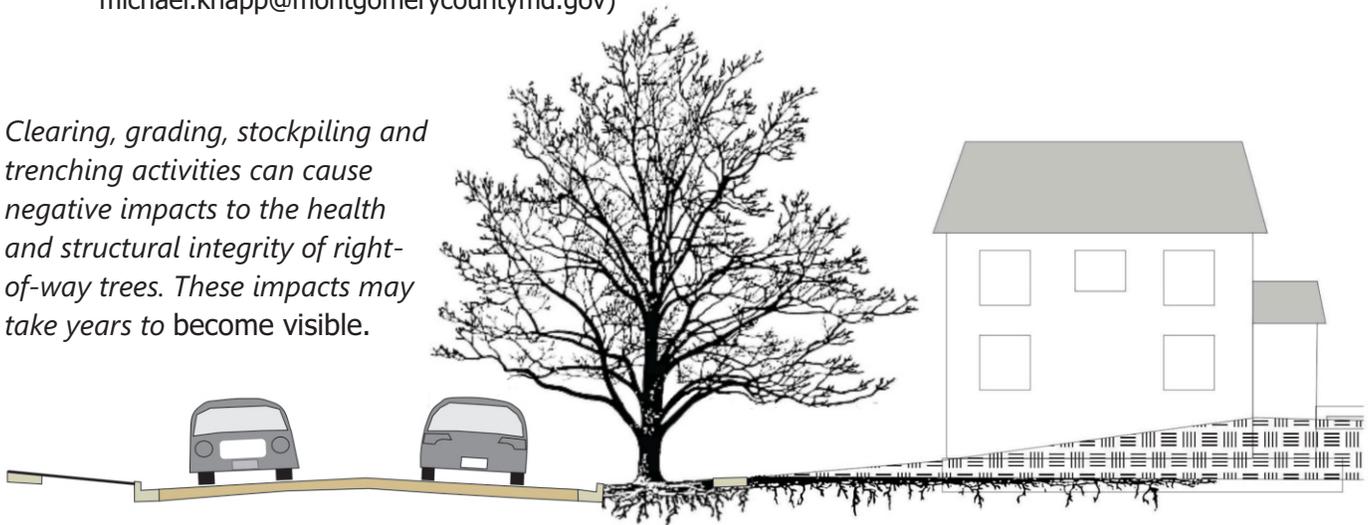
The Roadside Tree Protection Law becomes effective on **March 1, 2014** and applies to work under building permits, sediment control permits, and right of way permits whenever the proposed permitted activity involves the removal, disturbance, or pruning of a tree within the County's right of way.

## ***When is a Roadside Tree Care Permit required and how is it obtained?***

**Answer:** Any clearing, soil disturbance, storage, construction, or development that occurs in conjunction with a **Building, Sediment Control, or Right of Way Permit** that will result in the trimming, cutting, removal, or injury of any tree located in a County right-of-way requires the applicant to:

1. obtain a **Roadside Tree Care Permit** from the Maryland Department of Natural Resources (for more info: <http://www.dnr.state.md.us/forests/programapps/newrtlaw.asp>);
2. obtain a **Right of Way Permit** from Montgomery County Department of Permitting Services (DPS) which will require the submission of a **tree protection plan** (for more info contact: michael.knapp@montgomerycountymd.gov)

*Clearing, grading, stockpiling and trenching activities can cause negative impacts to the health and structural integrity of right-of-way trees. These impacts may take years to become visible.*



## ***How can I tell if my project is likely to impact trees located in the right-of-way?***

**Answer:** A wide-variety of construction activities have potential to cause serious injury to the trunk, crown and roots of trees. You will need to determine if roadside trees adjacent to your project will be injured based on the specific construction activities that will occur, and how likely those activities are to cause damage to above-ground and below-ground parts of trees. Cutting and hitting trunks, bark, branches and roots are obvious examples of physical contact that can cause immediate harm to tree health and structural integrity. However, many construction activities cause less visible, but serious harm to trees. These activities include stockpiling of soil and building materials on roots; adding to, or compacting existing soil; spilling fuels, solvents, paints and other hazardous materials near roots; incorporating construction debris into surrounding soils; trenching for drainage, pipe installation and underground utilities; and, parking of heavy equipment and vehicles. These less obvious injuries can take many years to become visible; often well-after construction is completed.



Stockpiling and parking equipment on top of roots in CRZ can cause serious harm to trunks and roots



Trenching can kill trees causing them to become safety hazards along roads and sidewalks



Hitting trees with equipment can lead to decay within trunks and roots, eventually causing trees to become unstable



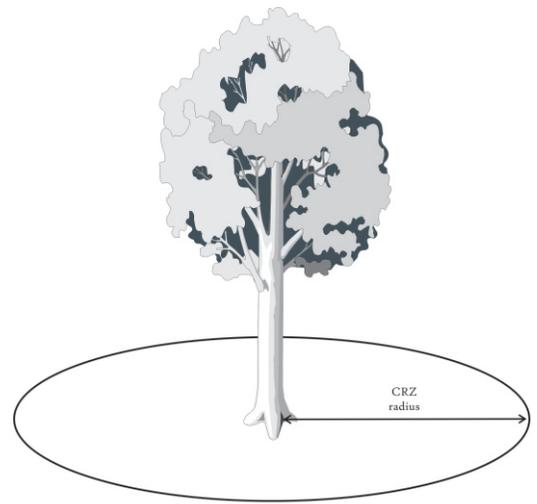
Compaction of soil within the CRZ can cause decline of the upper canopy

## How can I take steps to protect roadside trees?

**Identifying the Critical Root Zone (CRZ) during the early planning stages of a project is key to protecting trees from construction activities.** The CRZ is a standard formula used to identify the minimal area needed to protect trees during construction. The formula is easy to apply and can be used to assess the level of impact your project will have on nearby trees. Start by measuring the diameter of the tree's trunk at 4 ½ feet from the soil line, then multiply the diameter in inches by a factor of 1.5 feet. The resulting number is equal to the size of a radius used to define a circular area surrounding the tree that should be left undisturbed. **Example:**

**Tree trunk diameter measured @ 4 1/2 feet = 12 inches**  
 $12 \times 1.5 = 18$   
**18 feet = size of radius used to define circular CRZ**

Any construction activity proposed within the CRZ; or trimming, pruning or scraping of trunks, bark and branches of roadside trees requires a right of way permit. Plans submitted in conjunction with these permits must include a tree preservation plan prepared by a Maryland Licensed Tree Expert. If a roadside tree must be removed due to construction impacts, then the permit applicant must address the loss by planting a tree in the right of way, and paying a \$500 fee into the County's Street Tree Planting Fund. **In order to avoid having to meet these requirements you are strongly encouraged to identify the CRZs of roadside trees and to take steps to avoid unnecessary disturbance in these areas.**



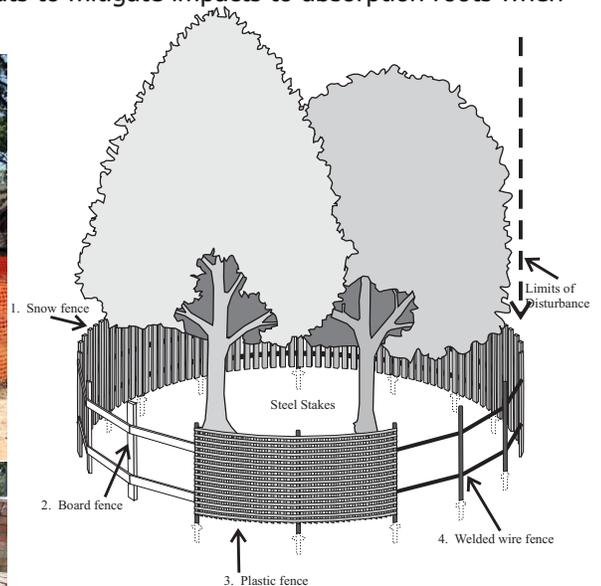
Critical Root Zone Formula  
 =  
 for each inch of trunk diameter  
 (measured @ 4.5 feet from soil)  
 provide  
 1.5 feet of Critical Root Zone radius

## What practices can I use to protect trees during the construction phase?

- Discuss the need to protect trees with all contractors and subcontractors.
- Define a Tree Protection Zone by installing tree protection fence at the approved limits of disturbance.
- Install signs that clearly identify Tree Protection Zones at the limits of disturbance.
- Monitor and maintain Tree Protection Zone fencing and signage during active construction phases.
- Do not allow the storage or stockpiling of soil or building materials within Tree Protection Zones.
- Where possible use mulch, plywood, geotextile fabrics, and road mats to mitigate impacts to absorption roots when the approved limits of disturbance occur within the CRZ.



*Tree protection signs and fencing helps keep construction activity and personnel out of Tree Protection Zones*



*Tree Protection fence can take many forms but is most effective when installed at the approved Limits of Disturbance. It is important to maintain the fencing throughout the active construction phase of projects*



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