

"Federation Corner" column
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Street trees need protection

by Jim Humphrey, Chair, MCCF Planning and Land Use Committee

Trees in the public right-of-way, also referred to "street trees," are at risk from a variety of threats all across Montgomery County. And the protection and well being of this important environmental resource requires understanding and effort from individuals as well as government and corporate entities. Street trees comprise a significant portion of the tree canopy coverage in the county, and help to clean the air, soak up stormwater and prevent runoff damage, provide a home for wildlife, and beautify our surroundings.

When they hear the term street trees, people often assume it refers to those unfortunate trees relegated to living out their years in a two by four foot tree pit surrounded by sidewalk in some urbanized area. But the term refers to all of the trees growing alongside the public vehicular highways and byways in the county.

An eye opener for many of my neighbors came when they learned that trees growing in the public right-of-way belong to the people of the State of Maryland--not just those growing alongside state roads and highways, but also those standing next to county arterials and local roads. And homeowners, tree service companies, utility companies, and even the county government must obtain a permit from the State Department of Natural Resources (DNR) to remove or even prune a tree in the public right-of-way.

The next eye opener for many homeowners comes when they learn that they do not own all of the land they think of as their front yards, between their houses and the street in front. For example, the plat layout for the subdivision in which I live shows 50 foot wide public rights-of-way, each consisting of a 20 foot wide paved road with a 15 foot wide greenspace on either side. There are no curbs or sidewalks in most of my neighborhood, which is typical of many older subdivisions, so it is understandable that residents should assume they own the land right to the street. But trees located in the greenspace portion of the right-of-way, whether planted by a homeowner or the county, may not be cut down or pruned without a State permit.

The final eye opener for my neighbors came when they learned that State regulation disallows planting of evergreens in the public right-of-way (which I assume is aimed at preventing obstruction of sight lines for drivers on our roads). This came as a shock to one newcomer who had planted hollies and evergreens in the right-of-way in front of his recently purchased home, unaware at the time that his plantings were not on his property. I explained that even though he had planted these trees he could not dig up and relocate them onto his yard, as they are now owned by the public and protected by the State.

Unfortunately, I use the phrase "protected by the State" loosely, as little protection seems to be provided by the Maryland State DNR at present, at least in my community where it is standard practice for builders replacing older homes with new McMansions to cut down street trees in front of the lot. If the violation is discovered by our State forest ranger (there are rangers assigned to every area of the county), the builder is slapped on the wrist with a laughably small fine, insufficient to stop the practice. At most, builders who unlawfully remove street trees may be required to plant a replacement when they have finished construction.

This brings me to the first call to action in protecting street trees: community residents must assume responsibility for the care and preservation of these trees. All of us must act as a kind of neighborhood watch to see that young trees in the public right-of-way are watered for at least the first year after planting, that dead or diseased street trees are reported to the county for pruning or removal, and that instances of these trees being cut down without a permit are reported to the State DNR, preferably while the violation is occurring.

Next, even when street trees are not removed by builders during new home construction, damage often occurs from the driving of heavy equipment across the critical root zone (crz) of trees or parking vehicles under them. The majority of a tree's roots run very close to the surface of the ground; and if they are cut or damaged through compression of the soil, it can result in the death of even a mature tree within a year or two. This crz is all of the ground underneath the canopy, or branches, of a tree. Builders must take care not to disturb or compact the soil under street trees, which is easily done by installing snow fence around the crz prior to starting construction.

Finally, during this summer's violent storm events, many experienced disruption of electrical service caused by falling trees or branches. Potomac Electric Power Company workers are now pruning, and even removing, street trees near power lines in many county communities. When right-of-way trees planted under overhead power lines grow up into the wires, the power company traditionally prunes them into what is called "the PEPCO U." For trees planted a short distance away, PEPCO customarily prunes away the entire side of trees nearest their lines. In some cases PEPCO undergrounds power lines as an alternative to pruning but, unfortunately, the trenching required to bury the lines can significantly damage tree roots. It is time the county established a policy against planting tall-growing street trees near overhead utility lines.

To read about PEPCO's approach to tree pruning, you can download a brochure entitled "Trees and Reliable Electrical Service" from their website, at http://pepco.com/_res/documents/trees_reliable_svc_brochure.pdf.

They say it takes a village to raise a child, but it also takes a village--all of us--to raise healthy street trees.

The views expressed in this column do not necessarily reflect formal positions adopted by the Federation. To submit an 800-1000 word column for consideration, send as an email attachment to theelms518@earthlink.net