
Fact Sheet

The Montgomery County Streets and Roads, Roadside Tree Protection Law



Street trees include trees or large woody stemmed plants growing in a right-of-way, whether median strip or grassy planting strip along a sidewalk.

Street trees provide numerous benefits. They encourage shopping and retail sales, increase home values, and even attract tourists to business districts. Importantly, trees are essential to the County's infrastructure, supplementing storm water control mechanisms and reducing energy utilization, both in summer and winter. They are essential in mitigating air and particulate pollution from vehicular traffic. See Dan Burden's [22 Benefits of Street Trees](#).

We can no longer take our tree canopy and street trees for granted by taking down trees without replacing them. Even the healthiest level of tree canopy cannot withstand neglect over time.



What does the Streets and Roadside Tree Protection Law do?

The Streets and Roadside Tree Law provides Montgomery County with increased authority over street and roadside trees. The legislation requires, in addition to a State DNR permit, a County right-of-way (ROW) permit for any work that is likely to damage a street tree on any public road or right-of-way. In many instances, a ROW permit is already required. ROW permits are typically associated with new building, remodeling projects or extensive landscaping. A tree plan and tree protection measures are required -- rather than voluntary -- under the permit. The Department of Permitting Services (DPS) will issue the permit and determine whether the proposed work will create a negative impact on roadside trees.

A goal of the new law is to prompt decisions up front -- prior to the commencement of a building project -- as to whether a street tree can be saved. If the tree can be saved, an applicant will be required to take appropriate measures to protect the tree. If not, the permit applicant will be required to remove and replace the tree, if space allows, and plant at least two additional trees or pay into a fund established for replacement if the applicant is unable to replace trees at the same location where they were removed. The requirement for planting three trees for each street tree removed is intended to offset shade canopy lost by tree removal. The law does not prevent the removal of street trees. Instead, it links tree removal with replacement and/or fees in lieu so that desirable levels of tree canopy along the roadside are maintained.

Who will be affected by the law?

The law will affect property owners, both residential and commercial, whose property abuts a right-of-way and who wish to remove trees or stumps, or engage in projects that impact trees situated in the rights-of-way. The County already regulates many of the construction activities in the ROWs, such as driveway replacement and stump removal. What has changed is that the County will now require that street trees be protected during construction, and if not protected, they must be replaced. There will be no permit fee for stump removal or hazardous tree removal. However, a permit will be required.

The law does not affect Pepco's pruning practices. The Maryland Public Service Commission regulates Pepco and other utilities that maintain power lines along public roads. Permits for utility pruning will still be issued and overseen by DNR.

What County agency will administer the legislation?

The Department of Permitting Services (DPS) in cooperation with the Department of Transportation (DOT) will administer the legislation. DOT will maintain the street tree fund.

What regulations are anticipated?

Regulations, likely in the form of a technical manual, will specify the conditions under which a tree must be protected and the conditions under which a tree may be removed. Regulations will outline in detail protection measures that shall be taken and will specify replanting requirements. Details on the Tree Fund will be included along with regulations for planting in the ROWs. The County's approved street tree list will be included.

Why was the streets and roadside tree law needed?

The state Roadside Tree Law is nearly 100 years old. It dates from 1914 when aesthetics dominated tree discussions and strolling along beautiful boulevards and touring forested country roads was a widely held ideal. It was a time when automobiles were becoming affordable, and ordinary people rushed to purchase vehicles. Citizens who could afford a gracious life style escaped from the dusty city and ventured out in automobiles to explore the countryside. Commercial advertising followed with unsightly bill boards and large roadside signs. Trees were removed to make roadside signs visibly prominent. By 1914, a hodgepodge of outdoor signage had become visually unappealing. In an effort to maintain beautiful and pleasant roadways, a Maryland roadside law was passed.



For years the law remained unchanged. Trees were valued for their beauty and shade, and the cooling benefit of trees in parks and yards was unrecognized. A population shift to the tree-shaded countryside had begun. A new suburban cottage, nestled among trees, became the new ideal. New roads were built, and power lines expanded to serve the new suburbia. Still, trees remained plentiful. Even extensive building in the 50's and 60's had only a modest impact on the overall tree canopy. Large treed lots remained the norm. Home air conditioning was rare. Trees were necessary for summer cooling. Other benefits were largely ignored. There was no need to modify the street tree law.

The loss of trees from infill construction in recent years has made tree benefits clear. Suburbanites, tired of long commutes and traffic jams, are relocating and rebuilding in mature neighborhoods near urban centers. These buyers want to shorten commuter time, find better school systems, and enjoy the perks of urban living. Because all new buildings have air conditioning, trees are no longer on their list of requirements. These buyers are willing to sacrifice trees, wildlife and greenery for the interior space they have come to expect. Air conditioning makes this shift possible.

The consequences of this change in development patterns are evident. As land has become increasingly valuable, street trees are sacrificed. Until recently, the ecological function of trees and their role in green infrastructure was unacknowledged. One by one, mature street trees are being eliminated or lost to storm damage or disease.

Our tree canopy is being decimated in urban areas of the county. The fact that tree canopy averages 50% percent countywide does nothing to alleviate the heat island effect in some urban Montgomery neighborhoods -- where the canopy has fallen as low as 8%. This legislation is needed to preserve and replenish lost tree canopy.

Why wasn't this law included as one bill with the Montgomery County Tree Canopy Law?

Trees in our rights of way and along roadsides have always come under different jurisdiction than trees on public or private property in Montgomery County. Street and roadside trees have been under the authority of the State Roadside Tree Law. There had to be two separate bills because of the existing authorities governing overall canopy and street and roadside trees.

How will this tree law contribute to the public good?

Smart growth initiatives promote infill development with connectivity, i.e., transit and sidewalks. Pleasant tree-lined streets ensure walkability. Trees provide shade in summer, windbreaks in winter, and noise buffers throughout the year. Trees are known to enhance a home's curb appeal and increase its resale value by as much as 20%. In commercial districts, tree-lined streets make shopping more pleasant and invite shoppers to linger, thus increasing local retail sales. In addition, trees are known to have a health benefit, reducing stress levels of persons living near them and even accelerating healing of the ill. Importantly, trees are a significant factor in mitigating air and water pollution, especially in heavily built areas.

Updated Aug. 16, 2013