

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

Senate Bill 322 (Senator Jacobs, *et al.*)
Education, Health, and Environmental Affairs

Natural Resources - Roadside Trees - Exceptions to Permit Requirement

This bill establishes two additional exceptions to the requirement that a person must obtain a permit from the Department of Natural Resources (DNR) in order to cut down or trim a roadside tree. A person would not be required to obtain a permit if the person planted the tree or if the tree is located on the person's property.

Fiscal Summary

State Effect: Special fund revenue decrease of up to \$20,000 annually as a result of any decrease in the number of permits issued by DNR. Expenditures would not be materially affected.

Local Effect: Minimal.

Small Business Effect: Minimal.

Analysis

Current Law: In general, any person who desires to cut down or trim any roadside tree must apply to DNR for a permit. If a tree is unrooted or its branches broken so as to contact telephone, telegraph, electric power, or other wires carrying electric current, or if the tree or its branches endanger persons or property, the tree or its branches may be removed without first obtaining a permit. A tree standing within the right-of-way of a public road that has not been surfaced with either stone, shell, gravel, concrete, brick, asphalt, or other improved surface may be cut down and removed by the abutting landowner for personal use without first obtaining a permit. A person may not cut down,

trim, mutilate, or in any manner injure any roadside tree without a permit from DNR, except as listed above. The fee for an approved permit is \$25. Government agencies are not subject to the fee. DNR also issues crew permits to utility companies to trim trees. If a crew is required, the fee is \$2,500 per year per crew or \$250 per month per crew. Crew permit holders are not charged a fee for any individual roadside tree permits that may be issued to them during the course of their work.

Background: Millions of trees grow along the more than 30,000 miles of improved roads in Maryland. The Roadside Tree Law was enacted in 1914 to protect roadside trees by ensuring their proper care and protection and to ensure their compatibility with an efficient and dependable public utility system. DNR's Forest Service protects trees along public road rights-of-way through enforcement of the Roadside Tree Law.

State Fiscal Effect: DNR advises that it issues approximately 1,300 individual roadside tree permits each year. Of these, an estimated 800 are subject to the \$25 fee. Accordingly, DNR receives an estimated \$20,000 annually in permit fees. Fee revenue is paid into the Forest and Park Reserve Fund. Under this bill, if a person planted the tree or the tree is on the person's property, the person would no longer be required to obtain a permit from DNR. Because the number of individuals who would become exempt from the permit requirement as a result of the bill is unknown, the decrease in fee revenues cannot be reliably estimated at this time. If *all* individuals who are currently subject to the \$25 fee would no longer be required to obtain a permit, special fund revenues would decrease by an estimated \$20,000 annually. Because the bill takes effect October 1, 2002, the maximum decrease in special fund revenues in fiscal 2003 would total an estimated \$15,000. These estimates assume the number of permits issued annually remains the same.

Although the bill does not directly affect expenditures, if the bill results in a significant decrease in the number of permits issued by DNR, general fund expenditures related to the permitting process would likely decline. DNR advises that it takes approximately 2.5 staff hours to issue each permit. It is assumed that staff affected by the bill would be reassigned to other duties within DNR. Accordingly, expenditures would not be materially affected.

Additional Information

Prior Introductions: HB 425 of 2001 would have allowed Allegany County to trim or cut down specified roadside trees without a permit. The bill received an unfavorable report from the House Environmental Matters Committee. HB 1416 of 2000 would have allowed a person to remove a roadside tree without a permit if the tree or its roots are

causing any curbing, street surface, or sidewalk to be uneven. The bill was referred to the House Rules Committee. No further action was taken.

Cross File: None.

Information Source(s): Department of Natural Resources, Department of Legislative Services

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lsc/jr

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