

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

House Bill 800

(Delegates Hucker and Manno)

Environmental Matters

Education, Health, and Environmental Affairs

Natural Resources - Roadside Trees - Protection and Enforcement

This bill authorizes local jurisdictions to adopt laws and ordinances concerning the planting, care, and protection of roadside trees that (1) are more stringent than State requirements if they do not conflict with current law; and (2) do not apply to specified cutting, clearing, and maintenance of public utility rights-of-way. Local governments with local roadside tree laws or ordinances are authorized to issue stop work orders against violators of these local provisions of law. The Department of Natural Resources (DNR) may authorize local governments to enforce specified roadside tree laws. Local jurisdictions are prohibited from issuing building permits that will result in specified impacts on roadside trees until a DNR permit is obtained. The bill establishes a penalty for trimming, cutting, removing, or injuring a roadside tree or failing to obtain a permit that may not exceed \$2,000 for a first offense and \$5,000 for a second or subsequent offense. Finally, the State Highway Administration is required to integrate roadside tree protection requirements into construction and maintenance contracts.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's penalty provision. No impact on expenditures.

Local Effect: To the extent local jurisdictions adopt and implement local roadside tree laws, expenditures may increase. To the extent local jurisdictions with local roadside tree laws impose penalties, revenues may increase.

Small Business Effect: None.

Analysis

Current Law/Background: Millions of trees grow along the more than 30,000 miles of improved roads in Maryland. The roadside tree law is administered by DNR and seeks to ensure the proper care and protection of roadside trees and their compatibility with an efficient and dependable public utility system. A person generally must obtain a permit from DNR in order to cut down or trim a roadside tree. DNR issues two types of tree care permits: (1) specific tree care operations on a specific tree or group of trees for a term of not more than one year (Roadside Tree Project Permit); and (2) comprehensive and continuing programs of general tree care such as those administered by government entities, corporations, or public utilities (Roadside Tree Blanket Permit).

The Secretary of Natural Resources is responsible for the enforcement of all natural resource laws of the State and rules and regulations adopted pursuant to the Natural Resources Article.

Cutting or clearing of public utility rights-of-way or land for licensed electric generating stations is exempt from the Forest Conservation Act, subject to specified conditions including conducting the cutting or clearing so as to minimize the loss of forest. Routine maintenance of public utility rights-of-way is also exempt. The Act, generally aimed at minimizing the loss of Maryland's forest resources during land development, requires the preparation and approval of a forest conservation plan, consistent with specified standards and requirements for specified activities.

Additional Information

Prior Introductions: None.

Cross File: SB 581 (Senator Frosh, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Allegany, Harford, Montgomery, and Talbot counties; City of Laurel; Department of Natural Resources; Judiciary (District Court); Public Service Commission; Maryland Department of Transportation; Department of Legislative Services

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