

## **SB290\_ShoreRivers\_support.pdf**

Uploaded by: Annie Richards

Position: FAV



## **Testimony in Support of Senate Bill 290 – Natural Resources – Roadside Tree Removal Permit Notification Act**

Education, Energy, and Environment Committee Hearing  
1:00pm – February 11, 2025

2/7/25

To Chair Korman and members of the Committee,

Thank you for this opportunity to submit testimony in support of SB290 – Natural Resources – Roadside Tree Removal Permit Notification Act - on behalf of ShoreRivers. ShoreRivers is a river protection group on Maryland's Eastern Shore with 2,500 members. Our mission is to protect and restore our Eastern Shore waterways through science-based advocacy, restoration, education, and engagement.

There is a lack of native tree canopy within municipalities and developed areas of the Eastern Shore. Environmental organizations like ShoreRivers view established trees as a key component in our efforts reduce stormwater runoff, sequester carbon and cool pavement and other impermeable surfaces. As a riverkeeper, I am often contacted by concerned citizens when mature and established trees are cut down in their neighborhoods or adjacent to their property. These trees are often cut for maintenance purposes, and our residents share they have had no warning before the maintenance occurs.

Mature trees provide a myriad of benefits including carbon sequestration, pavement cooling, and air filtration, as well as improving property values and habitat for pollinators and song birds. Property owners should be aware when trees are slated for removal or extreme maintenance. For this reason and the examples described above, ShoreRivers recommends the committee give a favorable report to Senate Bill 290.

Sincerely,  
Annie Richards, Chester Riverkeeper on behalf of:

### **ShoreRivers**

Isabel Hardesty, Executive Director  
Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper  
Ben Ford, Miles Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper

## **SB 290 -- Final Roadside Tree Removal Notification**

Uploaded by: Sara Love

Position: FAV



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

Chair Feldman, Vice Chair Kagan, members of EEE.

As this Committee knows, trees provide many benefits. They help cool our communities, clean our air, provide a habitat for our wildlife, and much more. When mature trees – some of which have been standing for decades -- are removed from our neighborhoods without notice, the destruction can provoke feelings of shock, anger, and concerns about future tree loss. That is exactly what happened last summer to a group of my constituents who then reached out to their state legislators.

SB 290 seeks to improve transparency and accountability in the Maryland Department of Natural Resources (DNR) roadside tree permit process.

What this bill does:

- Amends Section 5-406 of the Natural Resources Article to introduce an adjacent landowner notification requirement for certain roadside tree permit applications
- Requires any applicant for a DNR Roadside Tree Permit, unless exempt (see draft amendment attached), to notify all adjacent landowners or a relevant common community governing body by certified mail providing a copy of the application or information about how to access it electronically
- Respects the existing application process and builds in an additional step to enhance community awareness

For the foregoing reasons, I respectfully request a favorable report on SB 290.

# **SB 290\_revised12.11.24 ^J 2.7.25(3).docx Love Test**

Uploaded by: Sara Love

Position: FAV

REQUESTED AMENDMENTS (in red and blue)

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Roadside Tree Removal Permit Notification Act**

3 FOR the purpose of requiring an applicant for a roadside tree removal permit to provide  
4 certain notice to certain persons in a certain manner; and generally relating to  
5 roadside tree removal permits.

6 BY repealing and reenacting, without amendments,

7 Article – Natural Resources

8 Section 5–401

9 Annotated Code of Maryland

10 (2023 Replacement Volume and 2024 Supplement)

11 BY repealing and reenacting, with amendments,

12 Article – Natural Resources

13 Section 5–406

14 Annotated Code of Maryland

15 (2023 Replacement Volume and 2024 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

17 That the Laws of Maryland read as follows:

18 **Article – Natural Resources**

1 5-401.

2 In this subtitle, "roadside tree" means any tree or shrub growing within the  
3 right-of-way of any public road.

4 5-406.

5 (a) Except as provided in subsection (b) of this section, any person who desires to  
6 cut down or trim any roadside tree shall apply to the Department for a permit.

7 (b) (1) A person may remove a tree or its branches without first obtaining a  
8 permit from the Department if the tree is unrooted or its branches broken so as to contact  
9 telephone, telegraph, electric power, or other wires carrying electric current, or if the tree  
10 or its branches endanger persons or property.

11 (2) A tree may be cut down and removed by an abutting landowner for the  
12 landowner's own use without first obtaining a permit if the tree is standing within the  
13 right-of-way of a public road which has not been surfaced with either stone, shell, gravel,  
14 concrete, brick, asphalt, or other improved surface.

15 (c) (1) AT THE TIME OF APPLICATION, AN AN APPLICANT FOR A AN INDIVIDUAL  
16 PERMIT FOR ROADSIDE TREE REMOVAL  
16 SHALL PROVIDE NOTICE OF THE APPLICATION TO:

17 (i) ALL OWNERS OF PROPERTY ABUTTING AND ADJACENT TO  
18 THE PROPERTY SUBJECT TO THE APPLICATION; AND

19 (ii) THE GOVERNING BODY OF ANY COMMON OWNERSHIP  
20 COMMUNITY THAT HAS CONTROL OVER THE LAND ON WHICH THE TREE SUBJECT TO THE  
21 THE APPLICATION IS LOCATED.

22 (2) THE APPLICANT SHALL PROVIDE NOTICE BY CERTIFIED MAIL,  
23 RETURN RECEIPT REQUESTED, IN THE FORM OF:

24 (i) A COPY OF THE APPLICATION; OR

25 (ii) INFORMATION DESCRIBING HOW THE APPLICATION MAY BE  
26 ACCESSED ELECTRONICALLY.

(3) PROPERTY SEPARATED FROM THE PROPERTY SUBJECT TO THE APPLICATION BY A HIGHWAY OR OTHER PUBLIC RIGHT-OF-WAY SHALL BE CONSIDERED ABUTTING AND ADJACENT.

(D) THE NOTICE REQUIREMENT IN SUBSECTION (C) OF THIS SECTION DOES NOT APPLY TO:

(1) STATE OR LOCAL GOVERNMENTS, TO INCLUDE SANITARY COMMISSIONS, WATER AND SEWER AUTHORITIES, AND M-NCPPC;

(2) PUBLIC UTILITIES—SERVICE COMPANIES; OR

(3) APPLICANTS REQUESTING TO RENEW BLANKET PERMITS.

~~(DE)~~ A person may not cut down, trim, mutilate, or in any manner injure any roadside tree, except as authorized by this section, without a permit from the Department.

[(d)] ~~(EF)~~ A county or municipality may not issue a building permit to an applicant for any clearing, construction, or development that will result in the trimming, cutting, removal, or injury of a roadside tree until the applicant first obtains a permit from the Department in accordance with this section.

[(e)] ~~(FG)~~ A person who trims, cuts, removes, or injures a roadside tree in violation of a regulation adopted under § 5–402 of this subtitle or a permit issued under this section or who fails to obtain a permit as required by this section is liable for the imposition of a penalty:

(1) Not exceeding \$2,000 for a first offense; and

(2) Not exceeding \$5,000 for a second or subsequent offense.

SECTION 2. On or before July 1, 2025, the Department of Natural Resources shall update its roadside tree permit database and publish on its website a dashboard for tracking the status of roadside tree permit applications.

1617 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.



# **SB0290\_DNR\_SWA\_EEE\_2-11-25.pdf**

Uploaded by: Ashley Triplett-Peltzman

Position: FWA



Wes Moore, Governor  
Aruna Miller, Lt. Governor  
Josh Kurtz, Secretary  
David Goshorn, Deputy Secretary

---

February 11, 2025

**BILL NUMBER: Senate Bill 290 – First Reader**

**SHORT TITLE: Roadside Tree Removal Permit Notification Act**

**DEPARTMENT’S POSITION: SUPPORT WITH AMENDMENT(S)**

### **EXPLANATION OF DEPARTMENT’S POSITION**

---

The Department supports the passage of SB 290 with amendments and is collaborating with the bill’s sponsor to incorporate language that exempts State and local governments, public service companies, and blanket permit holders from the notification requirement.

Additionally, the Department is dedicated to updating the Roadside Tree Permit database and will launch a dashboard on the DNR website to allow the public to track the status of roadside tree permit applications.

### **BACKGROUND INFORMATION**

---

The Maryland Roadside Tree Law was passed in 1914 to protect roadside trees and ensure they are compatible with public utilities. The law requires permits for planting, pruning, or removing roadside trees. The Maryland Department of Natural Resources (DNR) Forest Service enforces the law.

### **BILL EXPLANATION**

---

SB290/HB362 stipulates certain conditions that must be met by certain applicants for an individual Roadside Tree Permit before a tree in a public right-of-way may be removed. The language requires the applicant to provide a notice of the application to all owners of property abutting or adjacent to the property subject to the application or the governing body of any common ownership community that has control over the land on which the tree to be removed is located. The Bill stipulates that the notification must be sent via certified mail, return receipt requested.

Contact: Emily Wilson, Acting Director, Legislative and Constituent Services  
emilyh.wilson@maryland.gov ♦ 443-223-1176 (mobile)

# **SB0290-EEE\_MACo\_SWA.pdf**

Uploaded by: Karrington Anderson

Position: FWA



## **Senate Bill 290**

### *Natural Resources – Roadside Tree Removal Permit Notification Act*

MACo Position: **SUPPORT**  
**WITH AMENDMENTS**

To: Education, Energy, and the Environment  
Committee

Date: February 11, 2025

From: Dominic J. Butchko and Karrington Anderson

The Maryland Association of Counties (MACo) **SUPPORTS SB 290 WITH AMENDMENTS**. This bill requires certain applicants of a roadside tree removal permit from the Department of Natural Resources to follow certain neighborhood notification requirements. MACo seeks amendments to align the bill with the sponsor's intent.

As drafted, SB 290 would require counties to comply with both county level notification requirements and new conflicting state level notification requirements for tree removal in certain circumstances. After speaking with the bill sponsors, it is not their intent to include county governments, as counties already comply with robust community input requirements for tree removals.

MACo offers the following amendment to clarify the intent of the sponsor,

On page 2, after line 25, insert:

**"(D) THE NOTICE REQUIREMENT IN SUBSECTION (C) OF THIS SECTION DOES NOT APPLY TO:**

- (1) LOCAL GOVERNMENTS;**
- (2) PUBLIC UTILITIES;**
- (3) APPLICANTS REQUESTING TO RENEW BLANKET PERMITS;**
- (4) WATER AND SEWER ENTITIES FORMED AS SANITARY COMMISSIONS; OR**
- (5) WATER AND SEWER AUTHORITIES".**

MACo thanks the sponsor for working with counties and partnering to better serve our mutual constituents. With this amendment, the legislation improves Maryland's tree removal procedures, but avoids unintended consequences. For this reason, MACo urges the Committees to give SB 290 a report of **FAVORABLE WITH AMENDMENTS**.

# **MBIA Letter of Support with Amendment SB 290.pdf**

Uploaded by: Lori Graf

Position: FWA

February 6, 2025

The Honorable Brian J. Feldman  
Chair, Senate Education, Energy and the Environment Committee  
2 West Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: MBIA Letter of Support with Amendments SB290 Natural Resources – Roadside Tree Removal Permit Notification Act**

The Maryland Building Industry Association, representing 100,000 employees of the building industry across the State of Maryland, appreciates the opportunity to participate in the discussion surrounding **SB290 Natural Resources – Roadside Tree Removal Permit Notification**.

Senate Bill 290 requires an applicant for a roadside tree removal permit to provide notice of the application to adjacent property owners and the governing body of any common ownership community that has control over the land on which the tree subject to the application is located. This measure will only add more delays and costs to the development process.

The bill requires landowners to provide a notification of a tree removal permit but there is no process for what happens after the notice is sent. It does not specify whether recipients of the notice have the right to challenge or appeal the permit after approval. We recommend adding language that lays out a clear timeline and process after the notification is sent to avoid open-ended delays.

For these reasons, MBIA respectfully requests the Committee give this measure a favorable report with amendments. Thank you for your consideration

For more information about this position, please contact Lori Graf at 410-800-7327 or [lgraf@marylandbuilders.org](mailto:lgraf@marylandbuilders.org).

cc: Members of the Senate Education, Energy, and the Environment Committee

# **SB0290 - SHA - LOSWA - Natural Resources – Roadsides**

Uploaded by: Patricia Westervelt

Position: FWA

February 11, 2025

The Honorable Brian J. Feldman  
Chair, Senate Education, Energy, and the Environment Committee  
2 West Miller Senate Office Building  
Annapolis, MD 21401

***RE: Letter of Support with Amendments – SB 290 – Natural Resources – Roadside Tree Removal Permit Notification Act***

Dear Chair Feldman and Committee Members:

The Maryland Department of Transportation (MDOT) supports Senate Bill 290, with amendment, and offers the following information for the Committee's consideration.

SB 290 requires applicants for roadside tree removal permits<sup>1</sup> to provide notice of the application to owners of abutting and adjacent properties. In addition, the applicant must notify the governing body of any common ownership community that has control over the land on which the tree subject to the application is located.

The Maryland State Highway Administration (SHA) considers tree protection a key part of our mission. Trees and plants not only beautify our communities; they play a vital role in keeping our environment healthy. The SHA has an entire department – The Office of Environmental Design – dedicated to environmental stewardship.

When the SHA determines construction activities for new roadway projects will impact roadside trees, the SHA follows all laws, obtains necessary permits, and plants new trees as necessary to replace any that are removed. The SHA makes every effort to protect trees, especially those which are rare or endangered. In some cases, road alignments have shifted solely to protect trees considered “specimen” or “significant.”

In addition to new projects, SHA maintenance secures blanket permits to manage issues that arise year-round, including trimming and tree removal where the trees create hazard or interfere with sight distance. In cases involving safety, the SHA must act quickly. Adding additional requirements for the State to notify abutting and adjacent property owners is not practical due to the exigency and because the specific removal locations are unknown until a problem arises.

If applied to the state, the SHA estimates the potential fiscal impact of SB 290 to be \$40,000 per

---

<sup>1</sup> As background, subject to certain exceptions, a person that seeks to cut down or trim any roadside tree shall apply to the Department of Natural Resources for a permit. Article – Natural Resources, § 5-406. Current law defines a “roadside tree” as any tree or shrub growing within the right-of-way of any public road. Article – Natural Resources, § 5-401.



The Honorable Brian J. Feldman  
Page Two

year for Roadside Tree Permits associated with capital projects and \$120,000 per year if notification is required for maintenance activities.

The SHA has worked with the sponsor of this bill and the concerns communicated above have been resolved with the sponsor's amendment, which excludes state and local government entities from the application the bill. The SHA supports SB 290 with the sponsor's amendments.

The Maryland Department of Transportation respectfully requests the Committee consider this information during its deliberation of Senate Bill 290 and issue a favorable report with the suggested amendment.

Respectfully submitted,

April King  
Acting Director  
Office of Government Affairs  
Maryland State Highway Administration  
410-210-5780

Matthew Mickler  
Director  
Office of Government Affairs  
Maryland Department of Transportation  
410-865-1090

## **SB0290\_MAA\_UNFAV.pdf**

Uploaded by: Danielle Bauer Farace

Position: UNF



# Maryland Arborist Association, Inc.

Danielle Bauer Farace  
Executive Director

## **SB 0290 – Natural Resources - Roadside Tree Removal Permit Notification Act**

Committee: Education, Energy, and the Environment  
MAA Position: **OPPOSED**

Date: February 7, 2025

The Maryland Arborist Association, Inc. (MAA) works to promote the importance of proper tree care, education in the field of arboriculture, and support the accomplishments of arborists. Our membership of Licensed Tree Experts is, in many instances, performing the care and maintenance of roadside trees and would be tremendously affected by their expected responsibilities in SB0290.

The majority of the membership of the MAA is made up of small, privately owned businesses. As private businesses, it would be especially onerous to identify owners and mailing addresses for properties abutting and adjacent to a property subject to a roadside tree permit application. For small businesses already experiencing labor constraints, this burden would be intensified by the need to establish processes for roadside tree permit applications to be posted online.

We have heard from our member companies that those without the resources to meet the requirements in this legislation would not provide roadside tree services. Without Licensed Tree Experts to care and maintain for roadside trees, they would fall into disrepair, which could result in bodily and property damage for Maryland drivers.

MAA does not oppose the goal of this legislation but rather the process by which it would be accomplished. We argue that the responsibility of notifying property owners and electronic posting applications should be delegated to the appropriate government agencies, which already have the resources and infrastructure in place to do so.

Due to the impact on Maryland's tree care industry, MAA requests your unfavorable report on SB290.

Sincerely,

Danielle Bauer Farace  
Executive Director

PO Box 387, Cordova, MD 21625  
410-928-4888 • [office@mdarborist.com](mailto:office@mdarborist.com) • [www.mdarborist.com](http://www.mdarborist.com)

## **SB 290 - Roadside Tree Removal - Notice - UNF - EE**

Uploaded by: Tom Ballentine

Position: UNF



February 7, 2025

The Honorable Brian J. Feldman, Chair  
Senate Education, Energy, and the Environment Committee  
2 West Senate Office Building  
Annapolis, Maryland 21401

**Oppose: SB 290 – Roadside Tree Removal - Notice**

Dear Chair, Feldman, and Committee Members:

The NAIOP Maryland Chapters represent approximately seven hundred companies involved in all aspects of commercial, industrial, and mixed-use real estate. On behalf of our member companies, I am writing in opposition to SB 290.

Roadside tree permits are required to prune or remove trees and shrubs located in the public road right of way. SB 290 requires an applicant for a roadside tree removal permit to provide notice to adjacent and abutting property owners as well as the governing body of a community association that has control over the property.

NAIOP members conduct land development and construction activities in the public road right of way related to locally approved site development plans and forest conservation plans. Public notice is required as part of the review and approval of these plans.

The requirement to serve notice by certified mail, return receipt requested complicates compliance for the applicant and the recipient. The bill also requires notice to property owners who abut the rear of the property and may have little or no exposure to the road frontage. The bill does not make clear what happens after the notice is provided or what happens to the permit if notice is not verified by a return receipt.

This is of particular concern because roadside tree permits are only valid for one year and are applied for at the end of the development project. Delays at this stage could be particularly disruptive.

In cases where the right of way work is being conducted as part of an approved plan that included public notice, we do not believe this additional notice is necessary.

For these reasons NAIOP respectfully opposes SB 290 as introduced.

Sincerely,

Tom Ballentine, Vice President for Policy  
NAIOP – Maryland Chapters, *The Association for Commercial Real Estate*

cc: Education, Energy, and the Environment Committee Members  
Nick Manis – Manis, Canning Assoc.

# **SENATE \_ SB 0290 (HB 0362) Natural Resources – Roa**

Uploaded by: Jordan BaucumColbert

Position: INFO



## **POSITION STATEMENT**

**Bill:** SB 0290 (HB 0362) Natural Resources – Roadside Tree Removal Permit Notification Act

**Position:** Informational

**Date:** February 11, 2025

**Contact:** Debra Borden, General Counsel

Jordan Baucum Colbert, Government Affairs Liaison

Dear: Chair Brian Feldman,

The Maryland-National Capital Park and Planning Commission (“M-NCPPC” or “the Commission”) has not taken a position on this bill. However, staff has drafted an informational statement with suggested language that would exclude M-NCPPC, along with similar entities, as exempted from the notification requirement.

**What this Bill Does.** This bill requires an applicant for a roadside tree removal permit to provide certain notice to certain persons in a certain manner; and generally relating to roadside tree removal permits. **It is our understanding that the sponsors intend to introduce an amendment that will exclude certain entities from the notification requirements.**

**Hardship from the Extensive Notification Process.** As large landowners in Montgomery and Prince George’s counties, acting in the public interest, there are occasions where M-NCPPC must remove roadside trees. The hardship from the extensive notification process proposed would be similar for us as for Counties and sanitary commissions, in that this addition of certified mail notification could both delay necessary activities and cause fiscal impacts. These activities generally already include outreach via other mechanisms and thus additional outreach for this specific act would be excessive. M-NCPPC should be excluded alongside the Counties and sanitary commissions.

- **Proposed Language.** *The Notice Requirement in Subsection (C) of this section does not apply to: Local Governments, to include sanitary commissions and water and sewer authorities; M-NCPPC or Bi-County agencies public utilities; or applicants requesting to renew blanket permits.*