

Tree Maintenance Guide

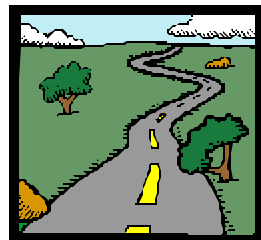
Para informacion en Espanol
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Property Owners & County Public Works Responsibility for Trimming or Removing Trees Adjacent to County Maintained Roads

Trees, including the trees that are adjacent to the public roads, are an important asset to residential, business and rural communities. They provide natural beauty and contribute to the economic, environmental and aesthetic quality of the County. County Public Works' role in tree maintenance stems from our responsibility to provide for the safe use of the County maintained public roads.

From time to time, property owners approach the County with requests concerning the trimming or removal of "street trees". These requests are based on the assumption that the County owns and is responsible for the care of the trees alongside the public roads. However, although trees may be located in a "right-of-way" that was "dedicated" as part of the subdivision process, the land on which the right-of-way is located remains private property.



Property owners are often surprised when they learn that the trees alongside public roads are usually not the property of the County.

Some cities, prior to the passage of Proposition 218 by the voters, levied fees or charges on private property to finance the maintenance of street trees; and while state law still allows a local agency to levy fees and charges to pay for street landscaping maintenance, the levying of these fees and charges now requires an election of the property owners who would be assessed to finance this work. Property owners would have to finance the cost of the election with no guarantee that the election would be successful

or that the fees would be allowed and levied.

The information in this brochure is intended to make you aware of the responsibility you may have for street trees adjacent to roads that are maintained by the County, and to provide you with information regarding the trimming or removal of these trees that may be done by the County, and the permits that may be necessary if you need to trim or remove these trees. The schematic on the back page is to aid you in understanding the tree trimming that may be done by the County.

Frequently Asked Questions

Q. What is an "easement" or a "road right-of-way"?

A. An easement is the right to use real property that belongs to someone else. A road right-of-way is a specific type of easement - it permits the County to improve and maintain the roadway for the public's benefit. The County has the responsibility for maintaining roads within these easements, and accepts the responsibility of maintaining the road to keep it safe for the traveling public. However, the County does not become the owner of the land on which the road is built, or of any land adjacent to the road, unless it has actually acquired the underlying interest in the property.

Q. Who owns the property under the road?

A. The property underlying the road right-of-way is owned by the property owner whose parcel is adjacent to the roadway. Each adjacent property owner owns the land adjacent to their parcel to the centerline of the right-of-way. Typically,

this is the centerline of the street. The property owner retains the right to use this area in a manner that is not inconsistent with its dedicated use as a public road.

Q. Who owns the trees along the road?

A. In general, trees are owned by the person who *owns* the land on which the tree trunks are located. Street trees belong to the adjacent property owner, even if they are located within a dedicated road "right-of-way."

Q. What are my responsibilities for the trees in front of my property?

A. As a property owner, you are responsible for ensuring the safety of the street trees on property adjacent to the roadway in the same way that you are responsible for trees that are located in your front, side or backyard areas.

Q. What tree maintenance does the County do?

A. Each situation is different depending on the road conditions and the hazards that may be presented. Because the County's tree maintenance is based on its responsibility to conduct road maintenance, the County determines whether plant material alongside County maintained roads impairs the use of the road, or if removal is necessary to protect the road from damage. If so, the County will remove the plant material. For instance, the County might trim trees for height clearance and sight distance, might remove broken branches that could fall and injure a person using the road, or might remove obviously dead or dying trees that present a reasonably foreseeable risk to the traveling public. On the other hand, the County does not prune trees for landscape reasons, or trim branches

that a property owner believes may jeopardize their property, or remove dead or dying trees that do not pose a threat to the public's use of the road.

Q. Who is responsible for removing branches or trees that have fallen onto my property from the road?

A. The Department of Public Works will continue to remove any branches or trees that fall onto the County maintained roadway. In all other situations, the property owner is responsible for removing branches on the owner's property, including any part of the roadway that is *not* maintained by the County.

Q. How does my responsibility fit with other County ordinances and regulations?

A. The County does not dictate a minimum level of maintenance for trees that are the responsibility of private property owners. However, the County has enacted ordinances related to removing significant trees - live woody plants with a circumference of at least 38 inches (about 12 inches in diameter measured 4-1/2 feet above the ground) - and for trimming or removing heritage trees - generally all Santa Cruz Cypress Trees and large diameter Maple, Oak, Douglas Fir and Redwood Trees. Specific information regarding significant or heritage trees can be obtained from the County Planning and Building Division of the Environmental Services Agency at 650-363-4161 or online at <http://www.co.sanmateo.ca.us/smc/departement/esa>.

Q. What impact can the County's trimming have on the trees?

A. The trimming that the County does, as explained above, is to provide the height clearance for vehicles, pedestrians and bicyclists, and to provide adequate sight distance in areas where trees or foliage are planted close to the area used by the public. The County does not trim all sides of a tree and the tree can have a non-symmetrical appearance if the tree is not uniformly trimmed. Dead or dying branches may remain in the tree after the County takes action to protect the road easement. If you decide to remove these branches, please contact the County for information about any necessary permits as may be required.

Q. Will the County remove the tree if I have an arborist inspect the tree and they advise me that the tree should be removed?

A. Not necessarily. The decision to remove the tree will depend on the potential danger that the tree poses to the users of the roadway. However, an arborist may advise you, as the owner of the tree, of a potentially dangerous situation, in which case you may bear responsibility for damage that the tree may cause in the future.

Q. Do the utility companies have some responsibility for trimming the trees?

A. The utilities have a right to use the public easements to provide services to the adjoining property. Pacific Gas and Electric Company (PG&E), the electric utility provider in the County, has a program to trim trees in the easement areas to provide clearance between its wires and tree foliage to meet safety requirements specified in state law and regulations. PG&E's trimming of trees is usually carried out by

contractors. You should contact PG&E if you believe a tree presents a danger to utility lines in your neighborhood.

Q. What if I do not want the County or PG&E to trim my trees for height and sight clearance?

A. We usually notify the adjoining property owner when we will be removing plant material for height and sight clearance in order to allow the property owner the option of trimming their own trees in a manner they find aesthetically pleasing. We will continue this practice. You may want to call PG&E at 1-800-743-5000 regarding PG&E's tree trimming practices.

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