

VERMONT AGENCY OF TRANSPORTATION	ORIGINAL POLICY ADOPTED 09/10/2015	ORIGINAL POLICY IDENTIFIER None
POLICY MANUAL	EFFECTIVE DATE 09/10/2015	IDENTIFIER 3020
	RESPONSIBLE SECTION U&P & MOB	SUPERSEDES
SUBJECT: Planting Public Street Trees in State Highway Rights of Way	SCREEN/PAGE 1 OF 3	

STATUTORY REFERENCE/OTHER AUTHORITY: 19 V.S.A. §§ 901 to 904, 1111.

APPROVAL DATE: 09/10/2015

APPROVED BY: Susan M. Minter, Secretary of Transportation

PURPOSE/COMMENT: To establish an Agency of Transportation (VTrans) policy on proposals by municipalities to plant and maintain public street trees in state highway rights of way.

DEFINITIONS: A “public street tree” means a woody, single-stemmed type of vegetation that a municipality intentionally plants within a highway right of way as part of a streetscape or landscape plan.

The “edge of highway shoulder” means the existing edge of pavement plus the additional width, if any, necessary for a clear zone that complies with the most recent version of the Vermont State Design Standards.

A “Class I town highway” has the same meaning as in 19 V.S.A. § 302.

POLICY NEED: Historically, in Vermont it has been a common practice for adjacent landowners and municipalities to plant and maintain public street trees within the strip of land lying between the edge of the highway shoulder and the edge of the highway right-of-way, particularly in downtown and village centers. Public street trees provide many benefits, including enhancing roadside aesthetics, calming traffic, increasing property values, assisting with storm water management and treatment, enhancing community character and livability, improving business potential, and promoting physical activity. However, this same narrow strip of right of way is also important for other diverse uses including corridors for both above and below ground utilities (e.g. sanitary and stormwater sewerage and drinking water, natural gas, telephone, power, and telecommunications lines), parking, sidewalks, shared use paths, highway and way finding signs, driveways, street lights, snow storage, stormwater infiltration, clear zones for errant vehicles, and other highway maintenance and expansion needs. Trees may present highway maintenance and safety challenges, including for example debris that falls into the highway, shadows that hinder wintertime snow and ice removal, obstacles to plowing and mowing, and obstructions to motorist sight distances. In state-owned rights of way, oversight and regulation of these often competing uses is the responsibility of VTrans. VTrans recognizes the experience of municipalities in managing

transportation systems and the importance of a consistent public street tree policy for state highway rights of way.

POLICY STATEMENT:

A. Conversion of State Highways to Class 1 Town Highways

It is the preference of VTrans for municipalities desiring to plant public street trees within a state highway right of way to take over the state highway as a Class I town highway, pursuant to 19 V.S.A. § 15. If the municipality is not willing or able to take over the state highway, then the municipality must comply with section B of this Policy.

B. State Highways

It is the policy of VTrans to permit municipalities to plant and maintain public street trees within state highway rights of way under the following conditions:

1. The municipality must obtain an access permit from VTrans under 19 V.S.A. § 1111 and execute an agreement (maintenance agreement, finance and maintenance agreement, or grant agreement) with VTrans prior to working in the state highway right of way, and the municipality must comply with all conditions of the permit and agreement. The State shall retain its authority to remove, trim, or prune public street trees in the state highway right of way that interfere with the safety, function, maintenance, or repair of state transportation infrastructure or equipment or for any other reason, including without limitation costs to VTrans resulting from the municipality's failure to comply with the conditions of the permit or agreement.
2. All the municipality's public street tree species selections and placements must be approved in advance and in writing by VTrans' landscape architect, and in-field placement must be approved in advance by the District Transportation Administrator.
3. For public street trees located in areas that the Downtown Development Board has designated a Downtown Development District, Growth Center, New Town Center, or Village Center pursuant to 24 V.S.A. §§ 2793, 2793a:
 - a. The municipality must have an active Tree Board (or a similar entity such as a Natural Resources Committee or Conservation Committee with the duty and authority to manage public street trees) and a Tree Warden.
 - b. The municipality must have an adequate maintenance budget for public street trees and a demonstrated capacity to maintain transportation infrastructure, including public street trees.

- c. The municipality's location of public street trees within state highway rights of way must comply with the Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets (Oct. 1997) as articulated in the Landscape Guide for Vermont Roadways & Transportation Facilities (June 2002).
4. For public street trees located in areas that the Downtown Development Board has not designated a Downtown Development District, Growth Center, New Town Center, or Village Center or in areas so designated but where the municipality is unwilling or unable to comply with section B.3 of this Policy, the estimated edge of the street tree crown, at mature height, must comply with the following setback requirements as shown on the attached Public Street Tree Details:
- a. Except as provided by section B.4.b of this policy, the edge of the street tree crown must be at least 3 feet from the edge of highway shoulder where on-street parking is not permitted, or at least 3 feet from the edge of the travel lane where on-street parking is permitted.
 - b. At an intersecting state or town highway, the street tree crown must be at least 6 feet from both the edge of highway shoulder and the edge of highway shoulder of the intersecting highway.

POLICY EXCLUSIONS AND CONTINUING AUTHORITY OVER HIGHWAY RIGHTS OF WAY: This Policy does not apply to 1) public street trees in highway rights of way located in shoreland or riparian areas, 2) roadside vegetation other than public street trees, or 3) street trees proposed by individuals or organizations other than municipalities, 4) public street trees in the highway right of way prior to adoption of this policy. All activities in highway rights of way not addressed by this policy shall continue to be subject to access permitting pursuant to 19 V.S.A. § 1111 and written authorization by VTrans.

POLICY HISTORY
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