

BERRIEN COUNTY ROAD COMMISSION

POLICY AND PROCEDURE

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EFFECTIVE DATE: 3/12/2014 APPROVED BY BOARD: 3/12/2014

TITLE: TREE POLICY

PURPOSE: The purpose of this policy is to establish a balance between public safety on the traveled portion of the highway and trees that grow in the road right of way.

POLICY AND PROCEDURE:

- I. A tree is defined as growth with a diameter of four (4) inches measured chest high from the ground.
- II. Trees subject to this policy are only those growing in the Berrien County Road Commission right of way. Those trees growing outside of the right of way are under the exclusive control of the land owner (The road right of way is generally defined as 33 feet from the center line of the road).
- III. The Berrien county road commission will remove those trees which it deems a hazard to the traveling public. Determination of which trees are hazardous remains the exclusive right of road commission personnel. Generally, it will encompass only those trees that are dead (devoid of any foliage) and leaning in the direction of road.
- IV. Once it has been determined that a tree is hazardous to the traveling public then the following actions may be taken:
 - a. The owner of the property is notified that the tree needs to be removed.
 - b. If the tree is in a portion of a person's property that has been maintained then the tree will be removed and hauled away. The tree stump will be ground out.
 - c. If the tree is in a portion of a person's property that is not maintained then the tree will be cut into appropriate log lengths and left on site. The limbs will be ground up and left on site. The stump will be left at ground level.
- V. Those trees involved in a fatality or a type one (1) injury will be removed by the road commission provided the landowner's permission has been granted. If permission has been denied then the homeowner will be notified that they have taken on all future liability and will hold the Road Commission harmless.
- VI. Trees that fall in the traveled portion of the road will be moved to 10 feet off the edge of the road and will be the responsibility of the land owners to remove further.
- VII. Deadfall in the canopy of a tree that is over the traveling portion of the road way may be removed by the road commission at their sole discretion.

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- VIII. If a property owner seeks to have a tree that is located in the public right of way removed then a permit application for working in the right of way must be obtained. The road commission may waive the permit fee at its discretion.

- IX. Trees that have the possibility of hitting power lines or structures will not be taken down by the Road Commission. They are the exclusive responsibility of the property owner.



Berrien County Road Commission

2860 E. Napier Avenue
Benton Harbor, MI 49022

Phone: 269-925-1196
Fax: 269-925-8098
www.bcroad.org

Dear _____,

The Berrien County Road Commission has determined that a tree located on your property (Tax ID Number _____) poses a hazard to the traveling public and should be removed. The tree is in the right of way on (Name of Road) and as a property owner you have three options:

1. The Berrien County Road Commission will remove the tree at its expense, removing the wood, branches and cutting the stump near ground level.
2. The Berrien County Road Commission will remove the tree at its expense removing the branches, cutting the stump at ground level but leaving the wood at the site for your use.
3. The Berrien County Road Commission will leave the tree in place with you accepting the sole liability of any damages the tree may create by falling on the road or road right of way.

Please provide us with your decision by marking this letter and returning it to our attention:

Option 1

Option 2

Option 3

If we do not receive your instructions in 30 days we will assume that you are in favor of option one (1) and we will remove the tree accordingly. We appreciate your attention to this matter and please contact us at 1-269-925-1196 if you have any questions.

Sincerely,

Berrien County Road Commission