City of New York
Parks & Recreation

UTILITY WORK AND CITY TREES

Forestry Protocol for Planned and Emergency Utility Work

Trees are vital components of New York's infrastructure. Trees contribute to clean air and water, reduce energy costs, increase property values and make streets and parks more beautiful. The New York City Department of Parks & Recreation (DPR) has jurisdiction over all trees growing in the public right-of-way, including trees along streets, parkways, and in City parks*. Parks' jurisdiction often does not end at the sidewalk but may extend across a front yard or lawn all the way to the building line. Parks' goal is to preserve and protect this valuable public asset. Careful planning and protective measures can prevent injury and destruction of City-owned trees and help avoid costly project delays, fines or litigation.

Utility companies intending to do work in the proximity of a street tree are required to retain the services of a suitably insured and certified **Consulting Arborist (CA)**. The CA shall act as the liaison between DPR and the utility company. The CA shall work with the utility company to ensure that any construction that occurs adjacent to or under the dripline of a City tree is performed according to the standards of DPR. In general, all trees, including their branches, trunks and root systems, must be protected from vehicles, equipment, and heavy materials during the course of work. Soil disturbance should be avoided. All digging must proceed with extreme caution so as not to damage tree roots. Physical barriers may be required to restrict access around trees.

Planned Utility Work

The CA shall be involved in projects that impact trees during the planning/design and construction phases. This work shall include the following steps:

1. The utility company identifies that their proposed work involves working under the drip line of a City tree(s) and retains a CA. The utility company must give the CA as much notice as reasonably possible.

2. The CA will provide the appropriate DPR Borough Forestry Manager (BFM) or his designated representative with a survey of all the trees impacted by the planned construction work. This survey provides the basic information needed for a forestry permit and shall include the following:

Tree Information
- Species of each tree
- Size (DBH) of each tree
- Condition of each tree (good, fair, poor)
- Location of each tree (building address)
- Construction methods for work under tree dripline (to comply with best practices for tree protection)
- Pruning method if required for overhead clearance (should include deadwood > 1 inch and split/hanging limb removal)
- General tree protection methods
- If utility company is requesting the tree's removal due to unavoidable conflict with planned construction project (see 2.a-e below)

Utility Information
- Type of each utility service
- Size and depth of each utility service
- Distance of each service from tree (pipe center to tree center on a horizontal plane)
- Duration of entire construction project (days), including predicted time between utility work and final pavement restoration
- Other comments

* Section 18-129 of the NYC Administrative Code or Article 3, Section 6 of the Parks Rules & Regulations.

Digital photos should be taken as part of the survey phase as needed to document trees prior to construction**. The CA shall inform DPR about any dead, dying or dangerous trees identified during this process.**

If utility company is seeking a permit for a tree's removal, the following steps shall be taken:

(a) All tree removal permit requests must be made by the utility company or the CA **in writing** and must include (1) an explanation as to why the tree needs to be removed, and (2) supporting documentation, such as construction drawings, site logistics, Department of Buildings-approved/registered plans, and utility plans that show the impact of construction on the tree(s). Documentation is important because the permit applicant must always prove to the satisfaction of a Borough Forestry Manager that the project can not move forward with the tree in its current location.

(b) In reviewing the application, DPR will first look for a solution to save the tree, by assessing whether the project design can be altered to avoid a conflict with the tree.

(c) If there is an unavoidable conflict with a tree, DPR determines if the tree is a suitable candidate for **transplant**. "Suitable" means that the tree has a very good chance for successful transplant and normal development. If the tree can be moved, the permit applicant must hire a contractor to move the tree in the appropriate time of year (late fall/early spring). A general guide for establishing root ball size is one foot of root ball diameter for each inch diameter of the stem of the tree. DPR must first approve the proposed contractor and find a suitable location for the transplant. DPR will obtain a performance bond for the value of the tree (as per (d) below) from the contractor as security in case the tree does not survive transplant.

(d) If the tree cannot be transplanted, DPR will assess the condition of the tree based on the scoring system in the *Guide for Plant Appraisal* (International Society of Arboriculture, 2000, 9th Edition). DPR will deduct the appropriate condition percentage from the basal area to determine the replacement value of the tree and the number of required replacement trees.

(e) The tree removal permit will detail the conditions for restitution by the permittee to the Agency. The removal permit will provide for the following two options:

(i) Direct planting by the permittee (through an approved contractor according to DPR standards) of the required number of replacement trees at locations approved by the Borough Forestry Manager. DPR will obtain a performance bond for the replacement value of the tree from the contractor as security until the trees are planted and the guarantee period expires. However, to accommodate a permittee who does not want to or are unable to plant the replacement trees themselves, Parks has accepted:

(ii) Compensatory payment for the value of the required number of replacement trees, whereby DPR will replace the trees itself. All checks should be made out to New York City Department of Parks & Recreation and forwarded to the Chief of Forestry & Horticulture, Olmsted Center, Room 47.

3. After the tree survey is given to DPR, the agency will review the survey and visit the site as required. Any changes will be discussed with the CA and incorporated into a revised survey and permit application. **This application evaluation process should take no longer than five (5) working days to complete**. Although the permit application to allow utility work adjacent to the trees can be made at any point prior to the start of construction, **DPR will only issue the permit within seven (7) working days prior to the start of construction.**

4. The CA must notify DPR 24 hours before the start of construction.

5. The construction crew must hold the hard copy of the DPR permit on the actual work site.

6. The CA must be on site during all work to monitor the course of construction as it relates to definite, probable, and possible tree impacts. The CA shall notify DPR immediately if tree and construction conflicts arise during the course of work.

7. The CA shall submit a weekly progress report to DPR for projects that are not completed within five (5) days.

8. The CA shall notify DPR when work is complete, and if there is subsequent remedial work to be performed such as pruning of damaged limbs. This work will need to be completed by a suitably insured and certified tree company, at the cost of the utility company, and monitored by the CA.

9. Pavement restoration must be completed within seven (7) working days. The CA must monitor this work.

10. The CA shall notify DPR as to the completion of the project in order for DPR to conduct a final inspection and sign-off.

Emergency Utility Work

DPR understands that in the case of emergencies, certain work needs to be completed immediately to safeguard people and property. However, the utility company needs to ensure that any City trees impacted by emergency work are not unnecessarily damaged or left in an unsafe condition as a result of the construction. The following guidelines shall be considered in the case of emergencies:

1. The Emergency response team shall assess if the work will likely damage a City tree. If so, the CA must be made aware of the situation as soon as reasonably possible.

2. The CA must attempt to get to the site as soon as possible and advise the construction team on how to mitigate potential tree damage. The CA must also contact DPR immediately by calling the BFM if the situation occurs during normal working hours or by calling 311 if outside of these times.

3. If the tree(s) are unstable then the CA should either arrange for the tree(s) to be made safe or secure the site until DPR can respond to the emergency.

4. The CA must endeavor at all times to record the tree damage and construction work in progress so DPR can fully understand and document the incident.

5. The CA should supply DPR with a full report including a tree survey listing all damage and any required remedial tree work.

6. DPR will issue a permit to complete any necessary remedial work if required.

7. The CA shall notify DPR as to the completion of the project in order for DPR to conduct a final inspection and sign-off.