

Creation of a Company Strategy for Risk Assessment of Trees

In review, last issue's article covered the State of Indiana mandate that property owners have a "duty to inspect trees on the property" to ensure that there is not a potential for danger, presented by the trees, to people on adjacent roadways. For Easement and Right-Of-Way (ROW) holders this duty needs to be clearly understood!

The first question is; is it a duty for the Easement or Right-Of-Way holder? How is the language of the Easement/ROW document written? Who is responsible for maintenance of the Easement and Right-Of-Way (ROW)?

Secondarily if it is deemed your duty to inspect trees for the Easement/ROW, how should this duty be performed?

Finally is this "duty to inspect" just for trees endangering roadways? What about that old dead tree on your Right-Of-Way that endangers a farmer plowing his adjacent field?

If your company is responsible for the maintenance of the Easement/ROW it would be wise to create a **Company Risk Evaluation Strategy or Action Plan**. The old days of burying your head in the sand and acting ignorant of potentially hazardous conditions are over because the State of Indiana has mandated a "duty to inspect". Should a tree fail that is within the scope of your control you may be liable!



Does this tree pose a risk to your Easement/ROW and the general public?

When preparing your company strategy, documentation is imperative, as is actually carrying out the plan. The plan should

1. Train workers to look for hazardous situations with trees.
2. Encourage agents to report in writing any situations found.
3. Create a hazard rating numerical system.
4. Create a risk advisory form which is easy agents to fill out and to fax, email or mail into the office.
5. Mandate timely resolution of hazardous situations.
6. Document this timely resolution.
7. Make plans for an on going hazard reduction strategy.

There are many ways to perform this mandated duty to inspect. One effective way is to train all agents, crew leaders, and crew members in the process of **Visual Tree**

Assessment (VTA). The next few columns will address how to institute a VTA program for your company.

One question which we will seek to answer is: "I have a duty to inspect my trees but when I do, what do I look for? How do I evaluate a tree for potential for risk?" Generally, trees that present a "risk of harm" to the general public are undesirable, but it is also undesirable to cut down healthy and beneficial trees! This can be quite a predicament! What do we cut and what do we leave?

The first step in the **Company Risk Evaluation Strategy or Action Plan** is for your company to follow it on every purchased or developed property. This action plan should, at the very least, map out a procedure for evaluating trees within a striking distance of any public area. It should document what is being looked for and how the company will deal with trees that present unreasonable risk.

The next step in the action plan is to perform a **Visual Tree Assessment (VTA)**. This assessment must be made on site, person to tree. Trees near a roadway cannot be assessed from a downtown office, from an aerial photo, from client hearsay or from a helicopter. Instead, inspections should be completed by physically walking the area and scrutinizing the trees! Remember a 100-foot tall tree fifty feet deep on the lot could easily fall and hit the roadway or public area but this tree may be out of the scope of your control because it is outside your Easement or ROW.

The VTA could include an inventory of trees in critical areas that, if they failed, could harm the general public. This inventory should include species, diameter at breast height (dbh), condition of the trees, and possibly a maintenance plan. It is advised that the inventory sheets include a check box for "immediate removal recommended" to categorize dead trees and trees with very obvious decayed areas that threaten the public areas.

During an inventory trees will be documented as the area is physically explored, but what exactly is being looked for? This question will take more than this article to answer so please realize the following guidelines are preliminary and further education will be needed to truly perform a thorough VTA.

The process of VTA should include an assessment of:

1. The ground around the root flare (area where trunk connects to the roots)
2. The root flare itself (sometimes looks like an "elephant's foot")
3. The bole or trunk of the tree (also sometimes called the stem)



Chuck Miller of Vine & Branch Inc. performs a Risk Evaluation

4. The limb junctions (where limbs branch off of the trunk)
5. The scaffold branches (big limbs which make up the crown of the tree)
6. The branches (attached to scaffolds)
7. The twigs of the tree

Watch this column in the next issue for information on how to perform a Visual Tree Assessment for each of these tree parts.

Note on the Author

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