

Indiana Law governing utility tree work:

Indiana Code (IC) 8-20-1-28. Poles and wires - Public and municipally owned utilities are authorized to construct, operate, and maintain their poles, facilities, appliances and fixtures upon, along, under, and across any of the public roads, highways, and waters outside of municipalities, as long as they do not interfere with the ordinary and normal public use of the roadway, as defined in IC 9-4-1-14(c). However, the utility shall review its plans with the county executive before locating the pole, facility, appliance, or fixture. The utility may trim any tree along the road or highway, but may not cut down and remove the tree without the consent of the abutting property owners, unless the cutting or removal is required by rule or order of the Indiana Utility Regulatory Commission. The utility may not locate a pole where it interferes with the ingress or egress from adjoining land. (Acts 1905, CH. 167, & 38, P. 521; 1911, CH. 161, & 1, P. 421; P.L. 86-1988, & 181.)

Sections below are additional requirements for tree work along Indiana State Highways:

Section 1, Chapter 288, Public Acts of 1935 reads as follows:

"Be it enacted by the General Assembly of the State of Indiana that it shall be unlawful for any person intentionally to cut, trim, destroy, injure, molest or remove any trees, shrub, plant or vine within the right of way of any highway in the state highway system of the State of Indiana, outside the corporate limits of any city or town, without the written consent of the State Highway Commission of Indiana. Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall pay a fine of not less than ten dollars, nor more than one hundred dollars."

SECTION 3, CHAPTER 256, PUBLIC ACTS OF 1937, STATES:

"No opening shall be made in any highway in the State Highway System, or in the right of way of any such highway, or in the roadway of any street of any city or town over which such highway is routed. The maintenance of which street the State Highway Commission is charged with by law, nor shall any structure or obstruction be placed in any such highway or roadway of any such street without the consent of the State Highway Commission. No such highway or roadway of such street shall be dug up for laying or placing any pipe, sewer, pole, wire, conduit, track, railway or for any other purpose, and no trees shall be removed from the right of way of any such highway, without the written permit of the State Highway Commission, and then only in accordance with the regulations of said Commission, and the work shall be done under the

supervision and to the satisfaction of said Commission, and the entire expense of restoring such highway or street in as good condition as before shall be paid by the person or corporation to whom such permit is given, and said Commission is authorized to require, before the granting of such permit, that a sufficient bond be given, or cash deposit made with said Commission to insure the restoration of such highway or street. In granting any such permit, the Commission shall be authorized to designate the place in such street, highway or the right of way thereof where any such pipe, sewer, pole, wire, conduit, track, railway or other device or thing shall be constructed. Any person or corporation violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than ten dollars, nor more than one hundred dollars. Any corporation which by its agents or employees shall violate any of this section may be prosecuted therefore in the same manner as such corporation may be proceeded against for obstructing a public highway."