

Trees and the Law

November 13, 2024

Scarritt Bennett Center
Nashville, TN

Agenda:

Time	Topic	Speakers
12:00 - 12:30 PM	<i>Networking and Welcome</i> Casual pre-workshop reception and a brief welcome from the President of the Tennessee Urban Forestry Council, leading into the day's discussions. Light snacks and beverages will be provided.	Chaz Griffith , TN Urban Forestry Council
12:30 - 1:15 PM	<i>Are You Getting Enough Fiber?</i> <i>The Struggle Between Utilities and Trees in City Planting Strips, and Who Controls Rights-of-Way</i> Municipal and city-owned medians, planting strips, and other public rights-of-way offer valuable planting and landscaping spaces for urban foresters. But these limited and confined spaces must accommodate multiple utilities (water, gas, electrical, telecommunications, etc.) – not just trees. What laws, regulations, and rules govern who has access and control over these spaces? What are the best practices for accommodating multiple uses? And what do utility providers wish you knew about their challenges? This panel features representatives from each major utility provider, the Metro Legal Department, Tennessee One Call (aka TN-811), and Nashville's Department of Transportation.	Hal Balthrop , Nashville Dept. of Transportation (NDOT) Jack Baxter , Nashville Electric Service (NES) Eddie Davidson , Piedmont Natural Gas Lora Fox , J.D., Department of Law (Nashville and Davidson Co.) Eric Kuehler , Metro Water Services (Nashville and Davidson Co.) Craig Ingram , Tennessee 811 Nick Fisher , Google Fiber
1:15 - 2:00 PM	<i>The Lorax's Dilemma</i> <i>Can Local Sustainability Measures Succeed Without Risking Preemption?</i> While local governments face increasing constituent pressure to implement local environmental regulations (such as tree ordinances), sustainability measures can trigger challenges at the State level -- including litigation, constitutional challenges, and even threats of State preemption. This panel of attorneys, a vice mayor, and an urban forestry coordinator will review recent challenges to local sustainability efforts, the lessons to be derived, and potential alternatives to regulatory approaches.	Lora Fox , J.D., Department of Law (Nashville and Davidson Co.) Tara Ladd , J.D., Department of Law (Nashville and Davidson Co.) Vice Mayor Angie Henderson , Metro Council (Nashville and Davidson Co.) Mike Jameson , J.D., Metro Water Services (Nashville and Davidson Co.)

2:00 - 2:45 PM	<p><i>Covering Your Ash</i> <i>How Municipalities Can Address Liability for Hazardous Trees and Emerald Ash Borers</i></p> <p>Trees comprising urban forests provide countless benefits, but also potential legal liabilities under certain settings. What responsibilities do municipalities assume for their urban forests and hazard trees, and what measures effectively address potential legal exposure when trees cause damage or injury? This panel – including the legal director for Nashville's city council, and Knoxville's city forester – tackles these, uh, "thorny" issues.</p>	<p>Kasey Krouse, Urban Forestry Division (City of Knoxville) Margaret Darby, J.D., Metro Council Office (Nashville and Davidson Co.)</p>
2:45 - 3:00 PM	<i>Break</i>	
3:00 - 3:40 PM	<p><i>The Good, the Bad, and the Ugly</i> <i>A comparison of Tree Ordinances Among Tennessee Counties</i></p> <p>Local tree ordinances across Tennessee counties are as varied as the counties themselves. This fast-paced discussion features a survey of some of the more notable tree ordinances across the State, including assessments of those with budding potential and those that leave us stumped.</p>	<p>Will Worrall, P.E., Nashville Tree Conservation Corps Laura Martin, J.D.</p>
3:40 - 4:20 PM	<p><i>The Legislative "Branch"</i> <i>A User's Guide to the Tennessee General Assembly – Anticipated Legislation for 2025, Legislative Ideas, and Legislative Advocacy Tips</i></p> <p>State Senator Heidi Campbell and State Representative Caleb Hemmer discuss the legislative process in Tennessee's state legislature, preview expected legislation for the upcoming session, and offer insights on effective advocacy.</p>	<p>Sen. Heidi Campbell, District 20, Tennessee Senate Rep. Caleb Hemmer, District 59, Tennessee House of Representatives</p>
4:20 - 5:00 PM	<p><i>Roadside Assistance</i> <i>TDOT Guidelines for Beautifying Interstate Exchanges and Rights of Way: From Landscaping to Pollinators</i></p> <p>The Tennessee Department of Transportation provides planting and landscaping guidelines for beautifying interstate interchanges and other state right-of-way areas, and even programs for establishing pollinator plants. Hear TDOT's Transportation Manager for Local Programs and TDOT's legal counsel describe these guidelines and how municipalities can improve local right-of-way areas.</p>	<p>Lindsay Sisco, J.D., TN Dept. of Transportation (TDOT) Michael McClanahan, TN Dept. of Transportation (TDOT)</p>
5:00 PM	<p><i>Closing</i></p> <p>Summary and closing remarks from the event director.</p>	<p>Mike Jameson, J.D., Metro Water Services (Nashville and Davidson Co.)</p>