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Q & A; The Trunk Is In Their Yard, the Branches Are in Yours

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Q. *I own a home that abuts property, owned by a railroad company, that has trees that are growing over my property and dropping large branches. When I contacted the company, I was told it does not clear branches from trees that grow over other owners' property, but I could do so at my own risk and cost.*

What rights do I have to get the railroad to take care of its property?

A. **Adam Leitman Bailey**, a real estate attorney in Manhattan, said that when a tree or other vegetation intrudes on another's property, the property owner has the right under state law to prune the intrusion back to the property line.

"Generally speaking, as long as the tree or shrub in question is not unhealthy or poisonous, the owner of the intruded-upon land has no basis to sue the tree owner for the intrusion or for the expense of the pruning," he said. "Even if the tree does damage to the land upon which it is intruding, if the casualty was caused by a storm or other act of God, there is no right to sue the tree's owner."

Mr. Bailey added that the one doing the pruning has no right to enter the tree owner's property without permission.