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Cal. No. 507

I N   S E N A T E

April 30, 2014

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Introduced by Sens. RITCHIE, TKACZYK -- (at request of the Department of Agriculture and Markets) -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the agriculture and markets law, in relation to designation and amendment of trails

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 284-a of the agriculture and markets law, as added  
2     by chapter 248 of the laws of 2004, paragraph (c) of subdivision 2,  
3     paragraphs (b) and (c) of subdivision 3 and paragraph (a) of subdivi-  
4     sion 4 as amended by chapter 448 of the laws of 2008, is amended to read  
5     as follows:  
6     S 284-a. Establishment of farm trails, apple trails [and], cuisine  
7     trails, WINE TRAILS AND FARM BEVERAGE TRAILS. 1. Marketing activities  
8     and designation of trails. The department shall conduct statewide and  
9     regional marketing activities which shall include, but not be limited  
10    to, the designation of farm trails, apple trails, [and] cuisine trails,  
11    WINE TRAILS AND FARM BEVERAGE TRAILS.  
12    2. Definitions. For the purposes of this section:  
13    (a) "farm trail" shall mean an association of producers that are in  
14    close proximity to each other, that sell in a cooperative manner a  
15    complementary variety of farm and food products, and that utilize a map,  
16    other directional devices, or highway signs to market products and  
17    direct patrons to their respective farms.  
18    (b) "apple trail" shall mean an association of producers that are in  
19    close proximity to each other, that sell in a cooperative manner a wide  
20    variety of fresh apples or other fresh fruits or processed apple or  
21    other fruit products, and that utilize a map, other directional devices,  
22    or highway signs to market their products and direct patrons to their  
23    respective farms.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 (c) "cuisine trail" shall mean an association of producers, that may  
2 include a combination of producers, food or agricultural product proces-  
3 sors and retailers including, but not limited to, restaurants, that are  
4 in close proximity to each other, and that sell in a cooperative manner  
5 a complementary variety of unusual, unique, or hard to find fresh farm  
6 and food products and foods prepared primarily with such products for on  
7 or off premises consumption, including but not limited to, herbs, meats,  
8 vegetables, salad materials, wines, cut flowers, mushrooms, or fruits.  
9 Such trails may utilize a map, other directional devices, or highway  
10 signs to market their products and direct patrons to their places of  
11 business.

12 (D) "WINE TRAIL" SHALL MEAN A SERIES OF WINERIES IDENTIFIED BY THE  
13 COMMISSIONER, WHICH MAY BE LINKED BY GEOGRAPHIC PROXIMITY AND ALIGNMENT  
14 OR THEMATIC CONSISTENCY.

15 (E) "FARM BEVERAGE TRAIL" SHALL MEAN AN ASSOCIATION OF PRODUCERS, THAT  
16 MAY INCLUDE A COMBINATION OF PRODUCERS AND AGRICULTURAL PROCESSORS THAT  
17 ARE IN A CLOSE PROXIMITY TO EACH OTHER, AND THAT SELL IN A COOPERATIVE  
18 MANNER BEVERAGES FOR ON OR OFF PREMISES CONSUMPTION, INCLUDING WINE,  
19 BEER, CIDER AND DISTILLED LIQUORS.

20 3. Designation of trails. (a) The department shall designate farm,  
21 apple, [and] cuisine, WINE AND FARM BEVERAGE trails to promote greater  
22 agricultural marketing and promotional opportunities for agricultural  
23 producers AND PROCESSORS located in the areas of such trails.

24 (b) Designations shall take into consideration geographic proximity  
25 and alignment, thematic consistency, geographic or historical consisten-  
26 cy, density, economic feasibility, and the cooperation of agricultural  
27 producers AND PROCESSORS on the trails to be designated. [The department  
28 shall designate no more than ten farm trails, ten apple trails, and ten  
29 cuisine trails.] Criteria for developing and approving such trails shall  
30 include:

31 (i) [that the length of such trail, excluding laterals, is no longer  
32 than fifty miles,

33 (ii)] containing a sufficient number of producers to cost-effectively  
34 attract patrons to such trail association's participating members,

35 [(iii)] (II) incorporating considerations that maximize patronage of  
36 such trail,

37 [(iv)] (III) ensuring that proposed trail routes do not conflict with  
38 existing scenic byways designated pursuant to section three hundred  
39 forty-nine-dd of the highway law or wine trails designated pursuant to  
40 section three hundred forty-three-k of the highway law OR THREE HUNDRED  
41 FORTY-THREE-S OF THE HIGHWAY LAW,

42 [(v)] (IV) ensuring that trail designations are neither redundant nor  
43 cover themes or subjects or have names that have already been used by  
44 trails designated by the New York state scenic byways program or desig-  
45 nated as a wine trail pursuant to section three hundred forty-three-k of  
46 the highway law OR THREE HUNDRED FORTY-THREE-S OF THE HIGHWAY LAW,

47 [(vi)] (V) ensuring that the trail route is designed and laid out so  
48 that it is relatively simple and easy to follow for patrons and contains  
49 [few] NO branches or laterals [that dead end at one association member's  
50 business], and

51 [(vii)] (VI) upon consulting with the commissioner of transportation,  
52 trail designations that may support, augment, or reinforce the themes or  
53 subjects already covered by the existing scenic byways system or wine  
54 trails designated pursuant to the highway law.

55 (c) In making designations, the department shall consult with:

1 (i) [the New York State Farmers Direct Marketing Association, the  
2 advisory council on agriculture, and the New York State scenic byways  
3 advisory board; and

4 (ii)] the commissioner of transportation. The commissioner of trans-  
5 portation shall cooperate with the department in carrying out the  
6 provisions of this section. The commissioner of transportation[, upon  
7 receipt of a one time five hundred dollar application fee,] is author-  
8 ized to permit the installation and maintenance of signs on the state  
9 highway system for trails designated pursuant to this section. [Such  
10 funds received by the commissioner of transportation pursuant to this  
11 subdivision shall be deposited pursuant to section eighty-nine-b of the  
12 state finance law.] However, to avoid confusion and to limit any possi-  
13 ble disruption of commerce, the trail designations called for pursuant  
14 to this section shall be of a ceremonial nature and the official names  
15 of such highway shall not be changed as a result of such designations.  
16 Signage for trails designated pursuant to this section may include "farm  
17 trail", "apple trail", "cuisine trail", "WINE TRAIL", "FARM BEVERAGE  
18 TRAIL" or other descriptive language to promote the marketing of the  
19 [trails] TRAILS' products[.];

20 (II) THE CHAIRMAN OF THE STATE LIQUOR AUTHORITY; AND

21 (III) THE COMMISSIONER OF ECONOMIC DEVELOPMENT.

22 (d) [Once approved, trail route designations may not be altered for a  
23 minimum period of time of eighteen months; provided, however, that addi-  
24 tional participating members may be incorporated into already existing  
25 designated trail routes.] The department may review the designation of  
26 any trail established pursuant to this section and review such trail's  
27 effectiveness in attracting patrons or tourists, increasing patronage of  
28 association member businesses, and expanding the marketing capabilities  
29 of all trail members. The department, upon periodically reviewing desig-  
30 nated trails, may make suggestions to alter the route, adopt revisions  
31 to the business management practices of such trail association, or  
32 remove the designation of any such trail authorized by this section.

33 4. Application for designation. (a) Any association of producers as  
34 described in this section, upon [payment of an application fee of two  
35 hundred fifty dollars and] completion of an application form, may obtain  
36 from the department designation as a farm, apple, [or] cuisine, WINE OR  
37 FARM BEVERAGE trail. [Such funds received by the department pursuant to  
38 this subdivision shall be deposited in the general fund.] All applicants  
39 must satisfy the designation criteria stated in subdivision three of  
40 this section.

41 (b) The department, in approving any trail application [and installa-  
42 tion of highway signage, if such signage is requested by the applicant],  
43 shall consult with and satisfy all reasonable motor vehicle safety  
44 concerns specified by the commissioner of transportation to ensure that  
45 the trail designation, its route, or proposed signage does not impede  
46 vehicular traffic or diminish motorists' safety on the state highway  
47 system. The design of all highway signs must conform with all uniform  
48 traffic control device regulations and must be approved by the commis-  
49 sioner of transportation.

50 5. Application for federal monies. The department may apply for and  
51 accept federal monies that may be available to support such a program or  
52 funds from any other source to support this program. Upon approval of  
53 the commissioner of transportation, trails designated pursuant to this  
54 section may be eligible for and accept any federal highway aid or funds  
55 that may be available to support such program.

56 S 2. This act shall take effect immediately.