

5720--A

2015-2016 Regular Sessions

I N S E N A T E

May 29, 2015

Introduced by Sens. VALESKY, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to farm trails, apple trails and cuisine trails

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

1 Section 1. Paragraph (c) of subdivision 2 of section 284-a of the
2 agriculture and markets law, as amended by chapter 448 of the laws of
3 2008, is amended to read as follows:
4 (c) "cuisine trail" shall mean an association of producers, that may
5 include a combination of producers, food or agricultural product proces-
6 sors and retailers including, but not limited to, restaurants, that are
7 in close proximity to each other, and that sell in a cooperative manner
8 a complementary variety of unusual, unique, GOURMET or hard to find
9 fresh farm and food products and foods prepared primarily with such
10 products for on or off premises consumption, including but not limited
11 to, herbs, meats, vegetables, salad materials, wines OR OTHER ALCOHOLIC
12 BEVERAGES AND/OR NON-ALCOHOLIC BEVERAGES, cut flowers, mushrooms, or
13 fruits. Such trails may utilize a map, other directional devices, or
14 highway signs to market their products and direct patrons to their plac-
15 es of business.
16 S 2. The opening paragraph, and subparagraphs (i) and (iv) of para-
17 graph (b) of subdivision 3 of section 284-a of the agriculture and
18 markets law, as amended by chapter 448 of the laws of 2008, are amended
19 to read as follows:
20 Designations shall take into consideration geographic proximity and
21 alignment, thematic consistency, geographic or historical consistency,
22 density, economic feasibility, and the cooperation of agricultural

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

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1 producers on the trails to be designated. The department shall designate
2 no more than [ten] TWENTY-FIVE farm trails, [ten] TWENTY-FIVE apple
3 trails, and [ten] TWENTY-FIVE cuisine trails. Criteria for developing
4 and approving such trails shall include:

5 (i) that the length of such trail, excluding laterals, is no longer
6 than [fifty] SEVENTY-FIVE miles,

7 (iv) ensuring that proposed trail routes do not UNNECESSARILY OR
8 UNREASONABLY conflict with existing scenic byways designated pursuant to
9 section three hundred forty-nine-dd of the highway law or wine trails
10 designated pursuant to section three hundred forty-three-k of the high-
11 way law,

12 S 3. Subparagraph (ii) of paragraph (c) of subdivision 3 of section
13 284-a of the agriculture and markets law, as amended by chapter 448 of
14 the laws of 2008, is amended to read as follows:

15 (ii) the commissioner of transportation. The commissioner of transpor-
16 tation shall cooperate with the department in carrying out the
17 provisions of this section. The commissioner of transportation, upon
18 receipt of a one time five hundred dollar application fee, is authorized
19 to permit the installation and maintenance of signs on the state highway
20 system for trails designated pursuant to this section. Such funds
21 received by the commissioner of transportation pursuant to this subdivi-
22 sion shall be deposited pursuant to section eighty-nine-b of the state
23 finance law. However, to avoid confusion and to limit any possible
24 disruption of commerce, the trail designations called for pursuant to
25 this section shall be of a ceremonial nature and the official names of
26 such highway shall not be changed as a result of such designations.
27 Signage for trails designated pursuant to this section may include "farm
28 trail", "apple trail", "cuisine trail" or ANY other descriptive language
29 OR TRAIL NAME, APPROVED BY THE DEPARTMENT, IN CONSULTATION WITH THE
30 DEPARTMENT OF TRANSPORTATION, USED to promote the marketing of [the
31 trails] SUCH TRAIL products.

32 S 4. Paragraph (a) of subdivision 4 of section 284-a of the agricul-
33 ture and markets law, as amended by chapter 448 of the laws of 2008, is
34 amended to read as follows:

35 (a) Any association of producers as described in this section, upon
36 payment of an application fee of two hundred fifty dollars and
37 completion of an application form, may obtain from the department desig-
38 nation as a farm, apple, or cuisine trail, OR ANY OTHER DESCRIPTIVE
39 LANGUAGE OR TRAIL NAME APPROVED BY THE DEPARTMENT, IN CONSULTATION WITH
40 THE DEPARTMENT OF TRANSPORTATION, USED TO PROMOTE THE MARKETING OF SUCH
41 TRAIL PRODUCTS. Such funds received by the department pursuant to this
42 subdivision shall be deposited in the general fund. All applicants must
43 satisfy the designation criteria stated in subdivision three of this
44 section.

45 S 5. This act shall take effect immediately.