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I N   A S S E M B L Y

June 2, 2014

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Magee) --  
(at request of the Department of Agriculture and Markets) -- read once  
and referred to the Committee on Agriculture

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 subdivision 4 as amended by chapter 448 of the laws of 2008, is amended to read  
4     as follows:  
5  
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.  
24    (c) "cuisine trail" shall mean an association of producers, that may  
25    include a combination of producers, food or agricultural product processors and retailers including, but not limited to, restaurants, that are  
26    in close proximity to each other, and that sell in a cooperative manner  
27

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

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1 a complementary variety of unusual, unique, or hard to find fresh farm  
2 and food products and foods prepared primarily with such products for on  
3 or off premises consumption, including but not limited to, herbs, meats,  
4 vegetables, salad materials, wines, cut flowers, mushrooms, or fruits.  
5 Such trails may utilize a map, other directional devices, or highway  
6 signs to market their products and direct patrons to their places of  
7 business.

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

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

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

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

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

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

31 [(iii)] (II) incorporating considerations that maximize patronage of  
32 such trail,

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

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

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

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

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

52 (i) [the New York State Farmers Direct Marketing Association, the  
53 advisory council on agriculture, and the New York State scenic byways  
54 advisory board; and

55 (ii)] the commissioner of transportation. The commissioner of trans-  
56 portation shall cooperate with the department in carrying out the

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

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

16 (III) THE COMMISSIONER OF ECONOMIC DEVELOPMENT.

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

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

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

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

51 S 2. This act shall take effect immediately.