S T A T E O F N E W Y O R K

1187

2015-2016 Regular Sessions

I N A S S E M B L Y

January 8, 2015

Introduced by M. of A. MAGEE -- 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:

Section 1. Section 284-a of the agriculture and markets law, as added by chapter 248 of the laws of 2004, paragraph (c) of subdivision 2, 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 as follows:

S 284-a. Establishment of farm trails, apple trails [and], cuisine trails, WINE TRAILS AND FARM BEVERAGE TRAILS. 1. Marketing activities and designation of trails. The department shall conduct statewide and regional marketing activities which shall include, but not be limited to, the designation of farm trails, apple trails, [and] cuisine trails, WINE TRAILS AND FARM BEVERAGE TRAILS.

2. Definitions. For the purposes of this section:

(a) "farm trail" shall mean an association of producers that are in close proximity to each other, that sell in a cooperative manner a complementary variety of farm and food products, and that utilize a map, other directional devices, or highway signs to market products and direct patrons to their respective farms.

(b) "apple trail" shall mean an association of producers that are in close proximity to each other, that sell in a cooperative manner a wide variety of fresh apples or other fresh fruits or processed apple or other fruit products, and that utilize a map, other directional devices, or highway signs to market their products and direct patrons to their respective farms.

(c) "cuisine trail" shall mean an association of producers, that may include a combination of producers, food or agricultural product proces-

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

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sors and retailers including, but not limited to, restaurants, that are in close proximity to each other, and that sell in a cooperative manner a complementary variety of unusual, unique, or hard to find fresh farm and food products and foods prepared primarily with such products for on or off premises consumption, including but not limited to, herbs, meats, vegetables, salad materials, wines, cut flowers, mushrooms, or fruits. Such trails may utilize a map, other directional devices, or highway signs to market their products and direct patrons to their places of business.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(III) THE COMMISSIONER OF ECONOMIC DEVELOPMENT.

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

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

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

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

S 2. This act shall take effect immediately.