STATE OF NEW YORK

9860

IN ASSEMBLY

February 14, 2018

Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to expanding the production of fresh fruits and vegetables by community gardens; to amend the general city law, the town law, the village law, the general municipal law and the highway law, in relation to directing the state and municipalities to develop more and safer bike lanes and multiple use trails so as to encourage more physical activity and to reduce carbon emissions; and to amend the parks, recreation and historic preservation law, in relation to directing the office of parks, recreation and historic preservation to develop more and safer multiple use trails in state parks in and throughout the state

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 31-f of the agriculture and markets law, as added by chapter 528 of the laws of 2013, is amended to read as follows:

§ 31-f. Legislative findings. The legislature hereby finds and declares that community gardens provide significant health, educational and social benefits to the general public, especially for those who reside in urban and suburban areas of this state. Furthermore, it is the articulated public policy of this state to promote and foster growth in the number of community gardens and the acreage of such gardens. The community garden movement continues to provide low cost food that is fresh and nutritious for those who may be unable to readily afford **or have easy access to** fresh fruits and vegetables for themselves or their families, promotes public health and healthier individual lifestyles by encouraging better eating habits and increased physical activity by growing their own food, fosters the retention and expansion of open spaces, particularly in urban environments, enhances urban and suburban environmental quality and community beautification, provides inexpensive community building activities, recreation and physical exercise for all age groups, establishes a safe place for community involvement and helps to reduce the incidence of crime, engenders a closer relationship between urban residents, nature and their local environment, and fosters

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

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green job training and ecological education at all levels. It is therefore the intent of the legislature and the purpose of this article to foster growth in the number, size and scope of community gardens in this state by encouraging state agencies, municipalities and private parties in their efforts to promote community gardens.

§ 2. Paragraph f of subdivision 2 of section 31-h of the agriculture and markets law, as added by chapter 528 of the laws of 2013, is amended to read as follows:

f. Assist, support and encourage communication, and the sharing of resources between community garden organizations [~~and~~], the New York Harvest For New York Kids Week program established by the department pursuant to subdivision five-b of section sixteen of this chapter[~~,~~] and individual farm-to-school and school garden programs**, and, where applicable, the department of health, the department of state, the office of children and family services and the division of housing and community renewal**.

§ 3. Paragraph (a) of subdivision 4 of section 31-j of the agriculture and markets law, as amended by chapter 154 of the laws of 2015, is amended to read as follows:

(a) The goals of the task force may include, but are not limited to, the study, evaluation and development of recommendations: (i) to encourage the establishment and expansion of community gardens by state agencies, municipal governments and private parties, (ii) to encourage cooperation between the activities and operations of community gardens and provision of donated food to local voluntary food assistance programs for the poor and disadvantaged, (iii) to increase the benefits that community gardens may provide to the local community in which they are located, [~~and~~] (iv) to encourage cooperation with community-based organizations to increase the opportunities for seniors, those aged sixty years of age or older, to participate in community gardens**, and (v) to encourage the expansion of the production of fresh fruits and vegetables in areas served by community gardens so that such fresh produce can be consumed locally to help encourage healthier life styles and wellness, and to help reduce the incidence of adult and childhood obesity**.

§ 4. 1. Subdivision 4 of section 28-a of the general city law is amended by adding a new paragraph (j-1) to read as follows:

(j-1) Specific policies and strategies to develop more and safer bike lanes and multiple use trails so as to encourage more physical activity and reduce carbon emissions.

§ 5. Subdivision 3 of section 272-a of the town law is amended by adding a new paragraph (j-1) to read as follows:

(j-1) Specific policies and strategies to develop more and safer bike lanes and multiple use trails so as to encourage more physical activity and reduce carbon emissions.

§ 6. Subdivision 3 of section 7-722 of the village law is amended by adding a new paragraph (j-1) to read as follows:

(j-1) Specific policies and strategies to develop more and safer bike lanes and multiple use trails so as to encourage more physical activity and reduce carbon emissions.

§ 7. Subdivision 1 of section 239-d of the general municipal law is amended by adding a new paragraph (j-1) to read as follows:

(j-1) Specific policies and strategies to develop more and safer bike lanes and multiple use trails so as to encourage more physical activity and reduce carbon emissions;

§ 8. Subdivision (b) of section 331 of the highway law, as added by chapter 398 of the laws of 2011, is amended to read as follows:

(b) Complete street design features are roadway design features that accommodate and facilitate convenient access and mobility by all users, including current and projected users, particularly pedestrians, bicyclists and individuals of all ages and abilities **engaged in physical activity**. These features may include, but need not be limited to: sidewalks, paved shoulders suitable for use by bicyclists **and pedestrians**, lane striping, bicycle lanes, **multiple use trails,** share the road signage, crosswalks, road diets, pedestrian control signalization, bus pull outs, curb cuts, raised crosswalks and ramps and traffic calming measures; and recognize that the needs of users of the road network vary according to a rural, urban and suburban context.

§ 9. 1. Subdivision 10 of section 3.09 of the parks, recreation and historic preservation law is amended to read as follows:

10. Encourage, promote and provide recreational opportunities for residents of urban as well as suburban and rural areas**, which may include, but not be limited to, the development of more and safer multiple use trails in state parks and throughout the state so as to encourage more physical activity**.

§ 10. This act shall take effect immediately.