

# STATE OF NEW YORK

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2767

2019-2020 Regular Sessions

## IN SENATE

January 29, 2019

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Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed 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:

1 Section 1. Section 31-f of the agriculture and markets law, as added  
2 by chapter 528 of the laws of 2013, is amended to read as follows:  
3 § 31-f. Legislative findings. The legislature hereby finds and  
4 declares that community gardens provide significant health, educational  
5 and social benefits to the general public, especially for those who  
6 reside in urban and suburban areas of this state. Furthermore, it is the  
7 articulated public policy of this state to promote and foster growth in  
8 the number of community gardens and the acreage of such gardens. The  
9 community garden movement continues to provide low cost food that is  
10 fresh and nutritious for those who may be unable to readily afford or  
11 have easy access to fresh fruits and vegetables for themselves or their  
12 families, promotes public health and healthier individual lifestyles by  
13 encouraging better eating habits and increased physical activity by  
14 growing their own food, fosters the retention and expansion of open  
15 spaces, particularly in urban environments, enhances urban and suburban  
16 environmental quality and community beautification, provides inexpensive  
17 community building activities, recreation and physical exercise for all

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

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1 age groups, establishes a safe place for community involvement and helps  
2 to reduce the incidence of crime, engenders a closer relationship  
3 between urban residents, nature and their local environment, and fosters  
4 green job training and ecological education at all levels. It is there-  
5 fore the intent of the legislature and the purpose of this article to  
6 foster growth in the number, size and scope of community gardens in this  
7 state by encouraging state agencies, municipalities and private parties  
8 in their efforts to promote community gardens.

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

12 f. Assist, support and encourage communication, and the sharing of  
13 resources between community garden organizations [~~and~~], the New York  
14 Harvest For New York Kids Week program established by the department  
15 pursuant to subdivision five-b of section sixteen of this chapter[~~7~~] and  
16 individual farm-to-school and school garden programs, and, where appli-  
17 cable, the department of health, the department of state, the office of  
18 children and family services and the division of housing and community  
19 renewal.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 10. Encourage, promote and provide recreational opportunities for  
20 residents of urban as well as suburban and rural areas, which may  
21 include, but not be limited to, the development of more and safer multi-  
22 ple use trails in state parks and throughout the state so as to encour-  
23 age more physical activity.

24 § 10. This act shall take effect immediately.