

STATE OF NEW YORK

9610

IN ASSEMBLY

March 28, 2022

Introduced by M. of A. McMAHON -- read once and referred to the Committee on Transportation

AN ACT to amend the highway law, the state finance law and the environmental conservation law, in relation to imposing a highway use fee on outdoor advertising, establishing a New York state urban reforestation fund and making provisions supporting urban forestry

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

1 Section 1. This act shall be known and may be cited as the "urban
2 reforestation act".

3 § 2. Legislative findings and intent. The legislature finds that
4 planting trees in urban areas helps to preserve the environment, promote
5 health, mitigate air pollution and enhance the urban environment. Trees
6 absorb pollution, produce oxygen, and provide shade and block winds in a
7 manner that conserves both costs and energy. Tree-lined streets offer
8 aesthetic appeal, improve property values and provide tangible physical
9 benefits to improve the pedestrian experience. The legislature also
10 finds that the stated purposes of article 53 of the environmental
11 conservation law relating to urban forestry could be better achieved if
12 a method of funding existed exclusively for such purpose.

13 Therefore, it is the intent of this act to create a New York state
14 urban reforestation fund, which shall be a source of money used to
15 promote the planting, conservation and maintenance of trees in certain
16 urban areas of this state in order to produce important economic, envi-
17 ronmental and physical benefits. This fund shall be a source of money
18 used exclusively for the purposes of urban forestry as provided in arti-
19 cle 53 of the environmental conservation law.

20 § 3. Section 88 of the highway law is amended by adding a new subdivi-
21 sion 5-a to read as follows:

22 5-a. (a) There is hereby imposed on outdoor advertising signs which
23 are visible from interstate and primary system highways, a fee as
24 provided in this subdivision. Official signs, on-premises signs, direc-
25 tion signs, and signs owned by persons with five or fewer billboards
26 shall be exempt from such a fee.

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

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1 (b) In cities with a population of one million or more, such fees
2 shall be collected by the city annually. In all other areas of the
3 state, such fee shall be collected by the commissioner as part of the
4 process of regulation of outdoor advertising.

5 (c) All billboard faces visible from interstate and primary system
6 highways shall pay an annual fee of one thousand dollars.

7 (d) The state commissioner of transportation, and cities with a popu-
8 lation of one million or more shall deposit the revenue collected pursu-
9 ant to this subdivision in the New York state urban reforestation fund
10 pursuant to section ninety-one-h of the state finance law.

11 (e) Any person who violates any provision of this subdivision, or any
12 rule, regulation, or order promulgated pursuant thereto shall be liable
13 for a minimum civil penalty of five hundred dollars and an additional
14 civil penalty of one hundred dollars a day for each day during which
15 each such violation continues. Every civil penalty that is assessed
16 pursuant to this section shall be credited to the department of trans-
17 portation to aid in implementation and enforcement of this section
18 including implementation of the permit registration program, inspection
19 and removal of illegal outdoor advertising.

20 § 4. The state finance law is amended by adding a new section 91-h to
21 read as follows:

22 § 91-h. New York state urban reforestation fund. 1. There is hereby
23 established in the joint custody of the state comptroller and the
24 commissioner of taxation and finance a fund to be known as the New York
25 state urban reforestation fund.

26 2. Such fund shall consist of all fees, revenues, fines and forfei-
27 tures collected pursuant to subdivision five-a of section eighty-eight
28 of the highway law and required to be deposited to this fund, and all
29 other moneys credited or transferred thereto from any other fund or
30 source pursuant to law.

31 3. Moneys of the fund shall be available only for the payment of state
32 aid pursuant to the provisions of title three of article fifty-three of
33 the environmental conservation law for the purpose of enforcing the
34 provisions of such title.

35 § 5. Section 53-0303 of the environmental conservation law is amended
36 by adding eight new subdivisions 8, 9, 10, 11, 12, 13, 14 and 15 to read
37 as follows:

38 8. "Professional forester" means an individual who has graduated from
39 a school of forestry recognized or accredited by a professional associ-
40 ation of foresters or by a state or federal entity so authorized; or one
41 who possesses qualifications for the practice of forestry essentially
42 equivalent to those possessed by a graduate of a school of forestry in a
43 curriculum of forest management recognized or accredited by a profes-
44 sional association of foresters or by state or federal entities.

45 9. "Conservation" means planned management of natural resources for
46 the benefit of society to prevent exploitation, destruction or neglect.

47 10. "Inventory" means a survey of natural resources in a defined area,
48 including location, condition, size, and species of trees and associated
49 vegetation as well as potential planting sites.

50 11. "Management planning" means the organized compilation of inventory
51 data with an action plan aimed at improving tree resources.

52 12. "Tree maintenance" means providing care to tree resources to
53 assure the health of the urban tree resource.

54 13. "Planting" means the act of establishing trees at a site, includ-
55 ing site preparation, and installation of the tree.

1 14. "Pruning" means the cutting of tree limbs to improve tree health
2 and form by removing dead, diseased and damaged wood.

3 15. "Removal" means the cutting of selected trees that are hazardous,
4 dead, diseased or in some other way becoming a danger to public welfare.

5 § 6. The environmental conservation law is amended by adding a new
6 section 53-0309 to read as follows:

7 § 53-0309. Urban reforestation assistance.

8 1. In cities with a population of one million or more, the commission-
9 er shall award grants annually to such cities in an amount equal to the
10 monies collected by the city, excluding funds kept by the department for
11 the purpose of administering the urban reforestation act, and deposited
12 into the urban reforestation fund. Monies shall be awarded exclusively
13 for establishment of an urban forestry plan and urban forestry planning
14 capability which includes the services of a professional forester and/or
15 licensed landscape architects, undertaking and maintaining an inventory,
16 and undertaking tree planting, maintenance, removal and pruning.

17 2. In cities with a population of less than one million and more than
18 twenty thousand, the commissioner shall award grants from funds appro-
19 priated and available from the New York urban reforestation fund, as
20 follows: annually, fifty percent of the funds available shall be
21 distributed proportionally according to population density to be used
22 for establishment of an urban forestry plan and urban forestry planning
23 capability which includes the services of a professional forester and/or
24 licensed landscape architects, undertaking and maintaining an invento-
25 ry, and undertaking tree planting, tree maintenance, removal and prun-
26 ing, forty percent of the funds available shall be distributed for urban
27 areas subject to a completed urban forestry plan for activities pursuant
28 to such plan based on need and merit and up to ten percent of the funds
29 available shall be available to the department to cover the costs
30 incurred in administering the provisions of this title.

31 § 7. This act shall take effect on the sixtieth day after it shall
32 have become a law.