

STATE OF NEW YORK

1780

2023-2024 Regular Sessions

IN ASSEMBLY

January 20, 2023

Introduced by M. of A. McMAHON, DAVILA, GUNTHER, SIMON, GIBBS -- 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

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

LBD06176-01-3

provided in this subdivision. Official signs, on-premises signs, direction signs, and signs owned by persons with five or fewer billboards shall be exempt from such a fee.

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

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

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

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

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

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

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

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

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

8. "Professional forester" means an individual who has graduated from a school of forestry recognized or accredited by a professional association of foresters or by a state or federal entity so authorized; or one who possesses qualifications for the practice of forestry essentially equivalent to those possessed by a graduate of a school of forestry in a curriculum of forest management recognized or accredited by a professional association of foresters or by state or federal entities.

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

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

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

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

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

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

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

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

9 § 53-0309. Urban reforestation assistance.

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

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

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