

# STATE OF NEW YORK

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1780

2023-2024 Regular Sessions

## IN ASSEMBLY

January 20, 2023

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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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 12. "Tree maintenance" means providing care to tree resources to  
56 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.