

SENATE BILL 359

R2, M3

1lr1716
CF HB 80

By: **Senator Rosapepe**

Introduced and read first time: January 15, 2021

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 20, 2021

CHAPTER _____

1 AN ACT concerning

2 **Department of Transportation and ~~Department of the Environment – Purple~~**
3 **~~Line Tree Replacement Plan~~ – Urban Tree Program – Establishment**

4 FOR the purpose of requiring the Department of Transportation, ~~in conjunction with the~~
5 ~~Department of the Environment~~, to develop ~~a plan~~ an urban tree program to replace
6 trees that are removed during the construction of ~~the Purple Line~~ certain
7 transportation projects; requiring the Department of Transportation to consult with
8 certain entities and individuals in developing the ~~plan~~ program; requiring the ~~plan~~
9 program to provide for the replacement of trees in certain communities and prioritize
10 the initial replacement of trees in certain communities; authorizing the replacement
11 of trees on certain types of property; requiring the Department of Transportation, in
12 collaboration with the Department of the Environment, the Department of Natural
13 Resources, and certain other State agencies, to identify available sources of funding
14 for replacing trees in accordance with this Act; defining certain terms; and generally
15 relating to replacing trees removed during the construction of ~~the Purple Line~~
16 certain transportation projects.

17 BY adding to

18 Article – Transportation

19 Section ~~7-713~~ 2-103.8

20 Annotated Code of Maryland

21 (2020 Replacement Volume)

22 Preamble

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 WHEREAS, The Maryland Department of Transportation is a principal department
 2 of the State government; and

3 WHEREAS, The Secretary of Transportation is responsible for the operation of the
 4 Maryland Department of Transportation and establishing guidelines and procedures to
 5 promote the orderly and efficient administration of the Maryland Department of
 6 Transportation; and

7 WHEREAS, The General Assembly finds that the State must have sustainable
 8 communities; and

9 WHEREAS, The Maryland Department of Transportation and the Department of
 10 Natural Resources are executing a memorandum of understanding, which applies to all
 11 Maryland Department of Transportation modal administrations, and supports common
 12 objectives, including Chesapeake Bay watershed restoration, climate resiliency, adaptation
 13 and mitigation efforts, environmental compliance and stewardship, and sustainability
 14 activities; and

15 WHEREAS, The Maryland Department of Transportation desires to create an urban
 16 tree program to promote sustainable practices that would improve local air quality,
 17 enhance existing bicycle and pedestrian connections to transit, and alleviate urban heat
 18 island effects; and

19 WHEREAS, The Maryland Department of Transportation commits to consult with
 20 the Department of Natural Resources and the Department of the Environment in the
 21 development of the urban tree program; now, therefore,

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 23 That the Laws of Maryland read as follows:

24 **Article – Transportation**

25 ~~7-713.~~ 2-103.8.

26 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 27 INDICATED.

28 (2) “HEAT ISLAND EFFECT” MEANS THE PHENOMENON THAT OCCURS
 29 WHEN BUILDINGS, ROADS, AND OTHER INFRASTRUCTURE ABSORB AND RE-EMIT
 30 HEAT FROM THE SUN, CAUSING URBAN AREAS TO EXPERIENCE HIGHER
 31 TEMPERATURES THAN SURROUNDING AREAS.

32 (3) “PURPLE LINE” MEANS THE LIGHT RAIL TRANSIT LINE BETWEEN
 33 BETHESDA IN MONTGOMERY COUNTY AND NEW CARROLLTON IN PRINCE
 34 GEORGE’S COUNTY.

1 **(4) “TRANSPORTATION FACILITY” HAS THE MEANING STATED IN §**
2 **3-101 OF THIS ARTICLE.**

3 **(B) (1) THE DEPARTMENT, ~~IN CONJUNCTION WITH THE DEPARTMENT OF~~**
4 **~~THE ENVIRONMENT,~~ SHALL DEVELOP ~~A PLAN~~ AN URBAN TREE PROGRAM TO**
5 **REPLACE TREES THAT ARE REMOVED DURING CONSTRUCTION OF A**
6 **TRANSPORTATION FACILITY PROJECT, INCLUDING THE AREA IMPACTED BY THE**
7 **PURPLE LINE PROJECT.**

8 **(2) IN DEVELOPING THE ~~PLAN~~ URBAN TREE PROGRAM, THE**
9 **DEPARTMENT SHALL CONSULT WITH:**

10 **(I) THE DEPARTMENT OF THE ENVIRONMENT AND THE**
11 **DEPARTMENT OF NATURAL RESOURCES;**

12 **(II) REPRESENTATIVES OF BUSINESSES THAT ARE LOCATED IN**
13 **~~THE~~ COMMUNITIES WHERE ~~THE~~ TREES ARE REMOVED AS PART OF A**
14 **TRANSPORTATION FACILITY PROJECT;**

15 **~~(III)~~ (III) REPRESENTATIVES OF COMMUNITIES WHERE ~~THE~~**
16 **TREES ARE REMOVED AS PART OF A TRANSPORTATION FACILITY PROJECT;**

17 **~~(IV)~~ (IV) COUNTY AND MUNICIPAL GOVERNMENTS FOR THE**
18 **COMMUNITIES IN WHICH ~~THE~~ TREES ARE REMOVED AS PART OF A TRANSPORTATION**
19 **FACILITY PROJECT; AND**

20 **~~(V)~~ (V) RESIDENTS OF COMMUNITIES WHERE ~~THE~~ TREES ARE**
21 **REMOVED AS PART OF A TRANSPORTATION FACILITY PROJECT.**

22 **(C) (1) THE ~~PLAN~~ URBAN TREE PROGRAM SHALL:**

23 **(I) PROVIDE FOR THE REPLACEMENT OF TREES IN ~~EACH~~**
24 **~~COMMUNITY WHERE TREES ARE REMOVED DUE TO CONSTRUCTION OF THE PURPLE~~**
25 **~~LINE~~ COMMUNITIES WHERE TREES ARE REMOVED AS PART OF CONSTRUCTION OF A**
26 **TRANSPORTATION FACILITY PROJECT; AND**

27 **(II) PRIORITIZE THE INITIAL REPLACEMENT OF TREES IN**
28 **COMMUNITIES THAT ARE AFFECTED BY:**

- 29 1. ENVIRONMENTAL JUSTICE ISSUES; OR
- 30 2. THE HEAT ISLAND EFFECT.

1 **(2) TREES MAY BE REPLACED ON STATE, COUNTY, MUNICIPAL, OR**
2 **PRIVATE PROPERTY.**

3 **(D) THE DEPARTMENT, IN COLLABORATION WITH THE DEPARTMENT OF**
4 **THE ENVIRONMENT, THE DEPARTMENT OF NATURAL RESOURCES, AND ANY OTHER**
5 **STATE AGENCY THAT THE DEPARTMENT DETERMINES IS NECESSARY TO**
6 **COLLABORATE WITH, SHALL IDENTIFY SOURCES OF FUNDING AVAILABLE FOR THE**
7 **REPLACEMENT OF TREES IN ACCORDANCE WITH THIS SECTION.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.