

# SENATE BILL 359

R2, M3

(11r1716)

## ENROLLED BILL

— Finance/Environment and Transportation —

Introduced by **Senator Rosapepe**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### 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; *providing for the construction of this*

---

#### 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.

*Italics* indicate opposite chamber/conference committee amendments.



1 Act; defining certain terms; and generally relating to replacing trees removed during  
 2 the construction of the Purple Line certain transportation projects.

3 BY adding to

4 Article – Transportation

5 Section ~~7-713~~ 2-103.8

6 Annotated Code of Maryland

7 (2020 Replacement Volume)

8 Preamble

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

11 WHEREAS, The Secretary of Transportation is responsible for the operation of the  
 12 Maryland Department of Transportation and establishing guidelines and procedures to  
 13 promote the orderly and efficient administration of the Maryland Department of  
 14 Transportation; and

15 WHEREAS, The General Assembly finds that the State must have sustainable  
 16 communities; and

17 WHEREAS, The Maryland Department of Transportation and the Department of  
 18 Natural Resources are executing a memorandum of understanding, which applies to all  
 19 Maryland Department of Transportation modal administrations, and supports common  
 20 objectives, including Chesapeake Bay watershed restoration, climate resiliency, adaptation  
 21 and mitigation efforts, environmental compliance and stewardship, and sustainability  
 22 activities; and

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

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

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

32 **Article – Transportation**

33 ~~7-713.~~ **2-103.8.**

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

3 (2) "HEAT ISLAND EFFECT" MEANS THE PHENOMENON THAT OCCURS  
4 WHEN BUILDINGS, ROADS, AND OTHER INFRASTRUCTURE ABSORB AND RE-EMIT  
5 HEAT FROM THE SUN, CAUSING URBAN AREAS TO EXPERIENCE HIGHER  
6 TEMPERATURES THAN SURROUNDING AREAS.

7 (3) "PURPLE LINE" MEANS THE LIGHT RAIL TRANSIT LINE BETWEEN  
8 BETHESDA IN MONTGOMERY COUNTY AND NEW CARROLLTON IN PRINCE  
9 GEORGE'S COUNTY.

10 (4) "TRANSPORTATION FACILITY" HAS THE MEANING STATED IN §  
11 3-101 OF THIS ARTICLE.

12 (B) (1) ~~THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF~~  
13 ~~THE ENVIRONMENT,~~ SHALL DEVELOP ~~A PLAN~~ AN URBAN TREE PROGRAM TO  
14 REPLACE TREES THAT ARE REMOVED DURING CONSTRUCTION OF A  
15 TRANSPORTATION FACILITY PROJECT, INCLUDING THE AREA IMPACTED BY THE  
16 PURPLE LINE PROJECT.

17 (2) IN DEVELOPING THE ~~PLAN~~ URBAN TREE PROGRAM, THE  
18 DEPARTMENT SHALL CONSULT WITH:

19 (I) THE DEPARTMENT OF THE ENVIRONMENT AND THE  
20 DEPARTMENT OF NATURAL RESOURCES *FOREST SERVICE*;

21 (II) REPRESENTATIVES OF BUSINESSES THAT ARE LOCATED IN  
22 ~~THE~~ COMMUNITIES WHERE ~~THE~~ TREES ARE REMOVED AS PART OF A  
23 TRANSPORTATION FACILITY PROJECT;

24 ~~(III)~~ (III) REPRESENTATIVES OF COMMUNITIES WHERE ~~THE~~  
25 TREES ARE REMOVED AS PART OF A TRANSPORTATION FACILITY PROJECT;

26 ~~(IV)~~ (IV) COUNTY AND MUNICIPAL GOVERNMENTS FOR THE  
27 COMMUNITIES IN WHICH ~~THE~~ TREES ARE REMOVED AS PART OF A TRANSPORTATION  
28 FACILITY PROJECT; AND

29 ~~(V)~~ (V) RESIDENTS OF COMMUNITIES WHERE ~~THE~~ TREES ARE  
30 REMOVED AS PART OF A TRANSPORTATION FACILITY PROJECT.

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

1 (I) PROVIDE FOR THE REPLACEMENT OF TREES IN ~~EACH~~  
2 ~~COMMUNITY WHERE TREES ARE REMOVED DUE TO CONSTRUCTION OF THE PURPLE~~  
3 ~~LINE~~ COMMUNITIES WHERE TREES ARE REMOVED AS PART OF CONSTRUCTION OF A  
4 TRANSPORTATION FACILITY PROJECT; AND

5 (II) PRIORITIZE THE INITIAL REPLACEMENT OF TREES IN  
6 COMMUNITIES THAT ARE AFFECTED BY:

7 1. ENVIRONMENTAL JUSTICE ISSUES; OR

8 2. THE HEAT ISLAND EFFECT.

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

11 (D) THE DEPARTMENT, IN COLLABORATION WITH THE DEPARTMENT OF  
12 THE ENVIRONMENT, THE DEPARTMENT OF NATURAL RESOURCES, AND ANY OTHER  
13 STATE AGENCY THAT THE DEPARTMENT DETERMINES IS NECESSARY TO  
14 COLLABORATE WITH, SHALL IDENTIFY SOURCES OF FUNDING AVAILABLE FOR THE  
15 REPLACEMENT OF TREES IN ACCORDANCE WITH THIS SECTION.

16 (E) NOTHING IN THIS SECTION MAY BE CONSTRUED TO ABROGATE OR LIMIT  
17 THE APPLICABILITY OF ANY REQUIREMENTS OR OTHER PROVISIONS IN THE  
18 NATURAL RESOURCES ARTICLE THAT APPLY TO THE REPLACEMENT OF TREES THAT  
19 ARE REMOVED DURING THE CONSTRUCTION OF A TRANSPORTATION FACILITY  
20 PROJECT.

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

Approved:

---

Governor.

---

President of the Senate.

---

Speaker of the House of Delegates.