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**THE COUNCIL OF THE CITY OF NEW YORK**

##### COMMITTEE REPORT OF THE INFRASTRUCTURE DIVISION

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**COMMITTEE ON PARKS AND RECREATION**

Hon. Peter Koo*, Chair*

September 27, 2021

**OVERSIGHT: “MAINTAINING THE CITY’S TREE STOCK”**

**AND**

**PROPOSED INT. NO. 98-A:** By Council Members Koo, Koslowitz, Holden and Dromm

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to abandoned tree pits

**ADMINISTRATIVE CODE:** Adds section 18-156

**INT. NO. 199:** By Council Member Matteo

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the undertaking of surveys before planting trees

**ADMINISTRATIVE CODE:** Amends section 18-103 and adds section 18-155

**INT. NO. 467:** By Council Members Dromm and Yeger

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requests for trees

**ADMINISTRATIVE CODE:** Adds sections 18-106.1, 23-901 and 23-902

**INT. NO. 552:** By Council Member Levine

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the posting of information online regarding tree stump removal

**ADMINISTRATIVE CODE:** Amends section 18-151

**INT. NO. 957:** By Council Members Borelli, Yeger, Rose, Moya and Brannan

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the replacement of city-owned trees that have been lawfully removed

**ADMINISTRATIVE CODE:** Amends section 18-107

**INT. NO. 2365:** By Council Members Koo, Gennaro, Yeger, Holden, Brannan, Vallone, Van Bramer, Adams, Dinowitz, Cumbo, Ayala, Louis, Riley, Brooks-Powers, Maisel and Ulrich

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the creation of a task force to coordinate the removal of fallen trees due to a severe weather event

**ADMINISTRATIVE CODE:** Amends section 18-142

**INT. NO. 2366:** By Council Members Koo, Gennaro, Yeger, Holden, Brannan, Vallone, Van Bramer, Adams, Dinowitz, Cumbo, Ayala, Louis, Riley, Brooks-Powers, Maisel and Ulrich

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to tree health assessments and inspections

**ADMINISTRATIVE CODE:** Adds section 18-157

**Introduction**

On September 27, 2021, the Committee on Parks and Recreation, chaired by Council Member Peter Koo, will hold an oversight hearing entitled “Maintaining the City’s Tree Stock.” The Committee will also consider the following bills: Proposed Int. No. 98-A, sponsored by Council Member Koo, A Local Law to amend the administrative code of the city of New York, in relation to abandoned tree pits; Int. No. 199, sponsored by Council Member Matteo, A Local Law to amend the administrative code of the city of New York, in relation to the undertaking of surveys before planting trees; Int. No. 467, sponsored by Council Member Dromm, A Local Law to amend the administrative code of the city of New York, in relation to requests for trees; Int. No. 552, sponsored by Council Member Levine, A Local Law to amend the administrative code of the city of New York, in relation to the posting of information online regarding tree stump removal; Int. No. 957, sponsored by Council Member Borelli, A Local Law to amend the administrative code of the city of New York, in relation to the replacement of city-owned trees that have been lawfully removed, Int. No. 2365, sponsored by Council Member Koo, A Local Law to amend the administrative code of the city of New York, in relation to the creation of a task force to coordinate the removal of fallen trees due to a severe weather event; and Int. No. 2366, sponsored by Council Member Koo, A Local Law to amend the administrative code of the city of New York, in relation to tree health assessments and inspections. More information about these bills, along with the materials for this hearing, can be accessed [here](https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=890500&GUID=9EC8F5D7-1D11-40CF-AA45-84AAC1C92798&Options=info|&Search).

**Background**

There are approximately 7 million trees in New York City, representing a tree canopy that covers approximately about 21 percent of the entire City.[[1]](#footnote-1) Trees benefit local communities by improving water quality by filtering water and diverting storm water run-off, increasing property values, filtering high-frequency noises and providing a habitat for wild life.[[2]](#footnote-2) Most importantly, trees provide better air quality by reducing the presence of many air pollutants that cause serious health problems.[[3]](#footnote-3) The NYC Parks Tree Map has calculated some of these benefits and found that each year trees were responsible for intercepting 1,053,675,413 gallons of stormwater, conserving 649,263,466 kw/h of energy, removing 1,231,548 pounds of air pollutants, and reducing 1,177,000,498 tons of carbon dioxide in the City.[[4]](#footnote-4) These benefits were estimated to be valued at $102,768,094.84.[[5]](#footnote-5)

All trees growing in the public right-of-way, along streets and in parks and playgrounds, are under the jurisdiction of the Department of Parks and Recreation (DPR).[[6]](#footnote-6) The most recent decennial tree census, completed by DPR in 2016, determined that there are approximately **666,134 street trees** located on 131,488 City blocks. DPR, working through its borough forestry offices, is responsible for providing a variety of tree maintenance services for the street trees under its jurisdiction.[[7]](#footnote-7) These services include removing dead trees, pruning trees, removing wood debris, reviewing building development plans for their possible effect on nearby trees, responding to storms and other emergencies, and assisting with the control of invasive pests such as the Asian Longhorned beetle. DPR primarily relies on using outside contractors to prune and maintain approximately 600,000 street trees.[[8]](#footnote-8) DPR also coordinates with private organizations such as Partnership for Parks and Trees New York, to engage and train interested New Yorkers in tree maintenance practices, such as general tree care, biology, identification, and pruning.[[9]](#footnote-9)

Some of DPR’s tree maintenance work is detailed on its website, pursuant to Local Law 65 of 2017, passed by the Council to require that DPR to post on its website information relating to the times, dates, locations and work statuses of various tree maintenance activities including, tree pruning, tree stump removal, tree planting and tree damage repairs. DPR’s “Tree Hub” website now has accessible data on the following tree maintenance activities:[[10]](#footnote-10)

* Street Tree Planting: The site includes an interactive map that tracks new trees that have been planted over the past 6 months, as well as trees that are scheduled to be planted over the next fiscal year.
* Street Tree Pruning: The site’s interactive map includes information for each tree that has been pruned within the last 6 months and all trees scheduled to be pruned during the next fiscal year.
* Tree Stump Removal: The site’s interactive map includes information for each tree stump that has been removed within the last 6 months and all stumps that have been scheduled to be removed. Tree stump removal is dependent on funding, which has historically resulted in a backlog of stumps awaiting removal. The backlog is not tracked on this site.
* Sidewalk Repair: The site includes information on the Trees and Sidewalk program, for which DPR will inspect a damaged sidewalk flag that abuts a one, two, or three family home and repair the flag, free of charge to the homeowner if DPR determines a City owned tree caused the damage.  The site’s map tracks sidewalks that have been inspected and repaired over the past 6 months, as well as all sidewalk repairs that are currently scheduled.

**The Tree Census**

Since 1995, DPR has conducted a decennial census, named “Trees Count!” of the City’s entire tree stock, using hundreds of volunteers and DPR staff to obtain a better understanding of the City’s tree stock, often referred to as the “urban forest.”[[11]](#footnote-11) DPR provided training and tree guides to volunteers for data accuracy.[[12]](#footnote-12) That first census provided detailed information on the number, size and species of street trees in the City and also revealed that more than 10,000 such trees were dead.[[13]](#footnote-13) These findings resulted in a commitment from the City at the time to remove all dead street trees within 30 days of the initial request.[[14]](#footnote-14) The 1995 census also resulted in DPR initiating a new block-by-block pruning program of street trees, with DPR representatives stating at the time that tree pruning using a block-by-block pattern is a more efficient use of resources than pruning trees in response to geographically disparate public requests, since it is a more proactive approach.[[15]](#footnote-15)

From 2005-2006, DPR conducted a second street tree census which focused on determining the benefits of street trees such as air quality improvement, energy savings, reductions in stormwater runoff and other aesthetic benefits.[[16]](#footnote-16) Shortly after that census, the City launched the MillionTreesNYC initiative across the five boroughs.[[17]](#footnote-17) The MillionTreesNYC program was part of then-Mayor Bloomberg’s PlaNYC initiative, and it required DPR, in collaboration with the New York Restoration Project, to plant and care for one million new trees throughout all five boroughs by 2017.[[18]](#footnote-18) In October 2015, MillionTreesNYC reached its goal of planting 1 million trees on and around a number of New York City Housing Authority (NYCHA) campuses, parks, schoolyards, cultural institutions, and cemeteries and along the City’s streets.[[19]](#footnote-19) Of those 1 million trees, the Bronx received 280,000, Brooklyn received 185,000, Manhattan received 75,000, Queens received 285,000 and Staten Island received 175,000.[[20]](#footnote-20)

DPR concluded its most recent tree census in 2016. Surveyors, which included a record 2,241 volunteers, mapped 666,134 street trees throughout 131,488 City blocks.[[21]](#footnote-21) To more accurately conduct this census, DPR employed a greater use of technology in counting and mapping street trees, with over 90% of the census data collected using a mobile device. Additionally, DPR contracted with the software company Azavea to use neighborhood-based participatory mapping and data collection technology, combined site surveying methods and geospatial technology to derive the location of street trees, which according to DPR, resulted in a high degree of accuracy. [[22]](#footnote-22) This increased use of technology led to the development of the New York City Street Tree map, which is updated daily and where information about each tree’s species, size and ecological benefits of individual trees is viewable.[[23]](#footnote-23) Since the 2016 census, the map has been updated to reflect an increase in the total number of street trees, which now stands at 689,228, with 89,240 in the Bronx, 181,230 in Brooklyn, 65,381 in Manhattan, 246,754 in Queens and 107,023 on Staten Island.[[24]](#footnote-24)

**Tree Inspection Process**

Tree inspections occur on a regular basis and are performed by inspectors who look for physical defects and signs of pathogen attacks.[[25]](#footnote-25) The environment adjacent to the tree is also observed to identify any additional stress factors that may be contributing to a tree’s condition such as, construction work and power lines.[[26]](#footnote-26) After these initial inspections, the inspector will formulate an inspection report for the tree which includes any tree work recommendations such as pruning or removal.[[27]](#footnote-27) If an inspector discovers a defect, a further investigation of the tree is carried out using the IML Resistograph, which maps internal wood decay.[[28]](#footnote-28) The IML Resistograph machine uses a small drill bit which is drilled into three to four points at the base of the trunk of the tree and the major root flares.[[29]](#footnote-29) The wood’s resistance to the drill is recorded on a strip of paper, with the drilling hole not leaving any damage to the tree.[[30]](#footnote-30)

 Additionally, in order to determine what more focused maintenance may be needed in certain park properties, DPR conducts inspections through its Parks Inspection Program (PIP). Through PIP, inspectors use handheld computers and digital cameras to document conditions and collect data while performing nearly 6,000 inspections each year.[[31]](#footnote-31) Each inspected park is given a rating for overall condition and for cleanliness, which includes numerous ratable park features.[[32]](#footnote-32) One of these is the landscape feature, through which parks will be examined for dead trees, dead wood in trees greater than two inches in diameter, broken limbs lodged in the crown of a tree and low branches that interfere with pedestrian traffic.[[33]](#footnote-33) Supervisors report any tree issues through an on-line database used by borough managers to plan and track work requests.[[34]](#footnote-34)

**Issues and Concerns Regarding Tree Maintenance**

Although many City residents agree that greener streets are beneficial for communities, proper tree maintenance remains a major concern for New Yorkers. It has been reported that “three of the top five categories of parks-related calls to 311, the city’s help line, involved complaints about trees.”[[35]](#footnote-35) It was also reported that newly planted trees were not being properly maintained, which has sometimes resulted in premature tree deaths. In fact, DPR has stated that approximately eleven percent of newly installed trees, depending on location, die within two years of planting.[[36]](#footnote-36)

 One of the most common and important tree maintenance practices is tree pruning. DPR uses a risk management approach when it comes to pruning, which is based on standards set by the International Society of Arboriculture and the American National Standards Institute.[[37]](#footnote-37) The industry standard for tree pruning is once every seven to eight years.[[38]](#footnote-38) Several years ago, the regular pruning cycle was delayed to every fifteen to sixteen years, as a result of budget cuts.[[39]](#footnote-39) However, in 2012, the City Council added $2 million to then-Mayor Bloomberg’s proposed budget to increase the number of street trees pruned and expand the pruning program to trees in parks throughout the five boroughs.[[40]](#footnote-40) This additional funding added 30 tree pruners and climbers and increased the agency’s pruning goal to 60,000 trees.[[41]](#footnote-41) Since then, there has been a generally upward trend in the funding for pruning and in the number of street trees pruned each fiscal year (FY):[[42]](#footnote-42)

* FY 2012, Tree Block Pruning program funded at $1,480,000. 29,497 street trees pruned.
* FY 2013, Tree Block Pruning program funded at $3,395,000 (inclusive of $1.8 million in one time funding from the Council). 46,697 street trees pruned.
* FY 2014, Tree Block Pruning program funded at $3,643,000. 59,607 street trees pruned.
* FY 2015, Tree Block Pruning program funded at $5,465,000 (inclusive of $1 million in one time funding from the Council). 97,888 street trees pruned.
* FY 2016, Tree Block Pruning program funded at $6,065,000. 87,359 street trees pruned.
* FY 2017, Tree Block Pruning program funded at $8,756,000. 70,443 street trees pruned.
* FY 2018, Tree Block Pruning program funded at $8,776,686. 72,283 street trees pruned.
* FY 2019, Tree Block Pruning program funded at $8,776,686. 70,997 street trees pruned.
* FY 2020 Tree Block Pruning program funded at $8,776,686. 59,771 street trees pruned.

The FY 2021 budget was adopted during the COVID-19 pandemic and resulted in large cuts to DPR’s budget. Its expense budget for FY 21 was $503 million, which was approximately $84 million less than the FY 2020 adopted budget of $587.2 million.[[43]](#footnote-43) This dramatically affected DPR’s ability to manage the City’s trees. The FY 2021 Preliminary Mayor’s Management Report (MMR) noted that for FY 2021 DPR pruned 3,060 trees through its Block Pruning program, (which was only funded for $1,570,000), which represented an 89 percent decrease from the prior year as block pruning contracts were suspended in July and August 2020.[[44]](#footnote-44) The program continued to be significantly reduced in September and October 2020 as well. DPR removed 5,893 trees which represented a 74 percent increase from the prior year.[[45]](#footnote-45) Additionally, tree inspections decreased by 27 percent, which was driven by fewer inspections occurring with the suspension of block pruning.[[46]](#footnote-46) However, Tropical Storm Isaias, on August 5, 2020, drove the mobilization of tree inspectors and resulted in nearly 20,000 tree inspections being conducted in the month of August 2020 and saw the removal of 3,882 trees, which was greater than all tree removals performed during the same period for the year prior.[[47]](#footnote-47) Since, then funding for FY 2022 has rebounded to the pre-pandemic level of $8,776,686.[[48]](#footnote-48)

The natural growth of a curbside tree can sometimes damage the surrounding sidewalk, forcing property owners to make costly sidewalk repairs. Although property owners are generally responsible for installing, repairing and maintaining sidewalks adjoining their properties,[[49]](#footnote-49) DPR implemented the Trees and Sidewalks Program (Program) to facilitate repairs for damage done to sidewalks adjacent to one, two and three-family homes by City-owned trees.[[50]](#footnote-50) The program is designed to prioritize repairs based on the severity of damage, assist residents in making such repairs, and ensure that trees are not damaged during such repairs. In order to take part in the program, residents must notify the City, via 311 or other means, that a sidewalk adjacent to their property has been damaged by a City-owned tree.[[51]](#footnote-51) After an initial claim has been received, a DPR inspector will visit the site to verify that the case falls under the program.[[52]](#footnote-52) If the damage has been affirmatively determined to have been caused by a City-owned tree, the inspector will rate the damage on a scale of 1 to 100 with 100 being the most severe, and leave an inspection report with the resident.[[53]](#footnote-53)

DPR prioritizes repairs based on this point scale. The rating is determined by the severity of sidewalk damage, what percentage of the sidewalk is impacted by the damage, and whether the sidewalk is in a high- pedestrian traffic area.[[54]](#footnote-54) Property owners who wish to undertake the repairs themselves may obtain a free permit from DPR.[[55]](#footnote-55) Since 2019, the Department of Transportation is no longer issuing Notices of Violation or liens to the owners of dwellings that are owner occupied 1, 2, or 3 family homes and that are not being used for commercial purposes where sidewalk damage is caused by a City-owned tree.[[56]](#footnote-56) This policy allows an owner to refinance or sell their home without having to pay for the sidewalk repair or have the burden of addressing a lien on the property.[[57]](#footnote-57)

Historically, storms and other severe weather have often resulted in significant damage to City trees. In 2010, two tornadoes, affecting Queens and Brooklyn, knocked over forty trees and badly damaged 130 other trees in Prospect Park.[[58]](#footnote-58) An additional 1,500 trees were damaged in the storm.[[59]](#footnote-59) In 2012, Superstorm Sandy caused approximately 8,577 fallen street trees, 3,365 fallen limbs, 1,297 hanging branches[[60]](#footnote-60) and over $725 million in damage to 392 park sites.[[61]](#footnote-61) As a result, City parks and playgrounds were closed for almost a week and DPR responded to over 20,000 tree-service requests which resulted in more than 13,000 work orders.[[62]](#footnote-62) Most of the trees and tree limbs were ground into wood chips and used as mulch on tree and flower beds throughout the City to keep moisture in.[[63]](#footnote-63) Superstorm Sandy also resulted in a backlog in the removal of tree stumps throughout the City.[[64]](#footnote-64)

More recently, Tropical Storm (TS) Isaias struck the City in August of 2020, which resulted in a great deal of tree damage. The City received nearly 22,000 tree-related Service Requests as a result of TS Isaias, including downed trees, downed tree limbs and dangling tree limbs.[[65]](#footnote-65) On August 4th and 5th, it was stated that the borough of Queens had reported over 9,000 tree-related Service Requests to the Department of Parks and Recreation (DPR)[[66]](#footnote-66) and at least 2,598[[67]](#footnote-67) tree-related Service Requests were reported in Staten Island. The Bronx had approximately 2,656[[68]](#footnote-68) tree-related Service Requests while Brooklyn had 6,997[[69]](#footnote-69) and Manhattan had 1,383.[[70]](#footnote-70) Some downed trees blocked roadways, broke power lines, destroyed several parked cars and even killed a person in Queens who was sitting in his car when a tree crashed on top of it.[[71]](#footnote-71) There were also reports of injuries from falling tree limbs throughout the City.[[72]](#footnote-72) Though the recent Tropical Storm Ida, did not result in a great deal of tree damage, the concern is that more frequent and severe storms in the near future will result in even more damage to the tree stock, as global warming is expected to cause sea level rise and storms to intensify in the City .[[73]](#footnote-73) A study by climate experts estimates that over the next 300 years, there will be higher seas, larger storm surges and more frequent intense hurricanes, all of which have the potential to radically alter the City’s urban forest if the City does not devote the required resources and use its best efforts to protect it.[[74]](#footnote-74)

**Legislation**

Below is a brief summary of the legislation being considered today by this Committee. This summary is intended for informational purposes only and does not substitute for legal counsel. For more detailed information, you should review the full text of the bill, which is attached below.

**Proposed Int. No. 98-A, A Local Law to amend the administrative code of the city of New York, in relation to abandoned tree pits**

This bill aims to remove hazards from sidewalks and improve the aesthetic of City neighborhoods by requiring the Commissioner of DPR to replace trees and vegetation in empty tree pits. In cases where replanting is not feasible, the Commissioner would be required to remove the tree pit.

This local law would take effect 180 days after it becomes law.

**Int. No. 199, A Local Law to amend the administrative code of the city of New York, in relation to the undertaking of surveys before planting trees**

This bill would require the department of parks and recreation to conduct a survey of the area within a 10 foot radius of a proposed tree planting site to confirm that planting a tree at such site will not interfere with usage of the street or sidewalk or interfere with water pipes, sewers, or other infrastructure near or underneath the tree. DPR would also be required to make each completed tree-planting survey available online on its website.

This local law would take effect 180 days after it becomes law.

**Int. No. 467, A Local Law to amend the administrative code of the city of New York, in relation to requests for trees**

This bill would require DPR to post on its website for the most recent fiscal year, information about the number requests made for the planting of trees, the locations where such trees were requested to be planted, the number of trees that actually were planted, the number of trees that were not planted and the reason why, the number of tree beds, and for those planting requests that were not approved an explanation whether such request would be approved if a different type of tree was requested.

This local law would take effect 90 days after it becomes law.

**Int. No. 552, A Local Law to amend the administrative code of the city of New York, in relation to the posting of information online regarding tree stump removal**

This bill would require DPR to post on its website information relating to the number of remaining tree stumps in each borough that are in need of removal.

This local law would take effect 90 days after it becomes law.

**Int. No. 957, A Local Law to amend the administrative code of the city of New York, in relation to the replacement of city-owned trees that have been lawfully removed**

This bill would limit the number of replacement trees that are required by the Department of Parks and Recreation (DPR) to be planted by individuals and/or entities that lawfully remove trees during construction projects in certain lower density residential districts.

This local law would take effect 120 days after it becomes law.

**Int. No. 2365, A Local Law to amend the administrative code of the city of New York, in relation to the creation of a task force to coordinate the removal of fallen trees due to a severe weather event**

This bill would create a Downed Tree Task Force consisting of the commissioners, or their designees, of NYC Emergency Management, the Department of Parks and Recreation (DPR), the Police Department, the Fire Department, the Department of Information Technology and Telecommunications, the Department of Sanitation, the Department of Transportation and representatives from the major utility companies to assist in the safe clearing and removal of City owned trees and/or tree limbs that have fallen as a result of a severe weather event.

This local law would take effect 90 days after it becomes law.

**Int. No. 2366, A Local Law to amend the administrative code of the city of New York, in relation to tree health assessments and inspections**

This bill would require the Department of Parks and Recreation (DPR) to conduct risk and health assessments of all street and parks trees under its jurisdiction, publicly post the criteria DPR utilizes to inspect such trees, and submit an annual report on how many trees are referred for inspection each year, how many are actually inspected each year and the results of such inspections.

This local law would take effect 90 days after it becomes law.

Proposed Int. No. 98-A

By Council Members Koo, Koslowitz, Holden and Dromm

..Title

A Local Law to amend the administrative code of the city of New York, in relation to abandoned tree pits

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-156 to read as follows:

                     § 18-156 Abandoned tree pits. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Abandoned tree pit. The term “abandoned tree pit” means a tree pit that is without trees or vegetation.

Tree pit. The term “tree pit” means any unpaved space in a sidewalk in which trees or vegetation are planted.

b. The commissioner shall inspect any location within three months upon receiving notice that there is an abandoned tree pit at such location to determine whether a tree or other vegetation can be planted in such abandoned tree pit.

c. The commissioner shall, within three months of the inspection required pursuant to subdivision b of this section, plant a tree or vegetation in any abandoned tree pit within the jurisdiction of the commissioner, except where 1) the commissioner has determined the characteristics of such abandoned tree pit have changed to a such a degree that no tree or vegetation would survive if planted or 2) in instances where the structural condition of such abandoned tree pit presents a risk to public safety.

d. In instances where the commissioner is unable to plant trees or vegetation in an abandoned tree pit pursuant to subdivision c, the commissioner shall, in consultation with the commissioner of transportation, remove the tree pit within three months of the inspection required pursuant to subdivision b of this section.

e. Nothing in this section shall affect the operation of any other law or regulation relating to the planting, cultivation or removal of trees and vegetation within the jurisdiction of the commissioner.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of parks and recreation shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

SSY/KS

LS # 9905

LS# 606/ Int. No. 1640

5/10/19

Int. No. 199

By Council Member Matteo

..Title

A Local Law to amend the administrative code of the city of New York, in relation to the undertaking of surveys before planting trees

..Body

Be it enacted by the Council as follows:

Section 1. Section 18-103 of the administrative code of the city of New York is amended to read as follows:

§ 18-103 Trees and vegetation; definitions. Whenever the word "street" or the plural thereof occurs in sections 18-104, 18-105,[ and] 18-106 and 18-155 of this title, it shall be deemed to include all that is included by the terms street, avenue, road, alley, lane, highway, boulevard, concourse, public square, and public place, or the plurals thereof respectively; the word "tree" or the plural thereof shall be deemed to include all forms of plants having permanent woody self-supporting trunks; the word "vegetation" shall be deemed to include plants collectively of whatever name or nature not included under the term "tree".

§ 2. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-155 to read as follows:

§ 18-155 Tree planting survey. Before the commencement of planting a tree on any street or sidewalk under the jurisdiction of the department, the department shall conduct a survey of the area within a 10-foot radius of the proposed tree planting site to determine whether planting the tree would interfere with the ordinary usage of the street or sidewalk, or injure or impair any sewer, drain, water pipe or other infrastructure. If the results of such survey show that planting a tree at a particular site would cause substantial interference with, injury to or impairment of a street, sidewalk or infrastructure, the department shall not plant a tree at such site. The results of any such survey shall be posted on the department’s website.

§ 3. This local law takes effect 180 days after it becomes law, except that the commissioner may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Wjp/KS

LS #4096/ Int 1827/2017

LS 788

1/3/18

Int. No. 467

By Council Members Dromm and Yeger

..Title

A Local Law to amend the administrative code of the city of New York, in relation to requests for trees

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-106.1 to read as follows:

§ 18-106.1 Report on requests for trees. a. By no later than December 1 of each year, the commissioner shall submit to the mayor and the council, and publicly post on its website, a report on requests to have trees planted on streets which were received by the department during the previous fiscal year. Such report shall include, but not be limited to:

1. The number of such requests, disaggregated by whether the site requested was an existing empty tree bed or a paved sidewalk;

2. The number of trees planted during the previous fiscal year in response to such requests;

3. The number of such requests, which were not approved, disaggregated by the reason for such non-approval;

4. An analysis of whether any requests which were not approved, could be approved for a different type of tree; and

5. The number of existing empty tree beds.

b. Such report shall also include recommendations for increasing the number of trees planted in response to requests for street trees.

§ 2. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 9 to read as follows:

CHAPTER 9

DASHBOARDS

§ 23-901 Definitions. As used in this chapter, the following terms have the following meanings:

Dashboard. The term “dashboard” means a data visualization tool publicly available on the internet that includes a customizable interface and uses current data from one or more sources.

Department. The term “department” means the department of information technology and telecommunications or any successor agency.

§ 23-902 Requests for trees. Within one year of the effective date of the local law that added this section, the department of parks and recreation shall, in conjunction with the department, create a dashboard consisting, at a minimum, of data on requests to have trees planted on streets which were received by the department of parks and recreation. Such data shall include, but not be limited to:

(i) the number of such requests;

(ii) the number of such requests which have been added to the list of trees to be planted; and

(iii) the number of trees planted in response to such requests

(iv) the number of such requests which were denied disaggregated by the reason for such denial.

§ 3. This local law takes effect 90 days after it becomes law.

MAJ

LS #3948/ Int 1592-2017

LS 1110

1/8/18 3:21 PM

Int. No. 552

By Council Member Levine

..Title

A Local Law to amend the administrative code of the city of New York, in relation to the posting of information online regarding tree stump removal

..Body

 Be it enacted by the Council as follows:

Section 1. 18-151 of the administrative code of the city of New York is amended to read as follows:

§ 18-151 Street tree maintenance information posted online. The department shall post on its website certain information relating to street tree maintenance and sidewalk repair. Such information shall be updated not less frequently than quarterly and shall, at a minimum, include the following:

1. The approximate date and location of each upcoming, regularly scheduled street tree pruning, street tree stump removal and street tree planting;

2. The date, location and status of each street tree pruning, street tree stump removal and street tree planting that occurred within the previous six months;

3. The total number of tree stumps that are scheduled for removal but that have not yet been removed in each borough;

4. For each planned sidewalk repair to address sidewalk damage that was (i) reported through a 311 citizen service center request or reported by other means of notification and (ii) caused by a street tree under the jurisdiction of the department:

(a) The approximate date and location of such repair; and

(b) The date of the initial request for repair.

[4.] 5. For work to address sidewalk damage (i) that was caused by a street tree under the jurisdiction of the department and (ii) where such repair or inspection commenced in the previous six months:

(a) For each sidewalk repair or inspection, the date, location and status of such repair or inspection, including the sidewalk rating that resulted from such inspection; and

(b) For each sidewalk inspection, the number of notifications concerning such damage received through the 311 citizen service center request or reported by other means of notification in the 90 day-period preceding commencement of such work.

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner of parks and recreation may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

KS

LS 8413/Int 1655/2017

LS 1160

1/4/18

Int. No. 957

By Council Members Borelli, Yeger, Rose, Moya and Brannan

..Title

A Local Law to amend the administrative code of the city of New York, in relation to the replacement of city-owned trees that have been lawfully removed

..Body

 Be it enacted by the Council as follows:

Section 1. Subdivision e of section 18-107 of the administrative code of the city of New York is amended to read as follows:

e. The department shall promulgate such rules as may be necessary to implement the provisions of this section, including but not limited to rules governing the fee to be paid to the department and any method used to calculate the number and size of the replacement trees required to be planted, provided that: [such]

1. Such replacement trees shall, at a minimum, equal one caliper inch of replacement tree for each caliper inch of tree removed;

2. The number of caliper inches of replacement trees to be required in zoning districts R1, R2 and R3 shall be no greater than twice the number of caliper inches removed;

3. The number of caliper inches of replacement trees to be required in zoning districts R4 and R5 shall be no greater than three times the number of caliper inches removed and;

4.In promulgating such rules, the department shall [substantially] comply with guidelines set forth [by the international society of arboriculture] in the most recent version of the guide for plant appraisal, published by the council of tree and landscape appraisers on or before December 31, 2017, except that, after December 31, 2017, the department shall review each update to such standards and guide to determine whether any new rules should be promulgated consistent with such updated standards and guide.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of parks and recreation may promulgate rules or take other actions for the implementation of this local law prior to such effective date.

KS

LS 3992

1/26/18 3:00PM

Int. No. 2365

By Council Members Koo, Gennaro, Yeger, Holden, Brannan, Vallone, Van Bramer, Adams, Dinowitz, Cumbo, Ayala, Louis, Riley, Brooks-Powers, Maisel and Ulrich

..Title

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a task force to coordinate the removal of fallen trees due to a severe weather event

..Body

Be it enacted by the Council as follows:

Section 1. Section 18-142 of the administrative code of the city of New York, as added by local law number 21 of the year 2015, is amended to read as follows:

§18-142 Tree removal protocol and downed tree task force. a. The department, in consultation with the [office of emergency management, department of sanitation, local electric corporations, and other utility corporations identified by the department] downed tree task force, established pursuant to subdivision d of this section, shall develop a protocol for the removal of trees on city property that have been downed or damaged as a result of severe weather events. Such tree removal protocol shall require the department:

1. to establish effective means of communication with local electric corporations and other utility corporations identified by the department, so that the department is notified in a timely manner (i) of downed or damaged trees that have fallen on powered electrical wires or cables, and (ii) whether it is safe to remove such trees;

2. to effectively coordinate city personnel engaged in tree removal on city property, upon receiving information regarding the status of downed or damaged trees;

3. to establish a system whereby each report of downed or damaged trees is provided with a unique identifier or tracking number and a method to notify the local electric corporation and other utility corporations identified by the department when a downed or damaged tree on city property has been removed; and

4. to establish a system whereby department personnel engaged in tree removal may be deployed with local electric corporation or other utility corporation personnel, if practicable, to assess and remove downed or damaged trees that have fallen on powered electrical wires or cables.

b. The department shall publish prominently on its website as soon as is practicable after a severe weather event information instructing persons how to notify the city of downed or damaged trees or downed wires.

c. The department shall submit a description of such protocol to the mayor and the speaker of the council, and publish such description prominently on its website, within one hundred eighty days after the enactment of the local law that added this subdivision.

 d. There is hereby established a downed tree task force to coordinate the safe removal of trees or tree limbs that have fallen as a result of a severe weather or climate event.

1. The downed tree task force shall consist of the following individuals, or designees thereof:

i. the commissioner of emergency management, who shall be the chairperson;

ii. the commissioner of parks and recreation;

iii. the commissioner of sanitation;

iv. the fire commissioner;

v. the police commissioner;

vi. the commissioner of transportation;

vii. the commissioner of environmental protection;

viii. the commissioner of information technology and telecommunications; and

ix. such other members as the commissioner of emergency management shall designate.

2. The downed tree task force shall:

i. convene to implement and oversee the tree removal protocol, established pursuant to subdivision a of this section, when a severe weather event or climate event occurs;

ii. convene no later than three days prior to the occurrence of an expected severe weather or climate event, convene throughout the duration of such event, and convene no later than one day following the conclusion of a severe weather or climate event;

iii. convene at least two times per year to consider or propose any changes to the tree removal protocol established pursuant to subdivision a of this section;

iv. consult with representatives from local electric corporations and other utility corporations identified by the task force and invite such representatives to each convening of the task force; and

v. within five days of amending the tree removal protocol, notify the mayor and the speaker of the council of such amendments and publish the amended tree removal protocol on the website of the department.

§ 2. This local law takes effect 90 days after it becomes law.

KS

LS 16209

5/13/21

Int. No. 2366

By Council Members Koo, Gennaro, Yeger, Holden, Brannan, Vallone, Van Bramer, Adams, Dinowitz, Cumbo, Ayala, Louis, Riley, Brooks-Powers, Maisel and Ulrich

..Title

A Local Law to amend the administrative code of the city of New York, in relation to tree health assessments and inspections

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-157 to read as follows:

§ 18-157 Tree inspections and health assessments. a. The department shall inspect each tree under its jurisdiction, to determine if any issue threatens the health of such tree or causes such tree to pose a threat to public safety, at least once between each time each tree is pruned by the department or pruned by a person authorized by the department for the maintenance of such tree, provided that any pruning conducted solely for the maintenance or preservation of utility infrastructure shall not toll such time period.

b. The department shall post on its website a description of the process used and the factors considered by the department, or by any person authorized by the department, to determine when inspections are performed on trees under the jurisdiction of the department in order to assess the health of such trees.

c. No later than November 1 of each year, the department shall, for the period covering the immediately preceding fiscal year, submit an annual report to the mayor and the speaker of the council that includes, but is not limited to, the following:

1. The total number and location of all trees inspected by the department or person authorized by the department, the result of such inspection and the action taken by the department in response to such inspection result;

2. The number and location of trees for which an inspection was requested or referred through the 311 citizen service center or other means and the number of such trees that were inspected by the department or a person authorized by the department;

3. The date of each referral or request for a tree inspection and the reason, if any, that was provided for such referral or request;

4. The action taken by the department in response to each request or referral for inspection and the date such action was taken; and

5. A regularly updated map on the website of the department that displays each inspected tree, the result of such inspection and the action taken by the department in response to the result of such inspection.

§ 2. This local law takes effect 90 days after it becomes law.

KS

LS 16215, 16216

5/18/21

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4. New York City Tree Map, <https://tree-map.nycgovparks.org/tree-map>. [↑](#footnote-ref-4)
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