Legislation Details (With Text)

File #:	Int 1169-2023 **Version:** *	**Name:**	Requiring the department of parks and recreation to resolve risks posed by trees on public property.
Type:	Introduction	**Status:**	Filed (End of Session)
		In control:	Committee on Parks and Recreation
On agenda:	9/14/2023		
Enactment date:		**Enactment #:**	
Title:	A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of parks and recreation to resolve risks posed by trees on public property		
Sponsors:			
Indexes:	Agency Rule-making Required, Report Required		
Attachments:	1. Summary of Int. No. 1169, 2. Int. No. 1169, 3. September 14, 2023 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 9-14-23, 5. Minutes of the Stated Meeting - September 14, 2023		

Date	Ver.	Action By	Action	Result
9/14/2023	*	City Council	Introduced by Council	
9/14/2023	*	City Council	Referred to Comm by Council	
12/31/2023	*	City Council	Filed (End of Session)	

Int. No. 1169

By Council Members Gennaro, Krishnan, Yeger, Gutiérrez, Louis, Schulman, Restler, Hanif, Abreu, Marte and Ung

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of parks and recreation to resolve risks posed by trees on public property

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 18-157 of the administrative code of the city of New York, as added by local law number 20 for the year 2022, is amended, and new subdivisions b and c are added, to read as follows:

a. As used in this section, the following terms have the following meanings:

Extreme overall risk. The term "extreme overall risk" means when tree failure is imminent, there is a high likelihood of tree failure impacting a target, and the consequences of the failure are severe, in accordance, or substantial equivalence, with "ANSI A300 tree risk assessment standard part 9" of 2017, developed by the American National Standards Institute.

High overall risk. The term "high overall risk" means (i) when consequences of tree failure are significant and likelihood of tree failure impacting a target is very likely or likely; or (ii) when consequences of tree failure are severe and likelihood of tree failure impacting a target is likely; in accordance, or substantial equivalence, with "ANSI A300 tree risk assessment standard part 9" of 2017, developed by the American National Standards Institute.

Low overall risk. The term "low overall risk" means (i) when consequences of tree failure are negligible and likelihood of tree failure impacting a target is unlikely; or (ii) when consequences of tree failure are minor and likelihood of tree failure impacting a target is somewhat likely; in accordance, or substantial equivalence, with "ANSI A300 tree risk assessment standard part 9" of 2017, developed by the American National Standards Institute.

Moderate overall risk. The term "moderate overall risk" means (i) when consequences of tree failure are minor and likelihood of tree failure impacting a target is very likely or likely; or (ii) when consequences of tree failure are significant or severe and likelihood of tree failure impacting a target is somewhat likely; in accordance, or substantial equivalence, with "ANSI A300 tree risk assessment standard part 9" of 2017, developed by the American National Standards Institute.

b. The department shall inspect each tree under its jurisdiction over 6 inches in caliper, 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] twice between each time such tree is pruned by the department or by a person authorized by the department to perform routine scheduled maintenance of such tree. Such inspection shall not be required for trees in forests and natural areas, and shall be limited to inspections of trees located on streets and trees located in landscaped parks, which for purposes of this section are referred to as "covered trees". The department shall adopt a protocol for such inspections that shall use either of the following standards: "ANSI A300 tree risk assessment standard part 9" of 2017, developed by the American National Standards Institute, or "Tree Risk Assessment, second edition," developed by the International Society of Arboriculture. Such adopted protocol may differ

from such standards where necessitated by New York city's unique environment, provided that it considers factors such as likelihood of tree failure, likelihood of impacting a target, and consequences of impacting a target.

c. The department shall respond for the purposes of conducting tree work to any inspections of covered trees performed after January 1, 2024, within the following timeframes:

1. Extreme overall risk: 7 days after inspection completed;

2. High overall risk: 28 days after inspection completed;

3. Moderate overall risk: 56 days after inspection completed; and

4. Low overall risk: 84 days after inspection completed.

§ 2. Subdivisions b and c of section 18-157 of the administrative code of the city of New York, as added by local law number 20 for the year 2022, are relettered subdivisions d and e, respectively.

§ 3. a. Definitions. For purposes of this section, the following terms have the following meanings:

Covered trees. The term "covered trees" has the same meaning as set forth in subdivision b of section 18 -157 of the administrative code of the city of New York.

Department. The term "department" means the department of parks and recreation.

Low overall risk. The term "low overall risk" has the same meaning as set forth in subdivision a of section 18-157 of the administrative code of the city of New York.

Moderate overall risk. The term "moderate overall risk" has the same meaning as set forth in subdivision a of section 18-157 of the administrative code of the city of New York.

b. By June 30, 2024, the department shall organize a list of covered trees under its jurisdiction which have previously been inspected and assigned a low overall risk or moderate overall risk value by the protocol adopted pursuant to subdivision b of section 18-157 of the administrative code of the city of New York. The department shall include on such list any covered trees which have been inspected but not yet received a work order, and covered trees which have an existing work order. The department shall order such list by the date of

the tree's inspection, with the oldest inspections listed first.

1. Starting with the first tree on such list and working towards more recent inspections, the department shall respond for the purposes of conducting tree work to no less than 33 percent of the covered trees on such list no later than June 30, 2025. The department shall respond for the purposes of conducting tree work to no less than 66 percent of the covered trees on such list no later than June 30, 2026. The department shall respond for the purposes of conducting tree work to the remainder of the covered trees on such list no later than June 30, 2027.

2. No later than November 1 of the year this local law takes effect, and annually thereafter, the department shall submit to the mayor and the speaker of the council a report on its progress in conducting tree work pursuant to paragraph 1 of this subdivision. Such report shall cease to be required upon the department's submission to the mayor and the speaker of the council of a report indicating that the department has completed tree work for all covered trees on the list described in subdivision b of this section. The department shall include in each such report:

(a) the number of low overall risk and moderate overall risk trees to which the department has responded for the purposes of conducting tree work during that calendar year;

(b) the number of low overall risk and moderate overall risk trees to which the department remains required, pursuant to paragraph 1 of this subdivision, to respond to for the purposes of conducting tree work; and

(c) the identity of any covered trees remaining on the list described in subdivision b of this section which cannot be addressed pursuant to paragraph 1 of this subdivision, and a description of any circumstances prohibiting the department from complying with the requirements of this section.

§ 4. This local law takes effect immediately.

MBB
LS #13713
08/29/2023