

Chapter 294

(Senate Bill 359)

AN ACT concerning

Department of Transportation and Department of the Environment – Purple Line Tree Replacement Plan – Urban Tree Program – Establishment

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

BY adding to

Article – Transportation
Section ~~7-713~~ 2-103.8
Annotated Code of Maryland
(2020 Replacement Volume)

Preamble

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

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

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

WHEREAS, The Maryland Department of Transportation and the Department of Natural Resources are executing a memorandum of understanding, which applies to all Maryland Department of Transportation modal administrations, and supports common objectives, including Chesapeake Bay watershed restoration, climate resiliency, adaptation

and mitigation efforts, environmental compliance and stewardship, and sustainability activities; and

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

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

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

Article – Transportation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) *NOTHING IN THIS SECTION MAY BE CONSTRUED TO ABROGATE OR LIMIT THE APPLICABILITY OF ANY REQUIREMENTS OR OTHER PROVISIONS IN THE NATURAL RESOURCES ARTICLE THAT APPLY TO THE REPLACEMENT OF TREES THAT*

ARE REMOVED DURING THE CONSTRUCTION OF A TRANSPORTATION FACILITY PROJECT.

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

Approved by the Governor, May 18, 2021.