

S T A T E O F N E W Y O R K

S. 6774--A

A. 9861--A

S E N A T E - A S S E M B L Y

February 4, 2010

IN SENATE -- Introduced by Sens. LAVALLE, FOLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. THIELE, ALESSI, MURRAY -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing an advisory, non-binding referendum in the towns of Brookhaven, East Hampton, Riverhead, Shelter Island, Southampton and Southold in the county of Suffolk on the creation of the Peconic Bay Regional Transportation Authority to replace the Metropolitan Transportation Authority

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings. The legislature hereby finds that in
2 the Peconic Bay region of Long Island, traffic congestion has been one
3 of the primary adverse impacts from overdevelopment. Expanding traffic
4 congestion has resulted in deteriorating traffic safety with increased
5 traffic accidents and fatalities. In addition, traffic congestion has
6 resulted in increased trip delays, declining air quality, adverse
7 impacts to historic and rural resources in the region's villages and
8 hamlets, parking problems, adverse impacts to residential communities
9 and neighborhoods resulting from the diversion of traffic from major
10 highways and arteries to rural residential streets and roads.
11 The region's tourist and second home industries, the cornerstone of
12 its prosperity, are threatened if the adverse consequences of traffic
13 congestion are not promptly and adequately addressed. Further, there
14 will be a continued growth in year-round population, seasonal residents,
15 and traffic into the foreseeable future, exacerbating an already major
16 problem.
17 The legislature finds that the unique geography of the Peconic Bay
18 region limits the ability to expand highway capacity for motor vehicles.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 The narrow forks limit the augmentation of future highway capacity in an
2 east-west direction. The construction of new highways is not a feasible
3 alternative, and the option of improving capacity on existing highways
4 is limited.

5 While the region's highway infrastructure is severely overburdened,
6 its public transit capabilities are underdeveloped. The region possesses
7 underutilized rail capacity with minimal service from the Long Island
8 Rail Road to the region. Further, the Metropolitan Transportation
9 Authority has proposed reducing even this limited service.

10 The legislature finds that the development of new public transit
11 opportunities for the Peconic Bay region represents the best alternative
12 to address growing traffic congestion and other transportation problems.
13 The region possesses existing rail infrastructure. Existing service to
14 the region is minimal. Further, there is no coordination between rail
15 service and existing bus service. The opportunity to improve service is
16 clearly available.

17 The region's local governments have recognized the adverse impacts
18 resulting from growing traffic congestion and the need to explore other
19 transportation options such as public transit. Independently, the
20 comprehensive plans of the region's towns and villages have cited traf-
21 fic congestion as a critical problem and have identified improved public
22 transit as a future goal. Towns have created task forces and commissions
23 to address the transportation issue.

24 Further, local governments have joined together to explore public
25 transit options to mitigate traffic congestion. As early as 1994, the
26 East End Economic and Environmental Institute, under the auspices of the
27 East End Mayors and Supervisors Association issued a report entitled
28 Blue Print for Our Future which called for improved and coordinated bus
29 and rail service in the Peconic Bay region.

30 In 2005, after a four-year public outreach process, the local govern-
31 ments of the region issued the result of its SEEDS (Sustainable East End
32 Development) project. This initiative also recognized the need to create
33 improved transportation opportunities, including selected road improve-
34 ments and increased and coordinated public transit.

35 The Institute for Sustainable Development has issued a report calling
36 for improved transportation opportunities in the region. Five Town Rural
37 Transit, Inc., a private, not-for-profit corporation has also recognized
38 the need for public transit improvements. In 2005, they unveiled a
39 conceptual plan for an East End Shuttle providing coordinated bus and
40 rail service, and issued a development proposal to further that goal.

41 In 2007, the state of New York provided a \$300,000 grant under its
42 Shared Municipal Services Initiative (SMSI) program to study the feasi-
43 bility of the East End Shuttle concept. In addition, the Long Island
44 Rail Road, in conjunction with the towns of Southampton and East Hampton
45 initiated a pilot program in 2007-2008 to provide a rail shuttle and
46 connecting bus service during the reconstruction of County Road 39. This
47 pilot program demonstrated that the rail/bus shuttle concept could be
48 successful. In 2009, the "East End Transportation Study Report", funded
49 by the SMSI program, was completed by the Volpe National Transportation
50 Systems Center, U.S. Department of Transportation. The study concluded
51 that the East End Shuttle concept was both viable and desirable.

52 A multitude of local governments, regional cooperative initiatives,
53 and private initiatives have all identified improved public transit with
54 increased and coordinated rail and bus service as the cornerstone for
55 solving the problem. The concept has been at the center of public policy

1 discussions for more than a decade. Therefore, proposals by the Metro-
2 politan Transportation Authority are ill-considered and unacceptable.

3 The legislature finds that the creation of a new and separate regional
4 transportation authority could provide the proper means of implementing
5 these recommendations. However, it is desirous to first hold a public
6 referendum on the creation of such an authority before action is taken
7 by the legislature.

8 The legislation would authorize such towns to conduct such an advisory
9 referendum at the next general election to be held after the effective
10 date of this act. It is understood such referendum is advisory and non-
11 binding and that the creation of the new transportation authority would
12 still require an act of this legislature.

13 S 2. Advisory referendum authorized. Notwithstanding any provision of
14 law to the contrary, there shall be conducted at the first general
15 election held at least sixty days after the effective date of this act,
16 an advisory, non-binding referendum in the towns of Brookhaven, East
17 Hampton, Riverhead, Shelter Island, Southampton and Southold, in the
18 county of Suffolk on the question of the creation of the Peconic Bay
19 Regional Transportation Authority in said region to provide expanded
20 public transit services.

21 S 3. Conduct of referendum. The advisory, non-binding referendum
22 authorized by this act shall be conducted by the board of elections of
23 the county of Suffolk. The question shall be submitted in the manner
24 provided in the election law, and the provisions of such law, not incon-
25 sistent with this act, relating to the submission of and to the taking,
26 counting and returning the vote and canvassing the results upon a ques-
27 tion submitted pursuant to law to the voters of the state shall apply to
28 the question in section four of this act required to be submitted. The
29 ballots shall be in such form as prescribed by such law. When the coun-
30 ty of Suffolk board of elections shall have completed its canvass of the
31 results of the vote upon such question, it shall forthwith certify the
32 results of the vote upon such question to the secretary of the senate
33 and the clerk of the assembly.

34 S 4. Form of question. The ballot question authorized by this act
35 shall be in the following form: "Shall the State of New York create a
36 new transportation authority to be known as the Peconic Bay Regional
37 Transportation Authority from the towns of Brookhaven, East Hampton,
38 Riverhead, Shelter Island, Southampton and Southold in Suffolk county to
39 provide expanded public transit services and shall said towns be removed
40 from the jurisdiction of the Metropolitan Transportation Authority?"

41 S 5. Severability. If any clause, sentence, paragraph, section or part
42 of this act shall be adjudged by any court of competent jurisdiction to
43 be invalid, such judgment shall not affect, impair or invalidate the
44 remainder thereof, but shall be confined in its operation to the clause,
45 sentence, paragraph, section or part thereof, directly involved in the
46 controversy in which such judgment shall have been rendered.

47 S 6. This act shall take effect immediately.