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

S. 3181 A. 6743

2009-2010 Regular Sessions

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

March 12, 2009

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

IN ASSEMBLY -- Introduced by M. of A. THIELE, ALESSI -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to creating the Peconic Bay regional transportation council

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

Section 1. Legislative findings. The legislature hereby finds that over the past thirty years, rapid growth and development in the Peconic Bay region of Long Island, while providing for a successful balance of economic opportunity and environmental protection, has also resulted in some unavoidable, adverse impacts that threaten the region's future quality of life and future economic prosperity. Traffic congestion has been one of the primary adverse impacts from such rapid development.

Expanding traffic congestion has resulted in deteriorating traffic safety with increased traffic accidents and fatalities. In addition, traffic congestion has resulted in increased trip delays, declining air quality, adverse impacts to historic and rural resources in the region's villages and hamlets, parking problems, adverse impacts to residential communities and neighborhoods resulting from the diversion of traffic from major highways and arteries to rural residential streets and roads.

The region's tourist and second home industries, the cornerstone of its prosperity, are threatened if the adverse consequences of traffic congestion are not promptly and adequately addressed. Further, projections from the state department of transportation and local governments indicate that there will be a continued growth in year-round population, seasonal residents, and traffic into the foreseeable future, exacerbating an already major problem.

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

LBD03936-01-9

The legislature finds that the unique geography of the Peconic Bay region limits the ability to expand highway capacity for motor vehicles. The narrow forks limit the augmentation of future highway capacity in an east-west direction. The construction of new highways is not a feasible alternative, and the option of improving capacity on existing highways is limited. In addition to unique geography, impacts to the region's natural and historic resources, such as open space, farmland, watershed areas, wetlands, and historic sites and landmarks also limit increasing highway capacity.

While the region's highway infrastructure is severely overburdened, its public transit capabilities are underdeveloped. The region possesses underutilized rail capacity with minimal service from the Long Island Rail Road to the region.

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

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

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

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

The private sector has also recognized the need for improved regional transportation opportunities. The Institute for Sustainable Development, Southampton College of Long Island University, held a conference and issued a report calling for improved transportation opportunities in the region. Five Town Rural Transit, Inc., a private, not-for-profit corporation, of community leaders has also recognized the need for public transit improvements. In 2005, they unveiled a conceptual plan for an East End Shuttle providing coordinated bus and rail service, and issued a development proposal to further that goal.

In summary, the problem of traffic congestion with its adverse impacts on the local environment, economy, and quality of life has long been recognized. Further, a multitude of local governments, regional cooperative initiatives, and private initiatives have all identified improved public transit with increased and coordinated rail and bus service as the cornerstone for solving the problem. The concept has been at the center of public policy discussions for more than a decade.

The next step is the full development of these concepts to provide a proposal that is feasible and workable, before implementation of new transit opportunities can occur.

Currently, no governmental entity exists which can coordinate the multitude of local governments, state government, federal government, and other stakeholders that must participate to insure the creation and establishment of a successful public transit initiative for the Peconic Bay region.

It is the intent of the legislature with this act to provide the necessary governmental framework and resources that will foster the cooperation necessary to develop a public transit proposal for the Peconic Bay region. This legislation will give the local governments the regional framework to pursue this initiative, and will mandate the cooperation of state and federal agencies necessary to create a public transit proposal capable of being implemented. Further, it will provide for the involvement of all stakeholders and community members in the development process to insure an open and comprehensive decision making process.

The framework created by this legislation will not only provide the mechanism to evaluate public transit opportunities for the Peconic Bay region but to also foster the cooperation and consensus necessary to implement the land use and other transportation improvements necessary to the future welfare of the Peconic Bay region.

S 2. The general municipal law is amended by adding a new article 5-L to read as follows:

ARTICLE 5-L

PECONIC BAY REGIONAL TRANSPORTATION COUNCIL

SECTION 119-AAA. DEFINITIONS.
119-BBB. PECONIC BAY REGIONAL TRANSPORTATION COUNCIL.
119-CCC. POWERS AND DUTIES OF THE COUNCIL.
119-DDD. AGENCY COOPERATION.
119-EEE. PREPARATION AND ADOPTION OF THE TRANSPORTATION ACTION PLAN.
119-FFF. SUBMISSION TO THE LEGISLATURE.

S 119-AAA. DEFINITIONS. AS USED IN THIS ARTICLE:

1. "PECONIC BAY REGION" MEANS THE TOWNS OF EAST HAMPTON, RIVERHEAD, SHELTER ISLAND, SOUTHAMPTON, AND SOUTHOLD IN THE COUNTY OF SUFFOLK.

2. "COUNTY" MEANS THE COUNTY OF SUFFOLK.

3. "MUNICIPAL CORPORATION" MEANS A TOWN OR VILLAGE IN THE PECONIC BAY REGION.

4. "STATE" MEANS THE STATE OF NEW YORK.

5. "STATE AGENCY" MEANS ANY OFFICE, DEPARTMENT, BOARD, COMMISSION, BUREAU, DIVISION, AUTHORITY, PUBLIC BENEFIT CORPORATION, AGENCY OR INSTRUMENTALITY OF THE STATE.

6. "TRANSPORTATION ACTION PLAN" MEANS THE ACTION PLAN FOR IMPLEMENTATION OF PUBLIC TRANSPORTATION PROJECTS REQUIRED TO BE ADOPTED PURSUANT TO THIS ARTICLE.

7. "PUBLIC TRANSPORTATION PROJECT" MEANS ANY RAPID TRANSIT, RAILROAD, OMNIBUS, MARINE TRANSPORTATION, OR OTHER PUBLIC TRANSPORTATION PROJECT.

8. "COUNCIL" MEANS THE COUNCIL CREATED PURSUANT TO SECTION ONE HUNDRED NINETEEN-BBB OF THIS ARTICLE.

9. "GOVERNOR" MEANS THE GOVERNOR OF THE STATE OF NEW YORK.

S 119-BBB. PECONIC BAY REGIONAL TRANSPORTATION COUNCIL. 1. THERE IS HEREBY CREATED THE PECONIC BAY REGIONAL TRANSPORTATION COUNCIL. SUCH COUNCIL SHALL CONSIST OF TWENTY VOTING MEMBERS: ONE MEMBER TO BE APPOINTED BY THE GOVERNOR WHO WILL SERVE AT THE PLEASURE OF THE GOVER-

NOR, AND FOURTEEN EX OFFICIO MEMBERS WHO ARE THE COUNTY EXECUTIVE OF THE COUNTY OF SUFFOLK, THE FIVE TOWN SUPERVISORS FROM THE PECONIC BAY REGION, TWO VILLAGE MAYORS TO BE APPOINTED BY THE EAST END VILLAGE OFFICIALS ASSOCIATION, THE UNITED STATES CONGRESSMAN REPRESENTING THE PECONIC BAY REGION, THE STATE SENATOR REPRESENTING THE PECONIC BAY REGION, THE TWO STATE ASSEMBLY MEMBERS REPRESENTING THE PECONIC BAY REGION, AND THE TWO COUNTY LEGISLATORS REPRESENTING THE PECONIC BAY REGION, AND FIVE CITIZEN MEMBERS WITH AN INTEREST IN TRANSPORTATION AND PUBLIC TRANSIT TO BE APPOINTED BY THE TOWN BOARD OF EACH TOWN IN THE PECONIC BAY REGION. EACH TOWN SHALL HAVE ONE APPOINTMENT. EACH EX OFFICIO MEMBER MAY APPOINT A DESIGNATED REPRESENTATIVE, BY OFFICIAL AUTHORITY FILED WITH THE COUNCIL, TO EXERCISE HIS OR HER POWERS AND PERFORM HIS OR HER DUTIES, INCLUDING THE RIGHT TO VOTE ON MATTERS BEFORE THE COUNCIL.

2. THE COUNCIL SHALL ELECT ONE OF ITS MEMBERS AS CHAIRPERSON. TWELVE MEMBERS SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF ANY BUSINESS OR THE EXERCISE OF ANY POWER OR FUNCTION OF THE COUNCIL. AN AFFIRMATIVE VOTE OF ELEVEN OR MORE MEMBERS SHALL BE REQUIRED TO PASS A RESOLUTION OR OTHERWISE EXERCISE ANY FUNCTIONS OR POWERS OF THE COUNCIL.

S 119-CCC. POWERS AND DUTIES OF THE COUNCIL. THE COUNCIL SHALL HAVE THE FOLLOWING POWERS:

1. TO MAKE BY-LAWS FOR THE REGULATION AND MANAGEMENT OF ITS AFFAIRS;

2. TO ESTABLISH A CITIZEN ADVISORY COMMITTEE TO ASSIST IT WITH ITS DUTIES AND RESPONSIBILITIES;

3. TO ESTABLISH A TECHNICAL ADVISORY COMMITTEE TO ASSIST IT WITH ITS DUTIES AND RESPONSIBILITIES;

4. TO PREPARE AND ADOPT A PLAN, AS PROVIDED FOR IN SECTION ONE HUNDRED NINETEEN-EEE OF THIS ARTICLE, WITH THE ADVICE OF THE ADVISORY COMMITTEES;

5. TO UTILIZE TO THE EXTENT PRACTICABLE, THE STATE AND FACILITIES OF EXISTING STATE AND LOCAL AGENCIES;

6. TO MAKE AND EXECUTE CONTRACTS AND ALL OTHER INSTRUMENTS NECESSARY OR CONVENIENT FOR THE EXERCISE OF ITS POWERS AND DUTIES UNDER THIS ARTICLE;

7. TO SUE AND BE SUED;

8. TO APPOINT AN EXECUTIVE OFFICER, OFFICERS, AGENTS, EMPLOYEES, AND PRESCRIBE THEIR DUTIES AND QUALIFICATIONS;

9. TO HOLD HEARINGS IN THE EXERCISE OF ITS POWERS, FUNCTIONS, AND DUTIES AS PROVIDED FOR BY THIS ARTICLE;

10. TO CONTRACT FOR PROFESSIONAL AND TECHNICAL ASSISTANCE AND ADVICE;

11. TO CONTRACT FOR AND ACCEPT ANY ASSISTANCE, INCLUDING BUT NOT LIMITED TO GIFTS, GRANTS, OR LOANS OF FUNDS, OR OF PROPERTY FROM THE FEDERAL GOVERNMENT OR ANY AGENCY OR INSTRUMENTALITY THEREOF, OR ANY STATE AGENCY, OR FROM ANY OTHER PUBLIC OR PRIVATE SOURCE AND TO COMPLY, SUBJECT TO THE PROVISIONS OF THIS ARTICLE, WITH THE TERMS AND CONDITIONS THEREOF.

S 119-DDD. AGENCY COOPERATION. 1. EVERY STATE AGENCY SHALL OFFER FULL COOPERATION TO THE COUNCIL IN CARRYING OUT THE PROVISIONS OF THIS ARTICLE.

2. EVERY AGENCY OF THE COUNTY AND THE MUNICIPAL CORPORATIONS SHALL OFFER FULL COOPERATION TO THE COUNCIL IN CARRYING OUT THE PROVISIONS OF THIS ARTICLE.

S 119-EEE. PREPARATION AND ADOPTION OF THE TRANSPORTATION ACTION PLAN. 1. THE COUNCIL IS HEREBY DIRECTED TO PREPARE A TRANSPORTATION ACTION PLAN FOR THE PECONIC BAY REGION.

SUCH PLAN SHALL BE PREPARED IN TWO PHASES.

2. PHASE ONE SHALL CONSIDER THE FOLLOWING ALTERNATIVES:

A. ESTABLISHMENT OF SHUTTLE TRAINS UTILIZING THE EXISTING RIGHT OF WAY OF THE LONG ISLAND RAIL ROAD;

B. ESTABLISHMENT AND COORDINATION OF BUS TRANSPORTATION TO COMPLEMENT SHUTTLE TRAINS;

C. A REGIONAL TRANSPORTATION AUTHORITY, TRANSPORTATION DISTRICT, OR EXISTING STATE AND LOCAL GOVERNMENTAL AGENCIES TO PROVIDE IMPROVED TRANSPORTATION SERVICES.

3. PHASE TWO SHALL CONSIDER, BUT NOT BE LIMITED TO, THE FOLLOWING ALTERNATIVES:

A. ESTABLISHMENT OF PARK AND RAIL FACILITIES;

B. ADDITION OF MORE NON-STOP TRAINS FROM NEW YORK CITY TO THE PECONIC BAY REGION;

C. ESTABLISHMENT OF A HEALTH AND HUMAN SERVICES TRANSPORTATION PROGRAM;

D. IMPROVEMENTS TO EXISTING HIGHWAY INFRASTRUCTURE TO REDUCE TRAFFIC CONGESTION;

E. ESTABLISHMENT OF LAND USE REGULATIONS TO FOSTER THE TRANSPORTATION GOALS OF THE PECONIC BAY REGION;

F. BIKE LANES AND PATHS;

G. WATER TAXI AND PASSENGER FERRIES;

H. ALTERNATIVES RECOMMENDED BY THE SEEDS PROJECT.

4. THE PLAN SHALL BE PREPARED IN SUFFICIENT DETAIL AND SPECIFICITY TO PERMIT THE RELEVANT GOVERNMENTAL AUTHORITIES TO PROCEED DIRECTLY TO THE IMPLEMENTATION OF THE PLAN'S RECOMMENDATIONS.

5. THE PLAN SHALL ESTABLISH A TIMETABLE FOR RECOMMENDED TRANSPORTATION IMPROVEMENTS.

6. THE PLAN SHALL INCLUDE NO RECOMMENDATION WITH REGARD TO VEHICLE FERRIES IN THE PECONIC BAY REGION.

7. THE PLAN SHALL INCLUDE A CAPITAL PLAN AND BUDGET FOR ITS IMPLEMENTATION.

8. A DRAFT OF PHASE ONE OF THE PLAN SHALL BE COMPLETED BY MARCH THIRTY-FIRST, TWO THOUSAND TEN.

9. AT LEAST FIVE PUBLIC HEARINGS, ONE IN EACH TOWN IN THE PECONIC BAY REGION SHALL BE HELD ON THE DRAFT OF PHASE ONE OF THE PLAN.

10. THE FINAL VERSION OF PHASE ONE OF THE PLAN SHALL BE COMPLETED AND APPROVED BY THE COUNCIL BY JULY THIRTY-FIRST, TWO THOUSAND TEN.

11. PHASE ONE OF THE PLAN AS APPROVED BY THE COUNCIL, SHALL BE SUBMITTED TO THE VOTERS AS A REFERENDUM IN EACH OF THE TOWNS IN THE PECONIC BAY REGION AT THE GENERAL ELECTION TO BE HELD IN NOVEMBER TWO THOUSAND TEN. SUCH REFERENDUM SHALL BE DEEMED APPROVED IF IT IS APPROVED BY A MAJORITY OF THE VOTERS VOTING ON SUCH REFERENDUM IN EACH TOWN IN THE PECONIC BAY REGION.

12. THE DRAFT OF PHASE TWO OF THE PLAN SHALL BE COMPLETED BY MARCH THIRTY-FIRST, TWO THOUSAND ELEVEN.

13. AT LEAST FIVE PUBLIC HEARINGS, ONE IN EACH TOWN IN THE PECONIC BAY REGION, SHALL BE HELD ON THE DRAFT OF PHASE TWO OF THE PLAN.

14. THE FINAL VERSION OF PHASE TWO OF THE PLAN SHALL BE COMPLETED AND APPROVED BY THE COUNCIL BY JULY THIRTY-FIRST, TWO THOUSAND ELEVEN.

15. PHASE TWO OF THE PLAN AS APPROVED BY THE COUNCIL, SHALL BE SUBMITTED TO THE VOTERS AS A REFERENDUM IN EACH OF THE TOWNS IN THE PECONIC BAY REGION AT THE GENERAL ELECTION TO BE HELD IN NOVEMBER TWO THOUSAND ELEVEN. SUCH REFERENDUM SHALL BE DEEMED APPROVED IF IT IS APPROVED BY A MAJORITY OF THE VOTERS VOTING ON SUCH REFERENDUM IN EACH TOWN IN THE PECONIC BAY REGION.

S 119-FFF. SUBMISSION TO THE LEGISLATURE. UPON APPROVAL OF THE PLAN BY REFERENDUM, SUCH APPROVED TRANSPORTATION ACTION PLAN SHALL BE SUBMITTED

TO THE LEGISLATURE BY THE COUNCIL NO LATER THAN THIRTY DAYS AFTER SUCH APPROVAL.

S 3. This act shall take effect immediately.