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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:

1 Section 1. Legislative findings. The legislature hereby finds that  
2 over the past thirty years, rapid growth and development in the Peconic  
3 Bay region of Long Island, while providing for a successful balance of  
4 economic opportunity and environmental protection, has also resulted in  
5 some unavoidable, adverse impacts that threaten the region's future  
6 quality of life and future economic prosperity. Traffic congestion has  
7 been one of the primary adverse impacts from such rapid development.  
8 Expanding traffic congestion has resulted in deteriorating traffic  
9 safety with increased traffic accidents and fatalities. In addition,  
10 traffic congestion has resulted in increased trip delays, declining air  
11 quality, adverse impacts to historic and rural resources in the region's  
12 villages and hamlets, parking problems, adverse impacts to residential  
13 communities and neighborhoods resulting from the diversion of traffic  
14 from major highways and arteries to rural residential streets and roads.  
15 The region's tourist and second home industries, the cornerstone of  
16 its prosperity, are threatened if the adverse consequences of traffic  
17 congestion are not promptly and adequately addressed. Further, projec-  
18 tions from the state department of transportation and local governments  
19 indicate that there will be a continued growth in year-round population,  
20 seasonal residents, and traffic into the foreseeable future, exacerbat-  
21 ing an already major problem.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 ARTICLE 5-L

27 PECONIC BAY REGIONAL TRANSPORTATION COUNCIL

28 SECTION 119-AAA. DEFINITIONS.

29 119-BBB. PECONIC BAY REGIONAL TRANSPORTATION COUNCIL.

30 119-CCC. POWERS AND DUTIES OF THE COUNCIL.

31 119-DDD. AGENCY COOPERATION.

32 119-EEE. PREPARATION AND ADOPTION OF THE TRANSPORTATION ACTION  
33 PLAN.

34 119-FFF. SUBMISSION TO THE LEGISLATURE.

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

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

38 2. "COUNTY" MEANS THE COUNTY OF SUFFOLK.

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

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

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

45 6. "TRANSPORTATION ACTION PLAN" MEANS THE ACTION PLAN FOR IMPLEMENTA-  
46 TION OF PUBLIC TRANSPORTATION PROJECTS REQUIRED TO BE ADOPTED PURSUANT  
47 TO THIS ARTICLE.

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

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

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

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

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

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

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

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

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

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

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

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

31 6. TO MAKE AND EXECUTE CONTRACTS AND ALL OTHER INSTRUMENTS NECESSARY  
32 OR CONVENIENT FOR THE EXERCISE OF ITS POWERS AND DUTIES UNDER THIS ARTI-  
33 CLE;

34 7. TO SUE AND BE SUED;

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

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

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

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

46 S 119-DDD. AGENCY COOPERATION. 1. EVERY STATE AGENCY SHALL OFFER FULL  
47 COOPERATION TO THE COUNCIL IN CARRYING OUT THE PROVISIONS OF THIS ARTI-  
48 CLE.

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

52 S 119-EEE. PREPARATION AND ADOPTION OF THE TRANSPORTATION ACTION PLAN.

53 1. THE COUNCIL IS HEREBY DIRECTED TO PREPARE A TRANSPORTATION ACTION  
54 PLAN FOR THE PECONIC BAY REGION.

55 SUCH PLAN SHALL BE PREPARED IN TWO PHASES.

56 2. PHASE ONE SHALL CONSIDER THE FOLLOWING ALTERNATIVES:

- 1 A. ESTABLISHMENT OF SHUTTLE TRAINS UTILIZING THE EXISTING RIGHT OF WAY  
2 OF THE LONG ISLAND RAIL ROAD;
- 3 B. ESTABLISHMENT AND COORDINATION OF BUS TRANSPORTATION TO COMPLEMENT  
4 SHUTTLE TRAINS;
- 5 C. A REGIONAL TRANSPORTATION AUTHORITY, TRANSPORTATION DISTRICT, OR  
6 EXISTING STATE AND LOCAL GOVERNMENTAL AGENCIES TO PROVIDE IMPROVED  
7 TRANSPORTATION SERVICES.
- 8 3. PHASE TWO SHALL CONSIDER, BUT NOT BE LIMITED TO, THE FOLLOWING  
9 ALTERNATIVES:
- 10 A. ESTABLISHMENT OF PARK AND RAIL FACILITIES;
- 11 B. ADDITION OF MORE NON-STOP TRAINS FROM NEW YORK CITY TO THE PECONIC  
12 BAY REGION;
- 13 C. ESTABLISHMENT OF A HEALTH AND HUMAN SERVICES TRANSPORTATION  
14 PROGRAM;
- 15 D. IMPROVEMENTS TO EXISTING HIGHWAY INFRASTRUCTURE TO REDUCE TRAFFIC  
16 CONGESTION;
- 17 E. ESTABLISHMENT OF LAND USE REGULATIONS TO FOSTER THE TRANSPORTATION  
18 GOALS OF THE PECONIC BAY REGION;
- 19 F. BIKE LANES AND PATHS;
- 20 G. WATER TAXI AND PASSENGER FERRIES;
- 21 H. ALTERNATIVES RECOMMENDED BY THE SEEDS PROJECT.
- 22 4. THE PLAN SHALL BE PREPARED IN SUFFICIENT DETAIL AND SPECIFICITY TO  
23 PERMIT THE RELEVANT GOVERNMENTAL AUTHORITIES TO PROCEED DIRECTLY TO THE  
24 IMPLEMENTATION OF THE PLAN'S RECOMMENDATIONS.
- 25 5. THE PLAN SHALL ESTABLISH A TIMETABLE FOR RECOMMENDED TRANSPORTATION  
26 IMPROVEMENTS.
- 27 6. THE PLAN SHALL INCLUDE NO RECOMMENDATION WITH REGARD TO VEHICLE  
28 FERRIES IN THE PECONIC BAY REGION.
- 29 7. THE PLAN SHALL INCLUDE A CAPITAL PLAN AND BUDGET FOR ITS IMPLEMEN-  
30 TATION.
- 31 8. A DRAFT OF PHASE ONE OF THE PLAN SHALL BE COMPLETED BY MARCH THIR-  
32 TY-FIRST, TWO THOUSAND TEN.
- 33 9. AT LEAST FIVE PUBLIC HEARINGS, ONE IN EACH TOWN IN THE PECONIC BAY  
34 REGION SHALL BE HELD ON THE DRAFT OF PHASE ONE OF THE PLAN.
- 35 10. THE FINAL VERSION OF PHASE ONE OF THE PLAN SHALL BE COMPLETED AND  
36 APPROVED BY THE COUNCIL BY JULY THIRTY-FIRST, TWO THOUSAND TEN.
- 37 11. PHASE ONE OF THE PLAN AS APPROVED BY THE COUNCIL, SHALL BE SUBMIT-  
38 TED TO THE VOTERS AS A REFERENDUM IN EACH OF THE TOWNS IN THE PECONIC  
39 BAY REGION AT THE GENERAL ELECTION TO BE HELD IN NOVEMBER TWO THOUSAND  
40 TEN. SUCH REFERENDUM SHALL BE DEEMED APPROVED IF IT IS APPROVED BY A  
41 MAJORITY OF THE VOTERS VOTING ON SUCH REFERENDUM IN EACH TOWN IN THE  
42 PECONIC BAY REGION.
- 43 12. THE DRAFT OF PHASE TWO OF THE PLAN SHALL BE COMPLETED BY MARCH  
44 THIRTY-FIRST, TWO THOUSAND ELEVEN.
- 45 13. AT LEAST FIVE PUBLIC HEARINGS, ONE IN EACH TOWN IN THE PECONIC BAY  
46 REGION, SHALL BE HELD ON THE DRAFT OF PHASE TWO OF THE PLAN.
- 47 14. THE FINAL VERSION OF PHASE TWO OF THE PLAN SHALL BE COMPLETED AND  
48 APPROVED BY THE COUNCIL BY JULY THIRTY-FIRST, TWO THOUSAND ELEVEN.
- 49 15. PHASE TWO OF THE PLAN AS APPROVED BY THE COUNCIL, SHALL BE SUBMIT-  
50 TED TO THE VOTERS AS A REFERENDUM IN EACH OF THE TOWNS IN THE PECONIC  
51 BAY REGION AT THE GENERAL ELECTION TO BE HELD IN NOVEMBER TWO THOUSAND  
52 ELEVEN. SUCH REFERENDUM SHALL BE DEEMED APPROVED IF IT IS APPROVED BY A  
53 MAJORITY OF THE VOTERS VOTING ON SUCH REFERENDUM IN EACH TOWN IN THE  
54 PECONIC BAY REGION.
- 55 S 119-FFF. SUBMISSION TO THE LEGISLATURE. UPON APPROVAL OF THE PLAN BY  
56 REFERENDUM, SUCH APPROVED TRANSPORTATION ACTION PLAN SHALL BE SUBMITTED

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

3 S 3. This act shall take effect immediately.