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

S. 6774 A. 9861

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

February 4, 2010

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 Corporations, Authorities and Commissions

AN ACT authorizing an advisory, non-binding referendum in the towns of 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:

Section 1. Legislative findings. The legislature hereby finds that in the Peconic Bay region of Long Island, traffic congestion has been one of the primary adverse impacts from overdevelopment. 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, there will be a continued growth in year-round population, seasonal residents, and traffic into the foreseeable future, exacerbating an already major problem.

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

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

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alternative, and the option of improving capacity on existing highways is limited.

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. Further, the Metropolitan Transportation Authority has proposed reducing even this limited service.

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 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, 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 Institute for Sustainable Development has issued a report calling for improved transportation opportunities in the region. Five Town Rural Transit, Inc., a private, not-for-profit corporation 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 2007, the state of New York provided a $300,000 grant under its Shared Municipal Services Initiative (SMSI) program to study the feasibility of the East End Shuttle concept. In addition, the Long Island Rail Road, in conjunction with the towns of Southampton and East Hampton initiated a pilot program in 2007-2008 to provide a rail shuttle and connecting bus service during the reconstruction of County Road 39. This pilot program demonstrated that the rail/bus shuttle concept could be successful. In 2009, the "East End Transportation Study Report", funded by the SMSI program, was completed by the Volpe National Transportation Systems Center, U.S. Department of Transportation. The study concluded that the East End Shuttle concept was both viable and desirable.

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. Therefore, proposals by the Metropolitan Transportation Authority are ill-considered and unacceptable.

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

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

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

S 3. Conduct of referendum. The advisory, non-binding referendum authorized by this act shall be conducted by the board of elections of the county of Suffolk. The question shall be submitted in the manner provided in the election law, and the provisions of such law, not inconsistent with this act, relating to the submission of and to the taking, counting and returning the vote and canvassing the results upon a question submitted pursuant to law to the voters of the state shall apply to the question in section four of this act required to be submitted. The ballots shall be in such form as prescribed by such law. When the county of Suffolk board of elections shall have completed its canvass of the results of the vote upon such question, it shall forthwith certify the results of the vote upon such question to the secretary of the senate and the clerk of the assembly.

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

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

S 6. This act shall take effect immediately.