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

S. 1459 A. 1412

2011-2012 Regular Sessions

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

January 7, 2011

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 -- 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; and providing for the repeal of such provisions upon expiration thereof

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 economy, 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,

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

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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 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 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.

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 the East End Shuttle concept in order to implement new transit opportunities in a timely fashion.

Currently, no governmental entity exists which can coordinate the multitude of local governments, state government, federal government, and other stakeholders that must participate to implement 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 implement a public transit proposal for the Peconic Bay region. This legislation will give the local governments the regional framework to develop and implement this initiative, and will mandate the cooperation of state and federal agencies. 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.

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

ARTICLE 5-M

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. IMPLEMENTATION REPORT FOR THE TRANSPORTATION PLAN.
119-FFF. SUBMISSION TO THE LEGISLATURE.

S 119-AAA. DEFINITIONS. AS USED IN THIS ARTICLE THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "PECONIC BAY REGION" MEANS THE TOWNS OF EAST HAMPTON, RIVERHEAD, 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 PLAN" MEANS THE PLAN OF PUBLIC TRANSPORTATION PROJECTS FOR THE PECONIC BAY REGION PROVIDED FOR IN THE EAST END TRANSPORTATION STUDY, PREPARED BY THE VOLPE NATIONAL TRANSPORTATION SYSTEMS CENTER, DATED NOVEMBER, TWO THOUSAND NINE.

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 EIGHTEEN VOTING MEMBERS: ONE MEMBER TO BE APPOINTED BY THE GOVERNOR WHO WILL SERVE AT THE PLEASURE OF THE GOVERNOR, AND THIRTEEN EX OFFICIO MEMBERS WHO ARE THE COUNTY EXECUTIVE OF THE COUNTY OF SUFFOLK, THE FOUR 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 FOUR 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. ELEVEN 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 TEN 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 DEVELOP AN IMPLEMENTATION REPORT FOR THE TRANSPORTATION PLAN, 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. IMPLEMENTATION REPORT FOR THE TRANSPORTATION PLAN. 1. THE COUNCIL IS HEREBY DIRECTED TO PREPARE AN IMPLEMENTATION REPORT FOR THE TRANSPORTATION PLAN FOR THE PECONIC BAY REGION WHICH SHALL INCLUDE:

(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 GOVERNANCE STRUCTURE TO OPERATE THE TRANSPORTATION PLAN;

(D) ESTABLISHMENT OF PARK AND RAIL FACILITIES; AND

(E) ADDITIONAL NON-STOP TRAINS FROM NEW YORK CITY TO THE PECONIC BAY REGION.

2. THE IMPLEMENTATION REPORT SHALL BE PREPARED IN SUFFICIENT DETAIL AND SPECIFICITY TO PERMIT THE RELEVANT GOVERNMENTAL AUTHORITIES TO PROCEED DIRECTLY TO THE IMPLEMENTATION OF THE TRANSPORTATION PLAN. THE IMPLEMENTATION REPORT SHALL ESTABLISH A TIMETABLE FOR RECOMMENDED PUBLIC TRANSPORTATION PROJECTS. THE IMPLEMENTATION REPORT SHALL INCLUDE A CAPITAL PLAN AND BUDGET FOR ITS IMPLEMENTATION. THE IMPLEMENTATION REPORT SHALL INCLUDE THE ASSESSMENT OF ENVIRONMENTAL IMPACTS, PRELIMINARY ENGINEERING, AND FINAL DESIGN.

3. AT LEAST FOUR PUBLIC HEARINGS, ONE IN EACH TOWN IN THE PECONIC BAY REGION SHALL BE HELD ON THE FINAL IMPLEMENTATION PLAN.

4. A PROPOSITION TO APPROVE THE IMPLEMENTATION PLAN 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 AT LEAST NINETY DAYS AFTER THE COMPLETION OF THE PUBLIC HEARINGS PROVIDED FOR IN SUBDIVISION THREE OF THIS SECTION. 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 IMPLEMENTATION REPORT 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 and shall remain in full force and effect until December 31, 2016 when upon such date the provisions of this act shall expire and be deemed repealed.