

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:

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 economy, has
4 also resulted in some unavoidable, adverse impacts that threaten the
5 region's future quality of life and future economic prosperity. Traffic
6 congestion has been one of the primary adverse impacts from such rapid
7 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,

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

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1 seasonal residents, and traffic into the foreseeable future, exacerbat-
2 ing an already major problem.

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

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

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

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

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

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

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

51 In 2007, the state of New York provided a \$300,000 grant under its
52 Shared Municipal Services Initiative (SMSI) program to study the feasi-
53 bility of the East End Shuttle concept. In addition, the Long Island
54 Rail Road, in conjunction with the towns of Southampton and East Hampton
55 initiated a pilot program in 2007-2008 to provide a rail shuttle and
56 connecting bus service during the reconstruction of County Road 39. This

1 pilot program demonstrated that the rail/bus shuttle concept could be
2 successful. In 2009, the "East End Transportation Study Report", funded
3 by the SMSI program, was completed by the Volpe National Transportation
4 Systems Center, U.S. Department of Transportation. The study concluded
5 that the East End Shuttle concept was both viable and desirable.

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

13 The next step is the full development of the East End Shuttle concept
14 in order to implement new transit opportunities in a timely fashion.

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

19 It is the intent of the legislature with this act to provide the
20 necessary governmental framework and resources that will foster the
21 cooperation necessary to implement a public transit proposal for the
22 Peconic Bay region. This legislation will give the local governments the
23 regional framework to develop and implement this initiative, and will
24 mandate the cooperation of state and federal agencies. Further, it will
25 provide for the involvement of all stakeholders and community members in
26 the development process to insure an open and comprehensive decision
27 making process.

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

30 ARTICLE 5-M

31 PECONIC BAY REGIONAL TRANSPORTATION COUNCIL

32 SECTION 119-AAA. DEFINITIONS.

33 119-BBB. PECONIC BAY REGIONAL TRANSPORTATION COUNCIL.

34 119-CCC. POWERS AND DUTIES OF THE COUNCIL.

35 119-DDD. AGENCY COOPERATION.

36 119-EEE. IMPLEMENTATION REPORT FOR THE TRANSPORTATION PLAN.

37 119-FFF. SUBMISSION TO THE LEGISLATURE.

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

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

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

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

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

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

49 6. "TRANSPORTATION PLAN" MEANS THE PLAN OF PUBLIC TRANSPORTATION
50 PROJECTS FOR THE PECONIC BAY REGION PROVIDED FOR IN THE EAST END TRANS-
51 PORTATION STUDY, PREPARED BY THE VOLPE NATIONAL TRANSPORTATION SYSTEMS
52 CENTER, DATED NOVEMBER, TWO THOUSAND NINE.

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

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

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

2 S 119-BBB. PECONIC BAY REGIONAL TRANSPORTATION COUNCIL. 1. THERE IS
3 HEREBY CREATED THE PECONIC BAY REGIONAL TRANSPORTATION COUNCIL. SUCH
4 COUNCIL SHALL CONSIST OF EIGHTEEN VOTING MEMBERS: ONE MEMBER TO BE
5 APPOINTED BY THE GOVERNOR WHO WILL SERVE AT THE PLEASURE OF THE GOVER-
6 NOR, AND THIRTEEN EX OFFICIO MEMBERS WHO ARE THE COUNTY EXECUTIVE OF THE
7 COUNTY OF SUFFOLK, THE FOUR TOWN SUPERVISORS FROM THE PECONIC BAY
8 REGION, TWO VILLAGE MAYORS TO BE APPOINTED BY THE EAST END VILLAGE OFFI-
9 CIALS ASSOCIATION, THE UNITED STATES CONGRESSMAN REPRESENTING THE PECON-
10 IC BAY REGION, THE STATE SENATOR REPRESENTING THE PECONIC BAY REGION,
11 THE TWO STATE ASSEMBLY MEMBERS REPRESENTING THE PECONIC BAY REGION, AND
12 THE TWO COUNTY LEGISLATORS REPRESENTING THE PECONIC BAY REGION, AND FOUR
13 CITIZEN MEMBERS WITH AN INTEREST IN TRANSPORTATION AND PUBLIC TRANSIT TO
14 BE APPOINTED BY THE TOWN BOARD OF EACH TOWN IN THE PECONIC BAY REGION.
15 EACH TOWN SHALL HAVE ONE APPOINTMENT. EACH EX OFFICIO MEMBER MAY
16 APPOINT A DESIGNATED REPRESENTATIVE, BY OFFICIAL AUTHORITY FILED WITH
17 THE COUNCIL, TO EXERCISE HIS OR HER POWERS AND PERFORM HIS OR HER
18 DUTIES, INCLUDING THE RIGHT TO VOTE ON MATTERS BEFORE THE COUNCIL.

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

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

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

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

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

31 4. TO DEVELOP AN IMPLEMENTATION REPORT FOR THE TRANSPORTATION PLAN,
32 WITH THE ADVICE OF THE ADVISORY COMMITTEES;

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

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

38 7. TO SUE AND BE SUED;

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

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

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

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

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

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

1 S 119-EEE. IMPLEMENTATION REPORT FOR THE TRANSPORTATION PLAN. 1. THE
2 COUNCIL IS HEREBY DIRECTED TO PREPARE AN IMPLEMENTATION REPORT FOR THE
3 TRANSPORTATION PLAN FOR THE PECONIC BAY REGION WHICH SHALL INCLUDE:

4 (A) ESTABLISHMENT OF SHUTTLE TRAINS UTILIZING THE EXISTING RIGHT OF
5 WAY OF THE LONG ISLAND RAIL ROAD;

6 (B) ESTABLISHMENT AND COORDINATION OF BUS TRANSPORTATION TO COMPLEMENT
7 SHUTTLE TRAINS;

8 (C) A REGIONAL GOVERNANCE STRUCTURE TO OPERATE THE TRANSPORTATION
9 PLAN;

10 (D) ESTABLISHMENT OF PARK AND RAIL FACILITIES; AND

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

13 2. THE IMPLEMENTATION REPORT SHALL BE PREPARED IN SUFFICIENT DETAIL
14 AND SPECIFICITY TO PERMIT THE RELEVANT GOVERNMENTAL AUTHORITIES TO
15 PROCEED DIRECTLY TO THE IMPLEMENTATION OF THE TRANSPORTATION PLAN. THE
16 IMPLEMENTATION REPORT SHALL ESTABLISH A TIMETABLE FOR RECOMMENDED PUBLIC
17 TRANSPORTATION PROJECTS. THE IMPLEMENTATION REPORT SHALL INCLUDE A CAPI-
18 TAL PLAN AND BUDGET FOR ITS IMPLEMENTATION. THE IMPLEMENTATION REPORT
19 SHALL INCLUDE THE ASSESSMENT OF ENVIRONMENTAL IMPACTS, PRELIMINARY ENGI-
20 NEERING, AND FINAL DESIGN.

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

23 4. A PROPOSITION TO APPROVE THE IMPLEMENTATION PLAN SHALL BE SUBMITTED
24 TO THE VOTERS AS A REFERENDUM IN EACH OF THE TOWNS IN THE PECONIC BAY
25 REGION AT THE GENERAL ELECTION TO BE HELD AT LEAST NINETY DAYS AFTER THE
26 COMPLETION OF THE PUBLIC HEARINGS PROVIDED FOR IN SUBDIVISION THREE OF
27 THIS SECTION. SUCH REFERENDUM SHALL BE DEEMED APPROVED IF IT IS APPROVED
28 BY A MAJORITY OF THE VOTERS VOTING ON SUCH REFERENDUM IN EACH TOWN IN
29 THE PECONIC BAY REGION.

30 S 119-FFF. SUBMISSION TO THE LEGISLATURE. UPON APPROVAL OF THE PLAN
31 BY REFERENDUM, SUCH APPROVED IMPLEMENTATION REPORT SHALL BE SUBMITTED TO
32 THE LEGISLATURE BY THE COUNCIL NO LATER THAN THIRTY DAYS AFTER SUCH
33 APPROVAL.

34 S 3. This act shall take effect immediately and shall remain in full
35 force and effect until December 31, 2016 when upon such date the
36 provisions of this act shall expire and be deemed repealed.