

RESOLUTION NO. 308 -2010, ADOPTING LOCAL LAW NO. 18 -2010, A CHARTER LAW TO EXPAND THE FUNCTIONS OF THE COUNCIL ON ENVIRONMENTAL QUALITY TO INCLUDE ADVISING SUFFOLK COUNTY ON BICYCLE ROUTES

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on January 4, 2010, a proposed local law entitled, "**A CHARTER LAW TO EXPAND THE FUNCTIONS OF THE COUNCIL ON ENVIRONMENTAL QUALITY TO INCLUDE ADVISING SUFFOLK COUNTY ON BICYCLE ROUTES** "; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 18 -2010, SUFFOLK COUNTY, NEW YORK

A CHARTER LAW TO EXPAND THE FUNCTIONS OF THE COUNCIL ON ENVIRONMENTAL QUALITY TO INCLUDE ADVISING SUFFOLK COUNTY ON BICYCLE ROUTES

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that it would be appropriate for Suffolk County to receive advice from a committee on improving bicycle and pedestrian facilities including, bicycle paths, bicycle lanes, bicycle routes and sidewalks. This will help ensure that the facilities established by the County provide the greatest benefit possible to its residents and the environment.

This Legislature also finds and determines that initiatives to establish these types of facilities on Suffolk County roadways have a positive environmental impact.

This Legislature hereby finds and determines that the Suffolk County Council on Environmental Quality ("CEQ") advises County officials on a variety of environmental issues including projects relating to new road construction and alterations to existing highway infrastructure.

This Legislature finds that adding the advisory function for recommending bicycle and pedestrian facilities on County roadways to CEQ provides the County with input from a trusted environmental council without the creation of another advisory committee.

This Legislature also finds and determines that bicycle and pedestrian facilities must be implemented on suitable roadways in a coordinated and safe manner.

This Legislature recognizes that these facilities cannot be implemented sporadically and must interconnect with other bicycle and pedestrian facilities or terminate at a defined destination.

This Legislature also finds that the implementation of these facilities is under the purview of the Suffolk County Department of Public Works (SCDPW) and must be done in conformance with standard highway design procedures as outlined in the latest editions of the American Association of State Highway and Transportation Officials (AASHTO) – A Policy on Geometric Design of Highways and Streets and the New York State Department of Transportation (NYSDOT) – Highway Design Manual.

This Legislature further finds that the NYSDOT – Region 10 coordinates the bicycle facilities on Long Island and produces a “Long Island Bikeways & Trailways” map inclusive of all bicycle facilities (State, County and Town) in Suffolk County.

This Legislature also finds that in accordance with New York State Highway Law sidewalks are the jurisdiction of the local Towns.

This Legislature also finds that the Traffic Safety Board has representatives from NYSDOT, SCDPW, Local Towns, Suffolk County Police Department and can provide guidance to the suitability for these facilities on County roadways.

This Legislature further recognizes that due to the budgetary and time impacts it may be difficult to implement these facilities into existing ongoing Capital Programs that have substantially progressed in the planning process.

This Legislature further acknowledges that the implementation of these facilities may require additional roadway Right-Of-Way (ROW) above and beyond what presently exists. If ROW acquisition is required the cost and time associated with the condemnation of property could be prohibitive.

Therefore, the purpose of this law is to expand the functions of the Council on Environmental Quality to include advising the County on matters pertaining to bicycle routes on County roadways and facilitating bicycle use and pedestrian travel to the extent provide herein.

In this capacity, CEQ shall work with the Traffic Safety Board, to identify which County roadways would be good candidates for bicycle and pedestrian facilities. This will result in the development of 2 maps. The first map will outline those County roadways recommended for the installation of bicycle facilities and the second map will outline the County roadways recommended for the installation of sidewalks. Upon completion of the maps, SCDPW will incorporate the implementation of these facilities into its Capital Program, as appropriate.

Section 2. Amendment.

Article I of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

Article I. Environmental Bill of Rights.

§C1-4. Functions of Council.

A. In addition to any other functions assigned to the Council on Environmental Quality by Charter law or local law, the Council shall:

- (6) Assist and advise the County Legislature and County Executive on matters pertaining to pedestrian and bicycle routes along County roadways and infrastructure related to facilitating bicycle and pedestrian use in Suffolk County. When appropriate, the CEQ shall consult with the Traffic Safety Board prior to making formal recommendations to the County.

Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This local law shall take effect immediately upon its filing in the Office of the Secretary of State.

- [] Brackets denote deletion of existing language.
___ Underlining denotes addition of new language.

DATED: April 27, 2010

EFFECTIVE PURSUANT TO SECTION 2-15(D) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MAY 12, 2010

After a public hearing duly held on May 10, 2010
Filed with the Secretary of State on June 10, 2010