

**RESOLUTION NO. 363 -2013, ADOPTING LOCAL LAW
NO. 25 -2013, A LOCAL LAW TO ENSURE ADEQUATE FERRY
SERVICE**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 5, 2013, a proposed local law entitled, "**A LOCAL LAW TO ENSURE ADEQUATE FERRY SERVICE**"; now, therefore be it

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

LOCAL LAW NO. 25 -2013, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO ENSURE ADEQUATE FERRY SERVICE

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 the Suffolk County Legislature is empowered and authorized by State Law to license ferry services within the County and to approve the fare schedules of licensed ferry operators.

This Legislature also finds and determines that operators seeking a ferry license or rate increase generally submit a proposed schedule of ferry service they will provide during the term of their license.

This Legislature further finds and determines that some ferry operators, after obtaining a license or fare increase, will dramatically alter their schedules and reduce ferry service to communities that have no other transportation alternatives.

This Legislature determines that a ferry operator's proposed schedule of service is a key factor that the County Legislature considers when it determines whether to issue a license and/or approve a fare increase. Accordingly, a ferry operator's decision to curtail services it provides to the public should trigger a review of their license and fare schedule by the County Legislature.

Therefore, the purpose of this local law is to expressly authorize the County Legislature to review a ferry license when an operator substantially reduces the service it provides and to amend or revoke a license or rescind a previously granted fare increase if such action is warranted.

Section 2. Amendments.

CHAPTER 455 of the SUFFOLK COUNTY CODE is hereby amended as follows:

CHAPTER 455. FERRY SERVICE

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§ 455-2. License and franchise required; application and issuance procedure; term of license.

...

B. Application for a license and franchise shall be made by a verified written petition to the Suffolk County Legislature and shall contain such information as is required by the relevant New York State legislation. The petition shall specify:

- (1) The service to be rendered, including a year-round schedule of ferry service to be offered during the term of the license.

* * * *

D. A license and franchise granted by the Suffolk County Legislature shall remain in effect during the term specified therein unless terminated as herein provided. Upon application of the licensee or franchisee or on the motion of the Suffolk County Legislature, the license and franchise may be amended or surrendered or revoked, in whole or in part, for failure to comply with the terms of the license and franchise, including a substantial reduction to the ferry service schedule, any provisions of this chapter or of any relevant law or regulation governing the operation of ferry service operators. A license may be amended, revoked or surrendered only after a public hearing has been held before the Suffolk County Legislature. Upon a motion of the Suffolk County Legislature to revoke or amend a license and franchise, the licensee or franchisee shall be given seven days' written notice of the public hearing.

- (1) All ferry service operators will file with the Clerk of the County Legislature their Summer, Fall, Winter and Spring schedules of service, either electronically or by certified United States mail, within five (5) business days of their publication to the public. Ferry operators shall notify the Clerk of any changes made to these schedules during a season. Ferry operators will not be required to file a schedule for a season during which they do not operate their ferry service.

- (2) For the purposes of this section, "a substantial reduction" of ferry service shall mean a 20% reduction in round-trips between terminals during the course of a year or a 40% reduction in round-trips between terminals during a season. Reductions in service will be calculated by comparing the schedule of service submitted by a ferry operator at the time its license is approved or renewed and the seasonal schedules of service that are submitted by a ferry operator. Individual trips cancelled due to inclement weather, emergencies and Acts of God shall not be considered in calculating a reduction in service.

E. The license and franchise shall set forth the rates to be charged by the ferry service operator for the transportation of persons and property and the schedule of ferry services to be provided. The petition for a license and franchise shall comply with the provisions of § 455-3 of this chapter, if applicable.

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Section 3. Applicability.

This law shall apply to all ferry licenses, ferry schedules and fares approved 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 law shall take effect immediately upon filing in the Office of the Secretary of State.

___ Underlining denotes addition of new language

DATED: May 7, 2013

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: June 3, 2013

After a public hearing duly held on May 22, 2013
Filed with the Secretary of State on June 17, 2013