

PUBLIC WORKS, TRANSPORTATION & ENERGY COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

MINUTES

A meeting of the Public Works, Transportation & Energy Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on May 23, 2016.

MEMBERS PRESENT:

Leg. Al Krupski, Chairperson
Leg. Thomas Muratore, Vice Chair
Leg. Robert Calarco
Leg. Steven H. Stern
Leg. Robert Trotta
Leg. Bridget Fleming
Leg. Kate M. Browning

ALSO IN ATTENDANCE:

Leg. Thomas Cilmi, 10th Legislative District
George M. Nolan, Counsel to the Legislature
Jason Richberg, Clerk of the Legislature
Amy Ellis, Chief Deputy Clerk/Legislature
Robert Doering, Budget Review Office
Gil Anderson, Commissioner/Department of Public Works
Bill Hillman, Chief Engineer/DPW
John Donovan, Chief Engineer/DPW
Gary Lenberger, Director of Transportation
Katie Horst, County Executive's Office
Michael Pitcher, Director of Communications/PO
Catherine Stark, Aide to Leg. Krupski
Robert Martinez, Aide to Leg. Muratore
Brendan Chamberlain, Aide to Leg. Muratore
Deborah Harris, Aide to Leg. Stern
Greg Moran, Aide to Leg. Trotta
Elizabeth Sutton, Aide to Leg. Fleming
Robert Braun, Deputy Bureau Chief/County Attorney's Office
Rick Brand, Newsday.
Joe Schroeder, Budget Review Office
And all other interested parties

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 1:58 PM

CHAIRPERSON KRUPSKI :

All right, welcome to the regular committee of Public Works, Transportation and Energy. All rise for the Pledge of Allegiance led by Legislator Muratore.

SALUTATION

All right, we have no cards. Is there anyone in the audience who would like to address the Committee? Seeing none -- George? Seeing none, we'll get into -- we have no presentations. We'll get into Tabled Resolutions.

TABLED RESOLUTIONS

IR 1027, Adopting Local Law (No. -2016, A Local Law) to clarify affordable housing requirements at developments connecting to a County sewer district. (Calarco). Legislator Calarco, what are your intentions?

LEG. CALARCO:

Motion to table.

LEG. FLEMING:

Second.

CHAIRPERSON KRUPSKI :

Second by Legislator Fleming. All in favor? Opposed? Abstentions? So moved. **(VOTE: 4-0-0-3. LEGISLATORS TROTTA, BROWNING and STERN NOT PRESENT)**

IR 1247, Amending Resolution No. 1053-2015 which accepted a donation of twenty to twenty four (20-24) bike lockers from the New York State Department of Transportation. (Co. Exec.). Same motion, same second? All in favor? Opposed? Abstentions? So moved. **(VOTE: 5-0-0-2. LEGISLATORS BROWNING and STERN NOT PRESENT)**

IR 1322, (Adopting Local Law No. -2016), A Local Law to further incentivize the creation of affordable housing. (Calarco). Legislator Calarco? Same motion, same second. All in favor? Opposed? Abstentions? So moved. **(VOTE: 5-0-0-2. LEGISLATORS BROWNING and STERN NOT PRESENT)**

INTRODUCTORY RESOLUTIONS

All right, new resolutions. **(IR 1407) Establishing the Suffolk County Safer Streets Program. (Cilmi) IR 1407.** Do I have a motion?

LEG. TROTTA:

I think it has to be tabled. Does it have to be tabled? Motion to approve.

CHAIRPERSON KRUPSKI :

I have a motion to approve from who? I have a motion to table from Legislator Calarco; second by Legislator Fleming. Is there any other motion? Someone made a motion to approve and I didn't know --

LEG. TROTTA:

Me.

LEG. MURATORE:

And I seconded.

CHAIRPERSON KRUPSKI:

Oh, and a second by Legislator Muratore. So -- yes. Does anyone have any questions for Mr. Hillman about this? Well, I'll ask it, then, Mr. Hillman. The legislation, I'm going to look it up here, from a traffic safety standpoint, what discretion do you have for setting the times of the yellow lights?

MR. HILLMAN:

We're required by New York State Traffic Law -- Vehicle and Traffic Law to perform a series of calculations and follow the guidelines that are established via New York State.

CHAIRPERSON KRUPSKI:

Yes, I'm sorry. I'm gonna -- you know, at the request of the sponsor, I'm gonna -- could we hold this off? He is in the building and he would like to take part in the discussion. So could we -- we're going to skip over this and we're going to go -- we're going to go to IR 14 -- we have two motions -- two live motions, but we're not going to vote. We're going to wait 'til the sponsor gets here and have a more thorough debate.

1431, a resolution making certain findings and determinations and an order for the modification of the plan of service for Suffolk County Sewer District No. 18 Hauppauge Industrial (CP 8126). (Co. Exec.).

LEG. CALARCO:

Motion.

CHAIRPERSON KRUPSKI:

Motion by Legislator Calarco; second by Legislator Stern. Any questions about sewer district number 18?

LEG. TROTТА:

Yeah, on the motion, what is this?

CHAIRPERSON KRUPSKI:

Welcome.

MR. DONOVAN:

Good afternoon. This is -- we're in the middle of expanding sewer district 18, Hauppauge Industrial Park. The treatment plant was built and is on line now, we're expanding the sewers to the rest of the industrial park. We had four phases splitting up the areas for the sewers to be expanded. Two phases are already done. There's two remaining. We just bid them last year; late last year. And the combined total came over what our remaining funds were so we need another six million to finish the job.

LEG. TROTТА:

What's the total cost of the job?

MR. DONOVAN:

With the treatment plant and the sewers, it's about 75 million.

LEG. TROTТА:

What was -- what was the over bid that -- you know, what did you think it was going to be and what

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was the additional -- what was the initial --

MR. DONOVAN:

The phases -- the budget estimates was about ten million for one phase and about 20 million for the other. The combined came in at about -- so that's a total of 30, came in around 35. So we need another six million to cover us.

LEG. TROTТА:

And then that would -- so what does this resolution actually do?

MR. DONOVAN:

This authorizes another \$6 million this year for construction. So we have both bids received. We're starting one because we had enough money to start one of the contracts. The second contract's on hold until we get this additional money. And then these are the two last phases for the project and everything should be done in a few years.

LEG. TROTТА:

Is -- are all these next ones coming up very similar?

MR. DONOVAN:

No, some of these are typical repairs for sewers coming up.

LEG. TROTТА:

I mean, it basically says in the finding and determination -- is this all for more money?

MR. DONOVAN:

Well, it's all in the capital project that we put in last year for this year.

LEG. TROTТА:

But only this one is for more money?

MR. DONOVAN:

Well, no. They're all -- they're all -- they're all existing projects. A couple of them are, like, ongoing sewer repairs.

LEG. TROTТА:

What I'm saying is you don't -- you budget 30 million. It's 36 million. Is the next one you budget 10 million and it's 12 million or is -- this is the only one that's over?

MR. DONOVAN:

This is the only one that's over. The others are new projects within an existing capital project to get work done.

LEG. TROTТА:

And why do you think we were 5 or \$6 million over?

MR. DONOVAN:

Well, this job started probably ten years ago and those budgets were created back then. So as time goes on, things happen unfortunately.

LEG. TROTТА:

Ok, thanks.

CHAIRPERSON KRUPSKI:

Where does the extra six million come from?

MR. DONOVAN:

There will be sewer bonds that the sewer district pays back or the ASRF supplements if it can't.

CHAIRPERSON KRUPSKI:

Who's going to make that decision?

MR. DONOVAN:

Budget makes that decision to see what the revenue is for the district and what the expenses are.

CHAIRPERSON KRUPSKI:

All right. So we have a motion and a second. All in favor? Opposed? Abstentions? So moved.

(VOTE: 7-0-0-0)

IR 1432, a resolution making certain findings and determinations and issuing an order in relation to the increase and improvements of facilities for Sewer District No. 11 Selden (CP 8117). (Co. Exec.).

LEG. MURATORE:

Motion.

CHAIRPERSON KRUPSKI:

Motion by Legislator Muratore.

LEG. STERN:

Second.

CHAIRPERSON KRUPSKI:

Second by Legislator Stern. Anybody, do you have any questions? No questions? All in favor?

Opposed? Abstentions? So moved. **(VOTE: 7-0-0-0)**

IR 1433, a resolution making certain findings and determinations and issuing an order in relation to the increase and improvement of facilities for Sewer District No. 7 Medford (CP 8150). (Co. Exec.). Same motion, same second. Thank you. Anyone have any questions about number seven in Medford? All in favor? Opposed? Abstentions? So moved. **(VOTE: 7-0-0-0)**

IR 1434, a resolution making certain findings and determinations and issuing an order in relation to the increase and improvements of facilities for Sewer District No. 3 Southwest (CP 8180). (Co. Exec.). Same motion? Motion by Legislator Muratore. Second? Second by Legislator Calarco. Do you have any questions about -- Legislator Browning has a question.

LEG. BROWNING:

What's the improvement?

CHAIRPERSON KRUPSKI:

What's the nature of the improvement?

COMMISSIONER ANDERSON:

We're constructing -- under the sludge project, the Beneficial Reuse Project, we're going to be constructing a truck weighing scale that'll allow us to measure -- and weigh the material going off the site and onto the other facility.

CHAIRPERSON KRUPSKI:

Thank you.

LEG. TROTТА:

What are you weighing?

COMMISSIONER ANDERSON:

The sludge material. We went through a long process over the past ten years to determine -- we used to incinerate the sludge to dry it up to make it into cake and then to dispose of it. What we've -- what was -- through the legislative process, under former Legislator Horsley, we were directed to come up with an alternate plan to incineration. And what was developed was a Beneficial Reuse Program where we went out to bid and we took proposals in from different companies to dispose of the material. So essentially what we do is we take the sludge and it is then transported to another facility, but we need to track that material. And that's -- part of this project is the -- to build a truck weighing --

LEG. TROTТА:

How much more expensive is it to do this than burn it?

COMMISSIONER ANDERSON:

I don't know. We were -- this was -- through resolution we were directed to --

LEG. TROTТА:

Why did we stop burning it?

COMMISSIONER ANDERSON:

Because of objection from the community. The adjacent community.

LEG. TROTТА:

Where were we burning it? At the sewage treatment plant over there?

COMMISSIONER ANDERSON:

Yeah, and it was a small incinerator on site at the south end of the plant.

LEG. TROTТА:

Is this the kind of stuff that can be burnt? Does it have to be going all the time or can it be only burnt when there's a north wind?

COMMISSIONER ANDERSON:

Well, I mean, you've got a lot of material coming in and then generally it would be burning, I would assume, all the time. I wasn't around when it was operational. Maybe John can answer that.

LEG. TROTТА:

I mean, we have incinerators all over the place now.

COMMISSIONER ANDERSON:

Correct. But this was legislated by Legislator Horsley at the time.

LEG. TROTТА:

He's gone.

MR. DONOVAN:

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We would not burn it all the time, but it would be almost everyday.

LEG. TROTТА:

Is it the kind of thing you could save it on a north wind and burn it?

MR. DONOVAN:

Well, the reason this came to light is we were going to upgrade the incinerators and we put a capital project in and that's when Legislator Horsley said "you mean we're burning there? Let's stop that." So that project was killed and instead we did the Sludge Beneficial Reuse Project as an alternative.

LEG. TROTТА:

Which is more expensive?

MR. DONOVAN:

Trucking the sludge is more expensive. Beneficial reuse right now is also more expensive, but there is -- you know, there is potential to recover costs, which is what the current bidder is going to try to do, make a fertilizer out of it, sell it as a product to reduce the cost.

LEG. TROTТА:

I mean, if it's millions of dollars that we could save, you know, trucking it, now you have trucks, I mean how many trucks a day would this be? Is it a lot? Is it one a day, is it --

MR. DONOVAN:

It's a couple trucks a day.

LEG. TROTТА:

Over the course of years; where it was one truck a month when you burned it?

MR. DONOVAN:

No, not that little. Probably a couple of trucks a week.

COMMISSIONER ANDERSON:

Another complaint we get from the area, local area, is the amount of trucks going in and out.

LEG. TROTТА:

So now you're going to get more trucks going in and out. We are doing that now.

MR. DONOVAN:

Well, we're doing that now.

LEG. TROTТА:

How long -- when did we stop burning?

MR. DONOVAN:

Um, I would say about close to eight to ten years ago.

LEG. TROTТА:

Oh, that long.

CHAIRPERSON KRUPSKI:

So I have a question about, you know, the technology. So the beneficial reuse, where would they be -- where would the sludge be trucked to? What's the proposal?

MR. DONOVAN:

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We put out an RFP. We had two submissions. The winning bid is in Deer Park.

CHAIRPERSON KRUPSKI :

They're buying the material and trucking it themselves?

MR. DONOVAN:

No, we pay them to take it off our hands. And then they're going to try to make a product out of it and recover some of that cost. And we get a percentage back on whatever they sell.

CHAIRPERSON KRUPSKI :

Oh, boy. So the technology for burning the sludge, is that used elsewhere in the country?

MR. DONOVAN:

Yes.

CHAIRPERSON KRUPSKI :

So, there's accepted approvable technology to burn the sludge and create -- generate electricity?

MR. DONOVAN:

Well, we didn't do that. We would just reduce the amount of sludge to an ash and then dispose of the ash.

CHAIRPERSON KRUPSKI :

Is there approved technology to burn the sludge and generate electricity?

MR. DONOVAN:

Yes, there is.

CHAIRPERSON KRUPSKI :

Joe, can you set that plant up for us this weekend?

COMMISSIONER ANDERSON:

One thing Joe just pointed -- reminded us is that, you know, since it's been such a longtime, the original boilers are gone, that if we were going to go back to incinerators, which to be frank was our preferred alternative, you would need a significant upgrade on that facility as well.

CHAIRPERSON KRUPSKI :

Well, I mean, wouldn't you -- has anyone done the cost analysis of the cost of trucking it off every year versus the long term cost of running an incinerator and --

MR. DONOVAN:

Yes, we did do that back when we were going to upgrade the incinerators. And we were told it's not going to happen to do this -- it's better to do the beneficial reuse.

CHAIRPERSON KRUPSKI :

But to do a financial analysis, though, that's what I mean.

MR. DONOVAN:

I don't have the details of what the results of that were, but I'm pretty sure burning is probably one of the best ways to go to reduce the mass of a product. We had all kinds of air controls and whatnot on it and monitoring equipment, but unfortunately the perception of burning is still not a good thing.

CHAIRPERSON KRUPSKI :

Well, the perception of dumping all that treated waste into the ocean isn't a great thing either but

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that happens every day, too, so. At some point you have to get rid of the material.

MR. DONOVAN:

To upgrade the incinerators back over ten years ago, the actual budget was about 65 million. So we're ten years later and we're further down the road with this beneficial reuse so I don't know if that's something we want to reopen.

LEG. TROTТА:

Did we spend 65 million trucking it off and paying to get rid of it?

MR. DONOVAN:

I don't have those numbers but I doubt that much. I doubt it came anywhere close to that.

LEG. TROTТА:

So it's cheaper to get rid of it by trucking it off, then.

MR. DONOVAN:

Well, there's -- you know, there's a payback period. I don't know what that is, but over the long run probably not trucking it. It's also unreliable when you have storms or things like that; whereas if you can burn it, you can pretty much control your own operations.

LEG. TROTТА:

Okay. Would it be difficult for you without doing a study and just like in half an hour, call some companies or some other municipalities and find out what the difference is? I don't want you to spend a hundred thousand dollars for a study to find out which is cheaper, but I think I would like to know, you know, if we set up --

MR. DONOVAN:

We probably have those numbers from the original report.

LEG. TROTТА:

Good enough.

MR. DONOVAN:

Okay.

LEG. TROTТА:

Thank you.

LEG. STERN:

Can you tell me what is the process, then, of the beneficial reuse? So it's loaded onto trucks. What happens thereafter?

MR. DONOVAN:

Well, before the beneficial reuse and when we stopped burning, we would de-water the sludge as much as possible, take as much water out of it because you don't want to pay for trucking water. And we had a contract with a company that would pick up de-watered sludge and bring it to a landfill up in Oneonta. There was one in Georgia for a while. They would train truck it down there.

After the beneficial reuse went in, there was proposals to try to make some kind of reuse. And that was either fertilizer or some other product. So a fertilizer RFP won the contract. They now pick it up from our facility just like the company before them and take it to their facility, which is in Deer Park. And they try to convert it into a fertilizer. It went on there -- this whole project went on line in

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March. They're having a little bit of a problem making the desired product. So right now they're trucking it like we used to truck it to a landfill until they can get the kinks worked out of their system.

LEG. STERN:

Have they suggested what kind of timing might be involved in developing a better system for that?

MR. DONOVAN:

Well, they -- they have a system in place and a manufacturer is working with them to try to get it going. It was supposed to be pretty much up and running in the first couple of months. They're asking for a little bit more time to get it up and running to the way they see. We do have an option that if they don't do a beneficial reuse after so much time, which I don't know what that is, we can pretty much cancel their contract but we'd have to go back to just straight hauling it.

LEG. STERN:

Thanks.

CHAIRPERSON KRUPSKI:

When you straight haul it, where does it go?

MR. DONOVAN:

It was going up to Oneonta to a landfill.

CHAIRPERSON KRUPSKI:

It's gotta be more expensive than just about anything when you come to think about it.

MR. DONOVAN:

It was about \$95 a ton. The beneficial reuse is about \$98 a ton, but there's a potential to get a recovery of that.

CHAIRPERSON KRUPSKI:

Thank you. Any other questions? Resolution 1434, did we have a motion and a second? Thank you. So all in favor? Opposed? Abstentions? So moved.

LEG. TROTТА:

Opposed.

CHAIRPERSON KRUPSKI:

One opposed. **(VOTE: 6-0-0-1)**

IR 1435, a resolution making certain findings and determinations and issuing an order in relation to the increase and improvements of facilities for Sewer District No. 10 Stony Brook (CP 8175). (Co. Exec.). Anybody? I'll make a motion to approve.

LEG. CALARCO:

Second.

CHAIRPERSON KRUPSKI:

Second by Legislator Calarco. Any questions about district number three -- I mean, sorry, number ten?

LEG. TROTТА:

Is this just an upgrade or something?

COMMISSIONER ANDERSON:

Yeah, it just repairs to sewers. It's the same sewer system.

CHAIRPERSON KRUPSKI:

All in favor? Opposed? Abstentions? So moved. (VOTE: 7-0-0-0)

IR 1436, a resolution making certain findings and determinations and issuing an order in relation to the increase and improvement of facilities for Sewer District No. 3 Southwest (CP 8181). (Co. Exec.) Motion by Legislator Calarco.

LEG. MURATORE:

Second.

CHAIRPERSON KRUPSKI:

Second by Legislator Muratore. So what is the -- what is this one?

COMMISSIONER ANDERSON:

This is a request for \$2 million to continue our ongoing capital project to repair infiltration and inflow into our sewer system in sewer district three. While we have been very pleased with the ability of the sewers to keep the water out, there is repairs that are needed, whether it's lining or full replacement, this -- these funds will allow us to minimize any water coming into the system which reduces our treatment cost at the treatment plant.

LEG. TROTTA:

Coming in from where?

COMMISSIONER ANDERSON:

In the -- well, it could be cracks in the pipes. It could be, you know, leaks in the seals where the pipes meet. What we did is we sent cameras down to look at each pipe, or we're doing that. And as we identify potential leaks, we go in there and we can either reline the pipe or if we have to --

LEG. TROTTA:

This is before it comes to the plant or after?

COMMISSIONER ANDERSON:

Yes, before.

LEG. TROTTA:

So this is normal leaks.

COMMISSIONER ANDERSON:

Yeah. I mean, you generally in storm drainage and sewers you do get -- you'll get roots coming. You'll just get breakage over years. You get seals that were never complete between the two pipes. You know, it's just a normal occurrence but it needs upgrade over, you know, over time as well. But this is specific towards where we can stop inflow and infiltration.

LEG. TROTTA:

Yeah, you have to dig it up and repair the pipe, I would assume.

COMMISSIONER ANDERSON:

Not necessarily. Sometimes we can send in -- it's a liner and it comes like in the shape of a -- in the

form of a sock. And then once something's added, it blows up.

LEG. TROTТА:
Stint.

COMMISSIONER ANDERSON:
Very similar.

CHAIRPERSON KRUPSKI:
All right, a motion and a second. All in favor? Opposed? Abstentions? So moved. **(VOTE: 7-0-0-0)**

IR 1443, Appropriating funds in connection with Public Works Buildings Operations and Maintenance Equipment (CP 1806). (Co. Exec.). Same motion, same second. Anyone have any questions for the Commissioner? Seeing none, all in favor? Opposed? Abstentions? So moved. **(VOTE: 7-0-0-0)**

IR 1444, Appropriating funds in connection with the removal of toxic and hazardous materials and components at various County Facilities (CP 1732). (Co. Exec.). Same motion, same second. Any questions for the Commissioner?

LEG. TROTТА:
What is this, asbestos?

COMMISSIONER ANDERSON:
Yes, any type of toxin or hazardous material such as asbestos, we've been working in the old children's shelter in this complex, yes; and trying to upgrade that so we can get folks out of the trailers and move them in there. We're also doing work in Probation. We anticipate we're going to need to do abatement there and then also Surrogate's Court. And then there's always some unforeseen work you bop open a wall and there it is.

CHAIRPERSON KRUPSKI:
All right. All in favor? Opposed? Abstentions? So moved. **(VOTE: 7-0-0-0)**

IR 1445, Appropriating funds in connection with Underground Injection Control Management Program (CP 8220). (Co. Exec.) Same motion, same second. Any questions? All in favor?

LEG. TROTТА:
I just gotta ask.

CHAIRPERSON KRUPSKI:
Go right ahead.

LEG. TROTТА:
What is an Underground Injection Control Management Program?

COMMISSIONER ANDERSON:
It's actually a fancy term for managing your leaching pools, anything that discharges into the ground. So in the case of -- in most cases there are hundreds of thousands of leaching pools throughout the country that basically, you know, while they're intended as stormwater recharge, they could be, you know, people dump oil, people dump -- so this program is to locate all of them, identify their condition. And if there's any abatement, any type of cleaning that has to be done, any

type of repair, it's supposed to be done under this program.

LEG. TROTТА:

We're required to do this, I assume?

COMMISSIONER ANDERSON:

By EPA, yes.

CHAIRPERSON KRUPSKI:

All right. All in favor? Opposed? Abstentions?. So moved. **(VOTE: 7-0-0-0)**

IR 1446, Appropriating funds in connection with the rehabilitation of parking lots, sidewalks, drives and curbs at various County Facilities (CP 1678). (Co. Exec.). Motion by Legislator Muratore.

LEG. FLEMING:

Second.

CHAIRPERSON KRUPSKI:

Second by Legislator Fleming. All in favor? Opposed? Abstentions? So moved. **(VOTE: 7-0-0-0)**

IR 1447, Appropriating funds in connection with Riverside Traffic Circle (CP 5557). (Co. Exec.). Motion by Legislator Fleming; second by Legislator Calarco. Does anyone have any questions for the Commissioner? How about the time schedule or the -- a reassurance that we don't need to acquire more land?

COMMISSIONER ANDERSON:

No, we're very comfortable with the project as it is right now. We know we need additional funds. We've actually put them -- requested to put them into the 2017 Capital Budget so that next year when we can appropriate those funds, we can go out to construction. This gives us 4 million of the 4.2 estimated dollars that we need to build -- build a structure, build a round-about.

CHAIRPERSON KRUPSKI:

What's the timeline?

COMMISSIONER ANDERSON:

Go to construction next year.

CHAIRPERSON KRUPSKI:

Seventeen.

COMMISSIONER ANDERSON:

Seventeen.

CHAIRPERSON KRUPSKI:

Okay.

LEG. FLEMING:

May I?

CHAIRPERSON KRUPSKI:

Go ahead.

LEG. FLEMING:

Just wanted to confirm the original schedule that would include -- I believe the original schedule had us breaking ground in the fall of this year. I know there some obstacles to that. That opportunity has passed?

COMMISSIONER ANDERSON:

Yeah, again, without having all the funding available -- you know, what we estimate, we really -- we're not legally able to go out to bid. So as soon as we can appropriate the additional 200,000 next year, you know, all the funding that we need, between the inspection and the construction, we'll be able to move forward with the project.

LEG. FLEMING:

I thought it was -- there were legal issues with regard to private property on the site that would -- the obstacle to meeting that September deadline.

COMMISSIONER ANDERSON:

Well, there is. We're still working to obtain all the land, but we're confident that we're going to be able to do that and go out to bid next year.

LEG. FLEMING:

So we won't even initiate the bid process until next year?

COMMISSIONER ANDERSON:

We can't until we have all the funds in place. Under GML we're not allowed to. General Municipal Law.

LEG. FLEMING:

Right, no, I got that part. I just had heard very different information during the meetings with the community. And I'm the one who's going to have to go back and explain it to them.

COMMISSIONER ANDERSON:

Well, I'll bring Bill up and maybe I misspoke but as far as I know. I may be wrong.

MR. HILLMAN:

The Commissioner's right, but we are investigating the feasibility of putting out a base bid later this year, which would then forego \$200,000 worth of work. We would be within the GML law. And when the additional monies come in, we would fully fund the contract. It's not guaranteed, but we are hopeful that we may be able to do that.

LEG. FLEMING:

And I appreciate that. Bill, you know how invested the community is in this project and seeing it move forward. And we'd hate to see that cold weather timeline go by. And so to the extent that you can do, I know it would be greatly appreciate by the community. Thank you. And I am pleased to say that additional funding did pass through capital working group, as you know. So we are moving forward with it. Thank you.

CHAIRPERSON KRUPSKI:

Okay. So we have a motion and a second. All in favor? Opposed? Abstentions? So moved.

(VOTE: 7-0-0-0)

IR 1450, Appropriating funds through the issuance of sewer district serial bonds for the planning improvements for Suffolk County Sewer District No. 20 William Floyd (Leisure Village) (CP 8148). (Co. Exec.).

LEG. FLEMING:

Motion.

CHAIRPERSON KRUPSKI:

Motion by Legislator Browning; second by Legislator Muratore. If there's no questions about the nature of that work, all in favor? Opposed? Abstentions? So moved. **(VOTE: 7-0-0-0)**

IR 1451, Transferring Escrow Account Revenue Funds to the Capital Fund, amending the 2016 Capital Budget and Program and appropriating funds for improvements to Suffolk County Sewer District No. 22 Hauppauge Municipal (CP 8171). (Co. Exec.). Motion by Legislator Calarco; second by Legislator Muratore. All in favor? Opposed? Abstentions? So moved. **(VOTE: 7-0-0-0)**

IR 1452, Appropriating funds in connection with installation of Guide Rail and Safety Upgrades at Various Locations (CP 5180). (Co. Exec.)

LEG. FLEMING:

Motion.

CHAIRPERSON KRUPSKI:

Motion by Legislator Fleming.

LEG. CALARCO:

Second.

CHAIRPERSON KRUPSKI:

Second by Legislator Calarco. All in favor? Opposed? Abstentions? So moved **(VOTE: 7-0-0-0)**

IR 1453, Appropriating funds in connection with the installation of a Closed Loop Signal System on Various County Roads (CP 3309). (Co. Exec.). Same motion, same second? Anyone have any questions about how the closed loop system is going to be operating? Signaled? Commissioner?

COMMISSIONER ANDERSON:

The closed loop system, which will allow us to remotely control all signals, traffic signals within the purview of the County of Suffolk, essentially if -- when this project is finished, this will enable us if there is an issue with the controller 111, 347 -- well, that's a state road -- I'm going to get Bill up here just to make sure.

CHAIRPERSON KRUPSKI:

Thank you.

COMMISSIONER ANDERSON:

I don't want to misspeak again.

MR. HILLMAN:

The Commissioner's spot on. It's a -- it's a system where the local controllers out in the field communicate to a desk top system in our office. And it gives us the ability to monitor our signals remotely.

CHAIRPERSON KRUPSKI:

Well, how does that help you?

MR. HILLMAN:

We can -- we can react much quicker to any inquiries as to problems. We'll often get calls from the public saying that this signal's not working right. And we can go in and we can monitor -- we can actually go back in history and check out what's been happening. We can find out if the detection has failed, if the communication has failed. There's a whole host of reasons why a signal may or may not be working right and we can check most of that from the desk top instead of dispatching someone out into the field.

CHAIRPERSON KRUPSKI:

Great. Thank you. All right, all in favor?

LEG. TROTТА:

I have a question.

CHAIRPERSON KRUPSKI:

Go ahead.

LEG. TROTТА:

Can you control the duration of the lights of yellow, red and green from that?

MR. HILLMAN:

Yes.

LEG. TROTТА:

Can you do that now?

MR. HILLMAN:

Yes.

CHAIRPERSON KRUPSKI:

What are you thinking, Legislator Trotta?

LEG. TROTТА:

I'm thinking about Legislator Cilmi's bill that's up that will greatly affect the cost of being able to do that.

CHAIRPERSON KRUPSKI:

Well, we'll discuss that soon.

LEG. TROTТА:

Yes, we will.

CHAIRPERSON KRUPSKI:

All right. All in favor? Opposed? Abstentions? So moved. **(VOTE: 7-0-0-0)**

IR 1454, Appropriating funds in connection with improvements to County Environmental Recharge Basins (CP 5072). (Co. Exec.).

LEG. FLEMING:

Motion.

CHAIRPERSON KRUPSKI:

Motion by Legislator Fleming; second by Legislator Muratore. All in favor? Opposed? Abstentions?
So moved. (VOTE: 7-0-0-0)

IR 1457, Authorizing the filing of a grant application for Federal Fiscal Years 2014 and 2015 Section 5307 Formula Funds for mass transportation projects for Suffolk County Transit. (Co. Exec.).

LEG. FLEMING:

Motion.

CHAIRPERSON KRUPSKI :

Motion by Legislator Fleming; second by Legislator Muratore. Now, we have -- we have a couple of these. Why is it that we have -- they all seem to be the same, but they're three different -- four different resolutions.

COMMISSIONER ANDERSON:

They're different years. They're also different -- where'd it go -- they're different parts of the formula funds. So in this particular case, it's section 5307 formula funds for mass transportation, capital assistant. The next ones are 5337 --

CHAIRPERSON KRUPSKI :

What does that all mean; why are they different?

COMMISSIONER ANDERSON:

I'm going to let Gary answer that.

CHAIRPERSON KRUPSKI :

Thank you.

MR. LENBERGER:

The 5307 funding is a formula fund that is appropriated by the US DOT FTA. And there's an allocated amount based on a highly complex formula that the federal government provides to Suffolk County. Currently we get around six-and-a-half million dollars per year. That does vary based on the federal budget. Some of the other resolutions that are identified in here, also separate grants that are let by the federal government that are sometimes competitive grants and other ones are for just special capital programs for the handicapped or just mass transit in general. So you can't necessarily put them all in one resolution. You want to identify them separately. And then you would apply separately to the federal government.

CHAIRPERSON KRUPSKI :

Because I don't understand it, why do they have so many different formula funds?

MR. LENBERGER:

That's a good question. As long as I've been doing this, and I've been around for too many years to -- through too many different programs with the US DOT, and they routinely have earmarked funds for special transportation projects. Some of these grants that are identified here are for bus or bus facilities. In Suffolk County's case we have no facilities. We contract with all private contractors so we have no bus facilities. So we would use that specifically for buses.

The formula grants you can use them for any specific transit-related item. And that's why you'll see a multitude of different projects on that particular grant. That's our biggest grant that we apply for. And we can do that annually. Sometimes we do it every other year. And you can combine --

combine that, say, six-and-a-half million dollars into say a \$13 million buy.

And, you know, some are specifically for ADA purposes only. Last year the Legislature and the County Executive approved a 5310 grant, which is specifically for ADA para-transit service for adding supplemental service which, of course, we did to cover the whole county. But it's targeted specifically for that program and that program only. You can't use it for anything else.

CHAIRPERSON KRUPSKI :

And I know we met a number of times for the different kinds of para-transit buses. And then because of your intervention and the riders' complaints and your intervention based on their complaints, you know, you asked the manufacturer to make some changes that would -- that seemed to satisfy most of the riders. How much of -- how much of that information comes -- and is dictated by the federal government because they fund so much of it?

MR. LENBERGER:

The federal government has FS -- FMVSS certifications by America. And ADA provisions are the -- are the core items when you purchase a para-transit vehicle or a regular transit-fixed route vehicle. And today actually there is a vehicle, some of the Legislators may have seen it outside front, in the front of the building, that is a midsize fixed-route vehicle; you could actually use for para-transit also, but it would be a little bit of an overkill. That vehicle is a New York State contracted bid which follows FTA regulations by America, etcetera. And we are looking to purchase that vehicle specifically to utilize it on fixed-route services that would be flipped over to a multitude of different routes. So it actually has a nice versatility to it where we can interline to different routes. And that is highly critical to us because there is a federal requirement that you -- federal regulation that you can only have a spare ratio of 20% of your peak vehicle needs. So this fills that niche market.

The fuel economy is easily doubled what a regular transit vehicle costs -- has, where we did a test on that vehicle. We actually ran it on a couple of the feeder routes and got nine-and-a-half miles per gallon. One, that vehicle -- the actual identical vehicle to the one you see outside as compared to a transit bus, which can get somewhere around 3.8 to 4.2 miles per gallon. And even if you went to a hybrid vehicle on a transit bus, the larger transit bus, you can get maybe six miles per gallon.

Additionally the larger transit bus will run somewhere around \$650,000 to purchase on a hybrid side. And this vehicle had a bid price of \$127,900. We will add various options to it, you know, an ADA package so to speak, wheelchair tie-downs and a destination signs. Obviously we'll be adding ADA equipment to that also. So the net vehicle costs will run probably somewhere around 150 to \$175,000 for that particular vehicle.

CHAIRPERSON KRUPSKI :

Gil.

COMMISSIONER ANDERSON:

So, if I may, I think what Gary's trying to say is after the meeting, we brought the vehicle to show everybody. And if it's already been said, I apologize, but this is a pilot program that we're interested initiating to bring in midsize vehicles to try and right size the fleet, if you will.

CHAIRPERSON KRUPSKI :

And is this -- these four resolutions part of the funding source to purchase those?

MR. LENBERGER:

Specifically it's the 5307 grants.

CHAIRPERSON KRUPSKI:

Okay. Thank you.

COMMISSIONER ANDERSON:

It's this one, yes.

CHAIRPERSON KRUPSKI:

Okay, Legislator Cilmi has a question.

LEG. CILMI:

Thanks, Mr. Chairman. I appreciate the deference. I'm not part of this Committee. But, Gary, I wanted to commend you on this and the department. Believe it or not, this was something that I've been talking about, or I guess I worked on back when I was an Aide to Legislator Finlay many, many years ago. It seemed to me -- and it was -- and only for the reason of it made sense that when you have routes that are not popular such that you have lots of extra capacity in the large buses, it only makes sense to use smaller buses on those routes for the reasons that you articulated in terms of the cost of the bus, in terms of the cost of operating the bus.

So this is an idea that is long overdue. And I would support it, you know, take a look at the pilot program, let's look at it quickly, though, because it just -- it just makes absolute sense to do it particularly when you consider that -- that the buses are funded in large part from the federal government.

In addition to the benefits that you articulated a moment ago, there's one that you didn't mention, which is -- which is critically important. And that is safety. The large buses, correct me if I'm wrong, but the large buses take a very longtime to slow down and stop given whatever speed they're traveling at. The smaller buses can stop much quicker. And, therefore, you know, fewer accidents, less severe accidents and, therefore, less liability associated with those smaller vehicles.

MR. LENBERGER:

Yes, you are correct. I don't have the specific data on the stopping distance for them, but you are correct. And I can add that the full-size transit vehicle is 102 inches wide. This vehicle's 96 inches wide. And it actually does make a difference. And it's a gasoline-powered vehicle that is quieter than a diesel and would probably be -- prove to be more receptive to the public when it goes down their street.

LEG. CILMI:

All kinds of benefits. We should move full-steam ahead with this. I'm looking forward to going and seeing the thing outside, but great work that you're doing. I fully support it.

CHAIRPERSON KRUPSKI:

Legislator Trotta.

LEG. TROTТА:

How many less seats are there?

MR. LENBERGER:

This bus, we have to do a final analysis on the weight, but we're looking somewhere around 24 to 25 passengers maximum including standees. And that's why we have to be careful as far as utilizing that particular vehicle on specific routes. You know, we do have routes out there that are actually packed and we actually have bus routes that are actually -- that we have trailer buses on because

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they're so crowded. So we have to be, you know, very, you know -- I don't want to say conservative, but we have to, you know -- you know, have the need for only so many vehicles. We actually did this in the '80s where we had somewhere around 60 of those vehicles in service. And we were basically capped out around that capacity. Unfortunately the reliability of those vehicles back 30 years ago was not as good as it is now. And we feel much more comfortable with this type of vehicle.

LEG. TROTТА:

How about natural gas? Smithtown's using a lot of natural gas. There's no -- very little noise and less emission. Did you look into that?

MR. LENBERGER:

Like I had mentioned earlier, we have the -- we have private contracts with private bus companies for fueling. We would have to fuel them outside.

LEG. TROTТА:

I mean, in my district I've gotten on probably in the past three years 25 buses, I've never seen more than two people on a bus ever; and there's giant buses with nobody on them.

MR. LENBERGER:

Well, I could tell you we have -- we have a bus route DS 92 that runs from the Orient Point all the way to East Hampton, 77 miles long. And we actually have requests and demands for a third bus to follow it because it's over capacity at 80 passengers per bus. So we're actually picking up 160 passengers and we're leaving some stranded.

LEG. TROTТА:

Well, I don't see it where I am, believe me.

COMMISSIONER ANDERSON:

And that's one of the reasons we're going to the right sizing where we can -- where we have inefficient, if you will, routes, we're hoping they'll become efficient.

LEG. TROTТА:

Is there like a route map, like an island of where these go; I mean I have someone -- I've taken a few of these, you know, schedules but -- is it on line, I'm assuming?

MR. LENBERGER:

Yes, we have it on line and we could provide some to you. If you'd like, we can have some mailed to your office.

LEG. TROTТА:

That's all right. I'll get them.

MR. LENBERGER:

Thank you.

CHAIRPERSON KRUPSKI:

Okay. Okay. Everybody good? Everybody's on the same bus here? Okay. All right. So I have a motion and a second. All in favor? Opposed? Abstentions? So moved. **(VOTE: 7-0-0-0)**

IR 1458, Authorizing the filing of a grant application for Federal Fiscal Years 2013, 2014, and 2015 Section 5337 Formula Funds to purchase heavy duty transit buses for the Suffolk County Transit Bus System. (Co. Exec.) Motion by Legislator Muratore; second by

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Legislator Fleming. All in favor? Opposed? Abstentions? So moved. **(VOTE: 7-0-0-0)**

IR 1459, Authorizing the filing of a grant application for Federal Fiscal Year 2015 Section 5339 Bus and Bus Facilities Funds to purchase heavy duty transit buses for the Suffolk County Transit Bus System. (Co. Exec.) Same motion, same second. All in favor? Opposed? Abstentions? So moved. **(VOTE: 7-0-0-0)**

IR 1460, Authorizing the filing of a grant application for Federal Fiscal Years 2013 and 2014 Section 5340 Formula Funds to purchase heavy duty transit buses for the Suffolk County Transit Bus System. (Co. Exec.) Same motion, same second. All in favor? Opposed? Abstentions? So moved. **(VOTE: 7-0-0-0)**

IR 1465, Directing County participation in regulatory proceedings. (Krupski). I'd like to ask Joe Schroeder to come up and explain this, please. Welcome.

MR. SCHROEDER:

Good afternoon.

LEG. FLEMING:

Good afternoon.

MR. SCHROEDER:

So there are a number of active regulatory proceedings at this time relating to natural gas. National Grid filed a request for increase in their rates in January of this year. Those rate increases are expected to become effective January 1st of 2017. There are also a number of other regulatory proceedings relating to the electric side, electric utility industry. There's the Reforming the Energy Vision initiative, which is essentially a fundamental restructuring of the electric utility industry as it relates to electric service to customers relying more heavily on distributed energy resources than on central power plants, and formulating programs and rates that would support the proliferation of those distributed energy resources.

Connected with that but actually a separate proceeding is a proposed clean energy standard that would have 50% of electricity generated in New York State generated by renewable platforms by 2030. That also supports the distribution of energy generators that are of a renewable nature. That particular proceeding also includes an effort to formulate a zero energy credit, which would be paid by all electric consumers in the state. And that zero energy credit will actually go to help fund the operation of nuclear power plants across the state.

The reason that's being developed is because beginning in Rochester, New York there was a 2000 megawatt nuclear power plant that was in an uncompetitive situation relating to natural gas plants in the region. And they were finding it difficult to cover their bills so they informed the local utility and the state that they would be closing. And the state directed the local utility to formulate a zero energy credit that would keep the plant in operation. Because without the plant, there were serious capacity issues for that region.

That has expanded to cover the entire state now. There's a number of plants that have notified the state that they would be closing. And the state is trying to keep those plants in operation for two reasons: The first reason is because there would not be adequate power supply. That's the concern. The second reason is that it would create a backsliding from where we are now in terms of the emissions profile of the generation that feeds the state grid at this time. So nuclear power plants do not emit carbon dioxide. The focus of the Clean Energy Standard was to reduce carbon dioxide emissions.

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That's the short version of the proceedings relating to energy utilities ongoing in the state. Within each of those proceedings, there are a number of sub-proceedings and there are other associated proceedings.

It's very difficult to keeping track of that without being an active party in the process because there are no proactive notifications made to consumers. You have to go on the website and find the proceedings as they're created and then find the information as is posted within the proceedings. If you become an active party in the process, you are proactively notified of material that's submitted in those proceedings.

While I have encouraged Legislator Krupski on this legislation, we are still very short-staffed and very short -- we will have very limited ability to keep track of this, but without participating in the process, the County will have no voice in the formulation of these programs and rates.

And one last point, it's important to understand that LIPA is a unique entity within the state. It is not included in these programs as they are being designed, but once the programs are designed and the rates are effective, it is expected -- this is based on feedback from the Department of Public Service -- it is expected that LIPA will adopt the programs and the rates. So while we are not directly affected by the formulation of these rates, we are very closely impacted by that. Because as soon as they become effective in the state, they become effective here.

CHAIRPERSON KRUPSKI :

Thank you. I think it's important as a county, I mean not only are we really a big customer of the utilities, but, you know, we represent all the customers in the County. It's important that we have -- we keep an eye on these sort of rate proceedings. So that legislation calls for Budget Review, Department of Public Works and the County Attorney's Office. Now, Commission Anderson, are you comfortable with this legislation?

COMMISSIONER ANDERSON:

To be honest with you, no. I'm very concerned staffing-wise, the ability to attend these meetings. I'd like the opportunity to talk about this outside of a public forum with my staff who I don't believe, you know, was advised when this was being discussed to see how we're going to do this. I have, I mean, besides Joe, there are really two other energy specialists in the County to handle everything that's done within the County. So adding this -- not that it's not worth doing, but I think we need to talk about how we're going to -- how we're going to staff these meetings, how regular are these meetings, what's involved. You know, I would ask that it be tabled and we sit down and talk about it.

CHAIRPERSON KRUPSKI :

I've had discussions also with the County Attorney's Office. They were concerned also about staffing and about, you know, the potential for their involvement. Joe, what's the timeline here? Could we -- can we afford to table this and put it on for the next agenda?

MR. SCHROEDER:

I think it's very important to have a consensus moving forward. With the amount of resources that we have, we're undergunned as it is. The National Grid proceeding, as I mentioned, those rates are anticipated to be effective January 1st. My understanding is that comments have already been submitted by certain parties. Staff has already made counter recommendations. That means probably by the end of May or early July, rebuttal testimony would be required. So we might even miss the opportunity to put in testimony -- direct testimony into the process. This is the same thing that happened last year with the PSEG proceedings.

The rev proceedings are ongoing. Some of the rev guidelines and rate structures are expected to be

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recommended in the fall of next year. The Clean Energy Standard is being formulated now. I have discussed this with staff at DPW. It is an important issue to all of us. And I share the Commissioner's concern in terms of time allocation. And one thing I can tell you is that we do not know what the schedule looks like. The schedule is formulated by the Department of Public Service and announced and very short notice to when those proceedings actually occur and what the timelines are within each of those proceedings. So there's no level of comfort that I can provide to the Legislature or to the Department of Public Works about what the man-hour commitments are; only that from a practical standpoint, the man-hour commitments are going to be limited to how much time we can practically devote to the process.

And what we have done in the past, and I have collaborated with staff at DPW staff in the past about some of these issues, is that we look at what the most important issues are to the County, to the County residents and what we're practically able to submit in terms of comments. There's really -- when we walk into these meetings, when we have participated, we're two or three people; the other side of the table is 40 to 60 people with hundreds of people back in the office that they're connected to by phones. So we are severely understaffed and underinvested in energy issues here in the County to the degree that the County would want to be participating in these processes. But to have some voice in the process is important.

CHAIRPERSON KRUPSKI :

I think it is important, but I think it's -- I think it would be better to go into this working together also with all the different departments. So I would make a motion to table this. And we can meet and try to -- try to sort out what our responsibilities and kind of expectations of responsibilities are going to be going forward.

COMMISSIONER ANDERSON:

Thank you. Appreciate it.

CHAIRPERSON KRUPSKI :

Second by Legislator Fleming. All in favor? Opposed? Abstentions? So moved. Thank you.
(VOTE: 7-0-0-0)

So we'll go back to **1407, Establishing the Suffolk County Safer Streets Program. (Cilmi)** We have a motion to approve and a second; and we have a motion to table and a second, I believe.

MS. ELLIS:

Yes.

CHAIRPERSON KRUPSKI :

Thank you. All right, so does anyone have any questions for the Commissioner? Legislator Stern. Thank you.

LEG. STERN:

So this purports to make a change to how the timing of the lights are made. Maybe before we discuss some of the particulars, Commissioner, maybe, Bill, if you could just take me through the overall jurisdictions. So I understand that there are regulations and there are guidelines and then there are agencies that are responsible for the responsibility of physically timing the lights. Maybe you could just give once again an overview as to the levels of jurisdiction, who has authority over what and really what the starting point is here for us to make an informed determination on how best to proceed.

MR. HILLMAN:

As I started to say earlier, New York State Traffic -- Vehicle & Traffic Law requires that any

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municipality or agency that governs traffic signals, it requires that they set the timings via a -- set the yellow and red clearances per a formula. And that formula, the industry standard formula comes from the Institute of Transportation Engineers. So every agency is required by Vehicle & Traffic Law to use some formula to set the yellow and red clearances, again, industry standard being ITE manual. We at the County for our signals use the ITE manual and that equation -- equations, plural, one for red, one for yellow to set our red and yellow clearances.

LEG. STERN:

Just a quick question, that's pursuant to New York State Law and we rely on that standard of the ITE. Do you know is the ITE standard the same standard that all other state agencies utilize across the country; or is each state free to use their own standard?

MR. HILLMAN:

I believe they are -- I don't know how to answer that with regard to other states. Again, I can only attest to what happens in New York State.

LEG. STERN:

Okay. All right. Thanks.

MR. HILLMAN:

Sorry, I apologize. I'm not educated enough on what other states do. So here in Suffolk County we use those formulas, we set the yellow and red times. We don't own and maintain our traffic signals. We delegate that to the towns; however, we retain the ability or the authority to set the timings. So we set all our timings. However, the towns maintain those signals and their contractors are in our cabinets quite often but -- and I'm not saying that they do or don't change them, it's just that sometimes we go out there and find different timings than what we would have hoped. In general I don't think I've ever heard of a case where they changed the yellow and the red. That is not -- I've never, ever heard of that. It's not something that -- usually when we find things that have changed, it's usually a few seconds off -- off of an artery, green moved to a side street green, something like that. But that's generally the process of how it's handled and the players in the process.

LEG. STERN:

The boxes technically are owned and operated and controlled by who?

MR. HILLMAN:

It depends what road you're on. Speaking to county roads, they are owned -- owned and maintained by the towns and we retain the authority to set the timings.

LEG. STERN:

So when you say that there are times where there might have been changes with the boxes on a County road, would you say that they are County boxes but at times they are operated and maintained by town personnel.

MR. HILLMAN:

That's -- they're not county -- county-owned so they're not county boxes, but they're town boxes, which we have some authority over.

LEG. STERN:

Okay.

MR. HILLMAN:

And they're on our roadway.

LEG. STERN:

So my question there is do we know -- we don't know when town personnel may have done maintenance work or made some kind of changes within the box; correct? We do have some supervision over them, but we are not kept up-to-date by personnel from other levels of government as to what and when they might have done some work on them; is that right?

MR. HILLMAN:

That is correct. And the closed loop system that we discussed earlier gives us some insights into that; however, we don't have an operational control system. We are more pro -- we're more reactive than proactive so we don't have anyone sitting there monitoring these signals on a daily basis. We only go into the system when we're advised of a problem on a signal. So there very well could be a case where a town contractor goes into one of the cabinets on a county road and changes the timing and we're unaware of it. That has happened in the past. Not frequently, but it has happened.

LEG. STERN:

Yellow lights are timed differently depending on the locations and the formula, etcetera. Is there an average throughout a municipality as to the yellow lights? Is there an average duration that you're aware of?

MR. HILLMAN:

No.

LEG. STERN:

Okay. The legislation that's before us, and I'm sure Legislator Cilmi will have plenty of questions, but I did have some technical questions for you based on what I see here. So the -- the first substantive Whereas Clause says that there is a signal timing adjustment that's necessary to enhance safety and reduce the incidents of rear-end collisions. So my first question on the resolution here to you is, you're aware of the reports on the Red Light Camera Program. You are aware of the numbers. We're all looking at the same numbers. Overall do you find that throughout the County that there has been an increase in these kinds of overall types of accidents, not just at the intersections where there are red light cameras, but throughout the County? Are you aware of those most recent statistics? And do you agree that this resolution is necessary to enhance safety and reduce the incidents of rear-end collisions?

MR. HILLMAN:

No, I don't agree with that statement. We do exactly what this legislation is proposing. It's proposing for us to follow the regulations as they are laid out and apply them. And that's exactly what we do. There's no -- it sort of implies that there's a range that can be applied to a yellow or a red. And I don't know if that was the intent, but that's -- the way I read it, it sort of implied. And that's not accurate. Because when you do your calculations, there's nothing subjective in the equations. It's the width of the road, the average speed of the road and some other factors. And you plug it into the equations and you get 3.6 seconds. And it doesn't -- the equation doesn't give you 3.2 to 3.9 seconds. It gives you a specific number of seconds. And that's what is -- that's what we use. So there's no range. And we do exactly what this legislation is requesting.

LEG. STERN:

I think the legislation is suggesting that because you are utilizing an objective formula, that that serves as a constraint. And that's what it says here in the next Whereas clause, or two later, that the guidelines that you're operating under are not intended to constrain or limit your ability to make reasonable adjustments to signal timing. So I'm sure that the sponsor can explain better, but I believe what's the attempt here is to relieve you from the constraints of an objective standard, an

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objective formula and give you some more discretion in determining an appropriate time. If that's not entirely accurate, Legislator Cilmi -- but that's what it reads here and that's my interpretation of it.

LEG. CILMI:

Through the Chair?

CHAIRPERSON KRUPSKI:

One second. Just to clarify something, so in that -- in that line of thought, are you -- do you have any ability to -- say the formula comes out and it's 3.2 seconds. Do have the ability to say, *no, I know that intersection, I want to make it 3 seconds or I want to make it 4 seconds*. Do you have the ability to have flexibility there or is that the number that you have to apply to that?

MR. HILLMAN:

No. The number that we apply is the number that comes out of that calculation. And I would -- to Legislator Stern's point, I would say, and, again, I'm not a lawyer, but the Whereas Clauses, from what I understand, don't carry any weight. They're just discussion points, if you will. The Resolve Clauses is what we're looking at. There's three Resolve Clauses in this resolution. And those are what we're speaking to. The Whereas's, again, I can be educated on this, but I don't think really mean anything.

LEG. STERN:

Well, as you suggest, they're here for discussion and it's here to try and get behind the intent of the legislation. So that's exactly what I'm trying to do here and that is to get behind the intent. My understanding is that if current operating procedure is to take into account all of the facts and the circumstances of a particular location, and you can come up with an objective standard that translates into the timing of the yellow lights, the intent under the Whereas Clause is to relieve you of just having to look at that objective standard and give you some discretion in making a determination as to what the true ultimate timing should be; not necessarily based on the standard that you've been following, but something else. That's the purpose of this clause.

MR. HILLMAN:

And I would say that, again, I'm not a lawyer, but I would say that Suffolk County can't overrule a New York State law. So even though it's in this legislation, it's New York State Vehicle & Traffic Law that directs us to do this.

LEG. STERN:

Okay.

CHAIRPERSON KRUPSKI:

All right, I'm going -- yeah, I'm going to let the sponsor answer that.

LEG. STERN:

As to that and then I have some more questions.

CHAIRPERSON KRUPSKI:

Yes, yes.

LEG. CILMI:

Sure. Thank you. So the -- this particular Whereas Clause serves more as a recognition. And from what I've read in the traffic manuals, and I've tried to go through the traffic manuals, from what I've read in those manuals, it seems to me that they do leave some discretion to the jurisdiction as to these timings. This is not an attempt to give them discretion. I don't think we can do that. Maybe we can. But this Whereas Clause is a -- sort of a recognition that they do have some discretion now

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based on the way the manuals are -- are written; the way I read them, anyway.

LEG. STERN:

I guess to the sponsor, then, it'd be interesting to see the actual specific language that you base that on. I'm wondering if our Counsel or our Chief Engineer, in you're aware of that language that is purported to give you that kind of discretion. Even if you don't have -- I'd be very interested in seeing that because, again, it goes back to my original question as what's the starting point here? What do we have the ability to do; what do we not have the ability to do; what is the binding effect of New York State guidance; and at a more local level, what can this Legislature and/or our, you know, highway professionals have the ability to do? That's my overall question here, is what can we and what can we not do and what's our starting point?

LEG. CILMI:

Right. So if the Chair would allow me to try to get to the bottom of some of those questions, because quite frankly, Legislator Stern, in reading what I've read, it can be confusing. And so I've read the New York State Manual or law and I've looked through and read the federal manual that you talked about, the ITE. And I think we have to be careful about the words that we use. And I say that -- Legislator Krupski, a moment ago, the Chair asked if we have any discretion on the numbers. And your answer, Bill, was that the numbers come from the calculation. That didn't really answer his question, whether or not we have any discretion to say, *okay, the calculation is this, but...blah, blah, blah.*

So -- and one of the things you said earlier was that New York State -- I guess New York State law looks to direct us to the federal manual in terms of determining signal clearances, right? Does New York State law require us to look to the federal manual?

MR. HILLMAN:

I don't believe so. I don't have the law in front of me.

LEG. CILMI:

Right.

MR. HILLMAN:

I don't believe so.

LEG. CILMI:

That's my understanding of it. So my understanding is that we're not required to look to the federal manual; which then, again, leaves some discretion to us as to what standards we apply in timing our signals.

Secondly, it's either the law itself or the federal guidelines that speak to using engineering practices to determine these timings. And I can appreciate that. But the term "engineering practices" could be molded to, you know, to pretty much accomplish any outcome that you want to accomplish as long as you're applying a standard. You can't just arbitrarily say, you know, *we're going to do this signal this way because we, you know, we like the people who live in Sound Beach and we want them to get to work faster but we're going to do this signal a different way.* You can't do it that way. So is anything that I've said so far inaccurate?

MR. HILLMAN:

No, you're pretty much right on.

LEG. CILMI:

Okay. Does that go to any of your questions, Legislator Stern?

LEG. STERN:

Well, I think they -- it raises the question.

LEG. CILMI:

Right.

LEG. STERN:

So I don't know if it provides an answer, but it is the same question that I'm asking. And I know that there are at least some of those answers in the guidelines that you are suggesting. I just have not seen them. And I would look forward to reading the language.

LEG. CILMI:

So I don't fancy myself a traffic engineer. I have no background in traffic engineering whatsoever. But I have common sense. And to me it's common sense to say if you're at an intersection, you're waiting at a red light, and the other direction is green, it's common sense to me that once that light turns green for me, I go. It's also common sense to me that if there is traffic in the intersection because people are either speeding through the yellow that is just about to turn red or whatever, or people turning are left or right, that I will wait and not rush into the traffic that's still in that intersection.

Now, not everyone drives with common sense. Often times when that light turns green, it seems like people have blinders on, they don't bother looking in either direction as they're passing through the intersection and they go. And one of the things that's been made clear to us is that the Red Light Camera Program is an attempt to minimize, not prevent, but minimize the number of T-bone accidents that occur at intersections. So it seems to me that if we kept that red light a little bit longer -- kept that red light red a little bit longer, therefore allowing whatever residual traffic is in the intersection in the opposite direction to clear through that intersection, it seems to me we'd make that intersection safer. That's not based on any engineering science but it's based on common sense. And I defy anybody to argue that common sense.

And to me once you come to the conclusion that that makes common sense, then given some latitude in the standards that we apply for traffic signal clearances, it seems to me we could change those standards within the guidelines that are provided to us in the manuals, that we could change those standards and apply standards that allow us to make those intersections safer.

MR. HILLMAN:

There's a lot to respond to there but I'll give it my best shot. So every engineering manual generally has a statement upfront that -- because every manual can't be -- can't anticipate what every situation's going to be. So almost every manual affords engineers some semblance of -- the ability to make decisions at site specific locations.

LEG. CILMI:

Including these traffic manuals?

MR. HILLMAN:

Yes.

LEG. CILMI:

Okay.

MR. HILLMAN:

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For -- and it's commonly called engineering judgements. So we're allowed to use our engineering judgement to veer off the standard guidance. And if we do that, we should have good reason and document what those reasons are.

So with regard to setting the yellow and red clearances, the ITE manual has been modifying and tweaking the calculations for yellow and red clearances for 50, 60 years, so -- and there's a whole group in Texas A & M, it has a tremendous engineering program that studies a lot of these types of things. For us to veer from those equations, nationally-recognized industry equations, we would have to have very good reason. And the department is not ready or willing to veer from them. We -- when -- when someone is on the stand to justify why we veered from the nationally-recognized standards, that person's going to be me. And I'm not going to have a good reason for that. I don't agree -- while the layperson may think that that's common sense, it's just easy to increase the reds and you're going to be a safer intersection, all the studies and all the science behind that is 180 degrees in opposition to that statement.

LEG. CILMI:

Bill, you're going to have to show me those studies. I really -- I mean, we can talk about the length of the yellow, and I've seen studies, and we can -- listen, any of us can provide studies that show, you know, that the sky is red, not blue. So I tend to discount studies to begin with to some extent. But show me the studies that say that keeping the red lights lit simultaneously longer don't improve safety at intersections, it just doesn't -- it doesn't make -- it doesn't make sense to me.

MR. HILLMAN:

What I can show you are studies that prove that ITE equations are the appropriate yellow and red clearances that should be applied at intersections. Those are the studies I'm referring to and that's what I can show you.

LEG. CILMI:

They may be -- they may be minimum, where it says, you know, you need to have at least this much time to be safe, but wouldn't you want to be safer? And my point is, you know, we -- we hear a lot of this -- this following statement from this Legislature: If it saves one life. Clearly we have a problem in our County with T-bone accidents. Because that's been the, you know, the mantra from those who support the Red Light Camera Program, that we have to reduce the incidents of T-bone accidents. And if we can apply a very simple concept to our traffic signals and reduce the incidents of T-bone accidents, and we have the latitude based on the statements that you've -- that you've indicated, that the manuals allow for some judgement, why wouldn't we do that?

MR. HILLMAN:

Because the actions, in my opinion, will increase fatalities and accidents.

LEG. CILMI:

You think extending the length of both red lights at the same time is going to increase accidents and fatalities?

MR. HILLMAN:

Yes. And I would also just want to point out that as professional engineers, we are -- we have a code of ethics to uphold the public safety, just like a doctor does; we have a code of ethics just like a lawyer does. And from a legal standpoint, again, if we want to bring the attorneys up, it's extremely unclear whether this body can legislate anything with regard to directing us when it comes to engineering practices. We're professional engineers and it's our duty and our responsibility to put the best timings out there necessary. And while this legislation may give us -- appear to give us flexibility, we already have that flexibility as indicated. And we use it when required. But you --

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with all respect, I don't believe that this Legislature can direct us to do anything when it comes to signal times.

LEG. CILMI:

So is that -- so you really have two arguments: One is that -- I mean at first you said we don't have the discretion; but then you said we do have the discretion. Now you're saying that you think this will actually make intersections less safe; and you say that we may not have the -- the Legislature may not have the authority to direct you in this way. Is that an accurate representation of --

MR. HILLMAN:

No, I never said initially that it was -- if we go back to your words, you indicated I never answered the question. And you're absolutely right, I didn't answer the question initially. I never said that. You answered it. And I said everything you said was correct.

LEG. CILMI:

Right.

MR. HILLMAN:

And I agree, that we had some wiggle room.

LEG. CILMI:

Right.

MR. HILLMAN:

As a professional we get to decide when that wiggle room is applied.

LEG. CILMI:

Right. And you've made it clear that you think extending the length of time that those lights are simultaneously red would make these -- make intersections less safe.

MR. HILLMAN:

Correct.

LEG. CILMI:

So -- and I totally respect that if you believe that, that you -- obviously you wouldn't want to make -- change the timings beyond what you've already done. I just -- I just for the life of me I can't understand how can you justify that position. That's all.

MR. HILLMAN:

I went to school for four years. I became a professional engineer. I have 25 years of traffic engineering experience. If you'd like me to sit down with you and go over, and I can bring my staff in and go over exactly why -- we've had this discussion, I think, probably almost half a dozen times.

LEG. CILMI:

Yeah.

MR. HILLMAN:

We may have to agree to disagree. I can send you studies. I could do all those things, but we don't see eye to eye on this.

LEG. CILMI:

Right. So we do have to agree to disagree on this one. I have tremendous respect for your experience here with the County and your education and your field. But to me when I look at this as a driver, there is absolutely no way that this bill, if implemented, would make intersections less safe. In fact, it would make those intersections much safer in my point of view as a driver and so

we'll just have to disagree.

CHAIRPERSON KRUPSKI:

Okay, I've got a list here. We still have questions. Go ahead.

LEG. STERN:

I just wanted the sponsor to clarify.

CHAIRPERSON KRUPSKI:

Legislator Stern, I was trying to move along but you're more than welcome to to ask more questions.

LEG. STERN:

Yeah, I can't let you down.

(LAUGHTER)

The Second Resolve Clause states that you are authorized, empowered and directed to calibrate the duration of the red change interval at all county-controlled intersections. This is to extend the time that the red lights are simultaneous. Is there a maximum amount of time, is there a maximum time period pursuant to the guiding -- the guiding regulations there from the ITE, is there a maximum amount of time that is called for that you're aware of? The Resolve Clause calls for it to be changed to the maximum time period. What is that?

MR. HILLMAN:

I'm more familiar with the yellows, but I believe the red reads the same way. And I believe it's in Vehicle & Traffic Law that it says it'll be a minimum of three and a maximum of six but set by an engineering study.

LEG. STERN:

You know, I've been in parts of the country, I'm sure many of us have, where you see the traffic signals, they change simultaneously. It'll go from red to green and green to red like that. And I cannot imagine the scenario where that's safe. That time looks fundamentally unsafe. Do you think that there is a time period that is less than the maximum that could still accomplish the purported goal of the sponsor here but is not necessarily timed to be the maximum? Based on what you had said, you believe that shifting it to the maximum is unsafe. Is there a time period, is there an increase that you think can accomplish the goal of the resolution here that does not result, in your opinion, in a situation that becomes less safe?

MR. HILLMAN:

In my opinion, I would not want to change either the red or the yellow clearances veering off of the ITE calculated numbers without one of my staff making a clear recommendation to change it and back it up with reasons why. That's the only time I would ever approve any timing other than the ITE calculated times.

LEG. STERN:

Do you know whether the ITE calculated times and the guidance that you rely on, has there ever been -- whether it's in the ITE or any other guiding authority or any other organization you had mentioned, down in Texas there is an organization that does a lot of work in this area, do you -- are you aware of any discussion or any study that takes into account stop times and reaction times, particularly as we are here in Suffolk County concerned about reaction times as we also take into account an aging population where reaction time might be somewhat different or ever-changing as opposed what is in the current guidelines now? Is that part of the conversation? And to what extent, if any, does that -- does that become part of the conversation that we need to have about

yellow light times and red light times and overall reaction time?

MR. HILLMAN:

Yes, reaction time, age is all built into those calculations. And, again, that's why quite honestly I'm not qualified to make changes to that. Because of the amount of research and analyses that go into -- that goes into setting these calculations is extensive. And I do not feel comfortable that I or anyone on my staff has the ability to veer from those calculations unless a compelling argument was made for a very specific intersection from one of my staff. Then we would sit down and go over that.

But age is part of that calculation. And I don't know it's specific for the yellows and red clearances, but I will give you an example that's slightly different, but recently ped clearances, the amount of time a pedestrian takes to cross the street used to be calculated on, I believe, three-and-a-half -- four feet per second. Now it's three-and-a-half feet per second. And that standard, that guidance, that calculation was changed due to the aging population in the United States. So those types of things are taking into account in the calculations and that -- they are tweaked. It just wasn't written 60 years ago; you know, they're looked at constantly.

LEG. STERN:

Thank you.

CHAIRPERSON KRUPSKI:

Have you -- before I get to Legislator Muratore, have you ever deviated from those standards?

MR. HILLMAN:

Not to my knowledge.

CHAIRPERSON KRUPSKI:

Legislator Muratore.

LEG. MURATORE:

Thank you. Looking and listening what's going on here, you know, the genesis for this legislation is probably the red light cameras. And I think the answer -- it's not changing lights. You can leave the lights yellow. You can leave them red 'til the cows come home. It's not going to change the way people drive. I was -- actually I was a driving instructor in the police department. And I taught cops how to point from point A to point B at a hundred miles an hour and not have accidents. And we did a pretty good job. And in my day, if I remember all the stats we had, we had, like, fifteen of the worst intersections in the State of New York. I remember when it used to be -- when Nicolls Road was the old way, Nicolls and Middle Country was like the number one intersection. And we had cops go through those intersections at a hundred miles an hour.

There's a thing called defensive driving. I think what we need to do is the public needs to get educated on how to drive. I think the driving population is poorly trained now. Look what's happening now, parents are teaching kids how to drive. They don't have Driver Ed anymore. They can't afford to send them to professional driving schools. And if you have a bad habit, you carry it over to the person you're training. And with the right-on-red it's increasing the problem.

So changing the light structure is not going to change intersection accidents or T-bone accidents. That light can stay yellow for 30 seconds. And as soon as it turns green, someone's going to plow into them. People aren't paying attention. We have cell phones. We have iPads, we have talking on the phone. Look at it everyday, is it really the lights that are causing the problems or is it the driving public?

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So I think this is -- you know, although there's a lot of good information in here, you know, only five points you need to know to be a defensive driver. It's called the Smith System. Look it up. It's been around since the early '30s. It tells you five things to do when you're driving. If you do those five things, I guarantee you, you will never have an accident.

When I was in the police department, we took men and women, who were driving for a few years, and we spent 40 hours with them teaching them how to drive. And you said well, why? Well, because they're operating a piece of machinery at a hundred miles an hour, it's 3,000 pounds going through the worst intersections. And, you know, they did it safely for the most part. Yeah, we seen police accidents. And usually they're not caused by the cop; you know, they're caused by the person not paying attention on their cell phone.

So I think the key is not -- now we're beating up Bill here and saying *we want you to change it, and you can deviate and everything*. But you leave those lights yellow 'til the cows come home and it's not going to change the way people drive. I think that's the key. I think we need to maybe move along in the County and do something with TV ads, maybe set up some kind of programs. I know the police department offers something every once in a while, to send your kids there to learn how to drive. You know, and you don't have to do this, you know, with a vehicle. It's all practical application of what you learn, you know, in the classroom. I mean, just think at 30 miles an hour, you're doing 45 feet per second. Think of how far you go in one second.

So, you know, you talk about reaction time. You're not slowing it down, aging population -- I don't believe it's the aging population. I believe it's distraction. And I think people aren't paying attention. Changing the lights is not going to aid our problems. So I kind of agree with Bill Hillman, you know, with -- I think they're the experts. It's proven to work. You know, things have gotten worst because look at what technology is bringing to us. So that's my saying on it. Thank you.

CHAIRPERSON KRUPSKI:

Thank you. Legislator Trotta. Hey, Legislator Trotta.

LEG. TROTТА:

First of all, what section of the Traffic Law gives the -- tells us what we have to use?

MR. HILLMAN:

1680.

LEG. TROTТА:

1680? It references -- yeah, okay. Now I'm on the national manual. And I'm reading it about the -- well, let's just go through my notes here first. Who gives the County authority -- I mean, the County -- you said the County has the authority to control the towns. Where is that written?

MR. HILLMAN:

When we transfer the maintenance and ownership of a signal via a contract with each town and each signal, as part of the language in that contract, it states that we retain the authority to control the timings.

LEG. TROTТА:

So we have -- is a copy of that contract available somewhere?

MR. HILLMAN:

For the 650 plus signals, yes.

LEG. TROTТА:

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Well, the ones that, let's say, Jericho Turnpike and Indian Head Road, that's a state road and a county road, does the town control that also?

MR. HILLMAN:

No. New York State does.

LEG. TROTТА:

That's the state. Okay. I'm reading the yellow intervals and it says that the red line clearance intervals should not have a duration exceeding six seconds, which I found shocking, you know, clearly it's only one second in most places around here. And there's -- it lists seven indicators of how you make that determination. So clearly -- I mean, it has the grade, the speed. You know, so there is some room in there for discretion, I'm assuming, can you tell me --

MR. HILLMAN:

No. Grade -- grade is measured. The width of the intersection is measured. The speed of the roadway, the average speed of the roadway is calculated. These are all things that are really not subjective. It's a plug and play equation.

LEG. TROTТА:

So, why is it on Jericho Turnpike in Selden, when you're driving down Jericho Turnpike, when you come to, let's say, Boyle Road, I'm making the road up, but I think it actually is Boyle Road, where there's a red light camera, now I would have never believed this except Stephen Ruth sent me there and I went and I looked, when you make a left-hand turn, there's a three second yellow on the left-hand turn. You go down the road, the same road, same grade, same speed where there's no camera, it's a five second yellow making the left. So there's a two second difference on the same road with the same left turn and the same -- except where there's a camera, it's three seconds; and where there's no camera it's five seconds. How do you explain that?

MR. HILLMAN:

Those are New York State intersections. You'd have to ask New York State.

LEG. TROTТА:

Okay. So the other one that I know on Indian Head Road is the same way. So, I mean, you're the traffic engineer. So you're saying there's no explanation for that.

MR. HILLMAN:

I'm saying there may be an explanation due to the width of the road, the --

LEG. TROTТА:

It's the same intersection; it's the same thing.

MR. HILLMAN:

Well, I don't the conditions, I don't know the intersection so I really can't comment on it. That's why I said New York State DOT can give you an explanation.

COMMISSIONER ANDERSON:

We can reach out to the State to see how --

LEG. TROTТА:

I actually think I have them on video. I think I videotaped them. We'll get to that in a second. You said you had wiggle room. How much wiggle room do you have?

MR. HILLMAN:

Depends on the conditions. There would need -- there would need to be something site specific at an intersection that was brought to our attention, or through a study or through calculations of our engineers that would require us or lead us to believe that change -- veering off off of that equation would be the proper thing to do.

LEG. TROTTA:

You know, there's a lot of disdain for the red light cameras. And people are saying these are T-bone accidents. And even though it increases the rear-end accidents, the T-bones are the difficult ones. I sat at an intersection yesterday right up here and I watched -- I sat on the side of the road and I watched the clearance rate. You would have to run that light -- right in front of the Dennison Building, it was, right by the Blydenburg Park, like three seconds, almost three full seconds after that light turned red, because of the way -- the length of the intersection, that you had to come across the lane of Vets Highway to come in there, so, you know -- I don't even think this is a question, but the reality is those cameras aren't going to change anything. That guy's going to run the light. He's distracted because of drugs or because of his phone or because of something else. I think you would agree that because of that clearance rate, because there's that one second, which I think is at most double red on each side, and the fact that you gotta now travel into the intersection, the large majority of all the tickets that I've seen is less than one second that they ran the red light.

So having said that, the light isn't even turning green on the other side, so wouldn't you agree with me, I think you'd have to agree with me as an engineer, that if somebody's going to T-bone somebody, there's gotta be a couple of seconds that that guy ran that red light and the other guy pulled into the intersection.

MR. HILLMAN:

I'm not really following your question, but I mean there are T-bone accidents.

LEG. TROTTA:

There's gotta to be at least one second.

CHAIRPERSON KRUPSKI:

Let's move this along. I mean, is that a question?

LEG. TROTTA:

Yeah. If someone runs a red light and T-bones someone who's pulling into the intersection, if there's a one second dual red, it's gotta be at least one full second, at a very -- it would have to be two seconds for the minimum for him to pull in there; is that correct?

MR. HILLMAN:

I'll say this: In general, and I'm uncomfortable with these numbers and -- but I'll throw them out just for general terms, not speaking of any one particular intersection, but in general yellow clearances probably range from three to five seconds. Usually a red clearance, all red clearance, is in the vicinity of two to two-and-a-half seconds. So let's just take the average of that, a four second yellow and a round number two second all red. That's six seconds from when you start telling one direction or the other to stop. That's six seconds later when the other direction gets a green. Those are just general numbers for, I'll just say, an average intersection here on Long Island. And we still have right-angle accidents.

LEG. TROTTA:

Exactly. You're a hundred percent -- you just proved my entire point. I was only thinking it's a one second clearance. So let's go with two second red light camera -- red light clearance, so they're both red at two seconds. So that person has to be running through that light with at least two seconds to hit the other guy.

MR. HILLMAN:

I would argue that it's more like six seconds.

LEG. TROTTA:

Then clearly the cameras mean nothing. Because if the guy thinks the camera's there, he's doing something else to run that light. Because no one's going to run a light with six seconds knowing the camera's there.

CHAIRPERSON KRUPSKI:

Legislature Muratore, just briefly.

LEG. MURATORE:

You referred to a couple of intersections in my districts. And Boyle Road, I believe is a T-intersection. And the next one up is College Road and that's an X-type of going into a shopping center. So that could be the reason for the delay in the yellow. They're both lefts. You know, you gotta green arrow left and you gotta green arrow left: One's going into a shopping center; one's going onto a main road.

LEG. TROTTA:

Going west.

LEG. MURATORE:

Going west, okay. Well, then that one going west, then, is probably Coleman Road, which is an X-intersection also. So that'd be the difference. But going back, you know, six seconds, nine seconds, you know at thirty miles an hour you're traveling 45 feet a second. If you're not paying attention, you know, four seconds is going to be 180 feet that you're going to go before you apply the brake.

I mean, the key is, and I really feel strongly, is, you know, defensive driving. People need to be taught how to drive right. Is it our responsibility, is it the parents' responsibility, is it the school's responsibility? It's everybody responsibility. We should do some PR on it, put the Smith system up so people can understand it. It is very, very simple. You know, if a police officer can do it, anybody can do it. Because, you know, they're going -- police are going at a 100, 110 miles an hour sometimes. And they're able to go through those intersections safely. You know, they shake everybody up but they go through safely. We can't do it at 30 miles an hour. But we can if we start to educate. I don't think the -- the lights are not going to change anything. We can make it four seconds, six seconds, one second, you know, I have issues with the red light cameras because now as we see this, what it's really about, is it really about safety or is about a money grab? So, that's all I have to say about that. Thank you.

CHAIRPERSON KRUPSKI:

Okay, thank you. Kate Browning.

LEG. BROWNING:

Well, I certainly always turn to you very often on a lot of these issues. And, you know, I have the traffic -- the federal highway page up here. And it does talk about checking signal control parameters. I can give you an example: William Floyd and Montauk Highway. Because before we even had the red light cameras, people in that community had asked to get a camera there. And when it did happen, they wanted the camera for good reason. You know what the accidents are like and you've done so much to try and mitigate the problems that occurred there. And I believe it has worked. But it does, you know -- so I'm assuming that -- because based on what, you know, the

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lights that I have in my district, I could use those, the red and the yellow at the Montauk Highway William Floyd intersection, the timing is different on that than, say, further south on William Floyd or west on Montauk. So the lights -- the timing is different, right?

MR. HILLMAN:

Absolutely, yes.

LEG. BROWNING:

So do you know off the top of your head how long it is on the William Floyd Montauk Highway for the yellow?

MR. HILLMAN:

That is a very wide intersection.

LEG. BROWNING:

Yes.

MR. HILLMAN:

With higher speeds.

LEG. BROWNING:

U-hum.

MR. HILLMAN:

So as you -- because of the width of the intersection --

LEG. BROWNING:

Right.

MR. HILLMAN:

-- the clearance times will be greater. I don't know what they are, but they'll be greater than adjacent signals which have small side streets. Those are two arteries coming together, two wide streets coming together.

LEG. BROWNING:

Right, right. And to be honest with you, I think we should be coloring the box and putting a no block in the box, because that still happens, even though -- when the train comes, people just are filling in that box. So now when people are going east and west, they're still -- they're still blocking it. But I was reading here, because it does say -- it does keep saying guidelines. So the way I read this, it gives you discretion to make changes. And I know that they talk about, you know -- in fact my office got a call, Josh was telling me somebody called this morning, oh, they changed the timing on the yellow lights. And I know {Dan Dresch} sat here and explained it and said absolutely not, that's not happened. But I think -- to be honest with you, I don't want to legislate asking you to do something, but is there a possibility that we could consider looking at some of the traffic lights and saying, okay, if we have a light that's maybe a two second yellow, that we could make it a three second yellow or a three second to a four second. Is that a possibility to do even a pilot on some of the ones that we have, to see if it's making a difference?

I know you're saying that, you know, change and you believe more accidents could occur, but is there a possibility because it's a choice between getting rid of the Red Light Camera Program, which I think the Red Light Camera Program does serve a purpose. And I can point to issues in my district where it's been effective and it's been helpful and people are driving better. We're never going to be able to change how people drive. That's never going to happen. Unless we go to the European way

of trying to get a license. And then everybody learns to drive the same instead of mommy and daddy teaching you. But is there a possibility we could even consider a pilot and looking at certain intersections?

MR. HILLMAN:

Well, let me start by saying that I think the yellow and red clearance times should be taken out of the argument of red light cameras and red light camera arguments should be on its own basis. I'm not here to argue, defend or --

LEG. BROWNING:

No, I know what you're saying.

MR. HILLMAN:

-- for or against.

LEG. BROWNING:

However, the people who come here that we have to listen to are adamant that you have changed the timing on the light to accommodate getting more money on the red light camera. So that's kind of where the problem is.

MR. HILLMAN:

Yeah, and I was also on the grassy knoll and I shot Kennedy.

LEG. BROWNING:

Okay.

CHAIRPERSON KRUPSKI:

Finally. It took decades to get it out.

(Laughter)

LEG. FLEMING:

Mr. Chair, could we just get a yes or no on that one?

LEG. BROWNING:

And we don't have a Sheriff in the room.

MR. HILLMAN:

I separate the two arguments about red and yellows and red light cameras. To me they don't belong in the same discussion. So separating out the red light cameras, I'll say this about pilot programs for yellow clearances or red clearances: There is so much science behind the equations and there are lives at stake. In my opinion, it's not appropriate, and I will not put something out there that I don't have full faith in. And when you do a pilot program, you shouldn't be taking anybody's life -- possible life challenges at stake.

So, no, we're not -- we can't do a pilot program. There's a federal methodology to changing this equation. And you petition the appropriate people, and with reasons why, and they go off and research it with a thousand people that are much smarter than me, real geekie engineers, and they come back with a tweaked -- if you're right, they come back with a tweaked calculation. If you're wrong, they say we still believe that this calculation's appropriate. And, so, no, a pilot program's not something we can entertain unfortunately. I apologize.

LEG. BROWNING:

Well, again, that's -- we're facing this issue that people are coming and saying it's a problem. And grant it, I could say, too, that we can increase the length of the yellow even one more second. Is it going to necessarily make people stop? They're -- now we're giving them another second to blow a light. And I do think that's a possibility. You know, I have my CDL license. I know that with my training there's -- and I still -- it's still in my head is to anticipate what the other person's going to do in front of you or next to you and that still plays with me. But people are not paying attention.

So, again, people need to learn to drive better. They're -- people are terrible drivers. And, again, the distractions and all of that, like I said, I'm reading what the guidelines are saying and it's telling me that you do have that discretion but I guess you're -- you're basing it on your engineering; however, that could change a year from now, what the engineers are saying. They may come back and say, well, maybe we should do this. And you're sitting here telling us one thing and maybe a year, two years from now, that could change.

MR. HILLMAN:

And that would come from engineers who have researched it and have good reason to make changes. I don't have that expertise. This is a field within a field within a field within a field. I mean, it's so micro, it's down to, you know, microns. And I don't have the experience nor does anybody on my staff have the experience to make a change to something this technical. And this is nationally accepted I'll say also.

LEG. BROWNING:

Okay, but separate from that, and I know you don't want to talk about the cameras, but that's where the issue is and that's where the calls are coming from. And I would like us to get a better in depth, more information on where the red light cameras are, what the timing is on each of those lights, why is the timing two seconds at this one and three seconds at another? I get it with the William Floyd Montauk Highway. But, you know, to be honest with you, I look at a couple in my district and I say why are they there? To be honest with you, I do question, because I don't know that the accident stats are quite there either to justify putting up a camera. But I don't know. I'm caught between a rock and a hard place on this one. Thanks.

CHAIRPERSON KRUPSKI:

Okay. I'm going to defer to the sponsor for two seconds. Legislator Calarco.

LEG. CILMI:

Just for two seconds and I appreciate the deference. I just wanted to make it clear that I agree with Bill, this has really nothing to with red light cameras. They're two different conversations. And for me it's the red light interval that's much more important than the yellow light intervals; so I would encourage the Committee to really think about that when considering this bill. And if -- listen, I've met with the County Executives, with the administration before this Committee to discuss another bill that I had proposed. They had misconstrued what my intent was. I think we're working it out. We're amending the bill. And if we need to amend this bill to make it -- to maintain the safety component of it that I believe in, but change it in some way that makes it more palatable to members of the committee, members of the administration, I'm happy to do that.

CHAIRPERSON KRUPSKI:

Thank you.

CHAIRPERSON KRUPSKI:

Well, I still have a list. If you want, you know, I still have a list so we can debate it for another hour and then table it or we could --

LEG. TROTТА:

I just have a quick question; then we can table it.

CHAIRPERSON KRUPSKI:

Well, no Legislator Calarco's next, so.

LEG. CALARCO:

I had some questions for Bill about the resolution itself, but if the sponsor's willing to table it for the cycle, I'm okay with it -- with just tabling it for the cycle. We'll move on.

CHAIRPERSON KRUPSKI:

Thank you. Bridget.

LEG. FLEMING:

I would second the motion to table.

CHAIRPERSON KRUPSKI:

Okay.

LEG. TROTТА:

Quick question. You spoke very eloquently about public safety and how you would never put anybody in danger, and how you want no one to be hurt; yet an intersection of my district, there was an increase in accidents after the red light cameras were installed of 122%; another one at 70%; another one at 95%. How do you -- how do you -- how can you sit there and say that when this is going on in your County, when you're concerned with public safety and there's many intersections where there's a hundred percent increase in accidents.

MR. HILLMAN:

I believe most of the intersections you're referring to only have one year of data. And you quite often see spikes of data of accidents like that.

LEG. TROTТА:

So you're accepting a hundred percent spike in red light accidents; that's acceptable?

MR. HILLMAN:

For one year, yes.

LEG. TROTТА:

So some -- people -- accidents are increased and be killed there, that's an acceptable thing?

MR. HILLMAN:

It's not because of it -- it may not be because of the red light cameras. There are spikes in accidents at every intersection from year to year.

LEG. TROTТА:

This is over a couple-year period that they were there.

MR. HILLMAN:

That's why we use three years of data to even out those spikes.

LEG. TROTТА:

So people live's are acceptable; is that what you're saying?

MR. HILLMAN:

No.

LEG. TROTTA:

Are you telling me that it's acceptable for a hundred percent increase in data where someone could get hurt there, that's -- are you going on the record as saying that's acceptable?

MR. HILLMAN:

No.

LEG. TROTTA:

Okay. Then why are we continually doing it? And how come we didn't take them down? And how come you as the Chief Engineer didn't immediately do something and take care of this problem?

CHAIRPERSON KRUPSKI:

We actually have to stay within the confines of the proposed bill. Because we kind of -- we're kind of getting a little distracted here.

LEG. TROTTA:

It's not distracted. There are people in my legislative district being -- a hundred percent increase in accidents and our traffic guy is doing nothing about it. I want to know why.

MR. HILLMAN:

Again, I've explained why and you are choosing not to understand the reasoning.

LEG. TROTTA:

A hundred percent increase in accidents and that's your reasoning?

LEG. BROWNING:

People don't know how to drive.

MR. HILLMAN:

One accident goes to two accidents, that's a hundred percent increase.

LEG. TROTTA:

Well, it wasn't like that. It was actually 19 to 34. And that's accidents with injuries. So we have -- that case 122% increase in accidents.

MR. HILLMAN:

Again --

LEG. TROTTA:

By the way, that's accidents with injuries.

MR. HILLMAN:

I would say -- I would submit that the reason why we use three years of data is because there are spikes at every intersection.

LEG. TROTTA:

So we sit there and wait until accidents, accidents, accidents occur until then we realize it? Do you understand the liability the County's under when that happens?

MR. HILLMAN:

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We've also forwarded the information to New York State DOT who has jurisdiction over that intersection --

LEG. TROTTA:

Well, I have other intersections that they don't have jurisdiction over. Dorothy and Commack Road, which is ours. There was essentially no accidents before. And now I think that increased to 80%.

MR. HILLMAN:

I know my staff's looking at it.

CHAIRPERSON KRUPSKI:

All right, so we're going to move on this here. So I have a motion to table and a motion to approve. Motion to table goes first. I'd like a show of hands. All in favor to table?

LEG. FLEMING:

(Indicating)

LEG. CALARCO:

(Indicating)

LEG. MURATORE:

(Indicating)

LEG. STERN:

(Indicating)

LEG. BROWNING:

(Indicating) Okay, and again, because the sponsor is wanting to work it out, I'll support the tabling for now.

LEG. STERN:

Not that that was at the -- not the intent but certainly at the gracious acquiescence of the sponsor that we continue to work together.

LEG. CILMI:

It certainly is not my intent to table the bill. I want to see it approved as is, but it's also -- I'm also amenable to changing it, so.

CHAIRPERSON KRUPSKI:

Thank you.

LEG. CILMI:

I appreciate the Committee's deference.

CHAIRPERSON KRUPSKI:

We appreciate your being here. All right. So we have -- table, yes. The table has passed. We're not going to have a vote on anything else. All right.

So if we have -- anything else? Commissioner do you have any other -- any traffic statistics or quotas or can we adjourn?

COMMISSIONER ANDERSON:

Again, hopefully it's still out there, there is a bus if you guys are willing to come out.

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CHAIRPERSON KRUPSKI:

Thank you. All right. We're adjourned.

**THE COMMITTEE CONCLUDED AT 3:56 PM
{ } DENOTES SPELLED PHONETICALLY**