

Introduced by

PROPOSED LOCAL LAW NO. – 2011

A LOCAL LAW IN RELATION TO THE MANAGEMENT AND OPERATION OF A
NASSAU COUNTY FIXED ROUTE TRANSIT AND PARATRANSIT BUS SYSTEM.

APPROVED AS TO FORM

Deputy County Attorney

WHEREAS, pursuant to Section 119-r of the General Municipal Law and Local Law 15-1972, Nassau County is authorized to provide mass transportation services within Nassau County; and

WHEREAS, pursuant to Title 10 of the Miscellaneous Laws of Nassau County and Local Law 15-1972, the County is authorized to contract with public or private entities for the management, operation and maintenance of such services; and

WHEREAS, since 1973, such services were provided by the Metropolitan Transportation Authority (“MTA”) pursuant to a Lease and Operating Agreement; and

WHEREAS, the governing board of the MTA has voted to terminate such Lease and Operating Agreement as of December 31, 2011; and

WHEREAS, this Legislature determines that such services could be managed and operated more efficiently by a private entity; and

WHEREAS, in order to protect the bus riding public said private entity should be monitored by an oversight committee known as the Transit Committee with public hearings being held by said committee whenever any fare increases or service reductions are proposed; now, therefore,

BE IT ENACTED by the County Legislature as follows:

Section 1. A new section 209 is added to the County Government Law of Nassau County as follows;

§ 209. Nassau County Bus System.

1. Definitions

a. “Transportation facilities” shall mean any tangible means of moving people and things from place to place or the structures necessary to support the process of moving people and things from place to place.

b. “Bus system” shall mean a bus system, including corresponding paratransit services, which operates pursuant to certain routes and schedules.

c. “Roadway” shall mean any public or private street, highway or road, regardless of location.

2. Operation of a Bus System in Nassau County. There shall be a bus system that will operate on roadways within the County and anywhere else authorized by agreement or by State, Federal or Local Law or on any other roadway upon which a route operated by the Metropolitan

Suburban Bus Authority d/b/a Long Island Bus operates as of the enactment of this Local Law. Such system shall be owned by the County, provided that the County may, pursuant to section 119-r of the General Municipal Law and Local Law 15-1972, contract with any person, corporation or public authority for the management, operation and maintenance of the bus system. Any person, corporation or public authority that the County contracts with for the management, operation and maintenance of the bus system shall be authorized to use the transportation facilities owned by the County as provided for in the contract between the County and that person, entity or public authority.

3. Nassau County Bus Transit Committee

a. There is hereby established within the Office of the County Executive a Nassau County Bus Transit Committee (hereinafter “Transit Committee”). The Transit Committee shall review the budgets, fare structures, fees and service proposed by County or the person, entity or public authority with which the County contracts for the management, operation and maintenance of the bus system established pursuant to subsection 2 of this section, and have the authority to approve, disapprove, propose modifications to or negotiate changes to such budgets, fare structures, fees and service adjustments. The Transit Committee shall meet with the contracted person, entity or public authority as needed to timely review and take such actions as permitted by this law and make recommendations to the County Executive regarding the operation of the bus system. The Transit Committee shall report to the County Executive, with a copy of all reports being sent to the County Legislature, in writing not less than once per quarter of every calendar year on the performance of the contracted operator, if any, and the performance and safety of the bus system generally. The Transit Committee shall hold public hearings whenever there is a proposed fare increase or route reduction or elimination whether said fare increase or

route reduction or elimination is proposed by the County or the private operator. The number, scope and procedure for conducting the public hearings shall be determined by the Transit Committee but every such public hearing shall be duly and publicly noticed in the official County newspaper as well as on the County website and there shall be a minimum of two public hearings, one during the day and one in the evening. The last of said public hearings shall take place no sooner than forty-five (45) days prior to any fare increase or route reduction or elimination. On January 1 of each year, the County Executive, in consultation with the Presiding Officer and Minority Leader of the County Legislature, shall have the authority to adjust the powers of the Transit Committee so as to reduce such powers, except that the requirement that the Transit Committee hold quarterly meetings, the Transit Committee's powers to control fares, and the total membership of the Transit Committee may not be altered except by Local Law.

b. The actions of the Transit Committee shall be subject to all applicable laws, rules and regulations pertaining to Nassau County boards and commissions and the members and staff thereof, including, but not limited to, the Nassau County Code of Ethics, codified as section 2218 of the Nassau County Charter, the New York State Freedom of Information Law, codified as Article 6 of the New York State Public Officers Law, and the New York State Open Meetings Law, codified as Article 7 of the New York State Public Officers Law.

c. The Transit Committee shall consist of five members, initially appointed no later than February 15, 2012. The members of the Transit Committee shall be appointed by, and serve at the pleasure of, the County Executive. One member initially appointed to the Transit Committee shall be appointed on the recommendation of the Presiding Officer of the County Legislature and one member initially appointed to the Transit Committee shall be appointed on the recommendation of the Minority Leader of the County Legislature. Each appointee shall, at a

minimum, be a Nassau County resident and have professional transportation experience, or other relevant experience, in the New York Metropolitan Transportation Council region. Under no circumstances shall any officer or employee of Nassau County or any entity the County has contracted with to operate the bus system established pursuant to subsection 2 of this section, or any subcontractor to such entity, serve on the Transit Committee.

d. All members of the Transit Committee shall complete, at a minimum, four hours of training each year designed to enable such members to effectively carry out their duties. Such training shall be approved by the County Attorney and may include, but shall not be limited to, training provided by a regional or county agency, board, council or commission, county attorney's office, state agency, statewide municipal association, college or other similar entity.

e. The members of the Transit Committee may receive a per diem compensation from the County, to be determined by the County Executive in consultation with the Presiding Officer and Minority Leader of the County Legislature, for each day spent in the performance of their duties and they shall be reimbursed by the County for their reasonably necessary expenses actually incurred related to their duties as members of the Transit Committee. A quorum of the Transit Committee shall consist of no fewer than three members. The Transit Committee shall annually elect a chairperson, and prepare written minutes of each of its meetings. Minutes shall at a minimum record all votes and actions taken by the Transit Committee at each meeting, and include copies of all meeting agendas. The County Executive has the discretion to assign County staff to assist the Transit Committee in carrying out its duties.

§ 2. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that

the adoption of this local law is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§3. Severability. If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered

§4. Effective Date. This local law shall be effective immediately.

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