

**A. INTRODUCTION**

This chapter provides additional background information with respect to the specific implementation strategies and techniques that should be pursued by the County and each of the involved municipalities to apply the recommendations outlined in Chapter 5. The County and each of the study area municipalities have specific roles in implementing the recommendations of this plan while making use of programs available to facilitate the implementation process.

**B. COUNTY ROLE**

The County should continue its leadership role and promote further cooperation and action among all stakeholders, especially the involved municipalities, to continue implementation of the recommendations in this document and to identify new actions that may result in reduced congestion and more appropriate development alternatives.

The County should also make efforts to identify areas where additional early action items may be appropriate. In addition to implementing those early action items listed in Chapter 5, the County should make efforts to identify areas where additional improvements may alleviate traffic congestion and improve safety conditions. These actions may include additional signal timing improvements, new traffic signals, pedestrian safety improvements, and other roadway modifications.

The County should continue to serve as a facilitator between the municipalities and New York State Department of Transportation, Metro-North Railroad, and New York State Thruway Authority with respect to transportation and transit improvements and funding opportunities.

**C. MUNICIPALITY ROLES**

Each municipality in the study area must also take an active role in implementing the recommendations set forth in this document. To ensure that these recommendations are realized, each municipality should continue to update local plans and zoning codes to guide future development to occur in locations and manners that minimize traffic impacts as suggested in this document.

Municipalities should also make greater use of the State Environmental Quality Review Act (SEQRA) process to evaluate potential environmental impacts of proposed actions. By carefully analyzing potential impacts of certain actions in topics such as land use, natural resources, and traffic and transportation, each municipality can identify and avoid actions that may contribute to increased congestion on roadways while promoting those actions that will enhance the quality of life in the study area.

Local municipalities should also solicit additional guidance from the County by referring certain actions to the County Planning Department where required under General Municipal Law §239-

m or §239-n or where an action may be of County or regional concern. Through use of §239-m/n referrals, municipalities can use the resources available at the County to ensure that new development proceeds in a manner consistent with local and regional plans, including this study.

#### **D. OFFICIAL MAPS**

The Official Map is another tool that can be used to implement the recommendations discussed in Chapter 5 of this document. According to General Municipal Law §239-e (and Town Law § 270 and Village Law § 7-724), the purpose of the official map is “to conserve and promote the public health, safety and general welfare.” The Official Map can be created by a local legislative body to show existing and planned (paper) streets. Any future subdivisions of a property or site development must conform to any utility and roadway rights-of-way shown on the official map. Furthermore, once a street is mapped no building can be constructed within the right-of-way unless the owner demonstrates hardship or is issued a variance.

If a parcel is subdivided and a subdivision plat is submitted using rights-of-way shown on the official map, the owner is assumed, but not required to dedicate the roadway to the public. If the roadway is dedicated to public use, the municipality must take on maintenance of the roadway. In order to prevent the roadway from being dedicated to the public, the owner must express interest in maintaining ownership of the roadway or the municipality must refuse to take on ownership.

Before a building permit is issued, the owner of the land must assume all responsibility to improve the road and make it suitable for public use before it is dedicated to the municipality since the property is still in private ownership. A building permit can be denied if a roadway is not deemed suitable for a development by the municipality. If the roadway is not formally dedicated to the municipality, no public utilities can be installed by the municipality.

#### **E. TRANSPORTATION IMPROVEMENT DISTRICT**

Any town may establish a special improvement district to provide improvements, services, or both to property owners within the district. One such district that may be established is a Transportation Improvement District (TID). The enabling legislation that allows municipalities within the study area to establish a TID is found in Article 12-A of Town Law which outlines the necessary steps for establishing the improvement district. Of specific interest to the municipalities at this point are the provisions in §209-c of Town Law Article 12-A that state “[t]he establishment or extension of an improvement district shall be based upon a map, plan and report prepared in such manner and in such details as determined by the town board and such map, plan and report shall be filed in the office of the town clerk.” This set of documents: the map, plan, and report, are the critical elements for implementing the TID. This study contains much of the documentation and background information that would be required to prepare the map, plan, and report for formal implementation of a TID.

#### **THE MAP**

The map that is prepared for a TID does not need to be a survey of each individual parcel. Instead, the map may be a compilation of tax maps that clearly define which tax parcels are included in the TID and which parcels would benefit from the creation of the TID. This information can be supplemented by information on current ownership to ensure that it is clear where the boundary lies. Figure 5-17 shows the approximate boundaries for a possible TID.

## **THE REPORT**

The report provides the background planning and traffic engineering information that leads to the conclusions contained in the plan. The TID report should be based on the most recent analyses, traffic counts, and analysis methodology available. Furthermore, updated land use build-outs should be used to determine what improvements will be required within the TID.

## **THE PLAN**

The plan would include information on the improvements proposed, the maximum amount proposed to be expended for the improvement, and the proposed method of financing the improvements. The list of improvements would specifically define what transportation system measures are being considered (e.g., signalization, widening, re-striping) for specific locations within the TID. An estimate of construction costs for each improvement would be based on standard estimates and adjusted based on knowledge of specific conditions in the field. This study identifies key transportation improvements that could be made. More specific study would be required to develop more detailed design and construction plans and cost estimates for any transportation improvements to be included in the TID plan.

## **IMPLEMENTATION AND FINANCING**

Improvements within the TID may be implemented through a combination of Federal, State, and local funding. As such the municipalities in which the TID is located may levy an additional assessment on property owners. The amounts of the additional assessments must be allocated equitably between all property owners within the district. Typically each property's assessment is determined based on trip generation rates for projected development on each parcel; however other factors including the benefit from the improvements, the property size, or the property's proximity to the improvements may be considered. A property can benefit from an improvement even if it is not directly adjacent to that improvement and can therefore be assessed for improvements at the discretion of the municipalities.

Following a duly-noticed public hearing and formal resolutions adopting the TID by each municipality, each municipal Clerk is to file a certified copy of the order with the County Clerk and Office of the State Department of Audit and Control. Any person aggrieved by the final order then has 30 days from the date the order was filed with the county clerk to commence a proceeding to review the final order.

## **F. TRANSPORTATION IMPROVEMENT PROGRAM**

Many of the highway and transit improvements recommended in this study are eligible for federal funding under the Transportation Equity Act for the 21st Century (TEA-21) – the successor to the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991. Each year, NYSDOT prepares a Transportation Improvement Program (TIP) that lists all capital and non-capital projects proposed for federal funding and large regional projects that require action by the Federal Highway Administration (FHWA) or the Federal Transit Administration (FTA). For TIP approval, Federal Law requires the following:

- Certification of a Statewide Planning Process
- Certification of a Metropolitan Transportation Planning Process
- Conformity to the Clean Air Act Amendments of 1990

- Conformity to the State Energy Plan
- Description of Public Planning Process for improvements described
- Statement asserting consistency with the Statewide Transportation
- Statement asserting consistency with the Orange County Transportation Council's Long-Range Plan
- Inclusion of TIP in the State Transportation Improvement Program (STIP).
- Demonstration of Fiscal Constraint
- List of TIPs with necessary fiscal data for three years

The STIP requires a cooperative process between the State, local governments, and local transportation providers. The STIP process begins by soliciting projects from area agencies that are eligible to sponsor federal-aid projects. As a Metropolitan Planning Organization (MPO) the Orange County Transportation Council, would identify potential projects for funding in a Transportation Improvement Plan (TIP). Upon submission of all MPO TIPs, candidate projects are evaluated based on available funding and eligibility for federal funding. The selected projects are then placed into a draft STIP and made available for public review and air quality compliance review. After these steps, the STIP is approved by MPO members. Additional details on the STIP process are available in *New York State Department of Transportation Statewide Transportation Improvement Program Summary for Federal Fiscal Years October 1, 2003 – September 30, 2006*.

## **G. MEASURING SUCCESS**

As the recommendations of this study are implemented, it is important to develop ways to measure success. Any measurement of success should be based on the goals and recommendations set forth in this study. Although success is not easily quantifiable, there are ways to determine which new actions, policies, and procedures are proving most successful in realizing the goals of the County, municipalities, and other stakeholders within the study area. What makes measuring success even more difficult is that most of the significant changes that may take place would take place over an extended period of time and would not be immediately obvious.

There are some methods of measuring success that are somewhat quantifiable. For example, the total number of vehicle trips can be examined and compared to the total population over time. Future traffic counts can also identify improvements to levels of service at certain intersections. Since the population of the study area is expanding so rapidly, problems of traffic congestion should not be expected to be entirely alleviated. While some specific locations may see reduced traffic congestion as a result of specific improvements, the overall vehicular traffic in the study area will likely not be reduced.

Other actions that can lead to significant improvements are land use based. Land use changes that foster greater pedestrian, bicycle, and transit use will lead to the most significant positive traffic impacts over time. By using some of the land use strategies discussed in this document, the total number of vehicle trips would be lower than for the same number of dwelling units and retail space under the existing development pattern. The success of these actions can be measured by having meetings with the County and study area municipalities to discuss development projects and determine how well completed projects are working to reduce vehicle trips and congestion.

The Community Advisory Group and Technical Committee that formed out of the original Southeastern Orange County Traffic Task Force and oversaw the preparation of this study should continue to meet on a regular basis (perhaps quarterly) to review recent municipal and agency actions to determine how well the recommendations in this study are being followed. Periodic review of implementation will allow the stakeholders to continue the vital communication on issues that affect a large, and growing, portion of Orange County. An annual report should be prepared by the stakeholders for review by the Orange County Legislature to identify any recommendation transportation improvements or County actions that can be implemented in the following year. \*