

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steven Bellone
SUFFOLK COUNTY EXECUTIVE

Amy Keyes
CHIEF OF STAFF

March 8, 2021

Ms. Amy Ellis
Clerk of the Legislature
Suffolk County Legislature
Veterans Memorial Highway
Hauppauge, New York 11788

RE: February 2, 2021 – General Meeting of the Suffolk County Legislature

Vetoed March 8, 2021

See Exhibit A, Attached

Dear Ms. Ellis:

The attached described resolutions are being vetoed by the County Executive.

Very truly yours,

Nicole Amendola
Director of Intergovernmental
Relations

Received by *Carla P...* Date 3/8/21 Time 4:49

Exhibit A

1767	47
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COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steven Bellone
SUFFOLK COUNTY EXECUTIVE

201 MAR 08 PM 04:19
COUNTY LEGISLATURE
SUFFOLK COUNTY, NY
HAUPTPAUGE

March 8, 2021

Presiding Officer Robert Calarco and
Members of the Suffolk County Legislature
William H. Rogers Legislative Building
725 Veterans Memorial Highway
Smithtown, New York 11787

Introductory Resolution 1767-2020, Adopting Local Law No. -2020, A Local Law to prevent reckless biking in Suffolk County.

Dear Presiding Officer Calarco and Members of the Suffolk County Legislature:

I am returning Resolution 1767-2020, Adopting Local Law No. -2020, A Local Law to prevent reckless biking in Suffolk County.

This resolution is overly broad and would substantially alter the manner in which bicyclists could be penalized for a range of operational issues. The resolution imposes fines of up to \$250 for bicyclists who are found to be biking with a BAC of over .08, but also for biking with headphones in both ears, and parking a bicycle on a sidewalk "in such a manner so as to unduly interfere with pedestrian traffic". These instances pose far differing risks to public safety, and yet could all, in theory, be subjected to the same \$250 fine.

Further, the County is currently undertaking an effort to review its law enforcement agency's strategies, policies, procedures, and practices with the goal to address the particular needs of the communities served by such agency and promote community engagement. The resolution as currently drafted is a direct contradiction of those efforts and works against the ongoing initiative to improve the relationship between law enforcement and the communities in which they serve.

While I appreciate the Legislature's efforts to ensure the safety of County residents in regards to bicycling practices, I believe the impacts of this resolution go beyond the original intent of the sponsor.

On the basis of the foregoing, Resolution 1767-2020, is hereby disapproved.

Sincerely,

STEVEN BELLONE

Suffolk County Executive

cc: All Suffolk County Legislators
Lance Reinheimer, Director of Budget Review
Amy Ellis, Clerk of the Legislature
Dennis Cohen, County Attorney

**RESOLUTION NO. 47 -2021, ADOPTING LOCAL LAW
NO. -2021, A LOCAL LAW TO PREVENT RECKLESS
BIKING IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on September 9, 2020, a proposed local law entitled, "A LOCAL LAW TO PREVENT RECKLESS BIKING IN SUFFOLK COUNTY"; now, therefore be it

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

LOCAL LAW NO. -2021, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PREVENT RECKLESS BIKING IN SUFFOLK
COUNTY**

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Suffolk County takes its commitment to protect the health and safety of County residents and visitors very seriously.

This Legislature finds that some people operating bicycles in Suffolk County are doing so in a manner that is dangerous to cars, pedestrians, and the bicyclists themselves.

This Legislature also finds and determines that such reckless bicycling has become a problem in Suffolk County, which puts the safety of everyone on County roadways at risk.

This Legislature finds that there have been several instances of minors being seriously injured or killed in accidents associated with reckless bicycling here in Suffolk County in recent years.

This Legislature further finds and determines that in order to prevent harm to the people operating bicycles and those around them, rules must be put into place to ensure the safe operation of bicycles in Suffolk County.

Therefore, the purpose of this law is to regulate the manner in which people can ride and operate bicycles in Suffolk County and impose penalties on those who do not comply with safe bicycling regulations.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

BICYCLE - every two- or three-wheeled device upon which a person or persons may ride, propelled by human power through a belt, chain or gears, with such wheels in a tandem or

tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children.

BICYCLE PATH – a portion of the roadway which has been designated by stripping, signage, and pavement markings for the preferential or exclusive use of bicycles.

CHEMICAL ANALYSIS - a chemical test of the breath, blood, urine or saliva of an operator of a vehicle or bicycle that determines the percent of alcohol or drugs in the operator's system.

MOTOR VEHICLE - every vehicle operated or driven upon a public highway, which is propelled by any power other than muscular or human power. This term shall specifically include but shall not be limited to motorcycles, cars, and snowmobiles, as such terms are or may be defined by the New York State Vehicle and Traffic Law.

TRICK RIDING – operating a bicycle in any manner other than for its intended use. This definition includes, but is not limited to, having all or more than one of the wheels of the bicycle not touching the ground, having the operator of the bicycle not being situated on the intended bicycle seat when it is otherwise reasonable to be sitting, weaving in and out of traffic, spinning the bicycle or any of its wheels outside of the customary rotations associated with the standard operation of a bicycle, and any stunts, including acrobatic maneuvering of the bicycle.

Section 3. Required Equipment.

- A. All bicycles used on roadways must be equipped with:
 - 1. White headlights and red taillights for bicycles operated on roadways from dusk to dawn. Such lights must be:
 - ii. visible for at least 500 feet in the front and 300 feet in the back; and
 - iii. visible on either side of the bicycle for at least 200 feet;
 - 2. a bell, horn, or other audible signal that can be heard at least 100 feet away; and
 - 3. reflectors on the tires or wide-angle, spoke-mounted reflectors. Reflectors must be colorless or amber for front wheels and colorless or red for rear wheels.
- B. All person operating or riding as passengers on a bicycle who are under the age of 14 shall wear a safety-certified bicycle helmet.

Section 4. Applicability of Traffic Laws.

- A. Every person riding a bicycle on a street shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle pursuant to New York State Vehicle and Traffic Law. Every person riding a bicycle on a sidewalk shall be granted all of the rights and shall be subject to all of the duties applicable to a pedestrian.
- B. A violation of any provision of this law by an operator of a bicycle shall be ticketed using the same procedure as is used for motor vehicle infractions, except that any violation

committed while operating a bicycle shall not affect the status of the violator's motor vehicle operator's license. When a citation is issued to a bicycle operator, the fact that the violation involves a bicycle shall be clearly indicated on the citation.

- C. Whenever there is a violation of traffic law by a bicycle operator or a violation by a motor vehicle operator that endangers a bicycle operator, the court may permit demonstrations of successful completion of a court-approved cycling knowledge course or exam in lieu of or in addition to a fine or other penalty.

Section 5. Operation on Roadways.

- A. Persons riding bicycles on a roadway shall ride not more than two abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles which are wide enough to accommodate such use.
- B. Every person operating a bicycle on a roadway shall ride as near to the right side of the roadway as practicable and with the flow of traffic, obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction. This section does not require a person operating a bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of a roadway includes when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it is otherwise unsafe or impracticable to do so.
- C. When a bicycle is operated on the roadway, the operator shall give hand signals to other vehicle operators in the vicinity before turning or changing lanes. Such signals shall conform with the motor vehicle laws of New York. The signal shall be made not less than one time, but is not required to be continuous. The operator of a bicycle shall not be required to make a signal if the bicycle is in a designated turn lane.
- D. Bicycles are prohibited on expressways, parkways, highways, and interstate routes which do not have traffic control signals on the main thoroughfare.
- E. Bicycle operators shall use bicycle paths and lanes, if provided, except for necessary access to the roadway, safety precaution, necessary turns, or emergency situations.
- F. No bicycle operated on a roadway may be attached to a motor vehicle driving on the same roadway, except if the bicycle is attached to a car on a bicycle rack and does not have a passenger seated on it.
- G. Any person operating a bicycle who is involved in an accident must remain at the scene until the appropriate authorities arrive.

Section 6. Reckless or Uncontrolled Operation.

No person shall operate a bicycle:

- A. Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb, or property of any person while in lawful use of the streets or sidewalks or any other public or private property.

- B. Without exercising reasonable and ordinary control over such bicycles.
- C. Without having at least one hand on the steering mechanism or handles of the bicycle at all times.
- D. With more than one person riding on the bicycle, unless the bicycle is made for two or more people and contains two or more seats as originally built.
- E. By trick riding, weaving, or zig-zagging course, unless such irregular course is necessary for the safe operation in compliance with this law and New York State Vehicle and Traffic Law.
- F. While wearing more than one earphone or headphone attached to a cellular phone, radio, tape player, or other audio device while riding.
- G. While sitting on anything other than the designated seat or seats on the bicycle.

Section 7. Operation Under the Influence of Alcohol or Drugs.

- A. No person shall operate a bicycle while the person's ability to operate such bicycle is impaired by the consumption of alcohol.
- B. No person shall operate a bicycle while such person has .08 of one per centum or more by weight of alcohol in the person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva.
- C. No person shall operate a bicycle while in an intoxicated condition or while the person's ability to operate such bicycle is impaired by the use of any drug(s).
- D. The provisions of this section shall apply upon public highways, roads open to motor vehicle and bicycle traffic, and any other parking lot. For the purposes of this section "parking lot" shall mean any area or areas of private property, including a driveway, near or contiguous to and provided in connection with premises and used as a means of access to and egress from a public highway to such premises and having a capacity for the parking of four or more motor vehicles. The provisions of this section shall not apply to any area or areas of private property comprising all or part of property on which is situated a one- or two-family residence.

Section 8. Compliance with Traffic Signal Control Devices.

- A. Any person operating a bicycle shall obey the instructions of official traffic signals, signs, and other traffic control devices that are applicable to motor vehicles, unless otherwise directed by a police officer.
- B. Whenever authorized signs are erected that no right turn, left turn, or U-turns are permitted, no person operating a bicycle shall disobey the directions on any such sign, except where the operator of the bicycle dismounts, in which event the operator of the bicycle shall obey the regulations applicable to pedestrians.

Section 9. Emerging from Alley or Driveway.

The operator of a bicycle emerging from an alleyway, driveway, building, or any parking lot shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway or driveway, yield to the right-of-way to all pedestrians approaching on such sidewalk area and upon entering the street shall yield the right-of-way to all vehicles approaching on said street.

Section 10. Parking.

- A. No person shall park a bicycle on a sidewalk in such a manner so as to unduly interfere with pedestrian traffic, or on a roadway so as to unduly interfere with vehicular traffic.
- B. Bicycles shall be parked in such a manner as not to interfere with the entrances of buildings.

Section 11. Impounding.

Whenever a person operates a bicycle in violation of Sections 4, 5, 6, 7, 8, or 9 of this law, the bicycle may be seized by any member of the Suffolk County Police Department or any enforcing law enforcement agency and impounded. A bicycle that is impounded shall be surrendered to the owner, or if the owner is a minor, to the parent or guardian of the minor. A full explanation of the reason for the impounding shall be made to the owner, parent, or guardian. A complete record of impounded bicycles shall be kept by each police department where the impounding occurred

Section 12. Penalties for Offenses.

- A. Any person violating the bicycle equipment requirements established in Section 3(A) of this law shall be subject to a written warning for each offense. The violator shall receive education on the bicycle equipment requirements with each written warning received.
- B. Any person committing a traffic infraction or other offense enumerated in Sections 4, 5, 6, 8, 9, and 10 of this law shall be guilty of a violation, punishable by a fine not to exceed \$250 per infraction.
- C. Any person, upon a duly noticed trial, hearing, and conviction, who operates a bicycle under the influence of drugs or alcohol in violation of section 7 of this law shall be subject to the same penalties as set forth in New York State Vehicle and Traffic Laws §1193, except that any violation committed while operating a bicycle shall not affect the status of the violator's motor vehicle operator's license.
- D. The parent of any person who is under the age of 14 operating or sitting as a passenger on a bicycle who is not wearing a safety-certified bicycle helmet in violation of Section 3(B) of this law shall be subject to a fine of \$50 per offense. The parent may void the ticket by sending proof of purchase of a safety-certified bicycle helmet within thirty (30) days of receipt of the ticket.

Section 13. Effects on Other Laws and Regulations.

This law will not prohibit or supersede any town or village within the County of Suffolk from enacting any ordinance, resolution, or local law which provides for the same or more restrictive regulations or penalties on the operation of a bicycle.

Section 14. Applicability.

This law shall apply to all persons operating bicycles on or after the effective date of this law.

Section 15. Severability.

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

Section 16. SEQRA Determination.

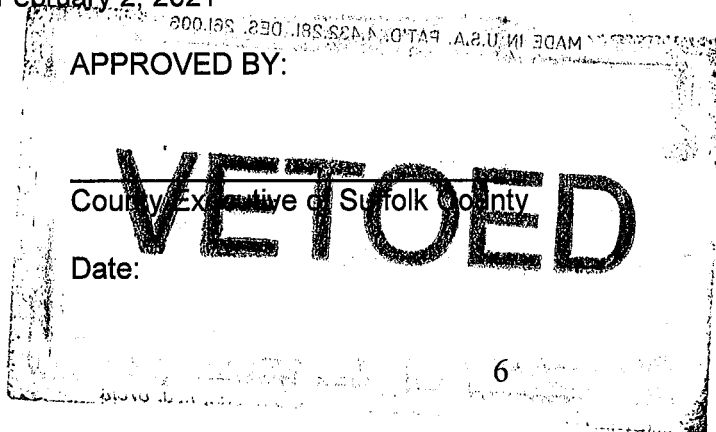
This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 17. Effective Date.

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

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

DATED: February 2, 2021



I.R.

P.M. / B.A. / C.B.A.:

1767-20

Res. No.

47

February 2, 2021

Motion:

Krupski, Fleming, Sunderman, Caracappa, Hahn, Anker
Calarco, Piccirillo, Gonzalez, Cilmi, Flotteron, Kennedy
Trotta, McCaffrey, Richberg, Berland, Donnelly, Spencer

Co-Sponsors:

Krupski, Fleming, Sunderman, Caracappa, Hahn, Anker
Calarco, Piccirillo, Gonzalez, Cilmi, Flotteron, Kennedy
Trotta, McCaffrey, Richberg, Berland, Donnelly, Spencer

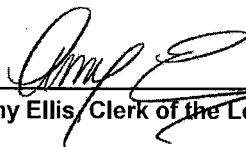
Second:

Krupski, Fleming, Sunderman, Caracappa, Hahn, Anker
Calarco, Piccirillo, Gonzalez, Cilmi, Flotteron, Kennedy
Trotta, McCaffrey, Richberg, Berland, Donnelly, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1	Albert J. KRUPSKI	/				
2	Bridget FLEMING	/				
3	Rudolph A. SUNDERMAN	/				
4	Nicholas CARACAPPA	/				
6	Sarah S. ANKER	/				
8	Anthony PICCIRILLO	/				
9	Samuel GONZALEZ		/			
10	Thomas CILMI	/				
11	Steven J. FLOTTERON	/				
12	Leslie KENNEDY	/				
13	Robert TROTTA	/				
14	Kevin J. MCCAFFREY	/				
15	Jason RICHBERG		/			
16	Susan A. BERLAND		/			
17	Tom DONNELLY	/				
18	William R. SPENCER		/			
5	Kara HAHN, D.P.O.			/		
7	Rob CALARCO, P.O.	/				
	Totals	13	4	1		

MOTION
<input type="checkbox"/> Take Out of Order
<input checked="" type="checkbox"/> Approve
Table: _____
<input type="checkbox"/> Table Subject To Call
<input type="checkbox"/> Extend Public Portion
<input type="checkbox"/> Close Public Portion
<input type="checkbox"/> Reconsider
<input type="checkbox"/> Close Public Hearing
<input type="checkbox"/> Recess Public Hearing
<input type="checkbox"/> Send To Committee
<input type="checkbox"/> Waive Rule
<input type="checkbox"/> Recommit
<input type="checkbox"/> Override Veto
<input type="checkbox"/> Lay On The Table
<input type="checkbox"/> Withdrawn
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

FINAL ACTION
<input checked="" type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED


Amy Ellis, Clerk of the Legislature

Roll Call Voice Vote _____