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**The City of New York  
Community Board 8 Manhattan**

October 25, 2022

Carl Weisbrod, Chair  
Traffic Mobility Review Board  
CBD Tolling Program  
2 Broadway, 23<sup>rd</sup> Floor  
New York, NY 10004

**RE: Identification of policy recommendations to the TMRB regarding potential congestion pricing impacts on persons with disabilities**

Dear Chair Carroll,

At the Full Board meeting of Community Board 8 Manhattan held on October 19, 2022, the board unanimously approved the following resolution by a vote of 41 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause.

**WHEREAS;** New York State established a Central Business District Tolling Program, enacted into law in the FY 2020 New York State Budget; and

**WHEREAS;** the Central Business District Tolling Program would impose fees for vehicles crossing into or out of Manhattan's Central Business District Program, defined as the local roadway network below and inclusive of 60<sup>th</sup> Street;

**WHEREAS;** the congestion pricing law enacted says "No qualifying authorized emergency vehicle as defined pursuant to section one hundred one of this chapter or a qualifying vehicle transporting a person with disabilities shall be charged a central business district toll if it enters or remains in the central business district. Application for such toll exemption shall be made in such manner as prescribed by the Triborough bridge and tunnel authority and shall contain such information as the authority may reasonably require"; and

**WHEREAS;** the congestion pricing law enacted says "The Triborough bridge and Tunnel Authority shall be authorized to provide additional credits, discounts and exemptions informed by the recommendations of the traffic mobility review board and a traffic study that considers impact"; and

**WHEREAS;** the existing language from the FY2020 Budget law would exclude many persons with disabilities from being exempted from a congestion fee, unless they were being transported in the limited category of "qualifying vehicles" or using a paratransit service such as Access-a-Ride; and

**WHEREAS;** there are vehicles operated by certain services that specifically serve persons with disabilities but wouldn't be considered a "qualifying vehicle" for exemptions under the narrow language of the budget law; and

**WHEREAS;** the Congestion Pricing Environmental Assessment acknowledges that some persons with disabilities "may need to use nonqualifying vehicles to access healthcare and medical facilities", who will

incur “an additional cost to access medical facilities and healthcare facilities” if they cross the toll zone boundary; and

**WHEREAS;** Access-a-Ride is not sufficient for persons with disabilities to rely upon for their daily mobility needs and is an inefficient and costly system to operate for taxpayers; and

**WHEREAS;** the Environmental Assessment’s finding that there will be no significant impacts on persons with disabilities doesn’t account for the clear impacts that such populations will face, even if they don’t reach the level of a “significant impact” as defined by NEPA; and

**WHEREAS;** the level of the tolls to be charged for individual vehicles has yet to be determined, but fees as high as \$23 may have a disproportionate impact on persons with disabilities;

**WHEREAS;** the Environmental Assessment states that “the greatest cost would be incurred by those who have frequent, regular medical appointments that they drive to (and for whom transit is not an acceptable alternative), and who are not eligible for paratransit or nonemergency medical transportation under Medicaid or other insurance coverage”; and

**WHEREAS;** there are many situations where residents of Community District 8 who have disabilities and wish to take discretionary trips are unable to take transit due to their mobility impairments; and

**WHEREAS;** the New York City Subway System is not accessible, with many stations lacking elevators or have elevators that are frequently out-of-service for long-term repairs;

**WHEREAS;** walking distances that people must travel to access New York City bus stops are often too far for persons with disabilities;

**WHEREAS;** the New York City Transit System has faced many reliability issues and safety concerns that further make transit more daunting or infeasible as an option for persons with disabilities; and

**WHEREAS;** the term “person with disability” should be more comprehensively defined for the purpose of congestion pricing, as disabilities may not be apparent, and there is no provision for persons who face a temporary disability and receiving medical treatment to obtain exemptions, even though their disabilities may inhibit their mobility as much as someone with a long-term or permanent disability; and

**WHEREAS;** the process for applying for and receiving disability license plates would not allow people with short-term disabilities or temporary disabilities from being able to receive exemptions like those who have long-term disabilities; and

**WHEREAS;** the fees that will be charged to for-hire-vehicles is yet-to-be determined, but the Environmental Assessment includes tolling scenarios in which there would be no daily limits to the number of times a vehicle would be assessed a toll, which is expected to be passed down to passengers; and

**WHEREAS;** there are already congestion fees applied to TLC vehicles and other for-hire vehicles operating below 96<sup>th</sup> Street, and additional tolls for crossing the toll zone boundary would an undue burden on persons with disabilities who rely on such mobility options; and

**WHEREAS;** no medical patient should be forced to change doctors because accessing their medical provider would necessitate paying a congestion fee, especially for seniors; and

**WHEREAS;** many New York State and New York City state services and courthouses are located in the congestion zone, which places an undue burden on persons with disabilities who must make in-person trips to access these services and cross into and out of the congestion zone, especially to access world-class medical institutions located in Community District 8; and

**WHEREAS;** there are no mechanisms in place to ensure that persons with disabilities eligible for exemptions would be able to be reimbursed in a timely fashion;

**WHEREAS;** the MTA's poor track record of waste, inefficient investments of revenues and completing projects in a timely and cost-effective fashion necessitates a strong post-implementation plan to hold the MTA accountable, ensure they are meeting key performance metrics, and ensuring that there isn't irreparable harm being done to the disability community;

**THEREFORE BE IT RESOLVED,** that Community Board 8 supports the following policies to address issues impacting persons with disabilities that will result from congestion pricing:

- (1) The MTA shall impanel a council on mobility for individuals with disabilities to address challenges with using public transit and the impact of congestion pricing on individuals with disabilities.
- (2) The MTA shall develop a viable, easy to use and timely method for individuals who are temporarily or permanently disabled, comprehensively defined, to seek exemptions while taking a TLC or for-hire vehicle or while using a personally-owned vehicle. This method should protect privacy and be available online or offline.
- (3) The MTA shall report annually on data on how individuals with temporary or permanent disabilities travel into and out of the CBD.
- (4) Revenues from congestion pricing shall be heavily prioritized for improving transit access for persons with disabilities, especially by making the subway system fully-accessible.
- (5) New York City and New York State shall offer alternatives for individuals who are temporarily or permanently disabled to receive city or state services currently located in the CBD from paying the congestion pricing, such as through online services or alternative locations for services.

Please advise us of any action taken on this matter.

Sincerely,

*Russell Squire*

Russell Squire  
Chair

*Alida Camp and Craig M. Lader*

Alida Camp and Craig M. Lader  
Co-Chairs, Congestion Pricing Task Force

cc: Honorable Eric Adams, Mayor of the City of New York  
Honorable Carolyn Maloney, 12th Congressional District Representative  
Honorable Mark Levine, Manhattan Borough President  
Honorable Liz Krueger, NYS Senator, 28th Senatorial District  
Honorable José M. Serrano, NYS Senator, 29th Senatorial District  
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District  
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District  
Honorable Julie Menin, NYC Council Member, 5th Council District  
Honorable Keith Powers, NYC Council Member, 4th Council District