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**The City of New York  
Community Board 8 Manhattan  
Congestion Pricing Task Force  
Thursday, October 6, 2022, 6:30 PM  
Conducted Remotely on Zoom**

**Minutes**

*Present:* Mohit Agrawal, Michele Birnbaum, Lori Bores, Alida Camp, Billy Freeland, Ed Hartzog, Paul Krikler, Craig Lader, Elizabeth Rose, Barbara Rudder, Judy Schneider, Russell Squire, Marco Tamayo

**Resolutions for Approval:**

**Item 2:** Identification of policy recommendations to the TMRB regarding potential congestion pricing impacts on persons with disabilities (Unanimous)

The meeting was called to order at 6:32 PM. The co-chairs began the meeting by thanking CB8 Community Associate Zachary Glass for his service to the Task Force. The co-chairs then requested that speakers do their best to limit their comments to the specific topics being discussed rather than providing general opinions on congestion pricing, as past meetings have included much of that feedback. There were comments provided by speakers and CB8 members expressing frustration that the resolution passed by the Task Force at the September 12<sup>th</sup> meeting opposing the congestion pricing plan was tabled by the full board of CB8. The Chair of Community Board 11 Manhattan (East Harlem) was invited to speak and provided an update on their Board's handling of congestion pricing that led them to pass a resolution opposing it.

**Item 1: Updates on the Central Business District Tolling Program since the September 13, 2022 Task Force Meeting**

Since the September 13<sup>th</sup> Task Force meeting, the public comment period for the Environmental Assessment concluded on September 23<sup>rd</sup>.

**Item 2: Identification of policy recommendations to the TMRB regarding potential congestion pricing impacts on persons with disabilities**

In response to discussions at previous Task Force meetings and comments made at the September 2022 CB8 Full Board meeting prior to the tabling of the Task Force resolution it was decided that addressing the potential congestion pricing impact on persons with disabilities should be a focus of the discussion. One of the co-chairs began with a synopsis of the findings from the Environmental Assessment regarding congestion pricing, which concluded that no mitigation was needed and no adverse impacts would result from implementation. Specifically, it stated:

- Congestion Pricing would benefit certain vulnerable social groups, including elderly populations, persons with disabilities, transit-dependent populations, and non-driver populations by creating a funding source for the MTA 2020–2024 Capital Program (and subsequent capital programs and by reducing congestion in the Manhattan CBD);
- The CBD Tolling Alternative would provide benefits to improve paratransit services, such as reduced roadway congestion and travel-time improvements, which would benefit persons with disabilities. However, some disabled people may need to use nonqualifying vehicles to access healthcare and medical facilities. In those

cases, the CBD Tolling Alternative would result in an additional cost for disabled individuals to access medical facilities and healthcare providers in the Manhattan CBD;

- As currently designed, qualifying vehicles transporting persons with disabilities includes vehicles with government-issued disability license plates and fleet vehicles owned or operated by organizations used exclusively to provide transportation to people with disabilities. Therefore, disabled people traveling by a qualifying vehicle to or within the Manhattan CBD would not be charged a toll. Access-A-Ride paratransit service, which provides public transportation for customers with disabilities or certain qualifying health conditions, would be also exempt from the toll. Some disabled people may rely on travel by nonqualifying vehicles to or within the Manhattan CBD. In that case, the CBD Tolling Alternative would increase the cost for disabled people using nonqualifying vehicles to travel to the Manhattan CBD;
- The costs incurred by people driving to access medical or healthcare facilities would vary depending on individual circumstances. 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. Driving to and from the Manhattan CBD is already expensive given the very limited availability of free or low-cost parking and the cost of parking or taxi/FHV fares, and it is likely that people who drive regularly to medical appointments would have higher incomes. The increased cost would be partially offset by the travel-time savings provided by a potentially less congested roadway network;
- TBTA will coordinate with MTA to provide outreach and education on eligibility for existing discounted transit fare products and programs, including those for individuals 65 years of age and older, those with disabilities, and those with low incomes, about which many may not be aware.

In contrast to the Environmental Assessment's findings, most speakers were very skeptical that persons with disabilities wouldn't be adversely impacted by congestion pricing without mitigation measures. A common concern raised regarded how people with disabilities would only be eligible for exemptions when traveling in qualified vehicles, yet many people rely on taxis, other for-hire-vehicles, and family/friends who drive them but would still be charged the fee under current policies (as there are already congestion charges being assessed to passengers in for-hire-vehicles below 96<sup>th</sup> Street even before any yet-to-be determined charges they will encounter for crossing the 60<sup>th</sup> Street boundary, and only vehicles with disability license plates will be exempted). There was continued discussion regarding the charges that people coming to the many hospitals in Community District 8 would face. The concept of temporary disabilities was brought up, as there will always be people who may not be eligible for a disability sticker or license plate permanently, but face a short-term disability, including illness, or even are permanently disabled but don't qualify for that status under disability laws due to a narrow interpretation of what is considered a disability. It was also emphasized that the lack of a fully accessible subway system was a major barrier to persons with disabilities using public transportation. It was also noted that NYC doesn't recognize plates and placards issued by New York State. There were also continued general concerns regarding the potential toll rates being too high for persons with disabilities, and unintended or unanticipated consequences that may result from implementation. Parking placard abuse and issues regarding parking needs were also highlighted.

In terms of possible solutions and policy recommendations that could benefit persons with disabilities, much of the discussion regarded the issue of for-hire vehicle charges to be assessed, and trying to find mechanisms to allow those who face disabilities to be able to receive exemptions regardless of the mode of transportation they use. There were discussions regarding the idea of registering qualified trips for persons with disabilities for medical visits, but there were also concerns regarding privacy and HIPA that would need to be overcome. A prevailing view was that disabilities should be comprehensively defined to include temporary and other less visible disabilities. There could be opportunities for new smart phone apps to be developed or existing apps to be enhanced to allow for someone to register their disability status to receive an exemption, and other technology-based solutions were offered. There was a suggestion that it was the MTA's responsibility to develop solutions. There was also continued interest in ensuring that the revenues generated be used responsibly and to make sure that prioritizing investments to upgrade inaccessible subway stations occurs. One member suggested that for any services provided by NYC or NY State in the toll zone for which attendance is required, the City or State should either provide a remote option to a person with disability or that they be offered an exemption for such trips.

There were a number of comments that asked that the definition of "disability" be comprehensively defined.

A resolution was put forward that attempted to address the issues raised and to ensure that post-implementation activities would occur that would prioritize the needs of persons with disabilities. There was some discussion regarding whether there should be language included in regards to the September Task Force resolution, but that friendly amendment request was declined

The following resolution was then put forward:

**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 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 be 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.

*Yes (13):* Agrawal, Birnbaum, Bores, Camp, Freeland, Hartzog, Krikler, Lader, Rose, Rudder, Schneider, Squire, Tamayo

*No (0):* None

*Abstain (0):* None

### **Items 3 & 4: Identification of future focused topic areas to be discussed at upcoming Task Force Meeting/Next Steps**

There were a plethora of issues that speakers wanted to consider for a focused discussion at the next Task Force meeting. They included:

- Issues specific to residents and stakeholders living along or near the 60<sup>th</sup> Street toll zone boundary;
- Issues in regards to parking, including placard abuse, permit programs, inventory (both on- and off-street);
- Issues regarding for-hire vehicles and how charges they incur may be applied to passengers (including TLC vehicles, Transportation Network Companies such as uber/Lyft, black cars, etc.);
- Post-implementation monitoring of impacts of congestion pricing and issues regarding accountability of how congestion pricing revenues are invested;
- Unintended consequences of congestion pricing, and how other jurisdictions may punish NYC;
- Financial impacts of cultural institutions in the congestion zone;
- Identification of specific uses of revenues, such as improving bus service and transit accessibility;
- Issues specific to seniors and low-income individuals.

There being no further business, the meeting was adjourned at 9:40PM.

Respectfully submitted,

**Alida Camp & Craig Lader, Co-Chairs**