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**The City of New York  
Community Board 8 Manhattan  
Congestion Pricing Task Force  
Monday, December 19, 2022, 6:30 PM  
Conducted Remotely on Zoom**

**Minutes**

**Present:** Mohit Agrawal, Michele Birnbaum, Alida Camp, Saundra Coleman, Ed Hartzog, Sahar Husain, Craig Lader, Valerie Mason, Judy Schneider,

The meeting was called to order at 6:32 PM.

**Item 1: Updates on the Central Business District Tolling Program since the November 22, 2022 Task Force Meeting**

Since the November 22, 2022 Task Force meeting, there have been no official announcements or actions involving Congestion Pricing.

**Item 2: Identification of policy recommendations to City and State agencies regarding matters pertaining to Congestion Pricing's impact on Community District 8 near the toll zone boundary (between 59th and 66th Streets).**

In response to discussions at previous Task Force meetings it was decided that addressing the potential congestion pricing impacts related to the area in the immediate vicinity of the 60<sup>th</sup> Street toll zone boundary should be a focus of the discussion. One of the co-chairs began with a synopsis of the contents of the Environmental Assessment that referenced the area near the toll zone boundary that is inclusive of 60<sup>th</sup> Street, including certain findings. Specifically, some the key points that were highlighted included the following that are anticipated in the EA:

- All traffic using the northern upper roadway of the Queensboro Bridge to access Manhattan north of 60th Street would not be subject to CBD tolling in the tolling scenarios modeled in the EA.
- With the exception of the inbound upper roadway of the Queensboro Bridge all exits from and entrances to all bridges and tunnels below 60th Street will include detection points on the ramps leading to and from the bridges and tunnels as well as detection points on the East River bridge structures over land.
- Some of the congestion pricing scenarios assessed by the EA included offsets to fees charged to vehicles using TBTA facilities such as the Queens-Midtown Tunnel or Triborough Bridge. The EA noted that crossing credits increase the attractiveness of the TBTA East River facilities compared to the Ed Koch Queensboro Bridge and divert crossings destined for the Manhattan CBD off the bridge and onto Triborough Bridge and Tunnel Authority (TBTA) facilities;
- Congestion pricing would, according to the EA, generate a net decline in traffic on the FDR Drive, resulting in improved travel times and operating conditions along the upper FDR Drive on the segment between East 23rd Street and East 60th Street.

- No intersections in Community District 8 near the toll zone boundary would have an increase in delay that would exceed the state thresholds used by TBTA to determine whether there would be an adverse traffic effect;
- Pedestrian traffic would likely increase in the 60th Street Manhattan CBD boundary study area, which could benefit retail businesses in the neighborhood
- It is predicted that “last-mile” switching from auto to walking trips to avoid the toll cost would not be a rational decision beyond approximately five blocks of the Manhattan CBD boundary.
- Congestion pricing would not adversely affect the character of Central Park, which is a defining feature of neighborhood character in the 60th Street Manhattan CBD boundary study area, although the plan assumes gantries or license plate readers in Central Park;
- All roadways abutting Central Park (i.e. 5th Ave. & 59th St.) are expected to have about 10 percent lower traffic volumes during all time periods;
- One new pole with mast arm with tolling equipment on sidewalk would be installed in the Upper East Side Historic District
- Examples of signage were displayed, along with a map showing proposed locations. Signage would be located along southbound avenues close to the CBD boundary, generally between 62nd Street and 60th Street. Signs would also notify drivers in vehicles driving east and west across 61st Street, and on southbound Avenues at 66<sup>th</sup>, 72<sup>nd</sup> and 96<sup>th</sup> Streets,
- Renderings and graphical depictions of tolling infrastructure were displayed, along with maps showing the locations they would be placed on Avenues between 60<sup>th</sup> and 61<sup>st</sup> Streets, and at Queensboro Bridge entrances and exits with the exception of the upper level roadway exits at 62<sup>nd</sup> and 63<sup>rd</sup> Streets. Tolling system equipment would be mounted to existing overhead sign structures and/or existing structural elements (e.g., girders, walls) of the structures where possible.

In contrast to the Environmental Assessment’s findings, most speakers were very skeptical that congestion pricing would not present challenges to those seeking parking in Community District 8, especially in the area just north of 60<sup>th</sup> Street, driving west along 63 Street and on adjacent side streets. Some of the questions, issues identified by meeting attendees and members included the following:

- It is not clear whether the tolling infrastructure will result in bright flashes from the photographs used to read license plates to support toll-by-mail. Such flashes are typical in tolling infrastructure used at TBTA bridges and tunnels;
- There will be residents who may need to relocate their vehicles to one side of the toll zone in order to avoid being tolled each time they use their vehicle if they typically cross the boundary based on where their car is garaged;
- Some discussion regarding the merits of creating an tolling exemption for vehicles that cross the boundary for a very brief amount of time and aren’t truly contributing to central business congestion, or for vehicles that are leaving Community District 8 but who directly exit Manhattan via the Queensboro Bridge and don’t truly enter the Central Business District, similar to how vehicles won’t be charged for using the Brooklyn-Battery Tunnel unless they enter the internal Manhattan road network below 60<sup>th</sup> Street;
- There was some dissention towards the EA’s description of drivers not walking more than 5 blocks after parking their vehicles in the lower 60s would not be “rational behavior” and thus not likely to occur to a significant extent, and that in contrast to EA statements, drivers would walk south more than five blocks;
- There was a suggestion that the Traffic Mobility Review Board, which is charged with developing the toll policies and rates along with discounts and exemptions, consider creating a monthly subscription fee similar to how there are unlimited passes on commuter rails and unlimited 30-day MetroCard options;

- One speaker wished to see the 60<sup>th</sup> Street toll boundary shifted one block south to avoid conflicts with the Queensboro Bridge, or that an exemption be provided for those leaving the Queensboro on 60 Street and going straight west.
- Concern was additionally raised that pollution will be increased as cars go out of their way and traffic diverts to the Triboro Bridge or crossings leaving Manhattan without paying the congestion fee.
- The prospect of increasing congestion pricing fees to keep up with inflation was highlighted.

A robust discussion regarding how the EA was developed occurred, focusing on the methodology and quality of the modeling as it related to questions of how much it relied on data and land uses exhibited and collected before the pandemic, including 2019 traffic data that was used but stemmed from a time when traffic patterns and commuting practices were very different and before some major institutions were completed in the York Avenue hospital corridor. One member asked whether the EA accounted for changes to street capacity brought upon by new bike lanes and open streets/restaurants. There were also questions regarding whether the EA considered these changes and how much it should have relied upon pre-pandemic data, such as whether the projected 10% reduction was realistic given how remote work has become commonplace. There were some speakers who suggested that EAs may have outcome biases driven by the fact that the sponsor agency is responsible for paying to develop the documents and findings. One of the chairs acknowledged that EAs can sometimes produce the results that are sought, but vouched for the model federally-recognized model used for the EA that doesn't support pre-determined outcomes, and said that the validity of findings should not be questioned based on assumptions and projections that went into the models.

There was significant discussion regarding the manner in which the inbound Queensboro Bridge will be tolled, as the EA modeling was based off of upper level roadway traffic exiting onto 62<sup>nd</sup> and 63<sup>rd</sup> Streets not being tolled. There was discussion among speakers as to whether this would create additional congestion that would be caused by drivers who are not destined for the toll zone and would thus specifically use the Bridge's upper level due to it not being tolled, and skepticism was expressed about the EA's statements that there will not be a significant impact on traffic on 61<sup>st</sup>, 62<sup>nd</sup> and 63<sup>rd</sup> Streets if the upper roadway is the only exit that isn't tolled. One member proposed a resolution calling for examination of the possibility of all entrances and exits to the Queensboro Bridge being tolled, as that would potentially help spread traffic out between the bridge and other crossings; the resolution was withdrawn upon recognition that there was little support for it. One speaker suggested an alternative idea that would shift the toll boundary to between 59<sup>th</sup> and 60<sup>th</sup> Street.

The idea of a necessary process to evaluate success and determine whether Congestion Pricing has attained financial, environmental and congestion goals and other metrics that are required was raised by a Task Force member that there should be a mechanism in the law to provide such an evaluation, and to rescind Congestion Pricing as a policy if such goals aren't met within a 3 to 5 year timeframe. One of the Chairs noted the significant reporting requirement for Congestion Pricing by the MTA.

The following resolutions were put forward:

### **RESOLUTION 1**

**WHEREAS;** New York State established a Central Business District Tolling Program, enacted into law in the FY2020 New York State Budget; and

**WHEREAS;** the Central Business District Tolling Program is classified as a NEPA Class III EA action in accordance with 23 Code of Federal Regulations (CFR Section 771.115), and thus required an

Environmental Assessment to be prepared to determine if the project be likely to have a significant impact; and

**WHEREAS;** the Central Business District Tolling Program EA utilized census data to establish existing conditions using pre-pandemic data sets; and

**WHEREAS;** the federally-recognized Best Practices Model used to establish future conditions largely relies upon datasets inputs from the 2010 decennial Census; and

**WHEREAS;** significant changes to commuting patterns and the growth of remote and hybrid work resulting from the Covid-19 pandemic have occurred and raise questions as to the validity of the EA's findings based off of pre-pandemic data; and

**WHEREAS;** there have been significant changes to land use and development patterns within Manhattan Community District 8 in recent years, including new large-scale developments in the York Avenue hospital corridor that may not have been considered in the EA analysis; and

**WHEREAS;** EA findings referencing parking inventory are now outdated with recent tear-downs and conversions of garages in the area just north of the 60<sup>th</sup> Street toll zone boundary; and

**WHEREAS;** changes to the road network within Community District 8 resulting from policies such as open streets and open restaurants that did not exist before the pandemic may have impacts on congestion that were not assessed in the EA; and

**WHEREAS;** the implementation of Congestion Pricing may have unintended consequences that policy makers had not considered when the law was written and passed in 2019, including economic impacts on small businesses; and

**WHEREAS;** such unintended consequences would have impacts on residents and stakeholders in the and across Community District 8;

**THEREFORE BE IT RESOLVED,** that Community Board 8 calls upon elected officials in the State Legislature and State Senate to reexamine the language in the FY 2020 New York State Budget related to the Central Business District Tolling Program, and to amend it as necessary to address any policies and details that may now be outdated and may cause unjust impacts and other unintended consequences, including those resulting from the many ways in which the Covid-19 Pandemic has changed commuting habits and the built environment of New York City that may not have been considered in the Environmental Assessment.

*Yes (8):* Agrawal, Birnbaum, Camp, Coleman, Hartzog, Husain, Mason, Schneider

*No (1):* Lader,

*Abstain (0):* None

## **RESOLUTION 2**

**WHEREAS;** Congestion pricing was passed into law with the intent of generating policy goals with a focus on congestion reduction, improvements to air quality, and revenue generation to support the Metropolitan Transportation Authority, and

**WHEREAS;** §1706 of the New York State Vehicle and Traffic Law, Chapter 71, Title 8 Article 44c specifies specific reporting requirements for the Central Business District Tolling Program that will, allow progress to be measured; and

**WHEREAS;** there has been a history of MTA projects not meeting financial goals; and

**WHEREAS;** a failure to achieve goals should require the program to be reconsidered;

**THEREFORE BE IT RESOLVED,** that Community Board 8 calls upon elected officials in the New York State Legislature and Senate to amend the Congestion Pricing law to include a timeline and process by which they will evaluate the success of the program looking at certain goals and metrics and it attaining the program goals, and that the Central Business District Tolling Program law be revoked if the measurable program goals related to congestion, air quality, revenue generation and other key metrics are not met within 3 to 5 years.

*Yes (7):* Agrawal, Birnbaum, Camp, Coleman, Hartzog, Husain, Schneider

*No (1):* Lader

*Abstain (0):* None

**Item 3: Identification of policy recommendations related to the MTA transparency, accountability and oversight in regard to Congestion Pricing operations and use of revenues generated, including administration by TransCore**

In response to concerns raised at previous Task Force meetings in regards to how transparent the MTA will be in reporting on the impacts of Congestion Pricing and whether the revenues that will be generated will be used in a responsible, efficient and effective manner for the purpose of improving the MTA’s public transportation system as legislatively mandated, it was decided that the Task Force would consider making recommendations to address these concerns. It was also requested the discussion touch upon the MTA’s contract with TransCore, which was selected to operate the congestion pricing program.

One of the Task Force co-chairs provided an overview of the legal requirements of the components of the New York State FY 2020 Budget law that established the requirements of what is legally identified as the Central Business District Tolling Program. Within it, it included the following relevant language from §553j of the Public Authorities Law related to the use of revenues and the establishment of a dedicated lockbox:

- The MTA Board “shall, at minimum, ensure annual revenues and fees collected... less costs of operation of the same, provide for sufficient revenues into the central business district tolling capital lockbox fund, necessary to fund \$15 billion dollars for capital projects for the 2020 to 2024 MTA capital program, and any additional revenues above that amount to be available for any successor programs”;
- “Monies in the fund shall be applied, subject to agreements with bondholders and applicable federal law, to the payment of operating, administration, and other necessary expenses of the authority, or to the city of New York subject to the memorandum of understanding executed pursuant to subdivision two-a of §1704 of the vehicle and traffic law properly allocable to such program, including the planning, designing, constructing, installing or maintaining of the central business district tolling program, including, without limitation, the central business district tolling infrastructure, the central business district tolling collection system and the central business district

tolling customer service center, and the costs of any MTA capital projects included within the 2020 to 2024 MTA capital program or any successor programs.”

- “Of the capital project costs paid by this fund: 80% shall be capital project costs of the New York city transit authority and its subsidiary, Staten Island Rapid Transit Operating Authority, and MTA Bus with priority given to the subway system, new signaling, new subway cars, track and car repair, accessibility, buses and bus system improvements and further investments in expanding transit availability to areas in the outer boroughs that have limited mass transit options”. The remaining 20% is to be allocated evenly between the Long Island Rail Road and Metro-North Railroad to fund capital costs;
- “The authority shall report annually on all receipts and expenditures of the fund. The report shall detail operating expenses of the central business district tolling program and all fund expenditures including capital projects.” It also indicated that this report “shall be readily available to the public” and posted on the MTA website;
- “Any operating funding used for the purposes of a central business district tolling program from this fund shall be approved, annually, in a plan of expenditures, by the director of the budget.”

In addition, the FY 2020 Budget Law required the MTA to conduct an independent, comprehensive forensic audit, which it completed in December 2019. This audit “examined the MTA’s capital elements and planning process to determine whether the projects in the 2020-2024 Capital Plan were appropriate based on asset conditions, investment strategies and cost ranges. This included a thorough accounting of assets by agency, including rolling stock, stations, tracks, line equipment, signals, power equipment, maintenance facilities, depots, yards terminals and other infrastructure. The audit also reviewed the 2015-2019 Capital Plan for any cost overages or duplication of functions to identify potential efficiencies and savings”. The audit notes deficiencies and ways for the MTA to address them.

The MTA’s handling of funding and claims to need funding when it has considering eliminating fares was raised as a prelude to a discussion of MTA fiscal responsibility.

There was discussion of the qualifications and procurement process that resulted in the contract executed between the MTA and TransCore, which will be operating the Congestion Pricing program and providing the infrastructure at a cost of \$507 million over seven years. It was confirmed that a competitive bid process was performed by the MTA, and that TransCore has extensive experience developing and operating open road tolling systems such as what will be used for Congestion Pricing, although differences between open road tolling systems and the congestion pricing system was noted..

The meeting participants also discussed the question of whether the \$1 billion in annual revenues will be sufficient enough to provide the levels of funding that were anticipated, given and cost escalation of projects has accelerated since the FY 2020 budget law was written, and that bonds will need to be sold at higher interest rates than when the congestion pricing law was written due to higher Federal interest rates in response to recent inflation. It was also noted that congestion pricing will need to raise significant other funds, as it only covers 30% of the MTA’s Capital Plan.

There were also questions regarding the tracking of revenues collected from the for-hire vehicle surcharges that are being assessed to passengers in vehicles below 96<sup>th</sup> Street in Manhattan, which the Task Force has recommended be revoked. The question was raised as to whether this would result in people being tolled twice once the main congestion pricing program begins operation depending on the policies set by the Traffic Review Mobility Board in regard to how for-hire vehicles will be treated upon entering the congestion zone.

In response to a question was about accounting for funds that will be generated by Congestion Pricing, one of the co-Chairs mentioned that some work was done to address the issues raised in the past. There was debate as to the appropriateness of the Task Force delving into the MTA's handling of ongoing and past projects rather than focusing on how funds to be generated by Congestion Pricing will be accounted for and whether MTA is being wasteful or not complying with the requirements of the law such as the lockbox. It was noted that the MTA has had questions raised about their accounting practices and expenditures raised on past and current projects, leading to questions about the MTA's ability to safeguard and appropriately spend funds generated through congestion pricing. It was suggested that the Task Force specify methodology for the MTA accounting and funding practices.

#### **Items 4: Next Steps**

The next meeting will continue the discussion regarding financial concerns and MTA accountability. It was requested that invites be sent to all elected officials whose constituents may be affected by congestion pricing so they could hear the sentiments of the Task Force and meeting participants from the community.

There being no further business, the meeting was adjourned at 9:55 PM.

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