

Valerie S. Mason
Chair

Will Brightbill
District Manager



505 Park Avenue, Suite 620
New York, N.Y. 10022-1106
(212) 758-4340
(212) 758-4616 (Fax)
www.cb8m.com – Website
info@cb8m.com – E-Mail

**The City of New York
Community Board 8 Manhattan
Congestion Pricing Task Force
Wednesday, January 3, 2024, 6:30 PM
Conducted Remotely on Zoom**

Please note: The resolution contained in the committee minutes is a recommendation submitted by the committee co-chairs to the Community Board. At the monthly full board meeting, the resolution is discussed and voted upon by all members of Community Board 8 Manhattan.

Resolution for Approval:

Item 2: That the MTA provide an easily accessible and user-friendly portal on its website devoted to congestion pricing that is updated regularly.

Minutes

Present: Michele Birnbaum, Alida Camp, Craig Lader, Valerie Mason, John McClement, Abraham Salcedo, Robin Seligson, Cos Spagnoletti.

Approximate Number of Public Attendees: 50

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

Item 1: Public Hearing and Comment Period Details and other General Updates on the Central Business District Tolling Program

Task Force Co-Chair Craig Lader provided details on the public review process for congestion pricing that recently began. The MTA Board voted 9-1 at its December 6, 2023 meeting to allow Congestion Pricing to enter a mandatory 60-day minimum public comment period, as required by the New York State Administrative Procedures Act. The formal start of this process began on December 27, 2023 and will conclude 76 days later on March 11, 2024.

A series of public hearings will be held between February 29th and March 4th, 2024. The hearings will be held in person at MTA's 2 Broadway headquarters on the 20th Floor, William J. Roman Board Room. Anyone wishing to speak will be allotted up to 2 minutes of time. A remote option to participate by Zoom will also be available; the link to register to speak via Zoom will be made available 1 week prior to the meeting date, and Public Hearing hotline agents will be available daily from 6AM to 10PM at (646) 252-6777 to assist with registering to speak and persons requiring other accommodations. Hearings will be livestreamed on the MTA's YouTube Channel and the Project Website.

Public Hearings will be held at the following times:

- Thursday, Feb. 29, at 6:00 p.m.
- Friday, March 1, at 10:00 a.m.
- Monday, March 4, at 10:00 a.m.
- Monday, March 4, at 6:00 p.m.

Comments will also be accepted through March 11, 2024 through the MTA Website, by email, phone, US Mail, and Fax. All comments will be recorded and submitted for review. Details on submitting comments are as follows:

- Email: cbdtb.feedback@mtabt.org
- Online Comment Form: <https://contact.mta.info/s/forms/CBDTP>
- US Mail: CBD Tolling Program, 2 Broadway, 23rd Floor, New York, NY 10004
- Audio Comments: 646-252-7440
- Fax: Send to (212) 504-3148 with Attention to CBDTP Team

Following the conclusion of the public comment period, the MTA may propose changes, with final tolling policies expected to be presented to the MTA Board at their April meeting for final approval. MTA Chairman Janno Lieber is on record stating that the current projected start of tolling could occur as soon as late June 2024, though there are various lawsuits that are still pending that could delay the projected start date. According to news reports, the MTA is attempting to negotiate with New Jersey elected officials who have brought one such lawsuit, similar to how the MTA worked with Bronx stakeholders to develop mitigation measures to address potential adverse impacts that were identified in the environmental review process. Another lawsuit was recently filed by an individual plaintiff who resides inside the toll zone in an environmental justice community and claims that the Environmental Assessment didn't study the impacts for that neighborhood sufficiently.

Item 2: Discussion of Traffic Mobility Review Board Recommendations Regarding Proposed Congestion Pricing Tolls and Other Plan Elements, and TBTA Proposed Toll Structure

Task Force Co-Chair Craig Lader provided details of the Traffic Mobility Review Board's recommendations and the fees that were ultimately proposed by the MTA's Triborough Bridge and Tunnel Authority (TBTA) that will be the subject of the public review period.

Traffic Mobility Review Board (TMRB) Report Summary

The TMRB report identified the considerations they took into account, which included Traffic Patterns and Environmental Justice, Traffic Mitigation Measures, Operating Costs, Public Impacts, Public Safety, Hardships, Toll Rates & Vehicle Types (Including Motorcycles), Peak and off-peak Toll Rates, and Environmental Impacts (including Air Quality and Emissions). The result was 5 key priorities that were the driving factors behind the proposed toll rates:

1. Keep the toll rates as low as possible, while still meeting the goals of reducing traffic congestion in the Central Business District (CBD) and generating new revenue for transit investments
2. Avoid unnecessary traffic "diversions" to communities already burdened by comparatively high levels of air pollution and chronic disease
3. Keep the toll affordable for low-income drivers who don't have a choice but to drive to work
4. Limit the number of credits, discounts, and exemptions
5. Keep it simple

The key general policies recommended were:

- Peak periods proposed to be 5AM to 9PM on Weekdays and 9AM to 9PM on weekends.
- No congestion pricing tolls will be assessed for vehicles leaving the CBD – only when entering.
- No more than one toll per calendar day will be assessed for passenger vehicles entering the CBD; trucks and certain other large vehicles will be charged each time they enter if they do so multiple times.

Recommended toll rates were as follows:

- Passenger vehicles - \$15 base toll when entering the CBD during peak periods, up to once per day for those using EZ-Pass (the TMRB recommendation did not differentiate between EZ Pass and other pay by plate; the TBTA subsequently proposed 50% higher tolls for non EZ Pass users)

- A 75% discount will be provided for passenger vehicles entering during off-peak periods (equating to a \$3.75 toll for passenger vehicles).
- Motorcycles – Toll rates 50% lower than for passenger vehicles, meaning a \$7.50 toll should be assessed for motorcycles entering the CBD during peak periods, up to once per day).
- Large (articulated) trucks should be charged \$36 per trip into the CBD; smaller box trips will be charged \$24 per trip.
- Passengers in NYC Taxi & Limousine Commission (NYC TLC) licensed taxis, green cabs, and black cars should be assessed a \$1.25 surcharge for each ride that includes travel within the CBD.
- \$2.50 per ride fee for passengers in For-Hire Vehicles (i.e. Uber, Lyft)

The policies regarding toll discounts, offsets and exemptions were:

- No toll credits or discounts should be offered during off-peak hours.
- Vehicles entering the CBD during peak periods after paying a toll at the Queens-Midtown Tunnel, Lincoln Tunnel, Holland Tunnel, and Hugh L. Carey (Brooklyn Battery) Tunnel should receive a congestion pricing toll credit:
 - TMRB Recommended Credit - \$5 for passenger vehicles, \$2.50 for motorcycles, \$12 for small trucks and charter buses, \$20 for large trucks.
 - TBTA Proposes smaller credits for those entering via the Queens-Midtown Tunnel and Hugh L. Carey (Brooklyn Battery) Tunnel
- Commuter buses associated with public transportation systems should be exempted from the congestion toll. Other buses (i.e. school buses, charter buses, tour buses) will be subject to congestion tolls.
- Low-Income commuters (defined as having a household income under \$50,000), should receive a 50% discount on tolls starting on their 11th trip in a calendar month. The first 10 trips entering the toll zone to be assessed the base toll rate for these vehicles.
- As required by the act, qualifying vehicles transporting person with disabilities, including those with government-issued disability license plates and those owned or operated by organizations that provide transportation to persons with disabilities, should be exempted from the congestion toll.
- Most government fleet vehicles should not be exempted from tolls, with the exception of those performing certain public works-related activities (i.e. trash collection, snow removal, pothole repair).
- Drivers of NYC Taxi and Limousine Commission (TLC)-licensed taxis and For-Hire Vehicles should be exempted from the toll (fees to be paid by customers)

The TMRB report noted that there were many rejected discounts and exemptions that the public had suggested during the initial public review period in 2022, and explained why they were not recommended:

- Public sector employees & private sector employees who must drive to work (employers should reimburse at their discretion)
- CBD Residents (no charges will be assessed to vehicles that drive entirely within the toll zone on any single calendar day, and TMRB recommending no charges when leaving the zone)
- Utility Companies (can't differentiate between public and private sector clients, qualifying companies can be exempted under emergency directives)
- Individuals with Medical Appointments (certain programs already exist for free/reduced cost medical transportation and reimbursements)
- Electric Vehicles (they contribute to congestion as much as gas vehicles)
- Individuals with auto-immune disorders or other serious medical conditions (No public databases to identify such populations beyond those with ADA Tags/License Plates that are already exempt)

TBTA Proposed Tolls

A Summary of the proposed TBTA Tolls, available at <https://new.mta.info/document/129191>, are as follows:

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY CENTRAL BUSINESS DISTRICT (CBD) CHARGES			
a E-ZPass Customers		CBD ENTRY CHARGE	TUNNEL CREDIT
VEHICLE CLASSIFICATION			
1	Passenger and other vehicles, including sedans, sport utility vehicles, station wagons, hearses, limousines, pickup trucks with factory beds, pickup trucks with caps below the roofline and not extending over the sides, and vans without an extended roof above the windshield Peak period (5am-9pm weekdays, 9am-9pm weekends) Peak period for registered Low-Income Discount Plan participants using an eligible vehicle, 11th trip and trips thereafter in a calendar month (5am-9pm weekdays, 9am-9pm weekends) Peak period per-trip credit (maximum daily credit \$5.00) If entering the CBD via the Lincoln Tunnel or Holland Tunnel If entering or exiting the CBD via the Queens-Midtown Tunnel or Hugh L. Carey Tunnel Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$15.00 <	

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY CENTRAL BUSINESS DISTRICT (CBD) CHARGES			
b	Customers Using Fare Media Other Than E-ZPass	CBD ENTRY CHARGE	PER TRIP CHARGE (TO/FROM/WITHIN CBD)
	VEHICLE CLASSIFICATION		
1	Passenger and other vehicles, including sedans, sport utility vehicles, station wagons, hearses, limousines, pickup trucks with factory beds, pickup trucks with caps below the roofline and not extending over the sides, and vans without an extended roof above the windshield Peak period (5am-9pm weekdays, 9am-9pm weekends) Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$22.50 \$5.50	
2	Single-unit trucks, including non-articulated trucks, pickup trucks with modified beds, vans with modified body behind the drivers cab, pickup trucks with cabs above the roofline or extending over the sides, and vans with an extended roof above the windshield Peak period (5am-9pm weekdays, 9am-9pm weekends) Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$36.00 \$9.00	
3	Multi-unit trucks, including articulated trucks where a power unit is carrying one or more trailers Peak period (5am-9pm weekdays, 9am-9pm weekends) Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$54.00 \$13.50	
4	Buses, including vehicles registered with the DMV and plated as a bus, omnibus, or have other designated official plates Peak period (5am-9pm weekdays, 9am-9pm weekends) Overnight period (9pm-5am weekdays, 9pm-9am weekends) Licensed sightseeing buses Peak period (5am-9pm weekdays, 9am-9pm weekends) Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$36.00 \$9.00 \$54.00 \$13.50	
5	Motorcycles Peak period (5am-9pm weekdays, 9am-9pm weekends) Overnight period (9pm-5am weekdays, 9pm-9am weekends) NYC TLC taxis, green cabs, for-hire vehicles (FHV's) Taxis, green cabs, and FHV's FHV's on trips dispatched by high-volume for-hire services (HVFHSS)	\$11.25 \$2.75	\$1.25 \$2.50

The proposed TBTA Congestion Pricing tolls largely mirror the recommendations of the TMRB. The instances in which the TBTA deviated from the TMRB or included additional policies were as follows:

- The TBTA suggests lower toll credits for the those entering the CBD via the Queens Midtown/Hugh L. Carey Brooklyn Battery Tunnel than those entering via the Holland/Lincoln Tunnels;
 - The East River Crossing Credit would be \$2.50 for passenger vehicles, \$6 for small trucks and \$10 for large trucks (as opposed to \$5/\$12/\$20 credits for those using the Lincoln/Holland Tunnel);
- 50% higher toll rates for those who use don't use EZ Pass (\$22.50 for passenger vehicles, \$36 for small trucks, \$54 for large trucks during peak periods, \$5.50/\$9.00/\$13.50 during off-peak periods)
- The TBTA reserves the right to charge 25% higher rates during "gridlock alert days"
- The "adaptive management approach" to mitigating project effects that were committed to in the Final Environmental Assessment allow the following:
 - Toll rates are subject to a variable percentage increase/decrease of up to 10% for up to 1 year after project implementation;

- Policies regarding daily toll caps for non-passenger vehicles and motorcycles (i.e. small trucks, large trucks, buses other than those from a public transportation system) are subject to change. Currently, no daily caps are proposed for these groups.

There was extended discussion of the TMRB recommendations and proposed tolls. With few exceptions, those who commented from both CB8 and the Public expressed their deep opposition to congestion pricing, and in many instances reiterated themes that have frequently come up at prior Task Force meetings. Discussion included the following comments and themes:

- Continued requests for exemptions for all medical-related trips and for those who are not eligible for disability license plates but otherwise need to drive.
- Support for off-peak hours starting earlier. One of the chairs noted that the TMRB showed a graphic depicting how there is a sharp decline in vehicles entering the CBD starting in the 9PM hour, and a sharp increase between 5AM and 6AM, which explains why the 9PM to 5AM off-peak period was proposed. It was also noted that overnight shift workers were accommodated by this timeframe and the elimination of tolling upon exiting the congestion zone.
- Concerns were expressed that the City will lose taxis as a result of the proposed per-trip fees being assessed to passengers that could result in a loss of ridership in TLC Yellow Taxis; It was also noted that given the extent to which for-hire-vehicles are causing congestion in the CBD that the proposed \$2.50 per trip fee is not going to benefit congestion levels; there was also the belief by some that the companies supplying the for-hire vehicles should be assessed the fees rather than the passengers themselves.
- Acknowledgement that some past supporters of Congestion Pricing have backtracked, including former Governor Andrew Cuomo.
- Ongoing concerns that the plan was devised pre-Covid and before commuting patterns shifted due to remote work becoming more commonplace. These included concerns that the landscape in terms of congestion, office occupancy, and garage closures has changed since 2019 when the data on which the plan relies on was collected.
- Toll shopping could occur with vehicles using the inbound upper roadway of the Queensboro Bridge not going to be charged a toll, and result in congestion in the lower 60s.
- Toll shopping could further occur with drivers causing congestion on the FDR Drive and local avenues running through CD8 if drivers go to the Triborough Bridge to avoid higher tolls going eastbound on the Queensborough Bridge.
- Concerns about drivers and trucks seeking to avoid the congestion toll from parking in the lower 60s and creating congestion; it was noted that the environmental assessment findings were that this is not expected to occur and that no negative impacts were expected in the lower 60s.
- The adequacy of the EA and the entire environmental review process, including the belief that the FONSI issued was a pre-determined outcome. Concern was further expressed that there should have been the more thorough and contemporaneous analysis required in an Environmental Impact Statement rather than an EA. Questions were raised about the manner in which the MTA provided funding to these communities likely to suffer adverse environmental effects in response. There was related discussion regarding these themes as they relate to the lawsuits that have been filed, and the argument the MTA is making that they vigorously adhered to the rules of NEPA (National Environmental Policy Act) that spell out requirements of the environmental review process.
- Concerns that the MTA isn't going to be responsive or aware of CB8's concerns and resolutions.
- Concerns about the economic impact of congestion pricing on residents and small businesses. A member of the public asked if there were economic studies, concerned that businesses in the zone would be affected and prices would rise for those living in Manhattan; it was noted that the EA did touch on economic impacts. Comments related to the more comprehensive analysis of financial impacts that an EIS would require were also made.
- Interest in residential parking permit programs was expressed, and it was noted that CB8's Transportation Committee would be discussing this further in February 2024.
- Questions about how the revenues generated would be utilized, and whether the Lockbox for the revenues would actually work to ensure that it would all go towards supporting the MTA's 2020-2024 Capital Plan that funds projects only for New York City Transit, Long Island Rail Road and Metro-North Railroad.

- Concerns about the financial impact of congestion pricing, including a suggestion that the value of the anticipated revenue has decreased by 20% since 2019 as a result of inflation.
- Questions about what will happen if Congestion Pricing is a policy failure and how policy makers will react if it causes harmful economic or social impacts that were not anticipated.
- Concerns about unintended consequences, such as whether the tolls proposed for trucks will result in shifting of deliveries to overnight hours, and if that would create noise disruption for residents.

The following resolution was put forward:

WHEREAS, New York State established a Central Business District Tolling Program, enacted into law in the FY2019-2020 New York State Budget; and

WHEREAS, §1706 of the New York State Vehicle & Traffic Law, enacted as part of the 2019-2020 New York State Budget that included the language that enacted the Central Business District Tolling Program, requires the MTA Triborough Bridge and Tunnel Authority to issue a report on the effects of the program starting one year after the date in which operations begin; and

WHEREAS, the reporting requirements described in §1706 of the New York State Vehicle & Traffic Law include metrics, including reporting the effect of the central business district tolling program on traffic congestion in and around the central business district, on mass transit use and taxi and for-hire vehicle use (including the vehicle-miles traveled for each trip within the central business district for taxis and for-hire vehicles), and the current and historic volume of vehicles entering the central business district by vehicle type (including but not limited to trucks, transportation network companies, taxis, private cars, and tour buses), and;

WHEREAS, §1706 also requires reporting on environmental improvements, including but not limited to, air quality, and emissions trends in and around the central business district; congestion reduction measures; and transit ridership and average bus speeds within the central business district, and on all receipts and expenditures relating to the central business district tolling program; and

WHEREAS, CB8 previously approved a resolution requesting that the MTA Develop a webpage dedicated to Congestion Pricing reporting that identifies specific funding streams generated by the program and the amounts being provided to specific projects in the 2020-2024 Capital Program (and successor programs) that the funding is being used for; and

WHEREAS, CB8 also previously approved a resolution calling 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 if the measurable program goals related to congestion, air quality, revenue generation and other key metrics are not met within 3 to 5 years; and

WHEREAS, the Central Business District Tolling Program is on a trajectory that may result in congestion pricing tolling beginning as early as June 2024; and

WHEREAS, the MTA already has a performance dashboard on its website that reports key performance metrics for each of its public transit divisions that is updated as frequently as daily for certain categories of data; and

WHEREAS, full and immediate transparency from the MTA should be a core tenet for a program such as congestion pricing given the great interest both policy makers and the public will have in understanding the impacts of the program; and

WHEREAS the tolling infrastructure that has been installed will be generating the information necessary for the MTA to monitor traffic effects of congestion pricing on a regular basis (monthly or quarterly) as soon as tolling begins;

WHEREAS, timely reporting on Congestion Pricing should be made available in a public-facing manner on a frequent basis similar to the MTA's existing dashboards, as annual reporting that doesn't begin until after one

year of operations is concluded lacks the needed immediacy, is too infrequent, and may not allow for the identification of trends and effects to be fully discernable, including seasonal trends that may not be apparent with annual reporting; and

WHEREAS, the limited breadth of the reporting data that is required under §1706 focusing on inside the toll zone is not sufficient to provide a full picture of impacts on residents and businesses for areas bordering the toll zone such as in most of Community District 8; and;

WHEREAS, the reporting requirements described in §1706 of the New York State Vehicle & Traffic Law don't require reporting pertaining to fiscal matters, including operating and implementation costs of the program, and revenues generated from tolling; and;

WHEREAS, any future changes to the congestion pricing program, such as those that could be considered by elected officials looking to update the state law depending on the specific potential benefits and adverse impacts that may result, would need to fully understand the impacts of the program through data-driven analysis that necessitates reporting more frequently than on an annual basis;

THEREFORE, BE IT RESOLVED, that CB8 recommends strongly that the MTA provide an easily accessible and user-friendly portal on its website devoted to congestion pricing that is updated regularly (on at least a monthly or quarterly basis depending on the data set) and which shall contain a dashboard that includes the following information: revenue generated, construction/implementation and operating costs, traffic data specifically identifying volumes at each location where a toll zone entry exists, and a detailed breakdown of vehicles entering the zone by vehicle type, including passenger cars, taxis, for-hire vehicles, buses, large trucks, small trucks, and motorcycles.

Yes (8): Birnbaum, Camp, Lader, Mason, McClement, Salcedo, Seligson, Spagnoletti

No (0): None

Abstain (0): None

Item 3: Elected Official Comments/Reports Regarding Congestion Pricing

Jesse Lang, Transportation and Policy Analyst representing the Manhattan Borough President's office, noted that Borough President Mark Levine has been a longstanding supporter of congestion pricing but wants to make sure it is done right. She indicated that the office is happy to coordinate any questions that constituents may have for the MTA pertaining to Congestion Pricing.

Harley Neiditz, District Office Liaison for Assembly Member Rebecca Seawright's office, read a statement from the Assembly Member. The statement called the fees detrimental to the daily routines for Manhattan residents and noted that she has been calling for common sense discounts and exemptions for populations that would be unduly impacted by the tolls and that she and other elected officials representing Manhattan have expressed their concerns to the Governor. Assembly Member Seawright acknowledges that the TMRB recommendations fall short of what she has urged and is calling for the MTA to provide exemption for public sector workers, individuals with medical appointments, and people with serious medical conditions that don't have (or aren't eligible for) accessible parking license plates. It was also noted that some key priorities were adopted and, in some cases, exceeded those included in the original enacting legislation and that the revenues that will support the MTA's Capital Program will fund improvements to make 67 subway stations fully accessible by the anticipated 2055 completion date.

State Senator Liz Krueger was unable to attend but requested that her most recent newsletter be acknowledged, in which she indicated she supports congestion pricing but urges the public to submit comments to the MTA.

Item 4: Old and New Business

There was significant interest among Task Force Members to have an MTA official or representative attend an upcoming meeting. There was also interest in discussing the need for the State Inspector General or Comptroller to conduct an audit of the Congestion Pricing Program. There was also a proposal for developing a survey/questionnaire to determine whether Congestion Pricing is impacting businesses and cultural organizations.

There being no further business, the meeting was adjourned at 9:01 PM.

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