

## *City Council of New York*



February 28, 2008

Michael Bloomberg  
Mayor, City of New York  
City Hall  
New York, NY 10007

Dear Mayor Bloomberg:

We are writing to urge you to correct an unfairness in the “congestion pricing” policy proposed by the Traffic Congestion Mitigation Commission, prior to the upcoming votes in the City Council and the State Legislature.

We are concerned that the burden of paying for congestion pricing will fall too heavily on New York City residents – and in particular on residents of Brooklyn, Queens, the Bronx and Staten Island – while commuters from outside the City will remain unaffected.

Under the current proposal, bridge and tunnel toll payments would be credited against the \$8 congestion charge. This means that commuters who currently pay tolls to use the Port Authority and Triborough Bridge and Tunnel Authority river crossings will pay no additional congestion fee. The bulk of these drivers live outside of New York City. At the same time, drivers who enter Manhattan via the Brooklyn Bridge, the Manhattan Bridge or the Williamsburg Bridge will pay the full \$8 congestion charge. Most of these drivers do live within New York City.

This is blatantly unfair.

Indeed, the Final Report of the Congestion Pricing Commission itself appears to recognize the unfairness when it states: “The Commission recommends that the State Legislature consider the concerns raised by some Commissioners regarding the contribution of commuters from west of the Hudson River to the MTA Capital Plan.”

We ask you, as the primary architect of the congestion pricing plan, to act to remedy the unfairness, either by amending the plan to require commuters from outside New York City to pay a congestion fee in addition to bridge and tunnel tolls, or by forcing the Port Authority to agree to devote a significant portion of their revenue from Hudson River crossings to funding mass transit in New York City (as suggested in the sentence quoted above from the Commission Report).

One proposal for addressing the unfairness would be to give drivers a full credit for bridge and tunnel tolls only if they reside in one of the five boroughs; under this proposal, drivers from outside the City would be given partial credit for toll payments but would still be required to pay some fee for entering the congestion zone. This would improve the existing plan in three ways. First, it would treat New York City residents more equitably in comparison to New Jersey commuters; while City residents would still bear the brunt of the new charges, the unfairness would be lessened. Second, it would raise substantially more revenue than the current proposal, with no additional cost; this revenue would enable more significant expansions in mass transit service than are envisioned in the Commission proposal. Third, it would make the policy more effective in reducing congestion by giving New Jersey commuters an incentive to choose mass transit.

We have been told by members of your Administration that a concern has been raised as to the constitutionality of a plan that provides a different toll credit to City residents than is provided to non-residents. After consulting with constitutional law scholars, we are confident that our proposal is constitutionally valid – just like, for example, the current practice of allowing Staten Island residents to pay a reduced fare for using the Verrazano Bridge.

As an alternative to adjusting the toll credit, another way to address the unfair burden on City residents would be to require the Port Authority to contribute a significant portion of its revenue from tolls on the Holland Tunnel, the Lincoln Tunnel and the George Washington Bridge to the Metropolitan Transit Authority, for use in funding system improvements within the City. We note that in expectation of the congestion pricing policy, the Port Authority cynically raised the tolls on the crossings it controls, so that those tolls will be exactly the same as the \$8 congestion fee – thus ensuring that revenue generated from drivers who use those crossings will be spent by the Port Authority rather than on mass transit. Either of the two proposals discussed in this letter – capping the toll credit, or requiring a Port Authority contribution to the MTA – would ensure that more of the revenue generated from driving commuters goes to mass transit, and would help force the Port Authority to be a more responsible partner in planning and implementing the region's transportation network.

Finally, we note that some of the signatories to the letter support the idea of congestion pricing; others do not, or have concerns beyond the unfairness of the plan's burden on City residents in comparison to non-resident commuters. All of us, however, believe strongly that this unfairness must be corrected.

Sincerely,

Council Members,

Yassky  
James  
Mark-Viverito  
Garodnick

Brewer  
Koppell  
Jackson  
Gioia  
Seabrook  
Felder  
Vacca  
White  
Mendez  
Liu  
Gentile  
Lappin  
Stewart  
Vallone  
Rivera  
Dilan