

IV. Commission Recommendation to the City and State of New York

In the summer of 2007, New York's Governor and State Legislature created the Traffic Congestion Mitigation Commission and charged its members with developing a solution to the severe traffic congestion problem in New York City's central business district (CBD). The legislation establishing the Commission required it to study and evaluate different approaches to reducing congestion in the CBD, including the congestion pricing plan forwarded by Mayor Michael R. Bloomberg in April of 2007, and to recommend a comprehensive traffic congestion mitigation plan to the City and the State by January 31, 2008. The Commission was required to set forth an implementation plan that achieves at least a 6.3 percent reduction in vehicle miles traveled (VMT) in Manhattan south of 86th

Street—the estimated level of VMT reduction of the Mayor's plan.

Over the past four months, the Commission has conducted a thorough review of potential congestion mitigation plans and the strengths and weaknesses of these approaches. During this process, the Commission recognized that an effective traffic congestion mitigation plan must include new funding for the MTA Capital Plan. At the direction of the Commission, agency staff has analyzed several different congestion mitigation options, ranging from telecommuting incentives to truck restrictions (see box below). The results of the Commission's analysis have been made available to the public and are posted online.¹ In addition, the Commission held two sets of public hearings (a total of 14) across the City and region and received testimony from public officials, advocacy groups, community organizations, and private citizens. The comments, concerns, and suggestions articulated at these hearings have informed the Commission's work, including its evaluation criteria, research agenda, and final recommendation.

Ideas Considered by the Commission

- Telecommuting incentives
- Increase cost of parking in the central business district (CBD)
- Reduce use of parking placards by public employees
- Additional taxi stands to reduce cruising ("No Hail Zone")
- Increasing cab fares and fees charged to cabs
- Raising tolls or implementation of variable tolls on existing facilities
- East River bridge tolls
- License plate rationing
- Required carpooling
- Creation of High-Occupancy Toll ("HOT") lanes
- Congestion pricing with a changed northern boundary
- Congestion pricing with no intra-zonal charge and a charge on FDR & West St.
- Congestion pricing with variable charges or extended hours
- Congestion pricing with a hybrid exemption
- Congestion pricing with a modified E-ZPass toll offset policy
- Truck restrictions

Following the release of its Interim Report on January 10, the Commission held its second round of public hearings, one in each borough of New York City and one each in Nassau and Westchester counties. Speakers commented on the options outlined in the Interim Report and stated the need for the Commission to identify specific implementation strategies relating to transit improvements, revenue allocation, environmental review, neighborhood parking, and privacy protection. A number of

¹ Commission website:

https://www.nysdot.gov/portal/page/portal/programs/congestion_mitigation_commission

speakers testified about the need for improved transit service in the City generally, and in specific neighborhoods. Some speakers expressed opposition to all the options presented in the Interim Report, while others advocated for a specific alternative. Several hearing participants encouraged the Commission to adopt the alternative congestion pricing plan as presented in the Interim Report, which they viewed as an improvement over the Mayor’s proposal. Among other things, these advocates supported the plan’s simpler design, reduced number of camera locations, and lower capital and operating costs. Several participants also approved of moving of the congestion zone’s northern boundary from 86th Street to 60th Street. Comparatively few participants in the hearing supported the toll plan.

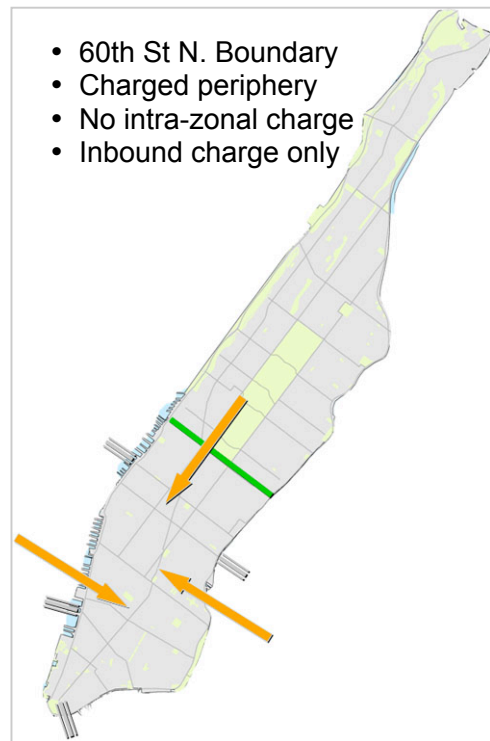
This report follows up on the Commission’s Interim Report, released January 10, and lays out the Commission’s final recommendation to the Governor, the State Legislature, the City Council, and the Mayor.

Recommended Plan

Upon further deliberation and input from the public, the Commission recommends that the City and State implement congestion pricing in Manhattan south of 60th Street. The Commission’s plan builds on the alternative congestion pricing plan presented in the Interim Report and adds a series of implementation guidelines, to be discussed in the next section. The guidelines touch on issues raised throughout the Commission’s deliberations, including: privacy protection, neighborhood parking, dedication of revenues for transit, and environmental review.²

Table 9: Alternative Congestion Pricing Plan

Parameter	Plan
<i>Northern Boundary</i>	60 St
<i>Direction of Charge</i>	Inbound
<i>Fee Rate</i>	Flat \$8
<i>Hours of Charge</i>	6 am – 6 pm
<i>E-ZPass Toll Offset</i>	Yes
<i>LPR Surcharge</i>	\$1
Supplements	
\$1 taxi/livery trip surcharge for trips that start and/or end in zone	
Increased metered parking rates within zone	
Eliminate resident parking tax exemption within zone	
Implementation Measures	
Residential parking permit program	
Dedication of revenues to transit	
Short-term transit enhancements	
Privacy protections	
Environmental review	



² See pages pg. 30-31 of the Interim report to the Traffic Congestion Mitigation Commission, January 10, 2008. Available on-line: https://www.nysdot.gov/portal/page/portal/programs/congestion_mitigation_commission/interim-report

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Under the Commission’s plan, cars would be charged an \$8 fee to drive into the areas of Manhattan south of 60th Street on weekdays between 6am and 6pm. Trucks would pay \$21, except for low-emission trucks, which would pay \$7.³ Under this fee-based plan, drivers would pay once upon entering the charging zone and would be able to make additional trips in and out of the zone at no additional cost. For E-ZPass users, the value of all tolls paid on MTA or Port Authority bridges and tunnels would be deducted from the fee up to \$8.

The Commission’s plan would use an electronic fee collection system based on E-ZPass and license plate cameras. Non-E-ZPass users would be subject to a \$1 surcharge to encourage E-ZPass use and to cover the additional cost of processing license plate image transactions. In addition, the Commission’s plan includes a package of parking and taxi policies designed to further discourage driving within the zone, including a \$1 surcharge on taxi, black car, and car service trips that start and/or end within the zone during congestion pricing hours, increased on-street parking meter rates within the zone, and elimination of the resident parking tax exemption for off-street parking garages and lots within the zone.

Table 21: Plan Traffic Benefits

Geography	VMT Reduction	Reduction in Most Severe Traffic*
Manhattan south of 86 th Street	-6.8%	-34.3%
Manhattan north of 86 th Street	-3.8%	-20.9%
Western Queens**	-6.1%	-38.6%
Northwest Brooklyn***	-4.7%	-22.1%
Bronx	-1.3%	-8.3%
Staten Island	-1.0%	-12.3%

* Measures reduction in most severe traffic conditions (e.g. stop-and go traffic).

** Western Queens includes: Long Island City, Astoria and Sunnyside

*** NW Brklyn includes: Park Slope, Carroll Gardens, Boerum Hill, Red Hook, Downtown Brklyn, Williamsburg, Greenpoint and Bushwick

Of all the options considered, the Commission’s plan provides an effective and practical solution to the problem of traffic congestion in New York’s central business district (CBD) and meets the evaluation criteria used by the Commission to reach its final recommendation (see tables 21 and 22). The plan will help the City to meet the transportation challenges posed by projected population and job growth; it exceeds the 6.3 percent VMT reduction required by the State legislation establishing the Commission; and it will raise

an estimated \$491 million per year for transportation investment.⁴ Investing in the MTA Capital Plan was one of the main objectives sought by the Commission. Compared to the Mayor’s plan, the Commission’s plan has considerably lower operating and capital costs and a simpler fee structure.⁵ By increasing both the cost of taxi trips and parking within the zone, the plan ensures that those who live inside the zone also pay for auto use. The

³ The discount would apply to new trucks that meet the most current EPA engine standards and to trucks that have been retrofitted with EPA-approved equipment to reduce emissions by 85 percent. The goal of this incentive is to encourage truck owners to switch over to cleaner diesel trucks, which currently constitute a small portion of the regional truck fleet.

⁴ Net revenue of \$491 million calculated based on the MTA and Port Authority’s approved toll increases.

⁵ The capital cost of the Commission’s plan is estimated at \$73 million and the annual operating cost is estimated at \$62 million. These cost estimates are preliminary and based on construction cost factors from early 2007. If the plan is approved, the City will calculate updated engineering capital cost estimates.

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plan will also reduce traffic in neighborhoods adjacent to the zone, decrease vehicle emissions, and benefit the City and regional economy.

Compared to its considerable strengths, the alternative congestion pricing plan has relatively few weaknesses. Similar to the other plans considered in the Interim Report, the alternative congestion pricing plan may increase park-and-ride activity in neighborhoods adjacent to the zone or near major transit hubs. As will be discussed in the implementation section, the Commission recommends that the City be required to offer communities a residential parking permit program (RPP) prior to the start of congestion pricing and to track park-and-ride activity as part of a comprehensive monitoring program. In terms of economic equity, the Commission’s plan will negatively impact a small proportion of New Yorkers of limited income: those who drive to work in the CBD and have no feasible transit alternative. This group represents less than one percent of all commuters to the CBD. The vast majority of City residents of limited income will benefit from short and long-term transit improvements that revenues generated by the plan will make possible.

Finally, the Commission believes that the Commission’s plan is the first step towards a coordinated traffic management strategy for Manhattan and the region. Such a strategy could include one-way tolling and variable pricing on strategic crossings into Manhattan in combination with a 60th Street cordon or a coordinated congestion pricing scheme. A coordinated tolling or pricing strategy has the potential to reduce operating costs for the City, MTA, and Port Authority, to improve the efficiency of the regional transportation system, to raise additional revenues, and to set a precedent for further regional transportation cooperation. The Commission recommends that the State consider the long-term benefits of a coordinated approach to tolling or congestion pricing.

Table 22: Evaluation of the Commission’s Plan

Criteria	Commission Finding
<i>Reduction in Vehicle Miles Traveled (VMT)</i>	The plan will reduce VMT in the area of Manhattan south of 86 th Street by 6.8 percent, exceeding the requirement in the legislation establishing the Commission. The plan will also reduce traffic across the City and region.
<i>Net Revenue</i>	The plan will generate \$491 million a year in net revenues for transit investment. The plan’s design will result in significantly lower capital and operating costs than the Mayor’s plan.
<i>Best Practices</i>	The plan is modeled on successful congestion pricing programs in London, England and Stockholm, Sweden. The London and Stockholm programs have both achieved significant reductions in traffic congestion while also raising new revenues for transportation investment.
<i>Impacts on Air Quality and the Environment</i>	The plan will reduce motor vehicle emissions in the congestion pricing zone, neighborhoods adjacent to the zone, and citywide. Congestion pricing will support the City’s ongoing efforts to improve air quality and public health and to reduce emissions of green house gases.
<i>Neighborhood Impacts</i>	The plan will significantly reduce through-traffic in neighborhoods adjacent to the zone, including Upper Manhattan, Long Island City,

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	and Downtown Brooklyn. Like all four alternatives considered, the plan may increase park-and-ride activity in some neighborhoods. These impacts can be mitigated through neighborhood parking strategies and must be addressed in the City’s implementation plan.
<i>Impacts on Economic Classes</i>	By raising money for short and long-term transit improvements, the plan will most benefit transit commuters to the CBD. Analysis shows that these commuters earn 31 percent less in income than auto commuters to the CBD. A small proportion of New Yorkers of limited income—those who drive to jobs in the CBD—would be disproportionately impacted by the plan.
<i>Regional Equity</i>	The main purpose of the revenue stream is to support the MTA Capital Plan. Commission members raised concern over the equity of the congestion pricing plan regarding the contribution of commuters from west of the Hudson River to the MTA Capital Plan.
<i>Privacy</i>	Like all four alternatives considered, the plan raises some privacy concerns. Compared to the Mayor’s plan however, the plan requires significantly fewer license plate camera locations. The privacy impacts of the plan can be mitigated through controls on the storage and sharing of vehicle data which should be addressed in the City’s implementation plan.
<i>Implementability</i>	The plan is feasible and will primarily rely on technologies already in use in the New York area, such as E-ZPass. Neither new technology nor unprecedented levels of interstate coordination would be required.
<i>Economic Impact</i>	The plan will have a positive impact on the economy of the City and region by improving worker productivity, reducing business costs, and securing the future of the transit system.

Implementation Principles

In addition to its primary task of recommending a traffic congestion mitigation plan, the Commission also considered how such a plan should be implemented. In this section the Commission proposes a set of implementation principles for consideration by the City and State. These principles reflect issues and concerns raised by the Commission, elected officials, advocacy and community groups, and the general public and their application will ensure that the goals of the Commission are achieved in a way that takes all of these issues into account. Although presented in the context of the Commission's plan, these principles should apply to any pricing-based congestion mitigation plan considered by the City and State.

Summary: Implementation Principles

- 1. *Dedicated transit account:*** Funding the MTA Capital Plan must be the primary goal of revenues from congestion pricing. In addition, the Commission notes that there will be unfunded MTA operating needs related to short-term transit improvements, including those placed into operation prior to the start of congestion pricing that must be addressed.
- 2. *Short-Term Transit Improvements:*** The Commission recommends that strategic improvements to subway, bus, and express bus services be in place prior to the start of congestion pricing. These improvements should be financed with revenues from congestion pricing.
- 3a. *Neighborhood Parking Strategies:*** The Commission recommends that the City be required to allow neighborhoods adjacent to the zone to opt into a residential parking permit program prior to the start of congestion pricing. This program should be consistent with the recommendations of the environmental review.
- 3b. *Monitoring Program:*** The Commission recommends that the City be required to implement a traffic and environmental monitoring program prior to the start of congestion pricing. If adverse environmental impacts are identified by the monitoring program, the Commission recommends that the City be required to implement appropriate mitigation measures.
- 3c. *Environmental Review:*** The Commission recommends that the City be required to conduct a thorough environmental review of the plan based on the principles of the State Environmental Quality Review Act (SEQRA).
- 4. *Privacy:*** The Commission recommends that the City be required to take appropriate steps to protect the privacy of drivers, such as restrictions on the handling of vehicle data and the provision of an anonymous payment option.
- 5. *Payment options:*** the Commission recommends that the City be required to provide a wide range of payment options to non-E-ZPass users, such as payment via kiosks, at designated retail stores, on the internet, via SMS, and by phone.

6. Traffic Enforcement: the Commission recommends that the City, in coordination with congestion pricing, increase the enforcement of existing traffic laws and the reduction of government-issued parking placard abuse.

(7) Economic Impacts on drivers of limited income: The Commission recommends that the State Legislature consider changes to State tax policy so as to mitigate any disproportionate impacts of the plan on drivers of limited income.

(8) Regional Equity: 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.

(1) Dedication of Revenues

At the Commission's hearings, many witnesses wanted guarantees that the funds generated by a congestion pricing system would be invested in transit and not diverted to other unrelated needs. This concern was shared by testifiers representing a broad range of views on congestion pricing. The Commission recommends that State build on the successful model for dedicating transit revenue under State Law that has been in place since 1980. This approach must be strengthened for the purpose of congestion pricing. Therefore, the Commission recommends the following:

- **Securing of congestion pricing revenues:** Funding the MTA Capital Plan must be the primary goal of revenues from congestion pricing. In addition, the Commission notes that there will be unfunded MTA operating needs related to short-term transit improvements, including those placed into operation prior to the start of congestion pricing, that must be addressed. All net revenues generated by the congestion pricing fee and the taxi surcharge should be deposited into a dedicated MTA account similar to the agency's dedicated real estate tax accounts. These funds should only be used for capital investments for system improvement, expansion, and state of good repair projects, excluding normal replacement. Such projects may include, but are not limited to, new buses and bus facilities, BRT routes, park-and-ride facilities, commuter rail improvements, and subway expansion and rehabilitation. By law, revenues should not be used for any other purposes. Priority in the distribution of funding should be given to those areas in need of additional transit investments. Funds should be used for both new capital expenditures and for debt service associated with those expenditures. As prescribed in the law establishing the Commission, the MTA should submit a new five year capital plan by March 31, 2008.
- **Governance structure for congestion pricing revenues:** The use of congestion pricing revenues for capital expenditures should be subject to approval by the MTA Capital Program Review Board (CPRB), as required by law.⁶ However, only for the approval of the plan submitted by March 31, 2008 by the MTA for this account only, the Commission recommends that a representative of the New York City Council Speaker be provided with the same rights and privileges of the CPRB members

⁶ Insert explanation of CPRB

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appointed by the Governor upon the recommendation of the Senate Minority Leader and Assembly Minority Leader. The expenditures in the congestion pricing account should not be used to offset any funding obligations to the MTA by any governmental entity. For capital expenses funded by congestion pricing revenues, the MTA shall follow all legally applicable prevailing wage laws. In addition, the MTA should continue to be responsive to local government and community concerns and to conduct all public hearings as required by law.

- **Securing of parking revenues:** All funds from increased on-street parking rates and the elimination of the resident parking tax exemption within the zone should be dedicated by the City of New York to additional transit, pedestrian, bicycle, and parking management improvements, including, but not limited to, expanded ferry service, bus signalization, BRT investments, bicycle facilities, and pedestrian enhancements. NYCDOT should submit an annual plan to the City Council for approval on the use of these funds and shall report on the actual expenditures of such a plan.
- **Maximizing resources for transit:** In order to provide enhanced transit services throughout the region, a significant amount of new capital is needed for transportation infrastructure. However, issuing bonds (the method of borrowing typically used by the City and the MTA for capital investments) requires a guaranteed revenue stream over the long term.
- **Transparency:** The Commission recommends that the MTA report annually on all receipts and expenditures of the Congestion Pricing account, including taxi surcharge revenues. The report should detail operating expenses of the Program, enhancement plans and all fund expenditures. This report and all capital plan amendments relating to this account should be readily available to the public, including posting on the MTA website, and be submitted to the Governor, State Legislature, Mayor, MTA CPRB, and City Council.

(2) Transit Service Improvements Prior to Congestion Pricing

At the Commission's public hearings, several speakers stated that additional transit service would be necessary to accommodate the increase in bus and subway ridership caused by congestion pricing. In its presentation to the Commission, the MTA pledged to improve transit service prior to the start of congestion pricing to meet increases in ridership and to fulfill the requirements of the UPA. The Commission reiterates the importance of having the MTA's transit enhancement plan in place prior to the implementation of the Commission's plan.

(3) Neighborhood Parking Strategies, Monitoring, and Environmental Review

The Commission recommends that State Legislature enact a customized environmental review process that adheres to the principles of the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR) and that recognizes the plan's unique legislative approval path and review process to date. SEQRA/CEQR is the

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standard environmental review process for all City projects and policies that may have an adverse impact on the environment. The relevant section of SEQRA states:

In adopting SEQRA, it was the Legislature's intention that all agencies conduct their affairs with an awareness that they are stewards of the air, water, land, and living resources, and that they have an obligation to protect the environment for the use and enjoyment of this and all future generations. The basic purpose of SEQRA is to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes of state, regional and local government agencies at the earliest possible time.⁷

When planning a project, government agencies are required by SEQRA/CEQR to conduct a preliminary review to determine whether the project may have adverse environmental impacts. If the project is found to have potential impacts, the agency is further required to solicit public comments, consider alternatives to the project, analyze the potential environmental impacts of each alternative, and justify the selection of a preferred alternative. The results of this process are then disclosed in an Environmental Impact Statement and released to the public.

During the course of its work, the Commission undertook processes that, in effect, addressed many key elements of the SEQRA/CEQR process.⁸ The Commission determined that its plan would have a beneficial impact on the environment by reducing auto traffic and vehicle emissions both in the congestion pricing zone and citywide.⁹ Several laws have provided that the full SEQRA process is unnecessary when other processes have fully analyzed a project's environmental impacts in a public setting, thus rendering full SEQRA review duplicative.¹⁰ Therefore, the Commission's alternatives analysis and public outreach should serve as the foundation of the environmental review process for the congestion mitigation plan approved by the State. Treating the commission process in this way is consistent with past practice for complex issues involving legislative action and existing public review. Such an approach will leverage the substantial work conducted by the Commission and recognize that the State Legislature will, if so desired, authorize the City to implement a specific traffic congestion mitigation plan (thus precluding the City from considering other alternatives).

The Commission further recommends that the State require that the City fulfill SEQRA/CEQR's remaining mandates by soliciting public comment on the potential

⁷ Environmental Conservation Law (ECL) § 8-0103 (8) and 6 NYCRR Part 617.1 (c)

⁸ The Commission held two sets of public hearings and received comment on the environmental impacts of congestion pricing, mitigation measures, and alternative congestion mitigation plans. Public comment was incorporated into the Commission's ten evaluation criteria (which included environmental impacts), its research agenda, and the five alternative congestion mitigation plans selected for further review. Agency staff have conducted traffic and air quality impact analysis on each of the five alternatives, and made these analyses available for public review and comment.

⁹ The plan would also generate funding for short and long-term transit improvements; further encouraging transit use and supporting the environmental goals of the program and benefiting the City's environment and economy. Congestion pricing, like all of the four alternatives plans considered, may cause an increase in park-and-ride activity in neighborhoods adjacent to the zone. However, these neighborhoods would also experience a significant reduction in through-traffic heading to Manhattan.

¹⁰ Some examples include permits issued by the Adirondack Park Agency, and under Articles VII, VIII and X of the Public Service Law. Other laws, while requiring a SEQRA process, have tailored that process to other legislatively-mandated process. Examples include the Long Island Pine Barrens Act and the Low Level Radioactive Waste Disposal Commission Act.

adverse environmental impacts of the authorized plan, analyzing these potential impacts, identifying possible mitigation measures, and by developing a comprehensive monitoring plan. In addition, the Commission recommends that the City be required to implement a robust monitoring program during the initial phase of implementation of the authorized plan. SEQRA/CEQR requires that if adverse environmental impacts are identified, the government agency conducting the review must incorporate mitigation measures into its plan to the maximum extent practicable. The Commission recommends that the City be required to conduct ongoing monitoring of the recommended plan's environmental impacts, including impacts on traffic and neighborhood air quality. If significant adverse traffic, air quality, or other environmental impacts are identified during the monitoring phase, the City should be required to implement one or more of the mitigation measures identified in the EIS, such as residential parking permits or traffic improvements. The findings of the City's efforts should be summarized in a customized EIS released prior to the start of congestion pricing. Through this process, the plan approved by the State will have undergone all the key elements of SEQRA/CEQR review.

The details of the Commission's recommended environmental process for the Commission's plan are as follows:

Part I – Environmental Review

- **Alternatives analysis and evaluation of impacts:** the Commission's 14 public hearings should serve as the initial public comment phase for the environmental review process. The Commission's Interim Report, which laid out five alternatives, should serve as the alternatives analysis for the environmental review process.
- **Preferred alternative:** the preferred alternative will be specified by the State Legislature, if so desired, in legislation authorizing New York City to implement a traffic congestion mitigation plan. The approved plan should serve as the preferred alternative for the environmental review process.
- **Scoping process and public comment:** Through public hearing(s), the City should solicit comments on the proposed scope of the environmental review, potentially significant adverse impacts of the project, and mitigation measures to address those impacts. The City should then release a scoping document identifying any potentially significant adverse impacts, if any, for further analysis and review. Likely topics may include: traffic, noise, neighborhood parking availability, air quality, transit, and pedestrian impacts.
- **Analysis of potentially significant adverse impacts:** The City should conduct an analysis of any potentially significant adverse environmental impacts, develop possible mitigation measures, and outline a detailed monitoring plan for each potential impact.
- **Release of Customized Draft EIS:** the City should release a Draft EIS summarizing the above including the possible mitigation measures and

monitoring plan. The EIS should be released prior to the start of congestion pricing. The City should hold public hearing on the Draft EIS.

- **Release of Customized Final EIS:** after having incorporated public comment, the City should release a Final EIS. The FEIS should be released prior to the start of congestion pricing. Ten days after the public release of the FEIS, the City should release a findings statement regarding their decision on an appropriate monitoring plan and potential mitigation measures. .

Part II –Initial Implementation, Monitoring, and Mitigation

- **Monitoring program:** the City should monitor the traffic, air quality, noise, parking, and other environmental impacts of the project and release annual reports on these impacts. A preliminary report should be made available within six months of the start of congestion pricing and these reports should be made available to the public on the internet. The monitoring program must be in place prior to the implementation of congestion pricing to establish baseline conditions.
- **Mitigation program:** the City should implement mitigation measures for significant adverse impacts identified by the monitoring program and should solicit public comment on proposed mitigation plans. The City should be required to initiate mitigation plans, if needed, within the first six months of congestion pricing. The Commission also recommends that the City pay particular attention to neighborhood parking impacts. Parking mitigation measures may include, but not be limited to, traffic improvements, expanded use of Muni-meters, changes to parking regulations, and residential parking permits (RPP). RPP programs will be subject to the approval process described below.
- **Residential parking permits:** NYCDOT is currently developing a citywide parking policy through a community planning process. Under the policy, neighborhoods will be able to request RPP. NYCDOT will then work with the local community to develop the boundaries of the RPP zone, which must then be reviewed by the Community Board, Borough President, and City Council. This process will be in place prior to the implementation of congestion pricing. The Commission supports this approach to RPP and further recommends that neighborhoods adjacent to the pricing zone be prioritized so that RPP can be implemented in neighborhoods that choose to opt in, prior to the start of congestion pricing. In addition, the Commission recommends the State pass legislation authorizing New York City to implement RPP.

(4) Privacy Protections

The Commission recommends that the City take appropriate steps to protect the privacy of drivers into the congestion zone. The City should comply with the privacy standards of the E-ZPass Interagency Group (IAG), adhere to all applicable City and State laws regarding the sharing of vehicle and private information with third parties, and implement additional privacy standards. Under current IAG protocols, participating agencies are not required to delete records that are no longer needed for billing inquiries or non-payment

enforcement. The City should delete all vehicle data, including E-ZPass reads and LPR photos, that are no longer needed for billing inquiries or non-payment enforcement. All data kept for research purposes should be stripped of vehicle information. In addition, the City should seek to develop an anonymous payment option through E-ZPass that allows a driver to pay the congestion pricing fee without revealing his or her identity.

(5) Payment options

The Commission recommends that the City be required to provide a wide range of payment options to non-E-ZPass users who enter the congestion zone during charging hours, such as the option of paying via kiosks, at designated retail stores, on the internet, via SMS, and by phone.

(6) Traffic Enforcement

The Commission recommends that the City, in coordination with congestion pricing, increase the enforcement of existing traffic laws. Measures should include stricter enforcement of block-the-box rules, bus lanes, and of the rules pertaining to government issued parking placards.

(7) Economic Impacts

Although most New Yorkers of limited income would benefit from the Commission's plan through improved transit services, the plan would negatively impact a small proportion of New Yorkers of limited income—those who commute by car to CBD. The Commission recommends that the State Legislature consider changes to State tax policy so as to mitigate these impacts.

(8) Regional Equity

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.