



**JUSTICE THROUGH
COMMUNITY POWER**

**Comments by Christopher Schuyler, Senior Staff Attorney
New York Lawyers for the Public Interest, Disability Justice Program
To the Metropolitan Transit Authority on September 23, 2021
Regarding Central Business District Tolling Program**

New York Lawyers for the Public Interest (“NYLPI”) strongly supports the goals of the Central Business District Tolling Program (“congestion pricing”), as this landmark policy will reduce climate emissions and toxic air pollution, improve traffic flow, and raise critical, on-going revenue for the MTA’s 2020-2024 Capital Plan (“Capital Plan” or “Plan”), which proposes spending approximately \$10 billion on desperately-needed construction projects to make New York’s subways accessible to people with disabilities. In total, the MTA is relying on congestion pricing to fund \$15 billion of the \$55 billion Plan, with congestion pricing as the single largest source of revenue for the Plan. NYLPI calls for funding and rapid implementation of the Capital Plan as a top priority for the new revenue from congestion pricing.

The Plan’s proposal to make 70 stations accessible, and make improvements to 175 other stations, in accordance with the Americans with Disabilities Act, is long overdue. The portion of the Plan’s funding raised by congestion pricing which will go to accessibility improvements must be at least proportional to the percentage of the Plan which deals with accessibility, and critically, must be earmarked for spending solely for the proposed accessibility work.

We also strongly support congestion pricing for the benefits of reduced climate emissions and traffic congestion. Congestion pricing will counteract traffic gridlock, which slows many buses and paratransit vehicles to a mere crawl. Easing traffic in the central business district will help people, including those with disabilities, get to jobs, schools, healthcare, and other appointments faster and more reliably.

Congestion pricing will also immediately reduce emissions associated with motor vehicle trips into the City’s central business district. In addition to improving mass transit, this will directly benefit environmental justice communities that have borne

cumulative pollution burdens and negative health impacts from the discriminatory siting of highways and other fossil fuel infrastructure.

Notably, the MTA must clarify how exemptions to congestion pricing will impact specific populations, particularly New Yorkers with disabilities who may be exempted from congestion fees. What groups are captured by the phrase “qualifying vehicles transporting people with disabilities”? At a minimum, it must include all types of Access-A-Ride vehicles, Office for People with Developmental Disabilities vehicles, wheelchair accessible cabs, wheelchair accessible for-hire vehicles, private vehicles owned and operated by people with disabilities, and other private vehicles used to transport people with disabilities.

After making both exemptions and funding priorities transparent, the rapid implementation of congestion pricing should be an urgent priority. Time is money: delayed money will have less value as it covers the inflated costs of labor, materials, and equipment. Moreover, with subway ridership remaining well below pre-pandemic levels, this is an ideal time to complete large construction projects while inconveniencing relatively low numbers of riders. Finally, the sooner congestion pricing takes effect, the sooner New Yorkers will benefit from reduced emissions and gridlock.

Thank you.

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About New York Lawyers for the Public Interest

For over 40 years, NYLPI has been a leading civil rights and legal services advocate for New Yorkers marginalized by race, poverty, disability, and immigration status. Through our community lawyering model, we bridge the gap between traditional civil legal services and civil rights, building strength and capacity for both individual solutions and long-term impact. Our work integrates the power of individual representation, impact litigation, organizing, and policy campaigns. Guided by the priorities of our communities, we strive to achieve equality of opportunity and self-determination for people with disabilities, secure environmental justice for low-income communities of color, create equal access to health care, ensure immigrant opportunity, and strengthen local nonprofits.

About NYLPI's Disability Justice Program

NYLPI has a long history of advocating for New Yorkers with disabilities. NYLPI's Disability Justice Program has long fought for equal access to public transportation for persons with disabilities and is a founding member of the Access-A-Ride Reform Group (AARRG!). Recent court successes include a landmark suit which resulted in improved access to paratransit services for people with disabilities who are limited English proficient. NYLPI, serving as amici curiae, also recently supported the plaintiffs in a New York Supreme Court Appellate Division case advocating for continued elevator installations throughout the subway system, in order to improve system accessibility for people with disabilities. NYLPI's most recent success includes making Fair Fares available to Access-A-Ride users.