



**JUSTICE THROUGH  
COMMUNITY POWER**

**Comments by Christopher Schuyler, Senior Staff Attorney  
New York Lawyers for the Public Interest  
To the New York City Council,  
Committee on Transportation and Infrastructure  
On August 17, 2023  
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” or “CP”). Congestion pricing promises to reduce congestion in the central business district (“CBD”) – the area below 60<sup>th</sup> street in Manhattan – easing the flow of traffic for emergency vehicles, Access-A-Ride (“AAR”) paratransit vehicles, buses, delivery drivers, bicyclists, others. Congestion Pricing will also reduce emissions and thereby improve air quality in the CBD. Lastly, the MTA is relying on CP to fund \$15 billion of the over \$50 billion 2020-2024 Capital Plan. This is particularly critical for the disability community as the MTA previously pledged that \$10 billion of the Capital Plan will go to improving the accessibility of the vastly inaccessible subway system.

While NYLPI supports and encourages the above-referenced goals, they must not be achieved at the expense of historically disadvantaged communities, such as people with disabilities and environmental justice (“EJ”) communities. The disability community, a group that is disproportionately low-income, has suffered from an inaccessible subway system since it was built. Due to decades of the MTA failing to commit to accessibility, AAR has ballooned to a size far bigger than would be needed if the city had accessible mass transit. Moreover, AAR itself is a dysfunctional system fraught with service issues, leaving many with disabilities to rely on costly for-hire vehicles (“FHV”) like cabs, Ubers, and Lyfts. Long underserved by the MTA, people with disabilities should not now be subject to the CP toll.

Additionally, certain tolling scenarios show that EJ communities, including the South Bronx, will experience increased harmful emissions due to traffic being diverted away from the CBD. Mitigation measures and cost offsets must be implemented to protect

the South Bronx and other EJ communities, particularly those that also encompass transit deserts.

Implementation of CP is imminent, yet there remains a litany of unknowns which impact the disability and EJ communities. As referenced above, the MTA is relying on CP to largely fund the Capital Plan, with its significant commitments to improving subway accessibility. It is, however, unknown what proportion of the \$15 billion raised by CP will be allocated toward the promised accessibility improvements. Moreover, if challenges to CP are successful in stalling or dismantling CP, what is the MTA's contingency plan to fund the Capital Plan? In the event that the Capital Plan is not fully funded, the MTA will need to make alternate plans. The promised accessibility improvements must not be sacrificed, but rather must be prioritized. Such improvements are long past due and will have wide-ranging long-term benefits, including reducing AAR costs and improving access and expanding subway ridership not only for people with disabilities, but for the myriad others who require accessibility in the subway, including seniors, people pushing strollers, delivery workers, people with luggage, and many others.

Although CP funding must go toward capital improvements rather than operating costs, AAR must also benefit from this funding infusion. During the hearing, the MTA touted its high satisfaction figures among AAR users, but those numbers have been boosted by the users' collective enthusiasm for the initial stage of the on-demand pilot program. The MTA boasted that the pilot is being expanded without increasing the operating budget, but it downplayed the fact that the so-called expansion relies on extensive ride rationing and greatly increased costs to users. Rather than taking more from AAR users, the windfall from CP should be used to improve AAR, including by actually expanding the pilot without subjecting riders to increased restrictions and higher prices.

CP legislation carved out certain vague exemptions for the disability community, which the recent Environmental Assessment clarified: no toll will be collected by vehicles with disability license plates or fleet vehicles used exclusively to provide transportation to people with disabilities, including AAR. Will exemptions for people with disabilities be limited to only these groups? Will it also be available to people with disability parking placards? Moreover, will the MTA ease administrative hurdles for people seeking disability license plates, including waiving application fees and expediting processing times? Also, for a host of reasons, including an inaccessible subway system, poor AAR service, living in a transit desert, and others, many people with disabilities resort to FHV's to get around. Will any exemptions or cost-savings be available to this group?

While the current plan will charge drivers the CP toll, it is foreseeable that these costs will ultimately be passed on to the customers.

Finally, due to the risks of worsening air quality to EJ communities including the South Bronx as drivers are diverted away from the CBD, the MTA has proposed certain mitigation measures to offset these risks. The mitigation measures include reducing late-night tolls by 50%, expanding the replacement of diesel trucks in EJ communities, upgrading electric vehicle charging infrastructure, expanding the city's asthma case management program in schools, and planting roadside vegetation to improve air quality near roads. That said, what data has been made available to verify that these measures will actually offset the risks borne by these EJ communities? And if the mitigating measures will offset the risks, to what extent will they do so? Moreover, what exemptions and cost savings will be available to those belonging to EJ communities that also comprise transit deserts, the majority of which house low-income residents?

Thank you for hearing my testimony today. I urge you consider my above remarks as you fight for all New Yorkers in the effort to achieve a truly equitable CP plan.

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