

5C. Public Policy

5C.1 INTRODUCTION

This subchapter assesses the consistency of the CBD Tolling Alternative with public policies enacted or adopted by governmental bodies from the regional study area that are applicable to major transportation initiatives such as the Project. A public policy is a plan or program enacted by a government body to achieve a stated goal.

5C.2 PUBLIC POLICIES APPLICABLE TO THE PROJECT

This section describes existing public policies that are applicable to the Project. **Chapter 13, “Natural Resources,”** describes policies related to coastal zone management.

5C.2.1 OneNYC 2050: Building a Strong and Fair City, New York City’s Strategic Plan

OneNYC 2050, New York City’s strategic plan, includes initiatives related to the city’s economic growth, sustainability, and resiliency.¹ New York City’s plans for sustainable development address the need for reducing traffic congestion, improving air quality, and improving public transportation, among other goals. The City of New York plans to reduce congestion by implementing initiatives that include, but are not limited to, leveraging new technologies to enforce traffic laws; optimizing curb use by expanding bus and bike lanes, commercial loading/unloading zones, and curb safety designs; and addressing FHV congestion and vehicles circulating without passengers in the most congested parts of New York City (including driver incentives to reduce passenger circulation within the Manhattan CBD and using CBD tolling to limit cruising in and out of the Manhattan CBD).

The *OneNYC 2050* report notes that 67 percent of all trips in New York City in 2015 were made by taking public transit, walking, and bicycling—the highest of any large U.S. city. The report identifies the goal of increasing the transit, walking, and bicycling mode share to 80 percent of all trips by 2050, which requires reducing the share of trips taken by personal automobile from 31 percent to 16 percent. The initiatives identified to achieve that goal include, among others, implementing CBD tolling to reduce traffic.²

5C.2.2 Regional Transportation Plans

Transportation planning in metropolitan areas is guided by Federally mandated Metropolitan Planning Organizations (MPOs), which have the responsibility for addressing compliance with the Clean Air Act (see **Chapter 10, “Air Quality”**). The MPOs ensure that transportation projects conform to the states’ plans to improve air quality, as delineated in their state implementation plans. **Chapter 10, “Air Quality,” Section 10.4** provides discussion of the Project’s relationship to the NYMTC Transportation Improvement Program and the New York State Implementation Plan.

¹ The City of New York. April 2019. *OneNYC 2050: Building a Strong and Fair City*. <http://onenyc.cityofnewyork.us/strategies/onenyc-2050/>.

² The City of New York. April 2019. *OneNYC 2050: Building a Strong and Fair City*. Volume 8, Efficient Mobility, p. 24.

In the New York metropolitan region, New York City and five surrounding New York counties (Nassau and Suffolk Counties in Long Island; and Putnam, Rockland, and Westchester Counties north of New York City) are within the jurisdiction of NYMTC. Northern New Jersey is within the jurisdiction of the North Jersey Transportation Planning Authority (NJTPA). Mercer County, New Jersey, is within the jurisdiction of the Delaware Valley Regional Planning Commission, the MPO for the greater Philadelphia region. Orange County, New York, has a dedicated MPO—the Orange County Transportation Council; likewise, Dutchess County, New York, is under the jurisdiction of the Dutchess County Transportation Council. In Connecticut, Fairfield and New Haven Counties are split among the jurisdictions of five MPOs: the South Western Region MPO, the Housatonic Valley MPO, the Greater Bridgeport and Valley MPO, the Central Naugatuck Valley MPO, and the South Central Regional MPO. Each MPO must produce a regional transportation plan (sometimes referred to as a long-range transportation plan) with a long-term plan for the region’s transportation system, which must be updated regularly. **Table 5C-1** provides information on each of the MPOs in the regional study area and their most recent regional transportation plans, and **Figure 5C-1** shows the jurisdiction of each of the MPOs.

NJTPA and NYMTC issued their most recent regional transportation plans in 2021. Both plans recognize the vital importance of reducing roadway congestion to assist the metropolitan area’s sustainability and economic growth. NYMTC’s plan, *Moving Forward: Your Region, Connected*, references the Project and describes congestion pricing as a strategy for reducing congestion and air pollution that would also raise funds to pay for additional transportation system improvements.³ NJTPA’s plan, *Plan 2050: Transportation, People, Opportunity*, describes “severe congestion in some locations, hampering commerce and commuting, and causing growing safety and environmental concerns”⁴ as a key transportation challenge facing the region. Both plans highlight the need for congestion reduction in the New York and northern New Jersey metropolitan region to support existing, as well as future, transportation needs.

The other MPOs in the regional study area focus on counties outside the core of the New York City region. Their regional transportation plans share a focus on the importance of reducing congestion within each MPO’s jurisdiction, and several of the plans specifically reference congestion pricing as a tool for achieving such reductions in their areas of focus.

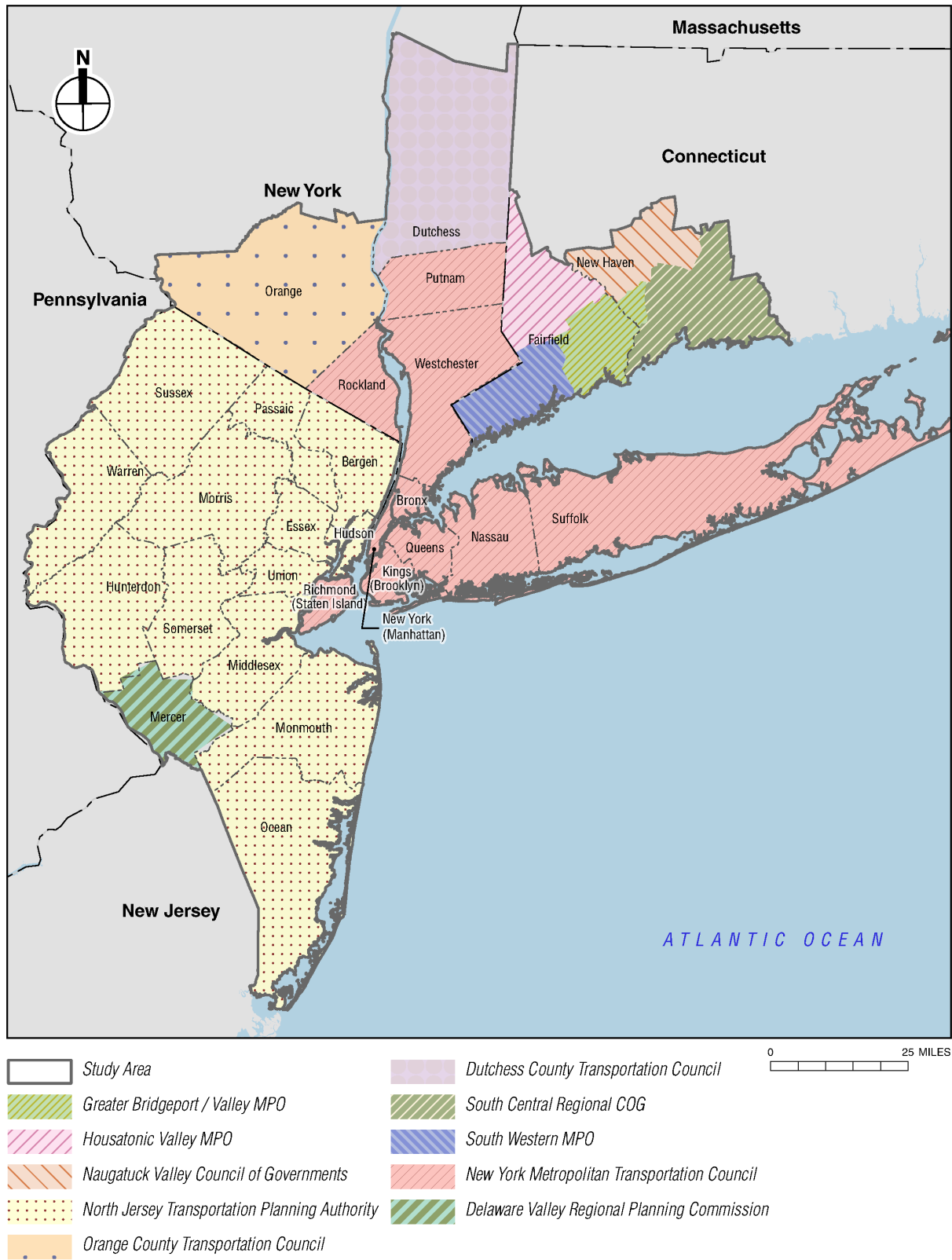
³ New York Metropolitan Transportation Council. September 2021. *Moving Forward: Your Region, Connected*. p. 211.

⁴ North Jersey Transportation Planning Authority. September 2021. *Plan 2050: Transportation, People, Opportunity*. p. 1.

Table 5C-1. Metropolitan Planning Organizations in the Regional Study Area

METROPOLITAN PLANNING ORGANIZATION (MPO)	JURISDICTION	REGIONAL TRANSPORTATION PLAN	LINK
New York Metropolitan Transportation Council	New York City and Nassau, Putnam, Rockland, Suffolk, and Westchester Counties, New York	<i>Moving Forward: Your Region, Connected</i> (September 2021)	https://nymtcmovingforward.org/pdfs/nymtc_lrtp_2050_book.pdf
North Jersey Transportation Planning Authority	Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union and Warren Counties, New Jersey	<i>Plan 2050: Transportation, People, Opportunity</i> (September 2021)	https://www.njtpa.org/Planning/Plans-Guidance/Plan-2050.aspx
Delaware Valley Regional Planning Commission	Mercer County, New Jersey (includes areas outside the regional study area)	<i>Connections 2050: Plan for Greater Philadelphia</i> (September 2021)	https://www.dvrpc.org/plan
Orange County Transportation Council	Orange County, New York	<i>Orange County Long Range Transportation Plan 2045</i> (November 2019)	https://www.orangecountygov.com/485/Long-Range-Transportation-Plan
Dutchess County Transportation Council	Dutchess County, New York	<i>Moving Dutchess Forward</i> (July 2021)	https://www.dutchessny.gov/Departments/Transportation-Council/Transportation-Plan.htm
South Western Region MPO	Part of Fairfield County, Connecticut	<i>South Western Region Metropolitan Planning Organization 2019–2045 Long Range Transportation Plan</i> (April 2019)	https://westcog.org/transportation/foundational-plans/long-range-transportation-plans/#swrmpo
Housatonic Valley MPO	Part of Fairfield County, Connecticut (includes areas outside the regional study area)	<i>Housatonic Valley Metropolitan Planning Organization 2019–2045 Long Range Transportation Plan</i> (April 2019)	https://westcog.org/transportation/foundational-plans/long-range-transportation-plans/#hvmpo
Greater Bridgeport and Valley MPO	Parts of Fairfield and New Haven Counties, Connecticut	<i>Metropolitan Transportation Plan 2019–2045: Greater Bridgeport & Valley Metropolitan Planning Organization</i> (March 2019)	https://metro-cog-website.s3.us-east-2.amazonaws.com/Website+Content/MTP/MTP+Final+2019-03-28.pdf
Central Naugatuck Valley MPO	Part of New Haven County, Connecticut (includes areas outside the regional study area)	<i>Metropolitan Transportation Plan for the Naugatuck Valley Planning Region: 2019–2045</i> (April 2019)	https://nvcog.maps.arcgis.com/apps/MapSeries/index.html?appid=95aa35d9cd7747e68d2205d86c15dbb0
South Central Regional MPO	Part of New Haven County, Connecticut	<i>South Central Regional Metropolitan Transportation Plan 2019–2045</i> (April 2019)	https://scrcog.org/transportation-planning/metropolitan-transportation-plan/

Figure 5C-1. Metropolitan Planning Organizations in the Regional Study Area



Source: ArcGIS Online, <https://www.arcgis.com/index.html>; each MPO.

5C.2.3 New York State Smart Growth Public Infrastructure Policy Act

The Smart Growth Public Infrastructure Policy Act requires that State of New York infrastructure agencies, including TBTA and NYSDOT, ensure that public infrastructure projects are consistent with 11 smart growth criteria to minimize environmental degradation, loss of open space, and disinvestment in existing communities. Smart growth criteria encourage projects that focus on existing infrastructure in municipal centers and other developed areas. The following 11 smart growth criteria reflect the State of New York's commitment to sustainable development that strengthens existing communities and develops new ones without compromising the needs of future generations, all while reducing greenhouse gas emissions and mitigating future climate risks:

- To advance projects for the use, maintenance, or improvement of existing infrastructure
- To advance projects located in municipal centers
- To advance projects in developed areas or areas designated for concentrated infill development in a municipally approved comprehensive land use plan, local waterfront revitalization plan and/or brownfield opportunity area plan
- To protect, preserve and enhance the state's resources, including agricultural land, forests, surface and groundwater, air quality, recreation and open space, scenic areas, and significant historic and archeological resources
- To foster mixed land uses and compact development, downtown revitalization, brownfield redevelopment, the enhancement of beauty in public spaces, the diversity and affordability of housing in proximity to places of employment, recreation and commercial development and the integration of all income and age groups
- To provide mobility through transportation choices including improved public transportation and reduced automobile dependency
- To coordinate between state and local government and intermunicipal and regional planning
- To participate in community-based planning and collaboration
- To ensure predictability in building and land use code
- To promote sustainability by strengthening existing and creating new communities which reduce greenhouse gas emissions and do not compromise the needs of future generations, by among other means encouraging broad based public involvement in developing and implementing a community plan and ensuring the governance structure is adequate to sustain its implementation⁵

5C.2.4 Climate Leadership and Community Protection Act

The Climate Leadership and Community Protection Act, which became law in July 2019, establishes a comprehensive climate policy for New York State. The act requires that the State of New York reduce

⁵ New York State Environmental Conservation Law, Article 6, State Smart Growth Public Infrastructure Policy Act. <https://dos.ny.gov/system/files/documents/2020/08/smart-growth-public-infrastructure-act.pdf>.

greenhouse gas emissions to 85 percent below 1990 levels by 2050 and offset the remaining 15 percent, establishing a “net-zero” economy. It also includes provisions that 70 percent of the state’s electricity must come from renewable energy by 2030, and 100 percent of the state’s electricity supply must be emissions free by 2040. The act seeks to ensure environmental justice by requiring that a minimum of 35 percent of investments from clean energy and energy efficiency funds be invested in *[disadvantaged]* communities. The act also creates a Climate Action Council, which *[was tasked with creating]* a plan for reducing emissions across all sectors of the economy, including the transportation sector. *[The Council’s Scoping Plan was released in December 2022. The Scoping Plan identifies the CBD Tolling Program as a strategy that will help the State of New York meet its emissions reduction goals, as a market-based policy that “can provide the dual benefits of discouraging more costly carbon-intensive behavior and providing a revenue source for investment in other strategies.”⁶]*

5C.3 CONSISTENCY WITH APPLICABLE PUBLIC POLICIES

5C.3.1 No Action Alternative

The No Action Alternative would not implement a vehicular tolling program that would reduce traffic congestion in the Manhattan CBD in a manner that would generate revenue for future transportation improvements. Under the No Action Alternative, roadway traffic and transit ridership would experience normal background growth. NYMTC Best Practice Model (BPM) results indicate that congestion within the Manhattan CBD would continue to increase, with daily VMT in the Manhattan CBD growing between the 2023 and 2045 analysis years (see **Table 4A-2** in **Subchapter 4A, “Transportation: Regional Transportation Effects and Modeling”**).⁷ The No Action Alternative is not consistent with public policy, because it would not advance the goals of *OneNYC 2050*, regional transportation plans, the Smart Growth Public Infrastructure Policy Act, or the Climate Leadership and Community Protection Act.

5C.3.2 CBD Tolling Alternative

This section describes the potential effects of the CBD Tolling Alternative (all tolling scenarios) on the public policies described earlier in **Section 5C.2. Chapter 13, “Natural Resources,”** describes the CBD Tolling Alternative’s consistency with coastal zone policies.

ONENYC 2050: NEW YORK CITY’S STRATEGIC PLAN

The CBD Tolling Alternative would be consistent with and supportive of the objectives of *OneNYC 2050*. *OneNYC 2050* explicitly recommends CBD tolling in its Initiative 26, “Reduce congestion and emissions.” Regionwide, reductions in vehicle volumes and the corresponding shift of some journeys from auto to transit, walking, and cycling (see **Subchapter 4A, “Transportation: Regional Transportation Effects and Modeling”**) would contribute to reduced pollutant emissions (see **Chapter 10, “Air Quality”**), and toll

⁶ *[New York State Climate Action Council, “Scoping Plan,” December 2022. <https://climate.ny.gov/resources/scoping-plan/>.]*

⁷ As noted in **Chapter 1, “Introduction,”** MTA data for September 2021 shows that weekday vehicle traffic activity at TBTA crossings was approximately only 5 percent below pre-COVID-19 pandemic levels on average. September weekday data was adjusted to exclude Labor Day and Yom Kippur. Source: Metropolitan Transportation Authority Day-by-Day Ridership Numbers. <https://new.mta.info/coronavirus/ridership>.

revenue would facilitate a new funding source for MTA. Accordingly, the CBD Tolling Alternative would also help advance various other initiatives of *OneNYC 2050*, including the following:

- Initiative 16, “Design a physical environment that creates the conditions for health and well-being,” which focuses in part on reducing air pollutant emissions.
- Initiative 20, “Achieve carbon neutrality and 100 percent clean energy,” which emphasizes the importance of inducing mode shift from driving to transit, cycling, and walking.
- Initiative 24, “Modernize New York City’s mass transit networks,” which encourages facilitating a new funding source to support MTA projects.
- Initiative 25, “Ensure New York City’s streets are safe and accessible,” which envisions reprioritizing space on city streets where vehicular congestion has been reduced because of the Project.

The City of New York, through the New York City Department of Transportation, is a partner in the planning and development of the CBD Tolling Alternative.

REGIONAL TRANSPORTATION PLANS

The CBD Tolling Alternative would be consistent with and supportive of the objectives of the regional transportation plans from MPOs across the 28-county New York City region. Specifically, the CBD Tolling Alternative would implement a congestion pricing strategy to reduce congestion in the Manhattan CBD, consistent with the strategies detailed in NYMTC’s *Moving Forward: Your Region, Connected*. It would also provide a new funding source for MTA’s 2020–2024 Capital Program, which includes projects that are noted in *Moving Forward*.

BPM results show that VMT would increase in New Jersey under all tolling scenarios. However, these increases would be negligible (between 0.01 percent and 0.20 percent (see **Table 4A-7** in **Subchapter 4A, “Transportation: Regional Transportation Effects and Modeling”**), and would be widely distributed across northern New Jersey. A nominal increase in VMT in New Jersey does not directly translate to an increase in congestion, and the projected change in VMT under the CBD Tolling Alternative would not preclude NJTPA from implementing its own programs and initiatives to reduce congestion in northern New Jersey. Therefore, the change in VMT associated with the CBD Tolling Alternative is not inconsistent with the NJTPA Regional Transportation Plan. NJTPA is a participating agency for the Project. NJTPA attended an agency coordination meeting with the Project Sponsors on September 10, 2021, and NJTPA will have an opportunity to review and comment on this EA. The Project Sponsors will also continue to coordinate with NJTPA as part of the Project’s agency coordination activities.

SMART GROWTH PUBLIC INFRASTRUCTURE POLICY ACT

The CBD Tolling Alternative would be consistent with the 11 policies of the Smart Growth Public Infrastructure Policy Act. As shown in **Appendix 5C, “Social Conditions: New York State Smart Growth Public Infrastructure Policy Act Consistency Assessment,”** the Smart Growth checklist indicates that the CBD Tolling Alternative would advance projects to use, maintain, or support existing infrastructure, support activity in municipal centers, and promote mobility and sustainability.

CLIMATE LEADERSHIP AND COMMUNITY PROTECTION ACT

The CBD Tolling Alternative would be consistent with and supportive of the objectives of the Climate Leadership and Community Protection Act. By reducing VMT *[within a 28-county region in New York, New Jersey, and Connecticut]*, the CBD Tolling Alternative would reduce emissions of key greenhouse gases *[(e.g., carbon dioxide and nitrous oxide)]* that are known to contribute to climate change. *[In the 12-county area including New York City, Long Island, and Putnam, Rockland, Westchester, Hudson and Bergen Counties, the CBD Tolling Alternative would reduce greenhouse gas emissions, in carbon dioxide equivalents, by 0.6 percent in 2023 and by 0.8 percent in 2045 under Tolling Scenario A (the scenario predicted to result in the lowest reduction in VMT).]* This would in turn contribute to reducing New York State's overall carbon emissions, consistent with the goals of the climate policy established by this act. *[Indeed, the CBD Tolling Alternative is identified as an emissions-reduction strategy in the Climate Action Council's Scoping Plan.]*

5C.4 CONCLUSION

By catalyzing regionwide reductions in vehicle volumes and VMT; precipitating mode shifts from auto to transit, walking, and cycling; reducing emissions of air pollutants and greenhouse gases; and providing a new funding source for MTA, the CBD Tolling Alternative would be consistent with and supportive of *OneNYC 2050*, regional transportation plans, and the Climate Leadership and Community Protection Act. By advancing a project to use, maintain, or support existing infrastructure, support activity in municipal centers, and promote mobility and sustainability, the CBD Tolling Alternative would be consistent with the Smart Growth Public Infrastructure Policy Act. **Table 5C-2** summarizes the effects of the Project.

Table 5C-2. Summary of Effects of the CBD Tolling Alternative Related to Public Policy

SUMMARY OF EFFECTS	EFFECT FOR ALL TOLLING SCENARIOS	POTENTIAL ADVERSE EFFECT	MITIGATION AND ENHANCEMENTS
No effect	In all tolling scenarios, the Project would be consistent with regional transportation plans and other public policies in place for the regional study area and the Manhattan CBD.	No	No mitigation needed. No adverse effects