

CENTRAL BUSINESS DISTRICT (CBD) TOLLING PROGRAM

# Appendix 2, Project Alternatives

2023

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## 2A, Previous Studies and Concepts Considered

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For more than 45 years, State and City of New York officials and stakeholder and advocacy groups have studied various concepts for addressing traffic congestion in Manhattan, including introducing tolls. These concepts, and associated studies, are described here and summarized in **Table 2A-1** at the end of this section.

In 1973, then-New York State Governor Nelson Rockefeller and then-New York City Mayor John Lindsay submitted to the U.S. Environmental Protection Agency, as part of New York State's plan to achieve compliance with the Clean Air Act, a proposal for a congestion management plan that included tolls on the East and Harlem River Bridges. According to an article in *The New York Times* when the plan was canceled,<sup>1</sup> the U.S. Environmental Protection Agency determined that other measures being taken by the state and city to invest in its public transit system made tolling the bridges unnecessary at that time. Other traffic control measures were put into effect at that time including bus and bicycle lanes, a reduction in on-street parking spaces, and introduction of vehicle inspections related to emissions.

In April 2007, then-Mayor Michael Bloomberg released New York City's PlaNYC, a long-term plan that included a congestion pricing proposal for the area of Manhattan south of 86th Street (Item 2 in **Table 2A-1**). The revenues generated by the congestion fee were to be used to fund capital investments in the transit network.<sup>2</sup> In this concept, passenger vehicles and trucks entering, leaving, and operating within the area of Manhattan south of 86th Street during the business day (weekdays 6:00 a.m. to 6:00 p.m.) would pay a daily fee. Emergency vehicles, transit vehicles, taxis, FHV's, and vehicles with handicapped license plates would be exempt. Roads on the periphery (the West Side Highway/Route 9A and the Franklin D. Roosevelt [FDR] Drive) would not be included in the zone. The tolling concept included a credit provided to vehicles that paid inbound tolls at bridges or tunnels. This concept was predicted to result in a 6.3 percent reduction in average vehicle-miles traveled (VMT) in the area of Manhattan south of 86th Street.

In response to the proposal included in PlaNYC, in July 2007, the State of New York created the New York City Traffic Congestion Mitigation Commission, a 17-member body appointed by the governor based on recommendations from the New York City mayor and leaders in the New York State Assembly, New York State Senate, and New York City Council. The mandate of the commission was to study and evaluate approaches to reducing congestion in the busiest parts of Manhattan, including the PlaNYC proposal and other concepts to be developed by the new commission, and recommend a comprehensive traffic congestion mitigation plan. The legislation that established the commission required any recommendation to achieve at least a 6.3 percent reduction in average VMT in the area south of 86th Street, which was the amount identified by PlaNYC as achievable with that concept. Building from the PlaNYC proposal, the Traffic Congestion Mitigation Commission evaluated congestion reduction concepts for the area of Manhattan south of 86th Street (Items 3a through 3f in **Table 2A-1**) and used the 6.3 percent reduction in average VMT in the area south of 86th Street as a screening threshold for the additional concepts under consideration.

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<sup>1</sup> *The New York Times*. "City Drops Proposal to Charge Bridge Tolls." September 15, 1981.

<sup>2</sup> The City of New York, Mayor Michael R. Bloomberg. April 2007. *PlaNYC: A Greener, Greater New York*. [http://www.nyc.gov/html/planyc/downloads/pdf/publications/full\\_report\\_2007.pdf](http://www.nyc.gov/html/planyc/downloads/pdf/publications/full_report_2007.pdf).

The Traffic Congestion Mitigation Commission studied a range of different concepts for reducing congestion (Item 3a in **Table 2A-1**), including the following:

- Providing telecommuting incentives
- Increasing the cost of parking in the business district
- Reducing the use of government-issued parking permits
- Providing additional taxi stands to reduce cruising
- Increasing cab fares and fees charged to cabs
- Raising tolls or implementing variable tolls on existing facilities
- Adding East River bridge tolls
- Rationing license plates
- Instituting mandatory carpooling
- Creating High-Occupancy Toll lanes
- Establishing congestion pricing with the following parameters:
  - With a 60th Street northern boundary
  - With an 86th Street northern boundary
  - With no intra-zonal charge and no free periphery
  - With variable charges or extended hours
  - With an exemption for hybrid vehicles
  - With a credit for other tolls paid
- Introducing various truck restrictions

The Traffic Congestion Mitigation Commission compared this wide range of concepts against the following:

- Evaluation criteria related to reductions in VMT
- Social and environmental considerations
- Potential revenues raised for the MTA
- Feasibility
- The degree to which the concept was based on congestion mitigation approaches that have been successfully implemented in other cities

Using this approach, the Traffic Congestion Mitigation Commission identified five options with different approaches to reducing congestion—congestion pricing, bridge tolling, pricing of parking and taxis, and license plate rationing—and evaluated those in more detail (Items 2, 3b, 3c, 3d, and 3e in **Table 2A-1**). Based on that evaluation, in January 2008, the Traffic Congestion Mitigation Commission issued a report that recommended a modified version of the PlaNYC concept, with the northern boundary of the tolling zone at 60th Street (Item 3f in **Table 2A-1**). The boundary was shifted so that trips from the Upper East Side and Upper West Side to Midtown and south of Midtown would be subject to the toll. In this modified plan, passenger vehicles and trucks entering the area of Manhattan south of 60th Street during the business day (weekdays 6:00 a.m. to 6:00 p.m.) would pay a daily fee. Roads on the periphery (the West Side Highway/Route 9A and the FDR Drive) were included in the zone. A credit would be provided to vehicles that paid inbound tolls at bridges or tunnels. The recommended concept also included a package of parking

and taxi policies to discourage driving within the zone, including placing a surcharge on FHV during certain hours, increasing parking meter rates, and eliminating resident parking tax exemptions. To address the possibility that drivers would park in the neighborhoods adjacent to the tolling zone and complete their trip with transit, the Traffic Congestion Mitigation Commission's plan included a recommendation that the City of New York be required to offer communities a residential parking permit program prior to the start of congestion pricing and to track park-and-ride activity as part of a comprehensive monitoring program. The Traffic Congestion Mitigation Commission concluded that the recommended plan would exceed the 6.3 percent VMT reduction required by the state legislation that established the commission, would raise an estimated \$491 million per year for transportation investment, and would have considerably lower operating and capital costs and a simpler fee structure than the original PlaNYC proposal. A tolling zone boundary at 60th Street (with the area south of 60th Street included in the zone) rather than 86th Street would also lead to many more intra-Manhattan trips being charged the toll. However, the recommendation was not enacted by the New York State Legislature and did not advance.<sup>3</sup>

In 2015, a citizens' group known as Move NY released a proposal, dubbed the Move NY Fair Plan, to reduce congestion in the Manhattan CBD and generate revenue for MTA (Item 4 in **Table 2A-1**). That plan involved adjusting tolls throughout New York City, including the following:

- Implementing new tolls on the four untolled East River bridges that connect to the Manhattan CBD (Brooklyn, Manhattan, Williamsburg, and Ed Koch Queensboro Bridges)
- Charging a toll for vehicles entering the Manhattan CBD by crossing at 60th Street
- Providing a credit to vehicles that enter the Manhattan CBD for tolls paid at the RFK Bridge within the previous hour
- Reducing tolls on TBTA's other bridges that do not lead to the Manhattan CBD

The plan also included a new surcharge on FHV in the Manhattan CBD instead of a CBD toll.<sup>4</sup> While this proposal by a citizens' group had no official status and thus could not be approved or implemented without further action by others, its recommendations were considered by a panel formed by New York State Governor Andrew M. Cuomo in October 2017 (discussed below).

In October 2017, then-New York State Governor Andrew M. Cuomo created the Fix NYC Advisory Panel—consisting of community representatives, government officials, and business leaders from across the New York City region—to recommend actions to address the increasing traffic congestion in the Manhattan CBD and to identify sources of revenue to address deficiencies in the transit system. The panel examined various congestion pricing approaches for the Manhattan CBD, among other potential options, and considered programs implemented in other cities (Singapore, London, Stockholm, and Milan) (Item 5 in **Table 2A-1**). In

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<sup>3</sup> Report to the Traffic Congestion Mitigation Commission and Recommended Implementation Plan. January 31, 2008.  
[https://www.dot.ny.gov/programs/congestion\\_mitigation\\_commission/final-recommendation](https://www.dot.ny.gov/programs/congestion_mitigation_commission/final-recommendation).

<sup>4</sup> <https://movenewyork.wordpress.com/watch-read-learn/>.

its January 2018 final report, the panel recommended short-term investments to improve connectivity between the Manhattan CBD and surrounding areas, including the following:

- Improving enforcement of traffic laws within the Manhattan CBD
- Addressing the distribution of government-issued parking permits, which are often used illegally and contribute to congestion
- Investigating the contribution of commuter, intercity, charter, and tour buses to congestion in Manhattan
- Reforming taxi regulations
- Implementing a surcharge on taxi and FHV trips in Manhattan south of 96th Street (This surcharge was implemented in February 2019.)

The report also recommended the long-term strategy of installing a tolling program for the Manhattan CBD, defined as the area “bounded by 60th Street on the north and Battery Park on the south, the Hudson River on the west and the East River on the east.” The recommended tolling program would exempt the FDR Drive from the Brooklyn Bridge to 60th Street from tolling and provide a credit to drivers using already tolled facilities to enter the pricing zone (the Lincoln, Holland, Hugh L. Carey, and Queens-Midtown Tunnels).<sup>5</sup>

Informed by the work of the Fix NYC Advisory Panel, the New York State Legislature created the Metropolitan Transportation Sustainability Advisory Workgroup as part of the fiscal year 2018 New York state budget. The workgroup—which was made up of government officials, transportation professionals, and representatives of business and commuter interest groups—examined actions that State of New York and local governments could take to address regional transportation needs, including reducing traffic congestion and suggesting new sources of funding for the region’s public transit system. The panel recommended that congestion pricing be adopted to reduce congestion and generate new revenue to modernize the MTA system, as documented in its December 2018 report.<sup>6</sup> The panel’s recommendations informed the MTA Reform and Traffic Mobility Act (Traffic Mobility Act), which was enacted on April 1, 2019, as part of the fiscal year 2020 New York State budget.

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<sup>5</sup> Fix NYC Advisory Panel Report. January 2018.

<sup>6</sup> Metropolitan Transportation Sustainability Advisory Workgroup Report. December 2018. <https://pfny.org/wp-content/uploads/2018/12/2018-12-Metropolitan-Transportation-Sustainability-Advisory-Workgroup-Report.pdf>.

**Table 2A-1. Concepts Considered for Reducing Congestion in the Manhattan CBD**

CONCEPT	PURPOSE	KEY CHARACTERISTICS	RESULT
1. 1973 Transportation Control Plan	To reduce congestion in the Manhattan CBD to meet requirements of the Clean Air Act	Tolls on the East River and Harlem River Bridges	Did not move forward.
2. 2007 PlaNYC Mayor's Plan	To reduce congestion in the Manhattan CBD and provide revenues for MTA capital and operating costs	Passenger vehicles and trucks entering, leaving, and operating within (i.e., intra-zonal) the area of Manhattan south of 86th Street during the business day (weekdays 6 a.m. to 6 p.m.) would pay a daily fee. Emergency vehicles, transit vehicles, taxis and FHV's, and vehicles with handicapped license plates would be exempt. Roads on the periphery (West Side Highway/Route 9A and FDR Drive) would not be included in the zone. Credit provided to vehicles that paid inbound toll at bridges or tunnels. Revenue to be directed to transportation system improvements. This concept was predicted to result in a 6.3% reduction in average VMT in the area south of 86th Street.	The 2008 Traffic Congestion and Mitigation Commission found that the mayor's plan had high capital and operating costs, required a large number of charging stations (each equipped with E-ZPass and license plate recognition monitors, and did not include a charge on taxi and livery trips into and out of the charging zone. Based on this evaluation, the commission recommended a different concept, the Recommended Modified Congestion Pricing Plan (Item 3f in this table) as the concept that best met the goals of the study.
3a. 2008 Traffic Congestion Mitigation Commission Study: Long List of Options	To reduce congestion in the Manhattan Business District with a minimum of at least 6.3% reduction in average VMT in the area south of 86th Street	A range of different approaches to reducing congestion, including telecommuting incentives; increasing the cost of parking in the Manhattan CBD; reducing the use of parking placards by public employees; additional taxi stands to reduce cruising; 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; mandatory carpooling; creation of High-Occupancy Toll lanes; congestion pricing with a 60th Street northern boundary; congestion pricing with an 86th Street northern boundary; congestion pricing with no intra-zonal charge and no free periphery; congestion pricing with variable charges or extended hours; congestion pricing with an exemption for hybrid vehicles; congestion pricing with a credit for other tolls paid; and various truck restrictions.	After evaluation, the 2008 Traffic Congestion and Mitigation Commission focused on five options for further consideration (Items 2, 3b, 3c, 3d, and 3e in this table). These five options best met the goals of the study, including reducing VMT by at least 6.3% and raising funds for transit investment. Many of the other approaches did not achieve the target VMT reduction or raised other issues of concern.



Table 2A-1. Concepts Considered for Reducing Congestion in the Manhattan CBD (continued)

CONCEPT	PURPOSE	KEY CHARACTERISTICS	RESULT
3b. 2008 Traffic Congestion Mitigation Commission Study: Alternative Congestion Pricing Plan	To reduce congestion in the Manhattan Business District with a minimum of at least 6.3% reduction in average VMT in the area south of 86th Street	Tolls on the East River and Harlem River Bridges; bus and bicycle lanes; reduction in and controls on on-street parking spaces; introduction of vehicle inspections related to emissions	The U.S. Environmental Protection Agency ruled that tolls on the bridges were not necessary given the investments the state and city were making in public transit at that time. The other components of the plan were implemented.
3c. 2008 Traffic Congestion Mitigation Commission Study: East River and Harlem River Toll Plan	To reduce congestion in the Manhattan Business District with a minimum of at least 6.3% reduction in average VMT in the area south of 86th Street	All untolled East River and Harlem River crossings would be subject to inbound and outbound tolls. These tolls would be in effect 24 hours a day, seven days a week and would match the existing toll rates East River crossings.	The 2008 Traffic Congestion and Mitigation Commission found that the concept did not distinguish between drivers who contributed to peak-period congestion and those who did not, failed to address trips starting and ending in Manhattan, would have adverse economic impacts on commercial vehicles and trips between the Bronx and Upper Manhattan, and given its greater impact on traffic between the Bronx and Upper Manhattan, would have a disproportionate impact on a small proportion of low- and moderate-income workers lacking transit alternatives.
3d. 2008 Traffic Congestion Mitigation Commission Study: License Plate Rationing Plan	To reduce congestion in the Manhattan Business District with a minimum of at least 6.3% reduction in average VMT in the area south of 86th Street	License plate rationing would restrict a set of vehicles from entering Manhattan south of 86th Street on certain days based on the last digit of the vehicle's license plate. New York City would ban each vehicle once every five days (i.e., restricting 20% of all vehicles each weekday from 6 a.m. to 6 p.m.).	The 2008 Traffic Congestion and Mitigation Commission found that the concept would not generate revenue, would reduce Port Authority of New York and New Jersey and MTA revenue, and would have to be coupled with a broad-based tax to fund transit improvements.

Table 2A-1. Concepts Considered for Reducing Congestion in the Manhattan CBD (continued)

CONCEPT	PURPOSE	KEY CHARACTERISTICS	RESULT
3e. 2008 Traffic Congestion Mitigation Commission Study: Combination Plan	To reduce congestion in the Manhattan Business District with a minimum of at least 6.3% reduction in average VMT in the area south of 86th Street	The concept provided a series of measures that would increase the cost of on-street and off-street parking in Manhattan south of 60th Street, and would raise the New York City parking tax for garages, eliminate the resident parking tax exemption within the zone, increase meter rates within the zone, and charge an overnight parking fee for all on-street spaces within the zone. The concept also called for reducing by 10,000 the number of government parking placards used to commute to jobs in the zone. To reduce taxi traffic, the concept applied a surcharge on all taxi trips within, into, or out of the area of Manhattan south of 86th Street.	The 2008 Traffic Congestion and Mitigation Commission found that the concept would reduce VMT by only 3.2%.
3f. 2008 Traffic Congestion Mitigation Commission Study: Recommended Modified Congestion Pricing Plan	To reduce congestion in the Manhattan Business District with a minimum of at least 6.3% reduction in average VMT in the area south of 86th Street	Passenger vehicles and trucks entering the area of Manhattan south of 60th Street during the business day (weekdays 6 a.m. to 6 p.m.) would pay a daily fee. A tolling zone boundary at 60th Street rather than 86th Street would lead to many more intra-Manhattan trips being charged the toll. Roads on the periphery (West Side Highway/Route 9A and FDR Drive) were included in the zone. Credit provided to vehicles that paid inbound toll at bridges or tunnels. Also included a package of parking and taxi policies to discourage driving within the zone, including a surcharge on FHV's during certain hours, increased parking meter rates, and elimination of resident parking tax exemption. Revenue to be directed to transportation system improvements.	The 2008 Traffic Congestion and Mitigation Commission recommended this concept that best met the goals of the study, including a 6.8% reduction in VMT. The commission found that this concept would generate \$520 million a year in revenue, was less expensive to build and operate than the PlaNYC concept, and did not raise significant regional equity concerns. The recommendation was not enacted by the New York State Legislature.
4. 2015 Move NY Fair Plan proposed by citizens' group known as Move NY	To reduce congestion in the Manhattan CBD and provide revenues for MTA capital and operating costs	This concept modified tolls throughout New York City, including new tolls at 60th Street for vehicles entering the Manhattan CBD, and added a new surcharge on FHV's operating in the Manhattan CBD. Generated revenue would be dedicated to transit and roadway improvements.	Fix NYC Advisory Panel incorporated components into that panel's recommendations (Item 5 in this table).

Table 2A-1. Concepts Considered for Reducing Congestion in the Manhattan CBD (continued)

CONCEPT	PURPOSE	KEY CHARACTERISTICS	RESULT
<p>5. 2018 Fix NYC Advisory Panel Recommendation</p>	<p>To reduce traffic congestion in the Manhattan CBD and provide revenue for MTA capital and operating costs</p>	<p>Fix NYC Advisory Panel reviewed congestion pricing systems in place in London, Singapore, Stockholm, and Milan; evaluated a range of road pricing concepts, including priced managed lanes, conventional tolls, zone-based charging, truck tolling, and adjusted parking surcharges and vehicle registration fees. Fix NYC Advisory Panel recommended a phased congestion reduction plan, including increased enforcement of traffic laws, a surcharge on FHV's in the Manhattan CBD, and a zone pricing program for all vehicles entering the Manhattan CBD south of 60th Street. Daily toll for inbound vehicles entering Monday through Friday, 6 a.m. to 8 p.m. Buses and FHV's to be exempt from the zone charge. FDR Drive to be exempt. Potential implementation of variable pricing schedule.</p>	<p>An FHV surcharge was enacted in 2018. A number of the panel's other recommendations were incorporated into the 2019 MTA Reform and Traffic Mobility Act.</p>
<p>6. 2018 Metropolitan Transportation Sustainability Advisory Workgroup Recommendation</p>	<p>To address regional transportation needs, including excess traffic congestion, and to suggest new sources of sustainable funding for the region's public transit system</p>	<p>Recommended measures included implementing a new congestion pricing zone for the Manhattan CBD with generated revenue to be dedicated to MTA.</p>	<p>Congestion pricing recommendations were incorporated into the 2019 MTA Reform and Traffic Mobility Act.</p>

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## 2B, MTA Reform and Traffic Mobility Act

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- New York State Vehicle and Traffic Law as amended, Title 8, Respective Powers of State and Local Authorities
  - Article 38, Regulation of Traffic by Public Authorities and Commissions, Section 1630(4)
  - Article 44-c, Central Business District Tolling Program (Sections 1701 – 1706)
- New York State Public Authorities Law as amended, Article 3, Bridge and Tunnel Authorities, Title 3, Triborough Bridge Authority
  - Section 553(9-s and 12-a) – Powers of the authority
  - Section 553-j – Additional powers and provisions in relation to central business district tolling program
  - Section 553-k – Traffic mobility review board
  - Section 566-a – Tax contract by the state
- New York State Public Officers Law, Article 6, Freedom of Information Law, Section 87(2)(p)
- New York State Tax Law as amended, Article 22, Personal Income Tax, Part 1, General, Section 606 – Credits Against Tax

## **New York State Vehicle and Traffic Law, as amended, Title 8, Respective Powers of State and Local Authorities**

- Article 38, Regulation of Traffic by Public Authorities and Commissions, Section 1630(4)
- Article 44-c, Central Business District Tolling Program (Sections 1701 – 1706)

**New York State Vehicle and Traffic Law, as amended,  
Title 8, Respective Powers of State and Local Authorities  
Article 38, Regulation of Traffic by Public Authorities and Commissions  
Section 1630(4)**

**§ 1630. Regulation of traffic on highways under the jurisdiction of certain public authorities and commissions.**

The New York state thruway authority, a county park commission, the Niagara Falls bridge commission, a parkway authority, a bridge authority, including the Buffalo and Fort Erie public bridge authority, the metropolitan transportation authority, the Long Island Rail Road, the Metro-North Commuter Railroad, the office of parks, recreation and historic preservation, the department of environmental conservation, the department of agriculture and markets, the industrial exhibit authority or a bridge and tunnel authority may by ordinance, order, rule or regulation prohibit, restrict or regulate traffic on or pedestrian use of any highway, property or facility under its jurisdiction. The provisions of section sixteen hundred of this title shall be applicable to such ordinances, orders, rules and regulations, provided, however, that such ordinances, orders, rules and regulations shall supersede the provisions of this chapter where inconsistent or in conflict with respect to the following enumerated subjects:

...

4. Charging of tolls, taxes, fees, licenses or permits for the use of the highway or any of its parts or entry into or remaining within the central business district established by article forty-four-C of this chapter, where the imposition thereof is authorized by law.

**New York State Vehicle and Traffic Law, as amended,  
Title 8, Respective Powers of State and Local Authorities  
Article 44-c, Central Business District Tolling Program (§§ 1701 – 1706)**

**§ 1701. Legislative findings and declaration.**

The ongoing failures of the tracks, signals, switches, electrical power, and other transportation infrastructure throughout the subway system in the city of New York continue to have a significant deleterious impact on the health, safety, and livelihood of commuters, tourists, resident New Yorkers, as well as business and commerce in the metropolitan commuter transportation district, which is the recognized economic engine of the state of New York, and thereby have adversely affected the economy of the state of New York. Temporary actions have been taken to address the safety of subway, bus and commuter rail riders in the short term including an emergency declaration and increased capital funding for the subways in the most recently adopted state budget. The legislature, however, determines that a long-term and sustainable solution is necessary in order to ensure stable and reliable funding to repair and revitalize this significantly important mass transit asset.

The legislature further finds and declares that traffic congestion in the city of New York ranks second worst among cities in the United States and third worst among cities in the world, and results in significant cost to the New York metropolitan area economy and in turn the state's economy at estimates exceeding one hundred billion dollars over the next five years. Travel speeds in the city of New York's central business district have dropped more than seventeen percent in two thousand sixteen to an average of 6.8 miles per hour and in Midtown Manhattan, the most congested area of the city-the area from fifty-ninth street to thirty-fifth street and from ninth avenue to the east river-the average vehicular speed is 4.7 miles per hour. Congestion in these areas is crippling and impacts the everyday lives of residents, commuters, taxi and for-hire vehicle traffic, bus transit and emergency services, and is a significant contributor to decreased air quality.

These issues have been recognized by both the Fix NYC Advisory Panel and the Metropolitan Transportation Sustainability Advisory Workgroup as significant impediments to everyday New Yorkers.

In order to ensure a safe and efficient mass transit system within the city of New York and to protect the public health and safety of New York's residents, a program to establish tolls for vehicles entering or remaining in the most congested area of the state is found to be necessary and to be a matter of substantial state concern.

**§ 1702. Short title.**

This act shall be known as and may be cited as "the traffic mobility act".

**§ 1703. Definitions.**

For the purposes of this article, unless the context otherwise requires:

1. "City" means the city of New York.
2. "Central business district toll" means a toll charged for entry into or remaining in the central business district as described in section seventeen hundred four of this article.
3. "Central business district tolling program" means the program for charging tolls for vehicles that enter or remain in the central business district and includes the central business district tolling infrastructure, the central business district tolling collection system and the central business district tolling customer service center.
4. "Central business district" means the area described in section seventeen hundred four of this article for which tolls shall be charged for a vehicle's entry into or remaining in such district.
5. "Central business district tolling infrastructure" means the devices and structures including but not limited to gantries, clear signage delineating entry into the central business district and toll amounts, and power and communication lines that the Triborough bridge and tunnel authority will plan, design, construct, and use as part of the central business district tolling program. Such infrastructure shall be planned, designed, installed and constructed pursuant to the memorandum of understanding executed pursuant to subdivision two-a of section seventeen hundred four of this article.
6. "Central business district tolling collection system" means the electronic system of collecting tolls or other charges using electronic data and/or images that the Triborough bridge and tunnel authority will plan, design, install and construct pursuant to the memorandum of understanding executed pursuant to subdivision two-a of section seventeen hundred four of this article, and that such authority shall operate as part of the central business district tolling program.
7. "Central business district tolling customer service center" means the customer contact and back-office system and operation services for the collection of central business district tolls and enforcement of central business district toll violations that the Triborough bridge and tunnel authority will plan, design, implement and operate as part of the central business district tolling program.
8. "Operation date" means the date determined by the Triborough bridge and tunnel authority, which shall not be earlier than December thirty-first, two thousand twenty, for the beginning of the operation and enforcement of the central business district tolling program. The operation and enforcement date shall commence only after an initial program testing period of thirty days where no collection of any tolls, fees, or other charges shall be authorized. As of the commencement date of operation and enforcement, there shall be a period of sixty days where only the established tolls may be collected without the collection of other fees or charges or fines.
9. "Triborough bridge and tunnel authority" means the corporation organized pursuant to section five hundred fifty-two of the public authorities law as consolidated pursuant to section five hundred fifty-two-a of the public authorities law or any successor corporation or corporation into which it may be consolidated.



**§ 1704. Establishment of central business district tolling program.**

1. The Triborough bridge and tunnel authority shall establish the central business district tolling program.

2. The central business district tolling program will operate in the central business district. The central business district shall include the geographic area in the borough of Manhattan south of and inclusive of sixtieth street to the extent practicable but shall not include the FDR Drive, and New York state route 9A otherwise known as the "West Side highway" including the Battery Park Underpass and any surface roadway portion of the Hugh L. Carey Tunnel connecting to West St. The boundaries of the central business district shall not be modified, expanded, or reduced and shall incorporate the outer bounds of the aforementioned district to the extent practicable.

2-a. The Triborough bridge and tunnel authority shall enter into a memorandum of understanding with the city department of transportation for purposes of coordinating the planning, design, installation, construction and maintenance of the central business district tolling infrastructure including required signage. The Memorandum shall address the use of existing systems, devices and other facilities owned and operated by the city for the purposes of a central business district tolling program, as well as reimbursable costs associated with the planning, design, installation, construction and maintenance of such program. Such memorandum of understanding shall be entered into no later than sixty days from the effective date of this article.

3. (a) Notwithstanding any law to the contrary, the Triborough bridge and tunnel authority, pursuant to the memorandum of understanding executed pursuant to subdivision two-a of this section with the city department of transportation shall plan, design, install, construct, and maintain the central business district tolling infrastructure. The city of New York shall cooperate and consult with the Triborough bridge and tunnel authority to facilitate the planning, design, construction, timely implementation, and maintenance of the central business district tolling infrastructure and shall not unduly hinder or delay the planning, designing, installation, operation, construction, timely implementation, or maintenance of the same. Notwithstanding any provision of law to the contrary, the city of New York shall, pursuant to the memorandum of understanding executed pursuant to subdivision two-a of this section with the Triborough bridge and tunnel authority, be authorized to provide for the use of existing systems, devices and other facilities owned and operated by the city, including, but not limited to systems and devices installed pursuant to sections one thousand one hundred eleven-a, one thousand one hundred eleven-c, and one thousand one hundred eighty-b of this chapter to facilitate the Triborough bridge and tunnel authority's central business district tolling program and shall work with the Triborough bridge and tunnel authority to facilitate the same.

(b) The Triborough bridge and tunnel authority shall, pursuant to the memorandum of understanding executed pursuant to subdivision two-a of this section with the city department of transportation, plan, design, install, construct, and maintain a central business district toll collection system and implement and operate the same to collect the central business district toll.

(c) The Triborough bridge and tunnel authority shall plan, design, implement and operate a central business district toll customer service center.

(d) The central business district tolling program shall be planned, designed, implemented and operated to facilitate payment of central business district tolls by credit or debit card, check or automated clearing house payment, by telephone or over the internet or any other method of payment that the Triborough bridge and tunnel authority may implement.

(e) All procurements of goods, services or construction of any kind by the Triborough bridge and tunnel authority for the central business district tolling program shall be deemed to be subject only to the same requirements that otherwise apply to procurements by the Triborough bridge and tunnel authority.

(f) Signage shall be clearly delineated to provide notice at a reasonable distance prior to, and upon entry into, the central business district and upon exit from the central business district. Signage prior to entry must include the toll rates to be charged. Additionally, signage shall be provided, where practicable, to provide drivers adequate notice to avoid entry into the central business district. Design, placement and installation of signage by the Triborough bridge and tunnel authority shall be performed pursuant to the memorandum of understanding executed pursuant to subdivision two-a of this section with the city department of transportation.

4. The central business district tolling infrastructure, the central business district toll collection system and the central business district tolling customer service center shall be completed by the operation date.

5. Responsibility for maintenance of the central business district tolling infrastructure after the operation date shall be performed by the Triborough bridge and tunnel authority pursuant to the memorandum of understanding executed pursuant to subdivision two-a of this section with the city department of transportation.

6. The planning, designing, constructing, installing or maintaining of the central business district tolling program and the planning, designing, installing, constructing, operating or maintaining of the central business district toll collection system by the Triborough bridge and tunnel authority including the establishment by such authority of central business district tolls, and any other fees or rentals for the use of its projects and any changes thereafter shall not be subject to the provisions of article eight of the environmental conservation law, the provisions of chapter six of article forty-three or chapter five of title sixty-two of the rules of the city of New York, or the provisions of section one hundred ninety-seven-c of the New York city charter, relating to a uniform land use review procedure, nor the provisions of any other local law of the city of New York of like or similar effect including approvals or charges associated with the use of property owned and maintained by the city of New York necessary for the installation of central business district tolling infrastructure nor shall the determination of the central business district toll amounts by the Triborough bridge and tunnel authority board be subject to any such provisions of law. The planning, designing, installing, constructing or maintaining of the central business district tolling program by the Triborough bridge and tunnel authority shall be performed pursuant to the memorandum of understanding executed pursuant to subdivision two-a of this section.

### **§ 1704-a. Central business district toll.**

1. Consistent with the goals of reducing traffic congestion within the central business district and funding capital projects the Triborough bridge and tunnel authority shall have the power, subject to agreements with its bondholders, and applicable Federal law to establish and charge variable tolls and fees for vehicles entering or remaining in the central business district at any time and shall have the power, subject to agreements with bondholders, and applicable Federal law to make rules and regulations for the establishment and collection of central business district tolls, fees, and other charges. For purposes of establishing a central business district toll or tolls the board shall, at minimum, ensure annual revenues and fees collected under such program, less costs of operation of the same, provide for sufficient revenues into the central business district tolling capital lockbox fund, established pursuant to section five hundred fifty-three-j of the public authorities law necessary to fund fifteen billion dollars for capital projects for the 2020 to 2024 MTA capital program, and any additional revenues above that amount to be available for any successor programs. Additionally, no toll may be established and charged on passenger vehicles registered pursuant to subdivision six of section four hundred one of this chapter more than once per day for purposes of entering the central business district.

2. No qualifying authorized emergency vehicle as defined pursuant to section one hundred one of this chapter or a qualifying vehicle transporting a person with disabilities shall be charged a central business district toll if it enters or remains in the central business district. Application for such toll exemption shall be made in such manner as prescribed by the Triborough bridge and tunnel authority and shall contain such information as the authority may reasonably require.

3. (a) The Triborough bridge and tunnel authority shall implement a plan for credits, discounts and/or exemptions for tolls paid on bridges and crossings informed by the recommendations of the traffic mobility review board.

(b) The Triborough bridge and tunnel authority shall be authorized to provide additional credits, discounts and exemptions informed by the recommendations of the traffic mobility review board and a traffic study that considers impact.

4. The Triborough bridge and tunnel authority shall implement a plan to address credits, discounts, and/or exemptions for for-hire vehicles as defined by, and subject to a surcharge imposed by, article twenty-nine-C of the tax law for a for-hire transportation trip, informed by the recommendation of the traffic mobility review board.

### **§ 1705. Disposition of revenue and penalties.**

The Triborough bridge and tunnel authority shall establish and collect central business district tolls, fees and other charges as provided in subdivision twelve-a of section five hundred fifty-three of the public authorities law.

### **§ 1706. Reporting.**

Beginning one year after the operation date and every two years thereafter, the Triborough bridge and tunnel authority, in consultation with the city department of transportation shall report on the effect of the central business district tolling program on traffic congestion in and around the central business district and on mass transit use and taxi and for-hire vehicle use including the vehicle-miles traveled for each trip within the central business district for taxis and for-hire vehicles; the current and historic volume and type of vehicles including, but not limited to, commercial trucks, transportation network companies, taxis, private cars, and tour buses, entering the central business district; environmental improvements, including but not limited to, air quality, and emissions trends in and around the central business district; congestion reduction measures; and transit ridership and average bus speeds within the central business district, and on all receipts and expenditures relating to the central business district tolling program. The department of transportation of the city of New York shall be required to assist in gathering and providing to the Triborough bridge and tunnel authority traffic impact data and other related data as directed by the Triborough bridge and tunnel authority for purposes of compiling such report. The report shall be readily available to the public, and shall be posted on the authority's website and be submitted to the governor, the director of the budget, the temporary president of the senate, the speaker of the assembly, the mayor and council speaker of the city of New York, the metropolitan transportation authority board and the metropolitan transportation authority capital program review board.

**New York State Public Authorities Law, as amended,  
Article 3, Bridge and Tunnel Authorities,  
Title 3, Triborough Bridge Authority**

- Section 553(9-s and 12-a) – Powers of the authority
- Section 553-j – Additional powers and provisions in relation to central business district tolling program
- Section 553-k – Traffic mobility review board
- Section 566-a – Tax contract by the state

## **New York State Public Authorities Law, as amended**

### **Article 3: Bridge and Tunnel Authorities**

### **Title 3: Triborough Bridge Authority**

#### **§ 553. Powers of the authority.**

The authority shall have the power

...

**9-s.** To acquire, design, construct, maintain, operate, improve and reconstruct, so long as its corporate existence shall continue, the following projects,

...

(s) The central business district tolling program to the extent specified in article forty-four-C of the vehicle and traffic law and in this title.

**12-a.** To establish and charge variable tolls, fees and other charges for vehicles entering or remaining within the central business district and to make rules and regulations for the collection of such tolls, fees and other charges, subject to and in accordance with such agreement with bondholders and applicable federal law as may be made as hereinafter provided. Subject to agreements with bondholders and applicable federal law, all tolls, fees and other revenues derived from the central business district tolling program shall be applied to the payment of operating, administration, and other necessary expenses of the authority properly allocable to such program, including the capital costs of such program, and to the payment of interest or principal of bonds, notes or other obligations of the authority or the metropolitan transportation authority issued for transit and commuter projects as provided in section five hundred fifty-three-j of this title, and shall not be subject to distribution under section five hundred sixty-nine-c of this title or section twelve hundred nineteen-a of this chapter. The provisions of section twenty-eight hundred four of this chapter shall not be applicable to the tolls and fees established by the authority pursuant to this subdivision. Any such fares, tolls, and other charges shall be established and changed only if approved by resolution of the authority adopted by not less than a majority vote of the whole number of members of the authority then in office, with the chairman having one additional vote in the event of a tie vote, and only after a public hearing.

## **New York State Public Authorities Law, as amended**

### **Article 3: Bridge and Tunnel Authorities**

### **Title 3: Triborough Bridge Authority**

#### **§ 553-j. Additional powers and provisions in relation to central business district tolling program**

1. The authority shall establish a fund to be known as the central business district tolling capital lockbox fund which shall be kept separate from and shall not be commingled with any other monies of the authority. The fund shall consist of all monies received by the authority pursuant to article forty-four-C of the vehicle and traffic law, subdivision twelve-a of section five hundred fifty-three of this title, and revenues of the real estate transfer tax deposited pursuant to subdivision (b) of section fourteen hundred twenty-one of the tax law, and sales tax pursuant to subdivision (c) of section eleven hundred forty-eight of the tax law, subparagraph (B) of paragraph five of subdivision (c) of section twelve hundred sixty-one of the tax law, and funds appropriated from the central business district trust fund established pursuant to section ninety-nine-ff of the state finance law.

\* 2. Monies in the fund shall be applied, subject to agreements with bondholders and applicable federal law, to the payment of operating, administration, and other necessary expenses of the authority, or to the city of New York subject to the memorandum of understanding executed pursuant to subdivision two-a of section seventeen hundred four of the vehicle and traffic law properly allocable to such program, including the planning, designing, constructing, installing or maintaining of the central business district tolling program, including, without limitation, the central business district tolling infrastructure, the central business district tolling collection system and the central business district tolling customer service center, and the costs of any metropolitan transportation authority capital projects included within the 2020 to 2024 MTA capital program or any successor programs. Monies in the fund may be: (a) pledged by the authority to secure and be applied to the payment of the bonds, notes or other obligations of the authority to finance the costs of the central business district tolling program, including, without limitation, the central business district tolling infrastructure, the central business district tolling collection system and the central business district tolling customer service center, and the costs of any metropolitan transportation authority capital projects included within the 2020 to 2024 MTA capital program or any successor programs, including debt service, reserve requirements, if any, the payment of amounts required under bond and note facilities or agreements related thereto, the payment of federal government loans, security or credit arrangements or other agreements related thereto; or (b) used by the authority for the payment of such capital costs of the central business district tolling program and the costs of any metropolitan transportation authority capital projects included within the 2020 to 2024 MTA capital program or any successor programs; or (c) transferred to the metropolitan transportation authority and (1) pledged by the metropolitan transportation authority to secure and be applied to the payment of the bonds, notes or other obligations of the metropolitan transportation authority to finance the costs of any metropolitan transportation authority capital projects included within the 2020 to 2024 MTA capital program or any successor programs, including debt service, reserve requirements, if any, the payment of amounts required under bond and note facilities or agreements related thereto, the payment of federal government loans,

security or credit arrangements or other agreements related thereto, or (2) used by the metropolitan transportation authority for the payment of the costs of any metropolitan transportation authority capital projects included within the 2020 to 2024 MTA capital program or any successor programs, or (3) subject to approval by the board of the metropolitan transportation authority and the director of the budget, used by the metropolitan transportation authority in all or any of the fiscal years of the authority beginning in 2020 through 2021 to offset decreases in revenue, including but not limited to, lost taxes, fees, charges, fares and tolls, due in whole or in part, or increases in operating costs due in whole to the state disaster emergency caused by the novel coronavirus, COVID-19. Such revenues shall only supplement and shall not supplant any federal, state, or local funds expended by the authority or the metropolitan transportation authority, or such authority's or metropolitan transportation authority's affiliates or subsidiaries for such respective purposes. Central business district toll revenues may be used as required to obtain, utilize, or maintain federal authorization to collect tolls on federal aid highways. Provided further that, in the event the authority or metropolitan transportation authority receives funds or reimbursements, including without limitation from the federal government or insurance maintained by the authority or metropolitan transportation authority, due in whole or in part to the novel coronavirus, COVID-19, any monies from the fund used to offset decreases in revenue or increases in operating costs due in whole or in part to the state disaster emergency caused by the novel coronavirus, COVID-19, shall be repaid after the authority or the metropolitan transportation authority fully repays any public or private borrowings, draws on any lines of credit, issuances of revenue anticipation notes, any internal loans, and use of corpus of OPEB Trust to pay current retiree healthcare cost necessitated by COVID-19 revenue shortfall. Such obligation to repay shall be limited to the availability of any excess monies, and any such funds or reimbursements in excess of the amounts needed to fully repay such amounts shall be transferred to the fund and used for the purposes originally intended for such fund.

\* NB Effective until April 3, 2022

\* 2. Monies in the fund shall be applied, subject to agreements with bondholders and applicable federal law, to the payment of operating, administration, and other necessary expenses of the authority, or to the city of New York subject to the memorandum of understanding executed pursuant to subdivision two-a of section seventeen hundred four of the vehicle and traffic law properly allocable to such program, including the planning, designing, constructing, installing or maintaining of the central business district tolling program, including, without limitation, the central business district tolling infrastructure, the central business district tolling collection system and the central business district tolling customer service center, and the costs of any metropolitan transportation authority capital projects included within the 2020 to 2024 MTA capital program or any successor programs. Monies in the fund may be: (a) pledged by the authority to secure and be applied to the payment of the bonds, notes or other obligations of the authority to finance the costs of the central business district tolling program, including, without limitation, the central business district tolling infrastructure, the central business district tolling collection system and the central business district tolling customer service center, and the costs of any metropolitan transportation authority capital projects included within the 2020 to 2024 MTA capital program or any successor programs, including debt service, reserve requirements, if any, the payment of amounts required under bond and note facilities or agreements related thereto, the payment of federal government loans, security or credit



arrangements or other agreements related thereto; or (b) used by the authority for the payment of such capital costs of the central business district tolling program and the costs of any metropolitan transportation authority capital projects included within the 2020 to 2024 MTA capital program or any successor programs; or (c) transferred to the metropolitan transportation authority and (1) pledged by the metropolitan transportation authority to secure and be applied to the payment of the bonds, notes or other obligations of the metropolitan transportation authority to finance the costs of any metropolitan transportation authority capital projects included within the 2020 to 2024 MTA capital program or any successor programs, including debt service, reserve requirements, if any, the payment of amounts required under bond and note facilities or agreements related thereto, the payment of federal government loans, security or credit arrangements or other agreements related thereto, or (2) used by the metropolitan transportation authority for the payment of the costs of any metropolitan transportation authority capital projects included within the 2020 to 2024 MTA capital program or any successor programs. Such revenues shall only supplement and shall not supplant any federal, state, or local funds expended by the authority or the metropolitan transportation authority, or such authority's or metropolitan transportation authority's affiliates or subsidiaries for such respective purposes. Central business district toll revenues may be used as required to obtain, utilize, or maintain federal authorization to collect tolls on federal aid highways.

\* NB Effective April 3, 2022

3. Any monies deposited in the fund shall be held in the fund free and clear of any claim by any person arising out of or in connection with article forty-four-C of the vehicle and traffic law and subdivision twelve-a of section five hundred fifty-three of this title. Without limiting the generality of the foregoing, no person paying any amount that is deposited into the fund shall have any right or claim against the authority or the metropolitan transportation authority, any of their bondholders, any of the authority's or the metropolitan transportation authority's subsidiaries or affiliates to any monies in or distributed from the fund or in respect of a refund, rebate, credit or reimbursement of monies arising out of or in connection with article forty-four-C of the vehicle and traffic law and subdivision twelve-a of section five hundred fifty-three of this title.

3-a. Of the capital project costs paid by this fund: eighty percent shall be capital project costs of the New York city transit authority and its subsidiary, Staten Island Rapid Transit Operating Authority, and MTA Bus with priority given to the subway system, new signaling, new subway cars, track and car repair, accessibility, buses and bus system improvements and further investments in expanding transit availability to areas in the outer boroughs that have limited mass transit options; ten percent shall be capital project costs of the Long Island Rail Road, including but not limited to, parking facilities, rolling stock, capacity enhancements, accessibility, and expanding transit availability to areas in the Metropolitan Commuter Transportation District that have limited mass transit options; and ten percent shall be capital project costs of the Metro-North Commuter Railroad Company, including but not limited to, parking facilities, rolling stock, capacity enhancements, accessibility, and expanding transit availability to areas in the Metropolitan Commuter Transportation District that have limited mass transit options.

\* 4. The authority shall report annually on all receipts and expenditures of the fund. The report shall detail operating expenses of the central business district tolling program and all fund expenditures including capital projects. If, during the period of the report, any monies in the fund were used by the authority or the metropolitan transportation authority to offset decreases in revenue lost in whole or in part due to the state disaster emergency caused by novel coronavirus, COVID-19, or increases in operating costs in whole due to the novel coronavirus, COVID-19, the report shall also provide: (a) details of such decreases in revenue in whole, (b) details of such decreases in revenue in part, (c) details of such increases in costs, (d) the methodology used by the authority or metropolitan transportation authority to calculate such changes, and (e) explanation for attributing a particular increase in cost or a particular decrease in revenue, to the state disaster emergency caused by coronavirus, COVID-19. The report shall be readily available to the public, and shall be posted on the authority's website and be submitted to the governor, the temporary president of the senate, the speaker of the assembly, the comptroller, the director of the budget, the mayor and council of the city of New York, the metropolitan transportation authority board, and the metropolitan transportation authority capital program review board.

\* NB Effective until April 3, 2022

\* 4. The authority shall report annually on all receipts and expenditures of the fund. The report shall detail operating expenses of the central business district tolling program and all fund expenditures including capital projects. The report shall be readily available to the public, and shall be posted on the authority's website and be submitted to the governor, the temporary president of the senate, the speaker of the assembly, the mayor and council of the city of New York, the metropolitan transportation authority board, and the metropolitan transportation authority capital program review board.

\* NB Effective April 3, 2022

5. Any operating funding used for the purposes of a central business district tolling program from this fund shall be approved, annually, in a plan of expenditures, by the director of the budget.

## **New York State Public Authorities Law, as amended**

### **Article 3: Bridge and Tunnel Authorities**

### **Title 3: Triborough Bridge Authority**

#### **§ 553-k. Traffic mobility review board**

1. The authority's board shall establish the "traffic mobility review" board (board), which shall consist of a chair and five members, that shall be made up of regional representation, one of whom shall be recommended by the mayor of the city of New York, one of whom shall reside in the Metro North Region, and one of whom shall reside in the Long Island Rail Road Region. Members of the board must have experience in at least one of the following areas: public finance; transportation; mass transit; or management. The chair and the members of the board shall be appointed by the authority.

2. The board shall make a recommendation regarding the central business district toll amounts to be established pursuant to article forty-four-C of the vehicle and traffic law, which shall include a variable-pricing structure, no sooner than November fifteenth, two thousand twenty and no later than December thirty-first, two thousand twenty, or no later than thirty days before a central business district tolling program is initiated, whichever is later. Such recommendation shall be submitted to the board of the Triborough bridge and tunnel authority for consideration before the Triborough bridge and tunnel authority board may approve central business district toll amounts that may be established and adopted.

3. For purposes of recommending a central business district toll or tolls in addition to the goal of reducing traffic within the central business district, the board shall, at minimum, ensure that annual revenues and fees collected under such program, less costs of such program, provide for revenues into the central business district tolling capital lockbox fund, established pursuant to section five hundred fifty-three-j of this chapter, necessary to fund fifteen billion dollars for capital projects for the 2020 to 2024 capital program, and any additional revenues above that amount to be available for any successor program. The board shall consider for purposes of its recommendations, factors including but not limited to, traffic patterns, traffic mitigation measures, operating costs, public impact, public safety, hardships, vehicle type, discounts for motorcycles, peak and off-peak rates and environmental impacts, including but not limited to air quality and emissions trends. The board shall recommend a plan for credits, discounts, and/or exemptions for tolls paid on bridges and crossings which shall be informed by a traffic study associated with the impact of any such credits, discounts and/or exemptions on the recommended toll. The board shall recommend a plan for credits, discounts, and/or exemptions for for-hire vehicles defined, and subject to a surcharge imposed by, article twenty-nine-C of the tax law for a for-hire transportation trip based on factors including, but not limited to, initial market entry costs associated with licensing and regulation, comparative contribution to congestion in the central business district, and general industry impact. The board shall produce a detailed report that provides information regarding the board's review and analysis for purposes of establishing its recommendations, including but not limited to, all of the considerations referred to in this subdivision. The board shall not recommend a toll that provides for charging passenger vehicles registered pursuant to subdivision six of section four hundred one of the vehicle and traffic law more than once per day.

**Appendix 2B, Project Alternatives: MTA Reform and Traffic Mobility Act**

4. The authority, its subsidiaries, affiliates, and subsidiaries of affiliates, the city of New York, and any state agency or authority shall provide any assistance necessary to assist in the completion of the board's work and promptly respond to any requests for information or consultation consistent with the purposes of this section.

5. The Metropolitan Transportation Authority capital plan shall be reviewed by the traffic mobility review board.

6. Members of the board shall serve without compensation.

**New York State Public Authorities Law, as amended**  
**Article 3: Bridge and Tunnel Authorities**  
**Title 3: Triborough Bridge Authority**

**§ 566-a. Tax contract by the state**

1. It is hereby found, determined and declared that the authority and the carrying out of its corporate purposes is in all respects for the benefit of the people of the state of New York, for the improvement of their health, welfare and prosperity, and, in the case of some of the said purposes, for the promotion of their traffic, and that said purposes are public purposes and, in the case of those purposes which consist of vehicular bridges, vehicular tunnels and approaches thereto and the central business district tolling program, the project is an essential part of the public highway system and the authority will be performing an essential governmental function in the exercise of the powers conferred by this title, and the state of New York covenants with the purchasers and with all subsequent holders and transferees of bonds issued after January first, nineteen hundred thirty-nine by the authority pursuant to this title, in consideration of the acceptance of any payment for the bonds that the bonds of the authority issued after January first, nineteen hundred thirty-nine pursuant to this title and the income therefrom, and all moneys, funds, tolls and other revenues pledged to pay or secure the payment of such bonds, shall at all times be free from taxation except for estate taxes and taxes on transfers by or in contemplation of death.

2. Nothing herein shall be construed to repeal or supersede any tax exemptions heretofore or hereafter granted by general or other laws.

**New York State Public Officers Law, as amended**  
**Article 6, Freedom of Information Law**  
– Section 87(2)(p) – Access to agency records

## **New York State Public Officers Law, as amended**

### **Article 6, Freedom of Information Law**

### **Section 87(2)(p)**

#### **§ 87. Access to agency records.**

2. Each agency shall, in accordance with its published rules, make available for public inspection and copying all records, except those records or portions thereof that may be withheld pursuant to the exceptions of rights of access appearing in this subdivision. A denial of access shall not be based solely on the category or type of such record and shall be valid only when there is a particularized and specific justification for such denial. Each agency shall, in accordance with its published rules, make available for public inspection and copying all records, except that such agency may deny access to records or portions thereof that:

...

\* (p) are data or images produced by an electronic toll collection system under authority of article forty-four-C of the vehicle and traffic law and in title three of article three of the public authorities law.

\* NB There are 2 par (p)'s

**New York State Tax Law, as amended**  
**Article 2, Personal Income Tax**  
**Part 1, General**

- Section 606 -Credits Against Tax



## **New York State Tax Law, as amended**

### **Article 22, Personal Income Tax**

### **Part 1, General**

#### **§ 606. Credits Against Tax.**

\* (jjj) Central business district toll credit.

(1) For taxable years beginning on or after January first, two thousand twenty-one, a resident individual whose primary residence is located in the central business district established pursuant to article forty-four-C of the vehicle and traffic law and whose New York adjusted gross income for the taxable year is less than sixty thousand dollars shall be entitled to a credit as calculated pursuant to paragraph two of this subsection.

(2) The credit shall be equal to the aggregate amount of central business district tolls paid by the taxpayer during the taxable year pursuant to the central business district tolling program authorized by article forty-four-C of the vehicle and traffic law. Provided, however, that any toll that would constitute a trade or business expense under section 162 of the internal revenue code shall be excluded.

(3) If the amount of the credit allowed under this subsection for any taxable year shall exceed the taxpayer's tax for such year, the excess shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section six hundred eighty-six of this article, provided, however, that no interest shall be paid thereon.

\* NB There are 3 subsection (jjj)'s

## 2C, Memorandum of Understanding between TBTA and NYCDOT

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TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY  
2 Broadway  
New York, NY 10004

-and-

THE CITY OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
55 Water Street  
New York, NY 10041

Memorandum of Understanding (“Agreement”)

This Agreement, made and effective on the 11th day of June 2019 (the “Effective Date”), is entered into between the City of New York (the “City”), a municipal corporation acting on behalf of its Department of Transportation with offices at 55 Water Street, New York, NY 10041 (“NYCDOT”), and the Triborough Bridge and Tunnel Authority, a public benefit corporation of the State of New York with offices at 2 Broadway, New York, NY 10004 (“TBTA”).

WHEREAS, pursuant to the MTA reform and traffic mobility act (the “Act”) TBTA is establishing a “central business district tolling program” (the “Program”), as defined in Article 44-C of the New York State Vehicle and Traffic Law (“VTL”)

WHEREAS, TBTA will operate the Program in the “central business district” (the “CBD”), as defined in VTL §1703(4), commencing on the “operation date” (“Operation Date”), as defined in VTL § 1703(8).

WHEREAS, pursuant to VTL §1704(2-a), TBTA and NYCDOT enter into this Agreement for purposes of coordinating and facilitating the planning, design, installation, construction, and maintenance of the central business district tolling infrastructure as defined by VTL §1703, including required signage (“infrastructure”).

WHEREAS, pursuant to VTL §1704(3), TBTA and NYCDOT enter into this Agreement for purposes of coordinating and facilitating the planning, design, installation, construction, and maintenance of the equipment and devices which are located in the Impacted Public Right of Way (as defined herein) to collect electronic data and/or images as part of the central business district toll collection system as defined by VTL §1703 (“toll collection system equipment”).

WHEREAS, TBTA, in consultation with NYCDOT, shall plan, design, implement, and maintain the infrastructure and toll collection system equipment in such a way as to protect public safety.

WHEREAS, this Agreement also addresses TBTA’s right to use existing systems, devices and other facilities owned and operated by NYCDOT for the purposes of the Program, as well as actual reimbursable costs to the City of New York, including NYCDOT and other agencies, associated with the planning, design, installation, construction, operation and maintenance of the Program, in accordance with VTL §1704(2-a), properly allocable to the Program;

WHEREAS, TBTA requires access to a portion of the street and sidewalk, as well as any other poles, lines or appurtenances (the “Impacted Public Right of Way”) in order to install, maintain, and repair the infrastructure; and

WHEREAS, TBTA requires access to the Impacted Public Right of Way in order to install, maintain, and repair the toll collection system equipment; and

WHEREAS, by this Agreement, NYCDOT has agreed to allow TBTA to use the Impacted Public Right of Way, subject to the following terms and conditions.

IT IS HEREBY AGREED:

1. Access Granted. (a) NYCDOT hereby grants to TBTA and its designees (e.g. contractors, subcontractors and suppliers) a license to use and maintain the Impacted Public Right of Way and within the same to install, inspect, maintain, repair or remove the infrastructure in strict accordance with Exhibit A attached hereto and Section 6, Permitting, herein. (b) NYCDOT hereby grants to TBTA and its designees (e.g. contractors, subcontractors and suppliers) a license to use and maintain the Impacted Public Right of Way and within the same to install, inspect, maintain, repair or remove the toll collection system equipment in strict accordance with Section 6, Permitting, herein.
2. TBTA’s Right To Operate the Infrastructure and Toll Collection System Equipment. NYCDOT agrees that TBTA has the right to operate the infrastructure and toll collection system equipment in the Impacted Public Right of Way.
3. Term. This Agreement is for a ten (10) year term, commencing on the Effective Date, and it will automatically renew for successive ten (10) year terms, unless terminated earlier in accordance with this Agreement, provided however that it shall not be terminated in whole or in part in any way that would prevent TBTA’s collection of Program tolls so long as there are any outstanding bonds, notes or other obligations that have been secured by funds in the Central Business District Tolling Capital Lockbox Fund established pursuant to Public Authorities Law §553-j.
4. Reimbursement to NYCDOT and other City Agencies. TBTA shall reimburse NYCDOT and other City entities (“City Agencies”) for actual costs of work performed and services provided by NYCDOT and other City Agencies, their consultants and contractors: (i) associated with the planning, design, installation, construction and maintenance of the infrastructure, including signage, and the toll collection system equipment that is subject to this Agreement, in accordance with VTL §1704(2-a); (ii) associated with the Traffic Study (described in Section 9, Traffic Study, herein), Evaluation Report (described in Section 10, Evaluation Report, herein) and Parking Study (described in §9 of the Act); and (iii) otherwise requested by TBTA and agreed to by NYCDOT, properly allocable to the Program as determined by TBTA.

NYCDOT shall keep and cause their consultants and contractors to keep, for a minimum of six (6) years, all appropriate cost records and accounts relating to the NYCDOT’s reimbursable costs under this Agreement. NYCDOT will notify and request that other City Agencies require the same of their consultants and contractors.

NYCDOT shall submit quarterly reimbursement requests and projected costs for the next quarter to TBTA for costs pertaining to the Program. Upon approval of each reimbursement request pursuant to New York State Public Authorities Law § 553-j(2), TBTA shall make such payment to NYCDOT within three (3) months of receipt of each quarterly reimbursement request. NYCDOT shall submit such reimbursement requests within six (6) months of the cost being incurred.

5. TBTA Special Obligation.

- a. TBTA is authorized to undertake this Program by virtue of the provisions of Article 44-C of the VTL, Central Business District Tolling Program.
- b. For reimbursable costs payable to NYCDOT before the Program has begun collecting tolls, this Agreement constitutes a special obligation of TBTA, payable solely from the \$100 million appropriated by the Legislature as an advance to the Metropolitan Transportation Authority (“MTA”) for the capital project costs of the planning, design, acquisition and construction, required or expected to be required to implement the Program or from other financing mechanisms to be determined which will also be fully reimbursed from net revenues generated from the Program. TBTA represents that these monies will be adequate to fund the NYCDOT reimbursable costs under the Agreement. NYCDOT reimbursable costs under this Agreement are not payable from any other monies of TBTA, including, without limitation, monies received by TBTA from the operation of the other projects and facilities set forth in subdivision 9 of Section 553 of the New York State Public Authorities Law, other than the Central Business District Tolling Program, except as otherwise provided above.
- c. For reimbursable costs payable to NYCDOT after the Program has begun collecting tolls, the Agreement constitutes a special obligation of TBTA, payable solely from monies deposited into the central business district tolling capital lockbox fund and available for use by TBTA thereunder (“Central Business District Tolling Program Receipts”), which fund has been established in accordance with Section 553-j of the New York State Public Authorities Law (the “CBD Lockbox Fund”), subject to agreements with bondholders secured by the Central Business District Tolling Program Receipts. NYCDOT reimbursable costs under this Agreement are not payable from any other monies of TBTA, including, without limitation, monies received by TBTA from the operation of the other projects and facilities set forth in subdivision 9 of Section 553 of the New York State Public Authorities Law, other than the Central Business District Tolling Program. TBTA represents that the estimated Central Business District Tolling Program Receipts to be deposited in the CBD Lockbox Fund will be adequate to fund the NYCDOT reimbursable costs under this Agreement.

6. Permitting.

- a. TBTA voluntarily agrees to direct its contractors to obtain permits to occupy, open or close City roadways and sidewalks from the NYCDOT

Office of Construction Mitigation and Coordination (“OCMC”) for the installation, maintenance, repair or removal of the infrastructure and toll collection system equipment (“Contractor OCMC Permits”).

- b. In accordance with NYCDOT’s obligation to not unduly hinder or delay the planning, designing, installation, operation, construction, timely implementation, or maintenance of the infrastructure, NYCDOT agrees that OCMC shall implement an expedited process for the issuance of Contractor OCMC Permits. OCMC shall dedicate the necessary staff to process Contractor OCMC Permits in an expedited and prioritized manner and shall issue Contractor OCMC Permits within two (2) business days of application from TBTA contractors, except for an event deemed to be a force majeure. NYCDOT will also provide a process for TBTA’s contractor to receive an immediate Contractor OCMC Permit for required work in the event of an emergency that imperils life, health, safety or operation of the infrastructure or toll collection system equipment.
- c. Notwithstanding anything to the contrary herein, TBTA expressly reserves its right to assert in the Dispute Resolution process herein that it is not legally obligated to obtain Contractor OCMC Permits and pending a final determination rendered as a result of the Dispute Resolution process, to immediately direct its contractor to stop obtaining Contractor OCMC Permits for the installation, maintenance, repair or removal of the infrastructure or toll collection system equipment.
- d. All disputes regarding Contractor OCMC Permits shall be resolved solely in accordance with Section 24, Dispute Resolution, in lieu of any OCMC appeals process.

7. NYCDOT Responsibilities and TBTA Responsibilities. In support of the Program, NYCDOT shall cooperate and consult with TBTA to facilitate the planning, design, construction, timely implementation, and maintenance of the infrastructure and toll collection system equipment, and shall not unduly hinder or delay the planning, designing, installation, operation, construction, timely implementation, or maintenance of the same. NYCDOT shall provide assistance for the planning, design, construction, timely implementation, and maintenance of the infrastructure and toll collection system equipment including, but not limited to the following:

- a. NYCDOT shall provide to TBTA detailed information on all NYCDOT planned projects that may impact the collection of Program tolls including but not limited to street improvement projects, capital street reconstruction projects, and capital bridge maintenance and repair projects in the vicinity of the 60<sup>th</sup> Street cordon, on FDR Drive south of 61<sup>st</sup> Street, on Route 9A south of 61<sup>st</sup> Street, on the Battery Park Underpass, and on the four East River Bridges or connecting ramps. NYCDOT will seek to schedule and implement such projects so as to minimize interference with the Program.
- b. NYCDOT shall facilitate TBTA engagement with other City Agencies, including but not limited to the New York City Department of Parks and Recreation, the New York City Department of Design and Construction, the

New York City Department of Environmental Protection, the New York City Police Department, and the New York City Fire Department regarding the Program. This engagement shall include the identification and coordination of other City Agency construction and maintenance projects in the vicinity of the 60<sup>th</sup> Street cordon, the FDR Drive south of 61<sup>st</sup> Street, on Route 9A south of 61<sup>st</sup> Street, the Battery Park Underpass and on the four East River Bridges or connecting ramps.

- c. NYCDOT shall review in a timely manner all TBTA requests for street design changes in support of the Program, including but not limited to changes in street direction, street geometry, curb regulations, or turn restrictions. If NYCDOT finds such changes feasible, NYCDOT will implement such changes or allow the TBTA or its contractor to implement such changes.
- d. NYCDOT shall provide to TBTA traffic impact data and other related data, as requested by TBTA, for the Evaluation Report and other uses relevant to the Program.
- e. NYCDOT shall promptly furnish TBTA any necessary available records, engineering reports, inspection reports and other technical information that may be required for the planning, design, installation, construction and maintenance of the infrastructure and toll collection system equipment.
- f. Upon request by TBTA for specific locations, NYCDOT will provide to TBTA existing engineering drawings for bridges, streets, and other NYCDOT structures, as well as other street furniture drawings that NYCDOT may have. The drawings may be subject to non-disclosure conditions as determined by NYCDOT.
- g. NYCDOT will provide to TBTA the locations of existing NYCDOT cameras, E-ZPass readers, and fiber optic communication network. The disclosure of the locations may be subject to non-disclosure conditions as determined by NYCDOT.
- h. NYCDOT will provide the maintenance, repair and regular replacement of signage required for the Program within the City of New York in strict accordance with Exhibit C attached hereto.
- i. NYCDOT shall provide Contractor OCMC Permits for access required by TBTA's designers and contractors for the purpose of planning, evaluating, surveying, designing, construction, maintaining and operating the infrastructure and the toll collection system equipment. Such Contractor OCMC Permits shall include lane closures, street closures, bridge closures, street opening, sidewalk closures and sidewalk opening, as set forth in Section 6, Permitting, herein.
- j. NYCDOT shall facilitate TBTA's engagement with other City Agencies for the use of existing systems, devices and other facilities owned and operated by other City Agencies for the purposes of the Program.

Unless expressly set forth in this Agreement as a NYCDOT responsibility, TBTA will be responsible for installing, inspecting, maintaining and repairing or replacing the infrastructure. TBTA's responsibilities shall also include providing utility support to the infrastructure, including electricity, and any and all changes in sewers or other subsurface structures necessitated by the construction or removal of the infrastructure, including the laying or relaying of pipes, conduits, sewers or other structures. TBTA shall protect all property, which may in any way be disturbed by the construction of the infrastructure or toll collection system equipment, and it shall replace or restore the Impacted Public Right of Way and any other affected property, which is disturbed during the construction of the infrastructure or toll collection system equipment, consistent with Section 19, Removal or Deactivation of the Infrastructure, herein.

TBTA will be responsible for installing, inspecting, maintaining and repairing or replacing the toll collection system equipment. TBTA's responsibilities shall also include providing utility support to the toll collection system equipment, including electricity, and any and all changes in sewers or other subsurface structures necessitated by the construction or removal of the toll collection system equipment, including the laying or relaying of pipes, conduits, sewers or other structures. TBTA shall protect all property, which may in any way be disturbed by the construction of the infrastructure or toll collection system equipment, and it shall replace or restore the Impacted Public Right of Way and any other affected property, which is disturbed during the construction of the infrastructure or toll collection system equipment, consistent with Section 19, Removal or Deactivation of the Infrastructure, herein.

NYCDOT's review and consultation on any elements of the infrastructure or other components of the Program, or its failure to exercise its right to consult or seek changes in any elements of the infrastructure or other components of the Program, shall not relieve TBTA of its obligation to install, operate, inspect, maintain, repair or remove the infrastructure and to install, operate, inspect, maintain, repair or remove the toll collection system equipment as provided in this Agreement.

8. Engagement with Federal Agencies. It is possible that approval from the United States Department of Transportation ("USDOT"), acting through the Federal Highway Administration ("FHWA"), will be required to implement the Program. If the USDOT determines that the Program requires federal approval:
  - a. TBTA, NYCDOT and the New York State Department of Transportation ("NYSDOT") shall jointly submit an application for such approval.
  - b. TBTA, NYCDOT and NYSDOT shall jointly negotiate any required agreement with USDOT for approval of the Program.
  - c. TBTA, NYCDOT and NYSDOT shall not execute any agreement for the Program with USDOT that bars or limits access to or the use of federal funding by the City, NYSDOT or the MTA.
  - d. TBTA and MTA have hired a consultant to prepare federally-compliant environmental documents for the Program, pursuant to the National



Environmental Policy Act (“NEPA”), Section 4(f) of the Department of Transportation Act, Section 106 of the National Historic Preservation Act, and any other relevant laws. TBTA, MTA and NYCDOT shall establish an environmental review working group that will collaboratively develop the environmental documentation, with NYSDOT. TBTA shall provide NYCDOT with the opportunity to review and comment on draft environmental documents prior to submission to USDOT.

9. Traffic Study. Pursuant to §10 of the Act, TBTA and NYCDOT shall jointly undertake a Traffic Study (the “Traffic Study”) that includes the CBD and surrounding areas that shall be provided to the Traffic Mobility Review Board (as defined in Public Authorities Law §553-k) for purposes of allowing such Board to make recommendations consistent with Public Authorities Law §553-k. The Traffic Study will include an evaluation of the impact of various variable pricing structures and the impacts of any credits, discounts and/or exemptions on traffic and thus on the recommended toll as well as of traffic patterns and environmental impacts including but not limited to air quality and emission trends.
10. Evaluation Report. TBTA may jointly with NYCDOT or individually prepare an Evaluation Report (the “Evaluation Report”) beginning one year after the Operation Date and every two years thereafter. Each Evaluation Report will include but not be limited to an evaluation of the effect of the Program after the Operation Date on traffic congestion in and around the CBD, travel patterns, mass transit usage, environmental improvements and receipts and expenditures relating to the Program. NYCDOT shall assist in gathering and providing TBTA with traffic impact and other related data.
11. Public Outreach. NYCDOT and TBTA agree that the success of the Program depends on public acceptance and understanding and to that end, the parties agree to cooperate and collaborate on a public outreach campaign for the Program.
  - a. TBTA or MTA will provide the draft Public Outreach Plan (POP) to NYCDOT for the purpose of review and consultation.
  - b. To the extent feasible, TBTA or MTA will provide five (5) days advance notice to NYCDOT of all public meetings relating to the infrastructure.
  - c. To the extent feasible, TBTA or MTA will provide outreach materials related to the infrastructure to NYCDOT for review and comment five (5) days prior to public release.
  - d. TBTA or MTA will notify NYCDOT of all meetings with stakeholders related to the installation and operation of the infrastructure.
  - e. NYCDOT will provide staff support to all public outreach meetings related to the infrastructure to the extent practicable and provided NYCDOT received advance notice as detailed above.
12. Design Requirements. TBTA will site and design the infrastructure in accordance with the Design Requirements outlined in Exhibit A hereto, so far as practicable. TBTA will site and design the toll collection system equipment in accordance with applicable Design Requirements outlined in Exhibit A hereto, so far as practicable.

- a. TBTA will provide proposed sites, designs, and engineering drawings to NYCDOT for review and consultation, in accordance with Exhibit A herein.
- b. NYCDOT and TBTA will designate at least one technical subject matter expert to serve on a Technical Expert Panel and be available for consultation by the TBTA selection committee for the contractor that will design, build, and maintain the infrastructure and toll collection system equipment. The NYCDOT technical subject matter expert will attend all oral presentations by proposers and TBTA will provide to the NYCDOT technical subject matter expert portions of all proposals pertaining to the infrastructure. Each subject matter expert shall execute a Conflict of Interest/Non-disclosure Form.

13. Construction Requirements. TBTA will perform all work in strict accordance with the Release for Construction Design Drawings (as defined in Exhibit A) for the infrastructure, in consultation with NYCDOT.

TBTA will take all reasonable efforts to minimize disruption to activities on, and to prevent damage to, any personal property and structures of the NYCDOT and others located at, on or near the Impacted Public Right of Way.

TBTA shall furnish, within ninety (90) days of receipt, to the NYCDOT as-built record documents, showing accurately and distinctly the location, size and type of such construction, and complete dimensions of the infrastructure and toll collection system equipment, as well as the location and dimensions of all substructures encountered during the progress of the work.

14. Coordination with Full and Partial Road Closures. NYCDOT streets and bridges are regularly closed to traffic for maintenance, repair, capital reconstruction, special events (such as parades and street fairs), emergency response, and security purposes (such as during presidential visits and United Nations General Assembly). NYCDOT shall provide advance notice to TBTA of planned closures of any streets that could have an impact on the Program including but not limited to streets in the immediate vicinity of the 60th Street cordon, the FDR Drive, Route 9A, West Street, the Battery Park Underpass, and the Ed Koch Queensboro, Williamsburg, Manhattan, and Brooklyn Bridges. NYCDOT will close streets and bridges at its sole discretion, and it will not be liable for any damages or loss of revenue in connection with the Program resulting from such closures. NYCDOT will make reasonable efforts to mitigate the impact on the program due to such closures, and may facilitate engagement between TBTA and other City Agencies to do the same. NYCDOT, in coordination with NYPD, will develop a process to provide the TBTA Operations Command Center with notifications of unplanned closures as soon as NYCDOT becomes aware of such closures.

15. Maintenance and Repair of Infrastructure and Impacted Public Right of Way. TBTA shall be responsible for the maintenance and repair of the infrastructure and toll collection system.

- a. The TBTA shall submit a maintenance and repair plan to NYCDOT five (5) to seven (7) days prior to the Operation Date for NYCDOT review and consultation. The plan shall detail TBTA's standard procedures for routine

and emergency maintenance and repair of the infrastructure and the toll collection system equipment, including locations, equipment or vehicles to be used, typical maintenance and protection of traffic plans, time of day restrictions, and typical work duration.

- b. TBTA shall address safety critical repairs, including a fallen or listing infrastructure or any other condition that poses an immediate threat to public safety, as soon as practicable upon notification.
- c. TBTA shall keep the infrastructure, toll collection system equipment and the Impacted Public Right of Way in good, clean, graffiti-free, and safe condition at all times.
- d. TBTA shall give written notice to the NYCDOT at least forty-eight (48) hours before it performs any work to replace any major structural component of the infrastructure, except that no such notice shall be required with respect to any routine maintenance of, or repairs made to, the infrastructure, however, TBTA and its contractors will obtain Contractor OCMC Permits associated with such work as described in Section 6, Permitting.

16. NYCDOT's Rights to Access Impacted Public Right of Way. TBTA shall allow NYCDOT a right of way under, through and above any and all parts of the infrastructure and any portions of the Impacted Public Right of Way subject to the terms below.

NYCDOT will give written notice to TBTA if the infrastructure and toll collection system equipment may be disturbed by work, including but not limited to capital street reconstruction, water main and sewer maintenance, repair, or replacement, or sidewalk reconstruction. At the beginning of each fiscal year, NYCDOT shall provide TBTA with a list of anticipated capital street reconstruction, water main and sewer maintenance, repair or replacement or sidewalk reconstruction projects for the year. NYCDOT shall seek to stage its work in a manner so as to minimize any impact on the infrastructure and toll collection system equipment and shall assist the TBTA in coordination with other City Agencies regarding their work. TBTA or its contractor shall accommodate the work of NYCDOT and other City Agencies by protecting the infrastructure and toll collection system equipment or by replacing the permanently installed infrastructure with temporary infrastructure and toll collection system equipment, deploying mobile toll collection equipment, temporarily relocating the toll collection equipment, or by employing another strategy. The cost of all such replacement, protection, temporary relocation, or use of mobile toll collection equipment shall be at the sole cost and expense of TBTA. The NYCDOT will endeavor to provide thirty (30) day notice of such condition, but it reserves the right to require action sooner in cases of emergency.

17. Preventing NYCDOT Interference with the Infrastructure, Toll Collection System Equipment and/or the Collection of Program Tolls. NYCDOT and its contractors shall not install any street light poles, traffic signal poles, gantries or other street furniture in locations that would interfere with, impair or impede in any way the infrastructure, toll collection system equipment and/or TBTA's collection of Program tolls.

18. Use of NYCDOT Existing Systems, Devices and other Facilities. NYCDOT shall, consistent with this Agreement, grant TBTA permission to mount toll collection system equipment on existing NYCDOT infrastructure, including bridge structures and existing gantry structures.
- a. No toll collection system equipment will be placed on existing streetlight or signal poles if the poles cannot withstand the additional load or if the mounting of such equipment is technically infeasible. NYCDOT may grant TBTA permission to site infrastructure at the location of existing streetlight poles which cannot be used because they cannot withstand the additional load.
  - b. At locations where TBTA places infrastructure at the site of an existing NYCDOT streetlight pole, the infrastructure will include a streetlight luminaire to provide illumination of the vehicle detection area. TBTA shall maintain the luminaire as necessary at its sole cost.

19. Removal or Deactivation of the Infrastructure. If TBTA ceases to use the infrastructure and toll collection system equipment for the Program or after the expiration or termination of this Agreement, within a reasonable period of time, TBTA shall remove the infrastructure and toll collection system equipment, and restore the Impacted Public Right of Way, as well as any other affected City property, to its condition immediately prior to the installation of the infrastructure and toll collection system equipment or to a condition otherwise agreed upon by NYCDOT and TBTA. The removal and restoration shall be at the sole cost and expense of TBTA.

Notwithstanding the foregoing, TBTA shall be bound by all the terms and conditions of this Agreement, until the infrastructure is removed and the Impacted Public Right of Way and any such other affected City property is restored.

20. Data Sharing. TBTA shall work to share data with NYCDOT. TBTA will provide NYCDOT with a real time data feed, as it becomes available, of vehicles entering the CBD at all entry points to the CBD. At NYCDOT's sole cost (to be deducted by TBTA from an reimbursable costs due to NYCDOT under Section 4, Reimbursement to NYCDOT and Other City Agencies), TBTA shall anonymize the real time data to exclude any personally identifiable information, including license plate numbers or E-ZPass account numbers but the data will include vehicle classifications. On or before the Effective Date, TBTA shall provide NYCDOT with historical data from 2015 to the present of vehicle volumes and classifications on all TBTA crossings.
21. Safety. TBTA shall cause its contractors and consultants to perform work to the infrastructure and toll collection system equipment in the Impacted Public Right of Way with regard to the safety of life and property.
22. Labor. NYCDOT and TBTA agree that nothing in the Agreement or the Program shall be construed to impede, infringe or diminish the rights and benefits that accrue to employees and employers through collective bargaining agreements.

23. Notices. The parties agree that the following persons shall serve as designated persons for the giving or receipt of notices under this Agreement and all notices shall be provided by email and, unless receipt of the e-mail is acknowledged by the recipient by e-mail, by regular mail, as follows:

If to NYCDOT:

Senior Director for Special Projects  
New York City Department of Transportation  
55 Water Street, 9<sup>th</sup> floor  
New York, NY 10041  
Currently: wcarry@dot.nyc.gov

With copy to:  
Deputy General Counsel  
New York City Department of Transportation  
55 Water Street, 9<sup>th</sup> floor  
New York, NY 10041  
Currently: spondish@dot.nyc.gov

If to TBTA:

Senior Vice President, Business Operations & Transformation Officer  
Triborough Bridge and Tunnel Authority  
2 Broadway, 23<sup>rd</sup> Floor  
New York, NY 10004  
Currently: acdecerreno@mtabt.org

With copy to:  
Senior Vice President and General Counsel  
Triborough Bridge and Tunnel Authority  
2 Broadway, 24<sup>th</sup> Floor  
New York, NY 10004  
Currently: mterry@mtabt.org

24. Dispute Resolution.
- a. If a dispute arises in connection with this Agreement, NYCDOT and TBTA will first attempt to resolve the dispute at the staff level. If the dispute cannot be resolved at the staff level, the parties will elevate the dispute to the NYCDOT Commissioner (or her/his designee) and the MTA Chairman (or her/his designee) (collectively "Parties' Executives"). The Parties' Executives will review the dispute with their respective staffs and participate in a meeting in an attempt to resolve the dispute. If the dispute cannot be resolved at the meeting between the Parties' Executives, then either party may institute a legal action to resolve the dispute.
  - b. Choice of law. This Agreement shall be governed by and construed in accordance with the laws of the State of New York.

c. Venue. Any action under this Agreement shall be brought in a Court of competent jurisdiction in the State of New York, County of New York.

25. Agreement Subject to Existing Rights. This Agreement is subject to whatever right, title or interests the owners of abutting property or others may have and TBTA acquires no right, title or interest in the property occupied by the infrastructure and toll system equipment.

26. Restrictions Against Transfer of Use of Agreement. This Agreement shall not, either in whole or in part, be sold, assigned, leased or sublet in any manner, without the express written consent of the NYCDOT, which may be granted in its sole, reasonable discretion. Notwithstanding the foregoing, TBTA may freely transfer or sublicense its license to use, maintain and operate the infrastructure and toll collection system equipment to any subsidiary or affiliate agency of TBTA or any successor corporation or corporation into which it may be consolidated or the Metropolitan Transportation Authority (“MTA”) without the express written consent of NYCDOT.

27. Laws, Rules and Regulations. TBTA shall strictly conform to all laws, rules and regulations in connection with the Program consistent with Article 44-C of the Vehicle and Traffic Law and it will require that its contractors and consultants obtain Contractor OCMC Permits, in accordance with the requirements of Section 6, Permitting, for all activities including site assessment, construction staging, construction activities, maintenance and repair work requiring TBTA’s contractor to occupy, open or close City roadways and sidewalks in connection with the infrastructure and toll collection system equipment in the Impacted Public Right of Way, subject to TBTA’s rights pursuant Section 6, Permitting, above.

28. Indemnification and Insurance – TBTA.

To the extent permitted by law, TBTA agrees to defend, indemnify and hold harmless the City, including its officials and employees, against claims for damages by reason of bodily injury or death or damage arising out of work performed by TBTA or its employees, agents, servants, contractors and subcontractors in connection with the infrastructure and/or toll collection system equipment of the Program in the Impacted Public Right of Way and Program signage, as defined in Exhibit C, installed by TBTA or its employees, agents, servants, contractors or subcontractors to the extent that claims for such damages are not covered and paid by insurers or paid by the third parties. However, this indemnification shall not include any damages that result from the acts, omissions or negligence of the City, its agents, employees or representatives.

a. TBTA shall be solely responsible for the safety and protection of its employees, agents, servants, contractors and subcontractors, and for the safety and protection of the employees, agents, or servants, of its contractors and subcontractors for work performed by TBTA or its employees, agents, servants, contractors and subcontractors on the infrastructure and/or toll collection system equipment in the Impacted Public Right of Way and Program signage.

- b. TBTA shall be solely responsible for taking all reasonable precautions to protect the persons and property of the City or others from damage, loss or injury resulting from any and all work performed by TBTA or its employees, agents, servants, contractors and subcontractors on the infrastructure and/or toll collection system equipment in the Impacted Public Right of Way and Program signage under this Agreement.
- c. TBTA shall conduct operations in connection with work performed by TBTA or its agents and assigns on the infrastructure and/or toll collection system equipment in the Impacted Public Right of Way and Program signage in compliance with, and shall not cause or permit violation of any and all applicable federal, or state environmental, health and/or safety-related laws, regulations, standards, decisions of the courts consistent with Article 44-C of the Vehicle and Traffic Law, Contractor OCMC Permits or Contractor OCMC Permit conditions consistent with this Agreement, currently existing or as amended or adapted in the future which are or become applicable to operations under this Agreement (collectively “Environmental Laws”). Except as may be agreed by the NYCDOT as part of this Agreement, TBTA shall not cause or permit, or allow any of TBTA’s personnel to cause or permit any Hazardous Materials to be brought upon, stored, used, generated, treated or disposed of on any property in connection with operations under this Agreement. Existing Hazardous Materials which may be disturbed by the work shall be abated and disposed of in accordance with TBTA Standard Specifications. As used herein, “Hazardous Materials” means any chemical, substance or material which is now or becomes in the future listed, defined or regulated in any manner by any Environmental Law based upon, directly or indirectly, its properties or effects.
- d. During the entire term of this Agreement, TBTA shall require that any of its contractors performing work in connection with the infrastructure and/or toll collection system equipment in the Impacted Public Right of Way and Program signage add the City, including its officials and employees, as additional insureds to any insurance policy required by NYCDOT pursuant to Exhibit B attached hereto.

29. Indemnification and Insurance – NYCDOT.

NYCDOT agrees to defend, indemnify and hold harmless TBTA, including its officials and employees, against claims for damages by reason of bodily injury or death or damage arising out of work performed by NYCDOT or its employees, agents, servants, contractors and subcontractors in or around the Impacted Public Right of Way that impacts the infrastructure or toll collection system equipment and in connection with Program signage, as defined in Exhibit C, to the extent that claims for such damages are not covered and paid by insurers or paid by the third parties, excluding, however, this indemnification shall not include any damages that result from the acts, omissions or negligence of TBTA, its employees, agents, servants, contractors and subcontractors.

- a. NYCDOT shall be solely responsible for the safety and protection of its employees, agents, servants, contractors and subcontractors, and for the

safety and protection of the employees, agents, or servants of its contractors and subcontractors for work performed in or around the Impacted Public Right of Way that impacts the infrastructure or toll collection system equipment and in connection with Program signage.

- b. NYCDOT shall be solely responsible for taking all reasonable precautions to protect the persons and property of TBTA or others from damage, loss or injury resulting from any and all work by NYCDOT.
  - c. NYCDOT shall conduct operations in connection with the work performed in and around the Impacted Public Right of Way that impacts the infrastructure or toll collection system equipment and in connection with Program signage in compliance with, and shall not cause or permit violation of any and all applicable federal, state or local environmental, health and/or safety-related laws, regulations, standards, decisions of the courts, authorizations, currently existing or as amended or adapted in the future which are or become applicable to operations under this Agreement (collectively "Environmental Laws"). Except as may be agreed by TBTA as part of this Agreement, NYCDOT shall not cause or permit, or allow any of NYCDOT's personnel to cause or permit any Hazardous Materials to be brought upon, stored, used, generated, treated or disposed of on any property in connection with operations under this Agreement. As used herein, "Hazardous Materials" means any chemical, substance or material which is now or becomes in the future listed, defined or regulated in any manner by any Environmental Law based upon, directly or indirectly, its properties or effects.
  - d. During the entire term of this Agreement, NYCDOT shall require that any of its contractors performing work in connection with Program signage to add TBTA, the Metropolitan Transportation Authority, including its subsidiaries and affiliates and their officials and employees, as additional insureds to any insurance policy required by TBTA.
30. Notice of Claims. The parties will (i) notify each other promptly of any personal injury or property damage occurring to or claimed by any occupant, individual or entity on or relating to the Impacted Public Right of Way in connection with the Program of which it has knowledge; (ii) forward to each other copies of any summons, subpoena, or other like legal document received relating to the Impacted Public Right of Way and Program signage, as defined in Exhibit C, in connection with the Program; and (iii) notify each other promptly of any subpoena, demand for documents under the Freedom of Information Law ("FOIL") or other like legal document received relating to Program documents that NYCDOT has obtained from TBTA, on the one hand, and that TBTA has obtained from NYCDOT, on the other.
31. All Legal Provisions Deemed Included. Each and every provision required by law applicable to this Agreement is hereby deemed to be a part of this Agreement, whether actually inserted or not.



32. Severability/Unlawful Provisions Deemed Stricken. If this Agreement contains any unlawful provision not an essential part of the Agreement, the unlawful provision shall be deemed of no effect and shall, upon notice by either party, be deemed stricken from the Agreement without affecting the binding force of the remainder.
33. Advertising. No advertisement or other materials unrelated to the operation of the Program shall be placed on, affixed to, programed from, or in any way displayed on the Impacted Public Right of Way by TBTA or its contractor unless expressly authorized in writing by the NYCDOT.
34. Modification or Amendment. This Agreement may not be modified or amended except by written agreement executed by the parties hereto.
35. No Third Party Beneficiaries. Nothing in this Agreement, express or implied is intended to confer on any person or entity, other than TBTA, MTA, the City and NYCDOT, any rights or remedies under or by reason of this Agreement.
36. Counterparts. This Agreement may be executed in one or more counterparts which, when taken together, shall constitute one and the same.
37. NYCDOT Signage. Notwithstanding any other provisions of this agreement, NYCDOT may place regulatory street signage on infrastructure in locations that do not obstruct the operation of the Program with prior written permission from TBTA. Upon request from TBTA, NYCDOT will remove any such signage from the infrastructure.

In Witness Whereof, the parties hereto have caused this Agreement to be executed.

Accepted and agreed to:

NYCDOT:

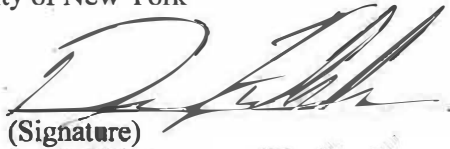
TBTA:

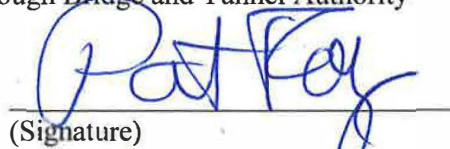
The City of New York

Triborough Bridge and Tunnel Authority

By:

By:

  
(Signature)

  
(Signature)

Dean Fulibian  
(Print Name of Signatory)

PATRICK J. FOYE  
(Print Name of Signatory)

First Deputy Mayor  
(Title)

CHAIRMAN + CEO  
(Title)

6/11/2019  
(Date)

6/11/2019  
(Date)

Approved as to Form

  
Acting Corporation Counsel  
Date: 6/11/2019

## Exhibit A: Design Requirements

The design of the infrastructure shall adhere to the following principles and guidelines, so far as practicable:

### Design and Siting Principles:

1. The infrastructure will be sited and designed so as to protect the safety of all road users, including pedestrians, cyclists, and motorists.
2. The infrastructure will be sited and designed so as to not further impede pedestrian and cyclist circulation, the path of travel for persons with disabilities, bus boarding at bus stops, curb access for pick-ups and drop-offs, and access for emergency vehicles.
3. At surface street locations where sidewalk space is constrained and/or there are very high pedestrian volumes, TBTA will consider expanding the sidewalk to accommodate the infrastructure.
4. Infrastructure should be designed to have as minimal a visual profile where feasible as determined by TBTA.
5. At surface street locations, the infrastructure will have the same or similar appearance to the extent feasible as determined by TBTA as adjacent NYCDOT standard signal and streetlight poles or as NYCDOT's family of street furniture.
6. At surface street locations within landmark districts, the infrastructure will have the same or similar appearance as the decorative light and signal poles or other street furniture used in that district to the extent feasible as determined by TBTA.
7. Infrastructure on NYCDOT structures, including ramps and bridges, shall be designed so as to minimize any structural impacts on the underlying structures.

### Siting Guidelines:

8. At surface street locations, new poles will be placed at the location of existing streetlight poles where feasible as determined by TBTA. The streetlight will be replaced with a new structure, which shall include a streetlight luminaire to provide illumination of the vehicle detection area. TBTA shall maintain the structure and the vehicle detection area luminaire.
9. At surface street locations, infrastructure will be placed in accordance with NYCDOT's required clearances for street furniture, to the greatest extent possible.
10. At surface street locations, infrastructure will be placed so as not to block sightlines for traffic control signs and signals.
11. At surface street locations, supporting cabinets will be placed on poles, underground, or in adjacent buildings to the extent feasible as determined by TBTA. In areas with constrained pedestrian circulation, pole-mounted equipment should be placed above the pedestrian plane to the extent feasible as determined by TBTA.
12. Infrastructure will not be placed directly at intersections; TBTA will use mid-block locations to avoid conflicts with pedestrians, ADA requirements, and street user sightlines to the extent feasible as determined by TBTA.
13. Infrastructure will not be placed immediately in front of historic landmarks to the extent feasible as determined by TBTA.
14. Infrastructure will be placed so as to not block significant view corridors of historic landmarks, scenic landmarks, or open spaces, to the extent feasible as determined by TBTA.
15. TBTA will place infrastructure on the ramps of roadways with access and exit ramps and avoid placing structures in the immediate vicinity of where bridge ramps meet the surface street grid to the extent feasible as determined by TBTA.

16. On bridges, TBTA will consider maintenance access when siting cabinets and other supporting equipment so as not to necessitate lane closures for maintenance and repair.

### Design and Engineering Standards

Notwithstanding anything to the contrary herein or in the requirements set forth below, in accordance with Vehicle & Traffic Law §1704(6), TBTA and its contractors shall not be subject to the provisions of article eight of the environmental conservation law, the provisions of chapter six of article forty-three or chapter five of title sixty-two of the rules of the City of New York, or the provisions of section one hundred ninety-seven-c of the New York City Charter, relating to a uniform land use review procedure, nor the provisions of any other local law of the City of New York of like or similar effect including approvals or charges associated with the use of property owned and maintained by the City of New York necessary for the installation of the infrastructure.

The guidance documents below are generally listed in the order of precedence; however, in the event of a conflict among them, TBTA will consult with NYCDOT to resolve or reconcile the conflict.

Only references to Materials, Products, Standards and Construction in the following documents apply. References to sections including but not limited to measurement, prices, items, pay units, payments, guarantees, lists of spare parts, delivery do not apply.

#### *General*

1. NYCDOT Specifications, including:
  - o NYCDOT Standard Highway Specifications Vol. 1 and 2, specifically excluding Division 1
  - o NYCDOT Standard Details of Construction
  - o NYCDOT Specification for Traffic Signals and Intelligent Transportation Systems Construction and Equipment, specifically excluding Section GS.1 NYCDOT General Specifications
  - o NYCDOT Standard Drawings for Traffic Signals  
NYCDOT Standard Typical Markings Specifications
2. FHWA Manual on Uniform Traffic Control Devices (MUTCD)
3. AASHTO Policy on Geometric Design of Highways and Streets (Green Book)
4. NYCDOT Street Design Manual
5. Other Relevant NYCDOT Specifications

#### *Bridge Specific*

1. NYSDOT bridge and construction standards which can be found at the NYSDOT website: <https://www.dot.ny.gov/publications>, with TBTA Exceptions.
2. AASHTO: LRFD Bridge Design Specifications, Manual for Bridge Evaluation, Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals

#### *General Guidance Documents*

1. NACTO Street Design Guide

### NYCDOT Review and Consultation.

TBTA intends to conduct a five step process for the design of the infrastructure. At each step, TBTA shall provide design documents to NYCDOT upon completion of TBTA’s initial review of design documents from TBTA’s contractor for completeness and applicability. TBTA shall convene a design review meeting with NYCDOT, and document NYCDOT design comments and TBTA responses to those comments. NYCDOT shall designate a team of design reviewers empowered to make design decisions on behalf of the agency. NYCDOT’s design reviews shall be limited to ensuring compliance with the Contract Documents. The NYCDOT design review team will be afforded the same number of days to perform their reviews as the TBTA design review team.

The NYCDOT liaison team shall coordinate reviews among other City Agencies, such as but not limited to, the New York City Department of Design and Construction, the New York City Department of Environmental Protection, the New York City Department of Parks and Recreation, the New York City Fire Department, and the New York City Police Department, and provide consolidated comments to TBTA and assist in the timely resolution of such comments.

In the event that TBTA proposes placing infrastructure or toll collection system equipment on a NYCDOT bridge ramp, bridge, or bridge or highway gantry, TBTA shall conduct an inspection and structural analysis in accordance with the design and engineering standards, provide the analysis, including calculations, to NYCDOT for review, and document NYCDOT comments and TBTA responses to those comments. In the event that TBTA proposes placing toll collection system equipment on existing streetlight poles or on new poles or structures, TBTA shall conduct a structural analysis in accordance with the design and engineering standards, provide the analysis to NYCDOT for review, and document NYCDOT comments and TBTA responses to those comments. NYCDOT shall review and provide its response for both types of structural analyses within five (5) calendar days. NYCDOT shall not unreasonably withhold consent for TBTA’s use of the existing streetlight poles, signal poles and sign gantries.

The TBTA design process is shown below. TBTA shall direct its contractor to incorporate NYCDOT reviews into the Design Review Plan. Design documents for steps 2-5 shall include at a minimum: civil, MPT, signage, street marking, and utility plans and elevations and sections of the infrastructure.

<b>Step</b>	<b>Description</b>	<b>Review Period</b>
1. Proposals	Review of infrastructure concepts for each of the respondents to the DBOM RFP	14 calendar days
2.e Preliminary Design	Selected TBTA contractor’s first submission; level to be determined	5 calendar days
3.e Detailed Design	Selected TBTA contractor’s second submission; level to be determined	5 calendar days
4.e Final Design	100% design	5 calendar days
5.e Release for Construction Design	Final review prior to construction	5 calendar days

## **Exhibit B**

### **A. Insurance – TBTA’s Contractor’s Insurance**

TBTA shall cause its contractor, at its contractor’s sole cost and expense, to procure policies of insurance to be in force and maintained at all times during the installation and maintenance of the infrastructure and/or toll collection system equipment in the Impacted Public Right of Way and Program signage in accordance with the terms set forth below:

1. TBTA’s contractor shall maintain or cause to be maintained Commercial General Liability (CGL) insurance protecting the insureds from claims for property damage and/or bodily injury, including death, arising out of or in connection with this Agreement or the construction, existence, use or removal of the infrastructure, toll collection system equipment and Program signage, as defined in Exhibit C. This insurance shall be in the amount of at least Two Million Dollars (\$2,000,000) per occurrence and Ten Million Dollars (\$10,000,000) aggregate. Coverage shall be at least as broad as that provided by the most recently issued Insurance Services Office (“ISO”) Form CG 0001.
2. The CGL insurance shall name the City of New York, together with its officials and employees, as an Additional Insured with coverage at least as broad as the most recent edition of ISO Forms CG 2026 and 2037. The City’s limits of coverage for the CGL insurance required shall be the greater of (i) the minimum limits set forth in this Agreement or (ii) the limits provided to TBTA under all primary, excess and umbrella policies covering operations under this Agreement.
3. Prior to commencement of any work within the Impacted Public Right of Way or in connection with Program signage, TBTA’s contractor shall submit proof of the required insurance in a form acceptable to the NYCDOT prior to the beginning of any work within the Impacted Public Right of Way and/or in connection with Program signage. This shall include (i) a Certificate of Insurance certifying the issuance and effectiveness of such insurance with the specified minimum limits and the status of the City of New York as additional insured (with coverage at least as broad as the most recent edition of ISO Forms CG 2026 and 2037), and (ii) a duly executed Certification by Broker in the form required by the NYCDOT. In addition, prior to the expiration date of all policies, TBTA’s contractor shall submit proof satisfactory to the NYCDOT of either renewals of such policies or the issuance of new policies in compliance with the requirements herein. Notwithstanding the foregoing, TBTA’s contractor shall be obligated to provide the City with a copy of any policy of insurance required hereunder upon request.
4. Acceptance by NYCDOT of a Certificate of Insurance or any other action or inaction by NYCDOT does not waive the obligation of TBTA’s contractor to ensure that insurance, fully consistent with the requirements herein, is secured and maintained, nor does it waive the liability of TBTA’s contractor for its failure to do so.

5. TBTA's contractor may propose to satisfy its insurance obligations through a type of insurance other than Commercial General Liability insurance so long as such insurance provides materially the same level of coverage, both for TBTA and the City, as otherwise required herein. NYCDOT, in its sole discretion, will determine whether such insurance satisfies the insurance obligations of TBTA's contractor hereunder.
6. Where notice of loss, damage, occurrence, accident, claim or suit is required under a policy maintained in accordance with this Agreement, TBTA's contractor shall notify in writing all insurance carriers that issued potentially responsive policies of any such event relating to, arising out of or in connection with this Agreement or the construction, existence, use or removal of the infrastructure, toll collection system equipment and Program signage no later than twenty (20) days after such event. Such notice shall expressly specify that "this notice is being given on behalf of the City of New York as Insured as well as the Named Insured." Such notice shall also contain the following information: the number of the insurance policy, the name of the named insured, the date and location of the damage, occurrence, or accident, and the identity of the persons or things injured, damaged or lost. TBTA's contractor shall simultaneously send a copy of such notice to the City of New York c/o Insurance Claims Specialist, Affirmative Litigation Division, New York City Law Department, 100 Church Street, New York, New York 10007.
7. In the event TBTA's contractor receives notice, from an insurance company or other person, that any insurance policy required under this Agreement shall expire or be cancelled or terminated (or has expired or been cancelled or terminated) for any reason, TBTA's contractor shall immediately forward a copy of such notice to NYCDOT. Notwithstanding the foregoing, TBTA's contractor shall ensure that there is no interruption in any of the insurance coverage required hereunder.
8. Policies of insurance required under this Agreement shall be primary and non-contributing to any insurance or self-insurance maintained by the City.
9. Wherever this Agreement requires that insurance coverage be "at least as broad" as a specified form (including all ISO forms), there is no obligation that the form itself be used, provided that TBTA's contractor can demonstrate that the alternative form or endorsement contained in its policy provides coverage at least as broad as the specified form.
10. The insurance coverage required herein shall not relieve TBTA of any liability under this Agreement, nor shall it preclude the City from exercising any rights or taking such other actions as are available to it under any other provisions of this Agreement or the law.

### **Exhibit C: Maintenance, Repair and Replacement of Program Signage**

1. TBTA shall cause its contractor to fabricate and install the initial signage required for the Program within the City of New York (“Program signage”).
2. NYCDOT shall perform maintenance, repair and regular replacement of static Program signage within the City of New York to the satisfaction of TBTA. NYCDOT shall commence such services when TBTA begins collecting tolls under the Program, or as directed by TBTA.
  - a. If NYCDOT fails to perform such maintenance, repair and regular replacement of Program signage within the City of New York to the satisfaction of TBTA, TBTA shall have the right to terminate this portion of the Agreement with thirty (30) days’ notice to NYCDOT (“termination notice”).
  - b. Upon receipt of the termination notice, NYCDOT shall stop all work in connection with the maintenance, repair and replacement of Program signage. NYCDOT shall be entitled only to those approved actual reimbursable costs incurred in connection with the maintenance, repair and replacement of Program signage prior to the receipt of the termination notice.
  - c. If TBTA terminates this portion of the Agreement and undertakes its own signage maintenance, repair and replacement program, then TBTA shall install signs based on standards agreed upon with NYCDOT, and will conduct all work in accordance with Section 6, Permitting, of the Agreement.
3. NYCDOT shall address safety critical repairs within three (3) days. NYCDOT shall respond at its earliest availability to any situation where there is an imminent threat to life safety.
  - a. If NYCDOT fails to repair or replace such Program signage within three (3) days of notice or immediate repair or replacement is necessary, TBTA shall have the right to cause such repair or replacement to be made and will conduct all work in accordance with Section 6, Permitting, of the Agreement.
  - b. TBTA shall provide notification to NYCDOT of any such work occurring within one business day of that work, including time, date, location, support type, and sign type.
4. NYCDOT shall establish a process for TBTA or its contractor to submit routine maintenance, repair, and replacement requests to NYCDOT.
  - a. NYCDOT will address TBTA maintenance, repair, or regular replacement requests within thirty (30) days.
  - b. If NYCDOT fails to respond to a maintenance, repair and regular replacement request within thirty (30) days, TBTA shall have the right to cause such routine maintenance, repair or replacement and will conduct all work in accordance with Section 6, Permitting, of the Agreement.



- c. TBTA shall provide notification to NYCDOT of any such work occurring within one business day of that work, including time, date, location, support type, and sign type.
  
- 5. NYCDOT will also perform other sign replacement or modifications as requested by TBTA in connection with the Program, beyond regular replacement, including but not limited to signs reflecting toll rate changes, provided that TBTA provides at least sixty (60) days' notice of any changes needed to signs.
  - a. If NYCDOT fails to respond to such sign replacement or modification request within sixty (60) days, TBTA shall have the right to cause such a replacement or modification and will conduct all work in accordance with Section 6, Permitting, of the Agreement.
  - b. TBTA shall provide notification to NYCDOT of any such work occurring within one business day of that work, including time, date, location, support type, and sign type.
  
- 6. During the first year of performing maintenance, repair and regular replacement of the Program signage, NYCDOT shall notify TBTA if it identifies any pattern of flaws or defects in Program signage that may arise from defects in the material or workmanship of such signage so that TBTA has an opportunity to have such defects repaired by TBTA's contractor.

## 2D, CBD Tolling Program Signage

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Figure 2D-1. Overview of Areas Containing Project Signage



Figure 2D-2. Typical Signage along Avenues Approaching 60th Street

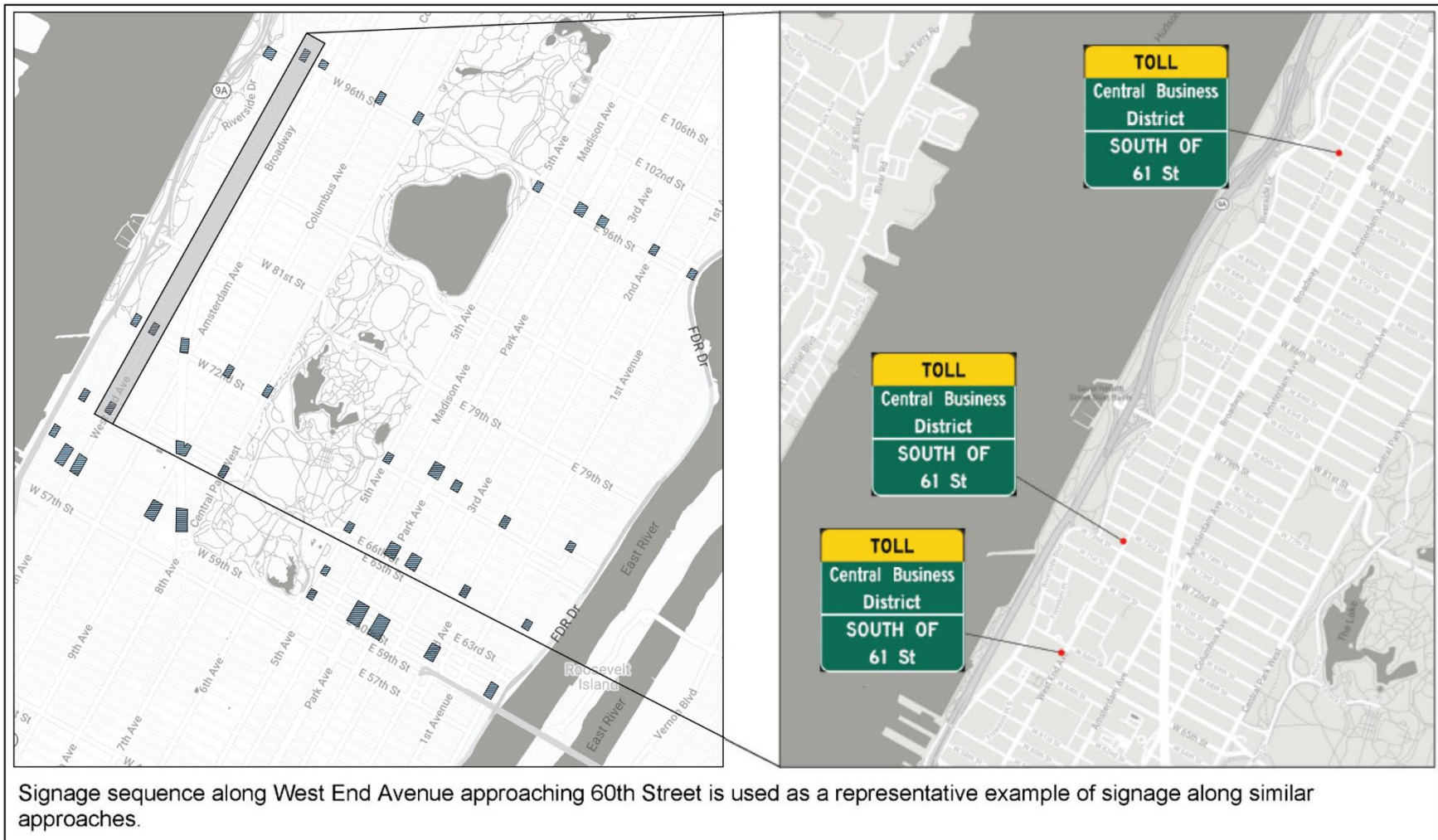


Figure 2D-3. Typical Signage in Vicinity of 60th Street

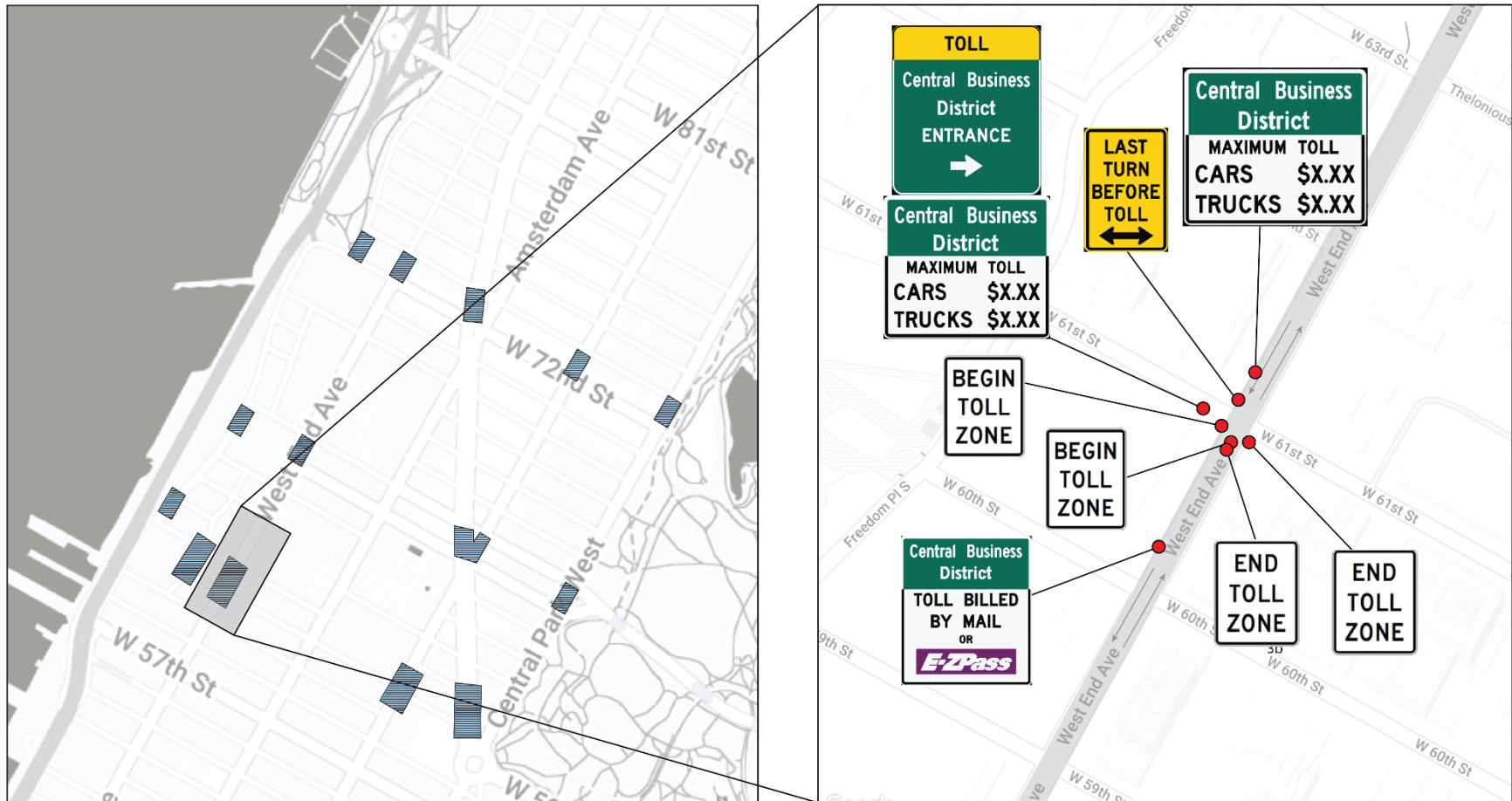
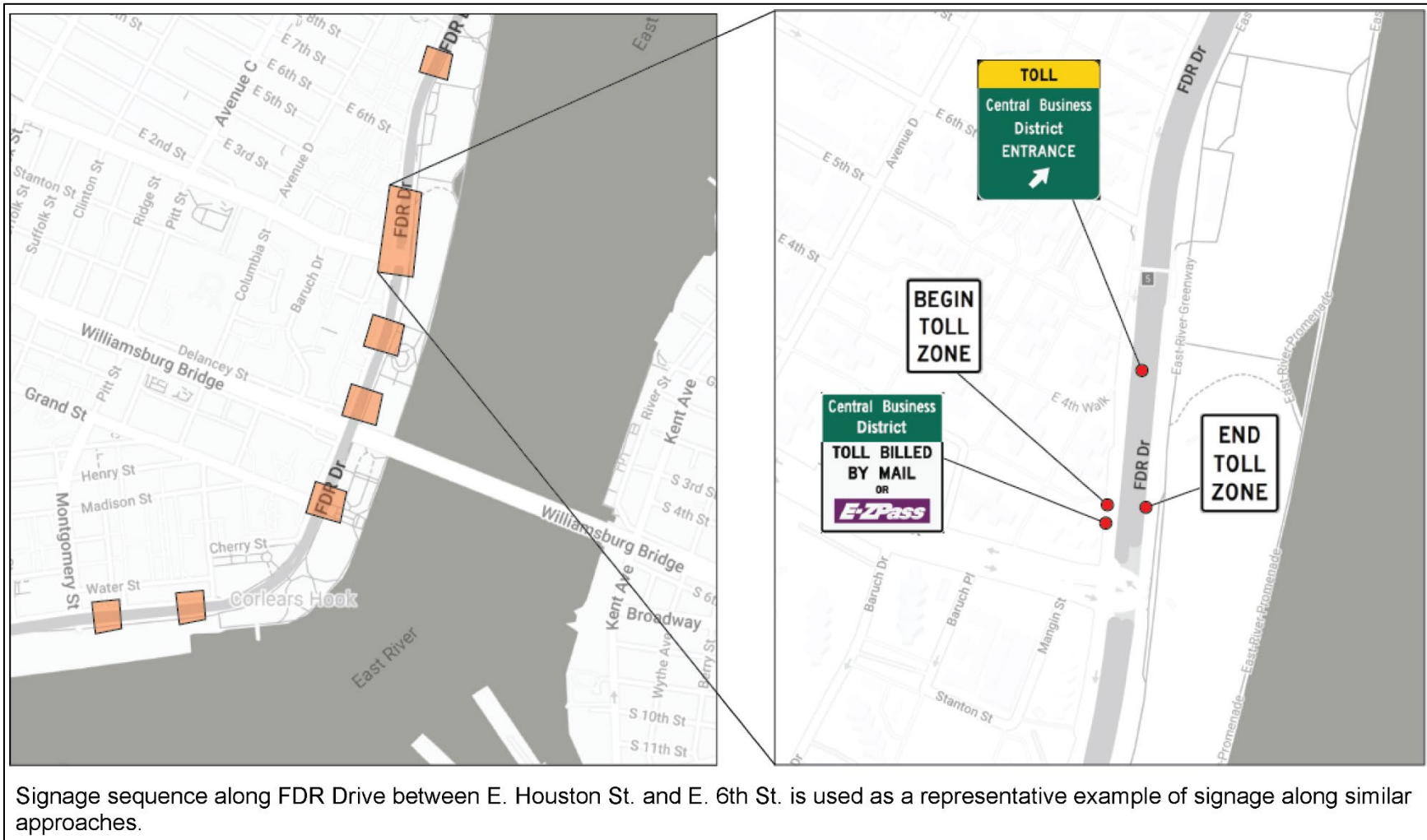


Figure 2D-4. Typical Signage at FDR Drive Entries and Exits



Signage sequence along FDR Drive between E. Houston St. and E. 6th St. is used as a representative example of signage along similar approaches.

Figure 2D-5. Typical Signage at a West Side Highway/Route 9A Intersection

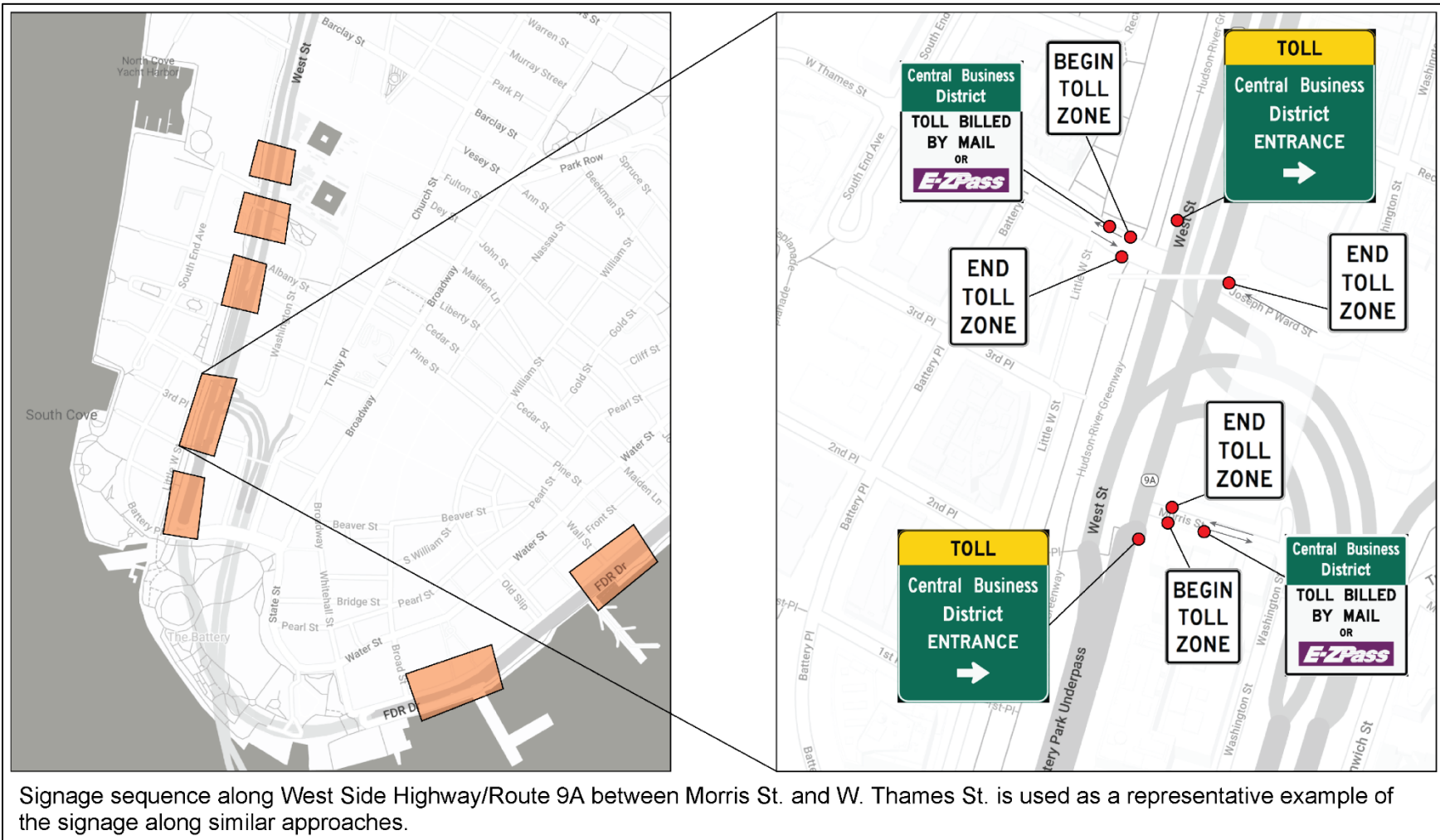


Figure 2D-6. Typical Signage from East River Crossing into the Manhattan CBD

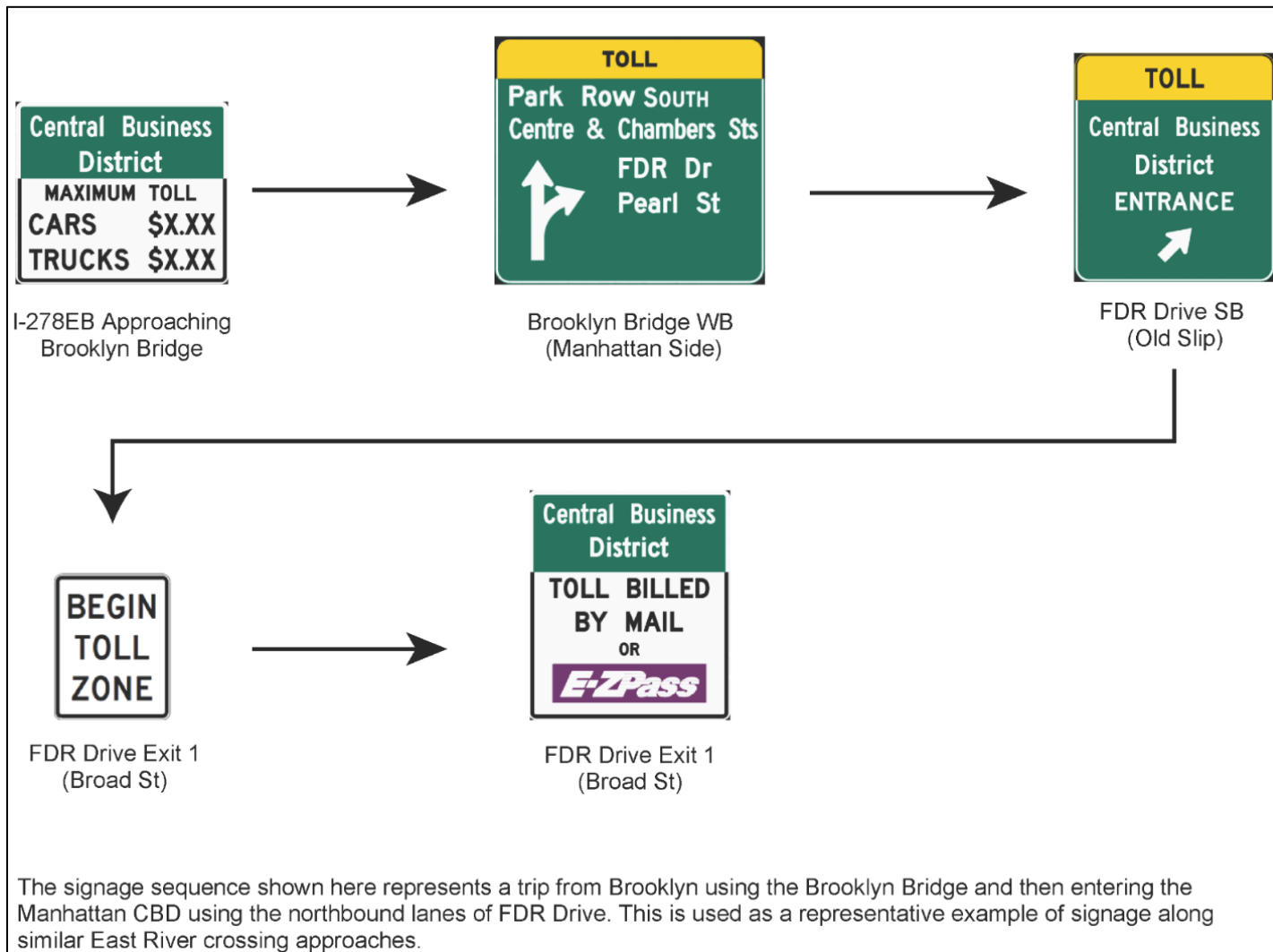




Figure 2D-7. Signage in Central Park



## 2E, Definition of Tolling Scenarios

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Table 2E-1. Tolling Scenarios Evaluated in this Environmental Assessment

PARAMETER <sup>1</sup>	SCENARIO A	SCENARIO B <sup>4</sup>	SCENARIO C	SCENARIO D	SCENARIO E	SCENARIO F	SCENARIO G
	Base Plan	Base Plan with Caps and Exemptions	Low Crossing Credits for Vehicles Using Tunnels to Access the Manhattan CBD, with Some Caps and Exemptions	High Crossing Credits for Vehicles Using Tunnels to Access the Manhattan CBD	High Crossing Credits for Vehicles Using Tunnels to Access the Manhattan CBD, with Some Caps and Exemptions	High Crossing Credits for Vehicles Using Manhattan Bridges and Tunnels to Access the Manhattan CBD, with Some Caps and Exemptions	Base Plan with Same Tolls for All Vehicle Classes
<b>TOLL RATES<sup>2,3</sup></b>							
<b>Off-Peak Toll</b>							
<b>Weekday Off-Peak Hours</b>	<b>8 p.m. to 10 p.m.</b>	<b>8 p.m. to 10 p.m.</b>	<b>8 p.m. to 10 p.m.</b>	<b>8 p.m. to 10 p.m.</b>	<b>8 p.m. to 10 p.m.</b>	<b>10 a.m. to 4 p.m.</b>	<b>8 p.m. to 10 p.m.</b>
Off-Peak Auto E-ZPass Rate	\$6.90	\$7.61	\$10.50	\$14.27	\$17.25	\$17.25	\$8.70
Off-Peak Auto Tolls by Mail Rate	\$10.35	\$11.42	\$15.75	\$21.40	\$25.88	\$25.88	\$12.15
Off-Peak Small Truck E-ZPass Rate	\$13.80	\$15.23	\$21.00	\$28.53	\$34.50	\$48.75	\$8.70
Off-Peak Small Truck Tolls by Mail Rate	\$20.70	\$22.84	\$31.50	\$42.80	\$51.75	\$63.75	\$12.15
Off-Peak Large Truck E-ZPass Rate	\$20.70	\$22.84	\$31.50	\$42.80	\$51.75	\$61.50	\$8.70
Off-Peak Large Truck Tolls by Mail Rate	\$31.05	\$34.26	\$47.25	\$64.19	\$77.63	\$78.75	\$12.15
<b>Peak Toll</b>							
<b>Weekday Peak Hours</b>	<b>6 a.m. to 8 p.m.</b>	<b>6 a.m. to 8 p.m.</b>	<b>6 a.m. to 8 p.m.</b>	<b>6 a.m. to 8 p.m.</b>	<b>6 a.m. to 8 p.m.</b>	<b>6 a.m. to 10 a.m.; 4 p.m. to 8 p.m.</b>	<b>6 a.m. to 8 p.m.</b>
<b>Weekend Peak Hours</b>	<b>10 a.m. to 10 p.m.</b>	<b>10 a.m. to 10 p.m.</b>	<b>10 a.m. to 10 p.m.</b>	<b>10 a.m. to 10 p.m.</b>	<b>10 a.m. to 10 p.m.</b>	<b>10 a.m. to 10 p.m.</b>	<b>10 a.m. to 10 p.m.</b>
Peak Auto E-ZPass Rate	\$9.20	\$10.15	\$14.00	\$19.02	\$23.00	\$23.00	\$11.60
Peak Auto Tolls by Mail Rate	\$13.80	\$15.23	\$21.00	\$28.53	\$34.50	\$34.50	\$16.20
Peak Small Truck E-ZPass Rate	\$18.40	\$20.30	\$28.00	\$38.04	\$46.00	\$65.00	\$11.60
Peak Small Truck Tolls by Mail Rate	\$27.60	\$30.45	\$42.00	\$57.06	\$69.00	\$85.00	\$16.20
Peak Large Truck E-ZPass Rate	\$27.60	\$30.45	\$42.00	\$57.06	\$69.00	\$82.00	\$11.60
Peak Large Truck Tolls by Mail Rate	\$41.40	\$45.68	\$63.00	\$85.59	\$103.50	\$105.00	\$16.20
<b>Overnight Toll</b>							
<b>Weekday Overnight Hours</b>	<b>10 p.m. to 6 a.m.</b>	<b>10 p.m. to 6 a.m.</b>	<b>10 p.m. to 6 a.m.</b>	<b>10 p.m. to 6 a.m.</b>	<b>10 p.m. to 6 a.m.</b>	<b>8 p.m. to 6 a.m.</b>	<b>10 p.m. to 6 a.m.</b>
<b>Weekend Overnight Hours</b>	<b>10 p.m. to 10 a.m.</b>	<b>10 p.m. to 10 a.m.</b>	<b>10 p.m. to 10 a.m.</b>	<b>10 p.m. to 10 a.m.</b>	<b>10 p.m. to 10 a.m.</b>	<b>10 p.m. to 10 a.m.</b>	<b>10 p.m. to 10 a.m.</b>
Overnight Auto E-ZPass Rate	\$4.60	\$5.08	\$7.00	\$9.51	\$11.50	\$11.50	\$6.96
Overnight Auto Tolls by Mail Rate	\$6.90	\$7.61	\$10.50	\$14.27	\$17.25	\$17.25	\$9.72
Overnight Small Truck E-ZPass Rate	\$9.20	\$10.15	\$14.00	\$19.02	\$23.00	\$32.50	\$6.96
Overnight Small Truck Tolls by Mail Rate	\$13.80	\$15.23	\$21.00	\$28.53	\$34.50	\$42.50	\$9.72
Overnight Large Truck E-ZPass Rate	\$13.80	\$15.23	\$21.00	\$28.53	\$34.50	\$41.00	\$6.96
Overnight Large Truck Tolls by Mail Rate	\$20.70	\$22.84	\$31.50	\$42.80	\$51.75	\$52.50	\$9.72

PARAMETER <sup>1</sup>	SCENARIO A	SCENARIO B <sup>4</sup>	SCENARIO C	SCENARIO D	SCENARIO E	SCENARIO F	SCENARIO G
	Base Plan	Base Plan with Caps and Exemptions	Low Crossing Credits for Vehicles Using Tunnels to Access the Manhattan CBD, with Some Caps and Exemptions	High Crossing Credits for Vehicles Using Tunnels to Access the Manhattan CBD	High Crossing Credits for Vehicles Using Tunnels to Access the Manhattan CBD, with Some Caps and Exemptions	High Crossing Credits for Vehicles Using Manhattan Bridges and Tunnels to Access the Manhattan CBD, with Some Caps and Exemptions	Base Plan with Same Tolls for All Vehicle Classes
<b>POTENTIAL CROSSING CREDITS</b>							
Credit Toward the CBD Toll for Tolls Paid at the Queens-Midtown, Hugh L. Carey, Lincoln, Holland Tunnels	No	No	Yes	Yes	Yes	Yes	No
Credit Toward the CBD Toll for Tolls Paid at the Robert F. Kennedy, Henry Hudson, George Washington Bridges	No	No	No	No	No	Yes	No
Level of Credits	NA	NA	Up to \$6.55	Up to \$13.10	Up to \$13.10	Up to \$13.10	NA
<b>POTENTIAL EXEMPTIONS AND LIMITS (CAPS) ON NUMBER OF TOLLS PER DAY</b>							
Autos and motorcycles	Once per day	Once per day	Once per day	Once per day	Once per day	Once per day	Once per day
Commercial vans	Once per day	Once per day	Once per day	Once per day	Once per day	Once per day	Once per day
Taxis	No cap	Once per day	Exempt	No cap	Exempt	Once per day	No cap
For-hire vehicles	No cap	Once per day	Three times per day	No cap	Three times per day	Once per day	No cap
Small and large trucks	No cap	Twice per day	No cap	No cap	No cap	Once per day	No cap
Buses	No cap	Exempt	No cap	No cap	Transit buses – Exempt No cap on other buses	Exempt	No cap

- 1 The parameters in this table were assumed for modeling purposes to allow an evaluation of the range of potential effects would result from implementation of the CBD Tolling Alternative. Actual toll rates, potential credits/exemptions, and/or other discounts, and the time of day when the toll rates would apply, would be determined by the TBTA Board after recommendation by the Traffic Mobility Review Board.
- 2 Tolls may be higher during peak periods, which are periods when traffic is greatest in the Manhattan CBD. These would be defined by TBTA in the final toll schedule. All tolling scenarios also include a variable toll on designated “Gridlock Alert” days, although the modeling conducted for the Project did not reflect this higher toll since it considers typical days rather than days with unusually high traffic levels.
- 3 Motorcycles and commercial vans would pay the auto rate.
- 4 For Tolling Scenario B, a toll rate of approximately \$13.20 for autos would be necessary to meet the objective of raising sufficient revenue to fund \$15 billion for the MTA Capital Program; see Table 2E-2 for more information on this modified tolling scenario, Tolling Scenario B1.

Table 2E-2. Additional Tolling Scenarios Considered: Tolling Scenarios B1 and G1

PARAMETER <sup>1</sup>	SCENARIO B1	SCENARIO G1
	Base Plan with Caps and Exemptions [ <i>- Meets Revenue Target</i> ]	Base Plan with Same Tolls for All Vehicle Classes, and Cap for Taxis/FHVs
<b>TOLL RATES<sup>2, 3</sup></b>		
<b>Off-Peak Toll</b>		
<b>Weekday Off-Peak Hours</b>	<b>8 p.m. to 10 p.m.</b>	<b>8 p.m. to 10 p.m.</b>
Off-Peak Auto E-ZPass Rate	\$9.90	\$9.57
Off-Peak Auto Tolls by Mail Rate	\$14.84	\$13.37
Off-Peak Small Truck E-ZPass Rate	\$19.79	\$9.57
Off-Peak Small Truck Tolls by Mail Rate	\$29.69	\$13.37
Off-Peak Large Truck E-ZPass Rate	\$29.69	\$9.57
Off-Peak Large Truck Tolls by Mail Rate	\$44.53	\$13.37
<b>Peak Toll</b>		
<b>Weekday Peak Hours</b>	<b>6 a.m. to 8 p.m.</b>	<b>6 a.m. to 8 p.m.</b>
<b>Weekend Peak Hours</b>	<b>10 a.m. to 10 p.m.</b>	<b>10 a.m. to 10 p.m.</b>
Peak Auto E-ZPass Rate	\$13.20	\$12.76
Peak Auto Tolls by Mail Rate	\$19.79	\$17.82
Peak Small Truck E-ZPass Rate	\$26.39	\$12.76
Peak Small Truck Tolls by Mail Rate	\$39.59	\$17.82
Peak Large Truck E-ZPass Rate	\$39.59	12.76
Peak Large Truck Tolls by Mail Rate	\$59.38	\$17.82
<b>Overnight Toll</b>		
<b>Weekday Overnight Hours</b>	<b>10 p.m. to 6 a.m.</b>	<b>10 p.m. to 6 a.m.</b>
<b>Weekend Overnight Hours</b>	<b>10 p.m. to 10 a.m.</b>	<b>10 p.m. to 10 a.m.</b>
Overnight Auto E-ZPass Rate	\$6.60	\$7.66
Overnight Auto Tolls by Mail Rate	\$9.90	\$10.69
Overnight Small Truck E-ZPass Rate	\$13.20	\$7.66
Overnight Small Truck Tolls by Mail Rate	\$19.79	\$10.69
Overnight Large Truck E-ZPass Rate	\$19.79	\$7.66
Overnight Large Truck Tolls by Mail Rate	\$29.69	\$10.69

Appendix 2E, Project Alternatives: Definition of Tolling Scenarios

PARAMETER <sup>1</sup>	SCENARIO B1	SCENARIO G1
	Base Plan with Caps and Exemptions [ <i>- Meets Revenue Target</i> ]	Base Plan with Same Tolls for All Vehicle Classes, and Cap for Taxis/FHVs
<b>POTENTIAL CROSSING CREDITS</b>		
Credit Toward the CBD Toll for Tolls Paid at the Queens-Midtown, Hugh L. Carey, Lincoln, Holland Tunnels	No	No
Credit Toward the CBD Toll for Tolls Paid at the Robert F. Kennedy, Henry Hudson, George Washington Bridges	No	No
Level of Credits	NA	NA
Autos and motorcycles	Once per day	Once per day
Commercial vans	Once per day	Once per day
Taxis	Exempt	Once per day
For-hire vehicles	Exempt	Once per day
Small and large trucks	No cap	No cap
Buses	Transit buses – Exempt No cap on other buses	No cap

<sup>1</sup> The parameters in this table were assumed for modeling purposes to allow an evaluation of the range of potential effects would result from implementation of the CBD Tolling Alternative. Actual toll rates, potential credits/exemptions, and/or other discounts, and the time of day when the toll rates would apply, would be determined by the TBTA Board after recommendation by the Traffic Mobility Review Board.

<sup>2</sup> Tolls may be higher during peak periods, which are periods when traffic is greatest in the Manhattan CBD. These would be defined by TBTA in the final toll schedule. All tolling scenarios also include a variable toll on designated “Gridlock Alert” days, although the modeling conducted for the Project did not reflect this higher toll since it considers typical days rather than days with unusually high traffic levels.

<sup>3</sup> Motorcycles and commercial vans would pay the auto rate.