

CENTRAL BUSINESS DISTRICT (CBD) TOLLING PROGRAM

*[Appendix 18A, Responses to
Frequently Received Comments]*

2023

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Acronyms

ADA.....	Americans with Disabilities Act
BPM.....	Best Practice Model
BRP.....	Budget Reduction Program
CBD.....	Central Business District
CEQR.....	City Environmental Quality Review

CTPP.....	Census Transportation Planning Package
EA.....	Environmental Assessment
EIS.....	Environmental Impact Statement
EJSWG.....	Environmental Justice Stakeholder Working Group
EJTAG.....	Environmental Justice Technical Advisory Group
FDR Drive.....	Franklin D. Roosevelt Drive
FHV.....	For-Hire Vehicles
FHWA.....	Federal Highway Administration
FTA.....	Federal Transit Administration
HOT.....	high-occupancy toll
LCC.....	London Congestion Charge
MPO.....	Metropolitan Planning Organizations
MTA.....	Metropolitan Transportation Authority
NAAQS.....	National Ambient Air Quality Standards
NEMT.....	Non-Emergency Medical Transportation
NEPA.....	National Environmental Policy Act
NJTPA.....	North Jersey Transportation Planning Authority
NYCDOT.....	New York City Department of Education
NYCT.....	New York City Transit
NYMTC.....	New York Metropolitan Transportation Council
NYPD.....	New York City Police Department
NYSDTF.....	New York State Department of Taxation and Finance
NYSDEC.....	New York State Department of Environmental Conservation
ODEP.....	Organizational Disability E-ZPass Plan
PANYNJ.....	Port Authority of New York and New Jersey
PATH.....	Port Authority Trans-Hudson
PCA.....	Personal Care Attendants
ROD.....	Record of Decision
RTP.....	Regional Transportation Plans
SAPA.....	State Administrative Procedure Act
SBS.....	Select Bus Service
SBWG.....	Small Business Working Group
SIP.....	State Implementation Plan
SNAP.....	Supplemental Nutrition Assistance Program
TBTA.....	Triborough Bridge and Tunnel Authority
TIP.....	Transportation Improvement Program
TLC.....	Taxi and Limousine Commission
TMRB.....	Traffic Mobility Review Board
USEPA.....	U.S. Environmental Protection Agency
VMT.....	Vehicle-Miles Traveled
VPPP.....	Value Pricing Pilot Program

Appendix 18A Responses to Frequently Received Comments

This appendix contains responses to 39 of the most frequent comments made during the public comment period. These should be used when reading **Appendix 18C, “Comments and Responses”** and **Appendix 18D, “Form Letter Submissions”** as they reference the responses in this document.

Comment 1: What is the purpose of the CBD Tolling Program and why is it needed?

The purpose of the Central Business District (CBD) Tolling Program (the Project) is to reduce traffic congestion in the Manhattan CBD in a manner that would generate revenue for future transportation improvements, pursuant to acceptance into Federal Highway Administration’s (FHWA) Value Pricing Pilot Program (VPPP).

Congestion has been a long-standing issue in the Manhattan CBD. Despite numerous initiatives to address this problem, in 2019 New York City ranked as the second worst among United States cities in terms of congestion and in 2020 and 2021, New York City’s traffic congestion ranked worst, with last-mile speeds in the Manhattan CBD of only 12 miles per hour (mph).^{1, 2} Low travel speeds and unreliable travel times to, from, and within the Manhattan CBD increase auto commute times, erode worker productivity, reduce bus and paratransit service quality, raise the cost of deliveries and the overall cost of doing business, and delay emergency vehicles. A 2018 analysis by Partnership for New York City, an organization that represents the city’s business leadership and largest private-sector employers, predicted that congestion in the New York City region would cost businesses, commuters, and residents \$100 billion over the next 5 years.

This congestion jeopardizes the economic vitality of New York City and the greater New York metropolitan region. The metropolitan region is the largest in the United States, with 22.2 million people and more than 10.7 million jobs. Within this region, New York City is the economic hub, with roughly 4.6 million (43 percent) of the region’s jobs and 8.4 million (38 percent) of the region’s population. According to the U.S. Bureau of Economic Analysis, the New York metropolitan region accounted for approximately 9 percent of the nation’s Gross Domestic Product in 2020.

Reducing vehicle congestion in the Manhattan CBD would benefit all drivers traveling to and near the Manhattan CBD, with travel-time savings, improved travel-time reliability, reduced vehicle operating costs, improved safety for vehicles, pedestrians, and bicyclists, and improved air quality in the Manhattan CBD and regionwide. These congestion-reduction benefits would also result in economic benefits related to increased productivity. In addition, reductions in vehicle volumes and vehicle-miles traveled (VMT) in the Manhattan CBD and other locations within the regional study area would benefit those who continue to drive in the Manhattan CBD, including delivery vehicles and taxi and for-hire vehicle (FHV) drivers. With less

¹ INRIX 2020 Global Traffic Scorecard. <https://inrix.com/press-releases/2020-traffic-scorecard-us/>.

² INRIX 2021 Global Traffic Scorecard. <https://inrix.com/scorecard-city/?city=New%20York%20City%20NY&index=5>.

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congestion and improved speeds, drivers can reach their customers more quickly and transport them to their destinations more quickly. Reduced congestion would also facilitate the more efficient and cost-effective distribution of goods and services by truck in the Manhattan CBD. Transit riders who use buses, including minority and low-income passengers, would benefit from the Project through congestion reduction that would result in travel-time savings, improved travel-time reliability, and improved safety.

Reduced regional air pollution would provide an important benefit to all residents of the region, particularly for environmental justice populations who experience adverse health effects related to air pollution, such as asthma. Environmental justice populations who live in the Manhattan CBD would experience lower localized pollutant emissions due to reduced traffic. See responses to **Comment 35** and **Comment 39** for further information on the analysis of local effects and related mitigation.

New York City Department of Transportation (NYCDOT), Metropolitan Transportation Authority (MTA), and other transportation agencies have implemented programs to increase mobility and improve accessibility in the Manhattan CBD by nonvehicular modes and to reduce vehicular congestion. Private companies have collaborated with NYCDOT to establish car-share, scooter-share, and bicycle-share programs. NYCDOT has repurposed curbside parking to establish bicycle lanes and to increase pedestrian space with sidewalk and corner bump outs. It has also converted curbside lanes and general-purpose traffic lanes to dedicated bus lanes on certain Manhattan avenues and east–west, crosstown streets. Additionally, MTA and other transit agencies offer reduced transit fares for the elderly, disabled, and school-age children, and in early 2022, MTA implemented fare capping as part of its new fare system roll out (OMNY), which allows free, unlimited rides to customers the rest of the week once they have spent \$33 (the same as taking 12 trips). Many employers participate in a Federal program that allows employees a tax-free deduction for money used to purchase transit fares, and many companies have adopted flexible work schedules, including options to work remotely. In fact, the New York City Commuter Benefits Law mandates that companies in New York City with 20 or more full-time employees must offer such pre-tax transit benefits to their employees. Despite these various initiatives to reduce vehicular traffic in the Manhattan CBD, and despite the existence in this region of the three largest commuter railroads in the United States, the largest bus system, and the largest subway system (the latter two of which operate 24 hours a day, 7 days a week, every day of the year), congestion persists.

In addition, the Project would establish a reliable, recurring local source of funding for MTA capital projects, which would allow MTA to reinvest in and improve its transportation network. As a way to further reduce congestion, the modernization of MTA's commuter rail, subway, and bus network is necessary to create a faster, more accessible, and more reliable transportation network for the New York City region's residents, commuters, and visitors. Transit is the primary mode of travel to the Manhattan CBD and the continued investment in transit is critical to mobility and accessibility of the Manhattan CBD and the region. However, existing funding sources are insufficient to pay for the transit improvement and modernization projects identified in the MTA 2020–2024 Capital Program and subsequent capital programs that are needed for subway, bus, and commuter rail services. See the response to **Comment 3** for more information on why other actions, such as raising transit fares, raising tolls, and pursuing fare-beaters and toll evaders are inadequate to meet the need for funding for the MTA Capital Program.

For more information on the purpose and need for the CBD Tolling Program, see the Environmental Assessment (EA), **Chapter 1, “Introduction.”**

Comment 2: Are there other alternatives to reduce congestion, such as eliminating bike lanes, eliminating outdoor dining, enforcing parking regulations, and requiring trucks to make deliveries during off-peak periods?

Congestion has been a long-standing issue in the Manhattan CBD and the City of New York has implemented strategies to address it. These measures address congestion at certain locations or contribute to the overall strategy to reduce congestion in the Manhattan CBD, but vehicle volumes continue to increase, and additional measures are needed to further reduce congestion. Commenters suggested a range of different options they believe would reduce congestion without introduction of a new toll, including eliminating bike lanes, eliminating outdoor dining in curbside roadway space, enforcing parking regulations to eliminate double parking, requiring trucks to make deliveries during off-peak periods, reducing the number of taxis and FHV's permitted in the Manhattan CBD, implementing license plate “rationing,” eliminating traffic signals, increasing speed limits, and building connector roads that bypass the city, among others.

A variety of congestion management options have been evaluated over many decades. These strategies have proven difficult, insufficient, or not viable to implement. Moreover, many of the suggested strategies would not meet the purpose and need of the CBD Tolling Program, which is to reduce traffic congestion in the Manhattan CBD in a manner that would generate revenue for future transportation improvements, pursuant to acceptance into FHWA's VPPP. Individual efforts such as changes to and increased enforcement of existing parking regulations would not provide sufficient congestion reduction, nor would they provide a stable source of funding for MTA's Capital Program, and therefore, they would not meet the purpose of the Project. Further, many of the suggestions made by commenters—such as increasing posted speed limits, removing bus lanes, removing bike lanes, and removing space for outdoor dining—would reverse public policy initiatives with a range of public purposes, including improving bus speeds, encouraging travel by public transit and modes other than vehicles (which can reduce congestion), increasing safety for traffic and pedestrians, and supporting economic recovery following the pandemic.

For more information on congestion reduction strategies previously considered, see the EA, **Chapter 1, “Introduction” (Section 1.4.1); Chapter 2, “Alternatives;” and Appendix 2A, “Previous Studies and Concepts Considered.”** Additional discussion on some of the proposals made by commenters is provided below.

ELIMINATING BIKE LANES

The City of New York has a goal of accelerating the growth of safe cycling by providing a system of bicycle routes that traverse and connect all five boroughs, while also creating a dense, fine-grained network of bike lanes in communities where cycling is already a popular mode of transportation.³ That goal is part of a public policy called the “Green Wave Plan.” According to NYCDOT, the Green Wave Plan “presents a long-term citywide vision for improving cycling safety and the riding experience for cyclists. This is a

³ <https://www.nyc.gov/html/dot/html/bicyclists/bikestats.shtml>.

comprehensive, multi-agency approach to curtail bike fatalities and injuries. As cycling continues to grow dramatically, the plan combines design, enforcement, legislation, policy and education to make the City's streets safer for cyclists - and all street users." According to the latest Green Wave Progress Report from April 2021 (<https://www1.nyc.gov/html/dot/downloads/pdf/green-wave-progress-report-2021.pdf>), the City plans to build 30 miles of protected bike lanes annually, among other goals to improve cycling safety, reduce emissions, improve transportation infrastructure equity, and reduce traffic congestion by encouraging a mode shift to 10 percent cycling trips by 2050.

Consequently, eliminating bike lanes would be counter to established public policy. Moreover, eliminating bike lanes would not serve the needs of the increasing number of people who travel in New York City by bicycle rather than by vehicle, which is counter to the goal of reducing traffic congestion.

ELIMINATING OUTDOOR DINING

Due to the success of the emergency Open Restaurants program during COVID-19, the City of New York is currently working to create a permanent Open Restaurants program.⁴ This program will be managed by the City of New York and allow restaurants to use the sidewalk adjacent to and curbside roadway space in front of their businesses for outdoor dining. As part of the transition from a temporary to a permanent program, NYCDOT and the New York City Department of City Planning prepared an evaluation of a proposed permanent program's potential environmental effects, in accordance with the requirements of the New York City Environmental Quality Review (CEQR).⁵ The environmental review concluded that the Open Restaurants program would not result in adverse effects on traffic flows in the city, since all in-street seating would be within parking lanes and not reduce the traffic capacity of streets. Consequently, eliminating outdoor dining would be counter to an established policy and would not reduce congestion in the Manhattan CBD.

PARKING REGULATION ENFORCEMENT

The City of New York conducts extensive enforcement of its on-street parking regulations, including within the Manhattan CBD, and issues 9 to 11 million parking tickets each year. With the CBD Tolling Program, this enforcement would continue and the reduced traffic volumes in the Manhattan CBD would also reduce the demand for on-street parking, which would free up more legal parking spaces to meet the demand and thus could reduce the frequency of double parking.

As it relates specifically to parking placards issued to government employees, prior studies have shown this would reduce VMT south of 86th Street by 0.1 to 0.3 percent, depending on the size of the reduction (reductions evaluated ranged from 3,000 to 10,000 placards). With this level of VMT reductions, this alternative would not reduce the number of vehicles entering the Manhattan CBD enough to meet the Project objective of reducing VMT in the Manhattan CBD by at least 5 percent. The City of New York continues to work with the relevant city, state, and Federal agencies to address the policies, regulations and

⁴ <https://www.nyc.gov/html/dot/html/pedestrians/openrestaurants.shtml>.

⁵ <https://a002-ceqraccess.nyc.gov/ceqr/Details?data=MjFET1QwMTZZ0&signature=df7d36b6ae9c6b9fc9cb4caaf1505fcc8cbc1234>.

use of permits and seeks to implement new technologies and approaches to better manage and enforce the use of parking placards and improve curb operability.

OFF-PEAK TRUCK DELIVERIES

Shifting truck deliveries to off-peak hours in lieu of the proposed CBD toll is one of the congestion reduction measures that the Project Sponsors analyzed as part of their evaluation of alternatives. The analysis concluded that restricting truck deliveries to off-peak periods would be logistically complex because this would require receivers to be open and willing to receive the deliveries in overnight hours. Based on research conducted for the Environmental Assessment (EA), many receivers may prefer regular-hour deliveries because they typically have more staff on hand, as opposed to off-hour deliveries that could require additional staff, security, lighting, and other costs.⁶ Further, depending upon how such restrictions were implemented, they might result in multiple small trucks making deliveries instead of a single large truck, thereby increasing vehicle numbers and vehicle miles traveled by trucks. Therefore, requiring trucks to make deliveries only in off-peak periods would not be sufficient on its own to meet the goals of the Project.

Nonetheless, the Project Sponsors favor off-hour deliveries for trucks, to reduce adverse effects related to truck traffic. The final toll structure would have variable toll rates, in which the toll amount would be lower during periods with lower congestion and higher during peak periods when congestion is greater (see response to **Comment 16**). This would encourage trucks to shift to off-peak periods for their deliveries. For the Final EA, the Project Sponsors have added two new mitigation commitments to incentivize off-peak truck deliveries: 1) a commitment to further reduce overnight toll rates; and 2) a commitment to expand NYCDOT's Off-Hours Delivery Program, a pilot program that provides support for businesses that shift their deliveries to off-peak periods. For more information, see the response to **Comment 39**.

RESTRICTING THE NUMBER OF TAXIS AND FHVS IN THE MANHATTAN CBD

While some commenters suggested that restricting the number of taxis and FHVs in the Manhattan CBD would reduce congestion, others stated that taxis and FHVs are a critical transportation service that they would like to remain unchanged with the CBD Tolling Program; some commenters also stated that with the anticipated reduction in vehicle transportation, taxi and FHV trips in the Manhattan CBD would be more reliable as a transportation mode. Indeed, according to the New York City Taxi and Limousine Commission (TLC), more than 200,000 drivers licensed by the TLC complete approximately 1,000,000 trips each day in New York City. Most trips in yellow cabs originate in Manhattan (97 percent), while other TLC-based services distribute trips more evenly across the boroughs. In fall 2019, taxis and FHVs made up 48 percent of all vehicles circulating in the Manhattan CBD.⁷ Restricting the number of taxis and FHVs in the Manhattan CBD would reduce the availability of a critical transportation service used by millions of people each day. It would also adversely affect taxi and FHV drivers, many of whom are minority populations, and therefore would raise concerns related to environmental justice.

⁶ Holguin-Veras, Jose, et al. September 2010. *Integrative Freight Demand Management in the New York City Metropolitan Area*. <http://www.nyc.gov/html/dot/downloads/pdf/ohd-final-report.pdf>.

⁷ NYCDOT analysis of traffic count data collected in 2019.

LICENSE PLATE RATIONING

License plate rationing consists of restricting a set of vehicles from entering a specified area on certain days based on the last digit of the vehicle's license plate. This was one of the congestion reduction measures evaluated during development of the 2007 New York City Traffic Congestion Mitigation Commission Study.⁸ The Project Sponsors incorporated the results of that previous evaluation into their consideration of alternatives for the CBD Tolling Program.

The 2008 study included a detailed analysis of license plate rationing, including a review of case studies from cities that use this congestion reduction measure. The analysis documented that in the case study cities reviewed, license plate rationing resulted in a shift of some vehicles from peak periods to off-peak periods, but overall there was no sustained improvement in air quality, no increase in subway ridership, and worsening air quality on weekends and other times outside of the periods where the license plate rationing was in effect. Mode shift was primarily to taxis and small buses rather than to subways, which counterbalanced any improvements likely to be achieved by reductions in auto travel. In addition, some drivers evaded the restrictions by becoming multi-vehicle households (with variably coded license plates).

The 2008 study concluded that in the New York City metropolitan region, it is likely that many residents would also seek to evade the restrictions through the use of multiple vehicles, and combating this would require a major change in how vehicle registrations are handled in the United States that would have to be implemented in multiple states in the region. The study also found that people would be likely to shift to taxis, and to shift their trips to days when the rationing did not restrict their vehicle. Moreover, it found that any reduction in vehicles on particular days because of license plate numbering might be countered by an increase in demand by vehicles that were permitted on those days (which would take advantage of the reduced congestion on the roadways). In addition, the 2008 study noted, "Since households with more than one vehicle are better positioned to avoid the ban, License Plate Rationing is more favorable to households with multiple vehicle ownership, which is highly correlated with income."⁹ Although not specifically noted in the 2008 study, restricting vehicle access by license plate would adversely affect drivers of households with only one vehicle who have no alternative for traveling to the Manhattan CBD, since they would not be permitted to drive on certain days.

INCREASING SPEED LIMITS AND ELIMINATING TRAFFIC SIGNALS

In 2014, the City of New York adopted the Vision Zero policy, a citywide policy to reduce the number of injuries and fatalities that result from traffic crashes. As part of this policy, for all streets where the speed limit was not otherwise posted, the speed limit became 25 mph. This speed limit is safer for pedestrians, cyclists, and vehicles. According to a press release at that time, "Pedestrians struck by vehicles traveling at 25 MPH are half as likely to die as those struck at 30 MPH." The press release also stated, "Won't lowering the speed limit make NYC traffic even worse? No. Travel time is primarily determined by factors like traffic

⁸ New York City Traffic Congestion Mitigation Commission, "Congestion Mitigation Strategies: Alternatives to the City's Plan" (December 10, 2007), Appendix J5: Cambridge Systematics, Inc., "Technical Memorandum: License Plate Rationing Evaluation," prepared for New York City Economic Development Corporation and New York City Department of Transportation (December 10, 2007).

⁹ *Ibid.* pp. 3-4.

signals, congestion, double-parked vehicles, and turning vehicles. A 25 MPH citywide speed limit will effectively impact those drivers traveling at excessive, unsafe speeds. Coupled with comprehensive education and enforcement campaigns, a lower citywide speed limit will save lives.”¹⁰ Consequently, increasing speed limits would be counter to established City policy, would endanger safety of pedestrians, cyclists, and motorists, and would not contribute to decreased congestion.

Similarly, an initiative of eliminating traffic signals as suggested by some commenters would be in conflict with the Vision Zero policy. Traffic signals provide safer intersections for vehicular operations, and, most importantly, provide safe crossing locations for pedestrians.

OTHER INITIATIVES

Other alternatives the Project Sponsors evaluated were found not to meet the purpose and need for the Project, because they would not be effective at reducing congestion and/or would not raise sufficient revenue. Other suggestions made by commenters, such as building connector roads that bypass the city, are outside the scope of this Project and would not meet the purpose and need for the Project; new “connector” roads in particular would result in adverse environmental effects in the locations where they would be built, would be unlikely to reduce congestion in the Manhattan CBD (given that many roads already allow traffic to bypass the CBD), and would not raise revenue for MTA capital projects.

Comment 3: Are there other methods for generating funds for future transportation improvements?

The purpose of the Project is to reduce traffic congestion in the Manhattan CBD in a manner that would generate revenue for future transportation improvements, pursuant to acceptance into FHWA’s VPPP. FHWA and the Project Sponsors established the following objectives to further refine the Project purpose:

- Reduce daily VMT within the Manhattan CBD.
- Reduce the number of vehicles entering the Manhattan CBD daily.
- Create a funding source for capital improvements and generate sufficient net revenues to fund \$15 billion for MTA capital projects.
- Establish a tolling program consistent with the purposes underlying the New York State legislation entitled the “MTA Reform and Traffic Mobility Act.”

More information on the purpose and need for the Project is provided in the EA in **Chapter 1, “Introduction.”**

Commenters suggested other sources of revenue, such as tolling the East River bridges rather than the entire Manhattan CBD, raising transit fares, raising tolls at existing tolled crossings, pursuing turnstile jumpers, and pursuing toll evaders. In addition, some commenters suggested alternative sources of funding outside the purview of the Project Sponsors, such as new taxes on landlords and new taxes on legalized

¹⁰ <https://www1.nyc.gov/assets/queenscb10/downloads/pdf/notifications/25mph.pdf>.

cannabis sales, among others. Commenters also suggested that alternatives evaluated that would not meet the Project purpose, need, and goals individually might instead meet those targets in combination.

ALTERNATIVES EVALUATED BY THE PROJECT SPONSORS

A variety of congestion management strategies and revenue enhancements for transit have been evaluated over many decades and have proven ineffective, difficult, or not viable to implement. These included many of the suggestions made by commenters. The Project Sponsors evaluated a range of alternatives for raising revenue and reducing congestion, including parking pricing strategies, and toll alternatives (e.g., raising tolls on existing facilities, tolling East River and Harlem River bridges that are currently untolled, using high-occupancy toll lanes).

In evaluating these alternatives, the Project Sponsors found that some strategies would fail to reduce congestion or raise revenue so as to meet the Project's purpose and need. Others would reduce congestion but would not raise revenue; or would raise revenue but not reduce congestion. Overall, the Project Sponsors concluded that the only alternative that would meet the Project's purpose and need was the CBD Tolling Alternative. A summary of the conclusions with respect to alternatives that would raise revenue is as follows:

- Parking pricing strategies: This alternative would take one or more of several forms, including elimination of the resident exemption for the parking tax or raising the tax, increased rates for metered on-street parking, and/or introduction of an overnight on-street parking fee. This alternative would not reduce congestion enough to meet the Project goals.
- Raising tolls or implementing variable tolls on existing facilities: This alternative would not generate adequate revenue to meet the Project goal. In addition, with some crossings remaining untolled, traffic would divert to untolled facilities, thereby reducing the revenue and not reducing traffic. Further, this alternative would not target congestion in the Manhattan CBD, given that a number of free entry points to the Manhattan CBD would remain available.
- Implementing tolls on untolled East River and Harlem River Bridges: Earlier studies showed this alternative would reduce congestion and could raise adequate toll revenues to meet the Project goal. This would require an agreement between the City of New York and MTA to direct the revenue to the MTA Capital Program. In addition, the 2008 New York City Traffic Congestion Mitigation Commission Study identified a number of disadvantages to this alternative, including the following:
 - This alternative would not address trips that start and end within Manhattan, such as trips beginning or ending on the Upper East Side and Upper West Side.
 - This alternative would adversely affect local trips between the South Bronx and Harlem/Washington Heights, which could result in a local adverse economic impact in two environmental justice communities.
- Implementing high-occupancy toll (HOT) lanes: Creating HOT lanes for passenger cars on major crossings into Manhattan and highways leading to the Manhattan CBD would result in limited revenue and congestion reductions, since free lanes would remain on the same highway.

In terms of whether any alternatives evaluated that would not meet the Project purpose, need, and goals individually could instead meet those objectives in combination, the alternatives combined would not generate adequate revenue to meet the need to generate sufficient annual net revenues to fund \$15 billion for capital projects for MTA's Capital Program. Thus, while multiple alternatives in combination might serve to reduce congestion sufficient to meet the Project objectives, they would still fail to meet the Project's revenue goal.

The EA describes the evaluation the Project Sponsors conducted of alternatives to generate revenue and reduce congestion in **Chapter 2, "Project Alternatives,"** and **Appendix 2A, "Previous Studies and Concepts Considered."**

OTHER ALTERNATIVES PROPOSED BY COMMENTERS

As noted earlier, some commenters suggested other alternatives for raising revenue, beyond tolling alternatives. These alternatives would not target the causes of congestion—i.e., vehicles—and therefore would not be effective at reducing congestion. Some of those alternatives are discussed below:

- Targeting evasion (e.g., turnstile jumpers) and toll evasion: Reducing payment evasion is already a major priority for MTA. The agency currently has many management initiatives under way to improve payment rates across the subways, buses, commuter rail, and bridges and tunnels. MTA also has an outside [blue-ribbon panel](#) that is helping them find fresh solutions to this ongoing issue. However, even if the agency collected every fare and toll, that would not address the need to provide a sustainable funding source for the MTA Capital Program—the need being addressed by the CBD Tolling Program. First, it would not raise enough revenue. The CBD Tolling Program would generate an estimated \$1 billion annually, which is about double the amount MTA expects to lose to payment evasion this year. Second, it would not meet the need for funding for MTA's Capital Program. Revenue from fares and tolls is used to fund MTA's operating budget, including debt service. Revenue from the CBD Tolling Program is required by law to be used for MTA's capital budget: the critical task of rebuilding and modernizing the system over time through major physical projects. Finally, this would not reduce traffic congestion.
- Raising transit fares: MTA periodically adjusts transit fares (and tolls) to increase revenues and offset inflationary growth in costs. The November Financial Plan published in 2022 assumes fares and tolls will be increased in 2023 and in 2025 to generate a 5.5 percent increase in such revenues each time. While the MTA works diligently to control costs, pre-pandemic combined fares and tolls covered only approximately half of operating costs and slightly more than one-third of total expenses, which includes capital costs. Furthermore, this alternative would not meet the purpose, need, and goals for the Project. Higher transit fares would not lead to decreased congestion in the Manhattan CBD. Rather, it would more likely discourage the use of transit, potentially increasing vehicular traffic.
- Other revenue sources, such as new taxes on landlords and new taxes on legal cannabis sales: Other revenue sources such as those cited are outside the purview and control of the Project Sponsors. In addition, these suggestions would result in adverse effects in terms of other public policies. For example, introducing new taxes on landlords would ultimately result in higher rents, which would adversely affect tenants whether or not they contribute to congestion. Taxes on the new recreational cannabis program would be contrary to the goals of the program, which seeks to begin the work of

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repairing decades of disproportionate enforcement and overcriminalization of cannabis prohibition, especially in Black and Brown communities.¹¹ In the new program, all cannabis taxes would be deposited in the New York state cannabis revenue fund, which would be used to support education, community grants, drug treatment, and public education. In addition, these and similar alternatives would not contribute to congestion reductions.

Comment 4: How will the revenue from this Project be spent and how will the public know the funds are being used appropriately?

As currently designed, after expenses related to the Project are paid, the CBD Tolling Program revenues would be sufficient to fund \$15 billion for capital improvements included in the MTA’s 2020–2024 Capital Program. The funding would be achieved through the issuance of bonds and cash (PayGo) financing. Consistent with the Traffic Mobility Act, revenues would be directed to a “lockbox” fund that may not be commingled with other funds.¹² As established by the Traffic Mobility Act, the net revenue generated by the CBD Tolling Program would be used to fund transit and commuter rail projects in the MTA 2020–2024 Capital Program and successor programs.

The MTA 2020–2024 Capital Program identifies \$52.0 billion of investments in the region’s subways, buses, and commuter railroads.¹³ Some of these capital projects would expand the system and others would address existing deficiencies to ensure the long-term viability of current assets. Key tenets of the 2020–2024 Capital Program include the following:

- Investing to improve reliability
- Committing to environmental sustainability
- Building an accessible transit system for all New Yorkers
- Easing congestion and creating growth
- Improving safety and customer service through technology

Detailed information on the projects included in the 2020–2024 Capital Program is available on MTA’s website: <https://new.mta.info/capital/2020CapitalProgram>.

As specified in the Traffic Mobility Act, the revenue from the CBD Tolling Program would be allocated as follows:

- 80 percent to New York City subways and buses (New York City Transit, Staten Island Rapid Transit Operating Authority, and MTA Bus Company), with priority given to the subway system, new signaling, new subway cars, track and car repair, accessibility, buses and bus system improvements and further

¹¹ <https://cannabis.ny.gov/adult-use-information>.

¹² Public Authorities Law § 553-j.

¹³ This reflects the portion of the capital program that will fund transit improvements; it includes an additional \$254 million for other transit projects not identified here, as well as a December 2021 amendment that increased the transit- and rail-related portion of the program by \$535 million. The full capital program, including non-transit improvements, includes \$55.3 billion in projects.

investments in expanding transit availability to areas in the outer boroughs that have limited mass transit options

- 10 percent to Metro-North Railroad, including but not limited to, parking facilities, rolling stock, capacity enhancements, accessibility, and expanding transit availability to areas that have limited mass transit options
- 10 percent to Long Island Rail Road, including but not limited to, parking facilities, rolling stock, capacity enhancements, accessibility, and expanding transit availability to areas that have limited mass transit options

As noted in response to **Comment 5**, each year, as required by the Traffic Mobility Act, the Triborough Bridge and Tunnel Authority (TBTA) and MTA would report on the revenues and expenses related to the Project. As stated in Section 553-j of Article 3, Title 3 of the New York State Public Authorities Law, as amended:

The authority [MTA and TBTA] 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.

In addition, MTA reports regularly on legislative, financial, and governance issues. This includes detailed information about MTA agencies' performance data; operating and capital budgets; public meetings and hearings; open data resources; bonds, notes, and securities; and revenue information. This information is available on the agency's website at <https://new.mta.info/transparency/financial-information/financial-and-budget-statements>.

For more information, see the EA, **Chapter 2, "Project Alternatives," Section 2.4.2.**

Comment 5: Why does MTA need additional revenue when it already receives regular funding from other sources? MTA's budgeting and expenditures should be subject to oversight to ensure money is spent appropriately.

MTA draws funding from several sources. MTA's revenues include commuter rail, subway, and bus fares, and tolls at TBTA crossings; state and local subsidies that include dedicated state taxes (e.g., petroleum business taxes, sales tax, payroll mobility tax, motor vehicle registration and license fees, taxi and FHV fees, real estate transaction taxes on both residential and commercial properties); and station maintenance payments. The taxi and FHV fees consist of a surcharge of \$2.50 on yellow taxi trips and \$2.75 on FHV trips, effective January 1, 2019, on all trips that originate in or enter Manhattan south of 96th Street, and a surcharge of \$0.75 per passenger is added to all pooled for-hire trips.

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In addition to the revenues and subsidies identified above, the Federal Transit Administration supports MTA transit and commuter capital projects through formula grants, full-funding grant agreements, and other funding programs.

MTA uses its available funding to operate its integrated transportation network, make long-range capital improvements to the system's infrastructure, and expand the system. The MTA network has the nation's largest bus fleet and more subway and commuter rail cars than all other U.S. transit systems combined. Pre-pandemic, it provided around 2.6 billion trips each year, which accounts for almost 40 percent of the nation's transit users. The size and complexity of the MTA physical system are not its only financial challenges. On the expense side, there are many significant expenses outside the direct control of tMTA — including health and welfare costs, pension payments, electric power and fuel costs, and insurance expenses. Taken together, they comprise about 40 percent of MTA's expenses. Furthermore, tax and subsidy revenues are impacted by the economy and are also outside of MTA's direct control. Farebox revenue is impacted by personal travel needs and choices, as well as fare levels that are capped. All of these items contribute to a structural imbalance in MTA's finances.

Despite the critical importance of the MTA network to the city and region, there is a history of gaps in funding when economic conditions reduce the tax base; when the Federal, state, or local governments reduce subsidies; and when the cost of needed transit improvements exceeds the available funding. The New York State Legislature passed the Traffic Mobility Act to provide stable and reliable funding to repair and revitalize the regional transit system. As required by the Traffic Mobility Act, "For purposes of establishing a central business district toll or tolls the board [of the TBTA] 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 ... 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."¹⁴

With respect to transparency, MTA reports regularly on legislative, financial, and governance issues, with information available for public review on MTA's website (<https://new.mta.info/transparency>). This includes detailed information about MTA agencies' performance data; operating and capital budgets; public meetings and hearings; open data resources; bonds, notes, and securities; and revenue information. Details on MTA's operating and capital budgets are also available on the agency's website, including funding sources and how the money is spent.

After the Great Recession of 2008 and the subsequent economic downturn, MTA formalized a Budget Reduction Program (BRP). The BRP establishes savings targets for each of MTA's operating agencies, who must identify annual and/or recurring savings to meet the targets set for each 5-year financial plan. Since 2010, the MTA has implemented recurring savings through the BRP totaling over \$3 billion. BRP savings targets have ranged from large initiatives such as reducing overtime costs in the Department of Subways in 2021, which saved \$105 million, to small initiatives such as health care opt-out savings in 2014, which saved \$11 million. In 2019, MTA hired a management consulting firm to review operations throughout the

¹⁴ Vehicle and Traffic Law Article 44-c § 1704-a(1).

organization and to recommend changes to consolidate and streamline internal processes and functions. The resulting consolidation of functions was projected to generate recurring annual savings of \$475 million starting in 2022. It is further anticipated that additional annual savings of \$100 million will result from ongoing efforts being spearheaded within the newly consolidated functional departments. In addition to these savings programs and actions that have already been taken to balance prior Financial Plans, MTA continues its efforts to identify opportunities for further efficiency.

MTA budgeting is a rigorous and in-depth annual process. The MTA Financial Plans are prepared and scrutinized both internally and by many external stakeholders: the Governor's Division of the Budget, the State Legislature, the New York City Council, the Office of the State Comptroller, and the public. The process begins each spring and culminates with the passage of the MTA Budget in December. Over the course of each year, MTA prepares a February, July, and November Financial Plan, with Budget Adoption Materials in December. In addition to the then-current year, each Financial Plan includes 4-year projections which include the then-upcoming year and three future calendar years thereafter. The budget process and related information can be found at: <https://new.mta.info/budget>; recent Financial Plan information can be found at: <https://new.mta.info/transparency/financial-information/financial-and-budget-statements>.

MTA's website also includes information on capital projects under way, including progress to date, in the Capital Program Dashboard (<http://web.mta.info/capitaldashboard/CPDHome.html>). The Dashboard, updated quarterly, tracks progress on MTA's 5-year Capital Plans, starting with selected projects in the 2005–2009 Capital Plan, and including nearly all projects in the 2010–2014, 2015–2019, and 2020–2024 Capital Plans.

For more information on the need for revenue, see the EA, **Chapter 1, "Introduction," Section 1.4.2.**

Comment 6: Why does MTA need additional revenue when it received billions of dollars in COVID-relief funding?

MTA received more than \$15 billion in funding from the Federal government during the COVID-19 pandemic, which was used to continue operations and provide service to essential workers throughout the city and the region, including police, firefighters, hospital workers, and grocery store clerks, among others. This funding was needed because of the substantial reduction in ridership and traffic which resulted in decreased fare and toll revenue. Specifically, MTA lost over 95 percent of its ridership and farebox revenue at the peak of the pandemic. Compared to other transportation entities, MTA is more reliant on farebox and toll revenue to cover its expenses. In 2019, before the pandemic, MTA's fare and toll revenues (\$8.422 billion) covered more than half of MTA's expenses (\$16.582 billion), with the remainder covered by economically sensitive taxes and other subsidies. The COVID-19 relief funding was used entirely to fund continued MTA operations for essential workers; it did not fund capital investments.

Even before the pandemic, there was a need for additional revenue to fund capital investment; the New York State legislature passed the Traffic Mobility Act, which was signed into law by the Governor in April 2019, to reduce congestion in the Manhattan CBD and create a new, recurring, local revenue source for

transit investment. Because there have not been other new sources of revenue to fund MTA capital projects identified, there is continued need for the Project.

Comment 7: Why is the CBD Tolling Program still being progressed, given that we are still recovering from the COVID-19 pandemic?

The Project Sponsors recognize that the region is still recovering from the effects of the pandemic. Unemployment in New York City is higher than the national average, and prominent sectors of the Manhattan CBD economy such as retail and dining, hospitality, and entertainment have been slower to recover than other sectors of the local economy.^{15, 16} MTA ridership also has not fully rebounded; weekday subway and bus ridership was between 62 and 65 percent of its pre-pandemic level during fall 2022.¹⁷ However, as evidenced by bridge and tunnel crossing volumes into the Manhattan CBD, traffic congestion has already returned. Discretionary travel to the CBD for shopping, entertainment, dining, and other purposes has also experienced a robust recovery. Overall, traffic volumes and speeds are approaching pre-pandemic levels. Vehicle traffic at TBTA bridges and tunnels has returned to its 2019 levels (<https://new.mta.info/coronavirus/ridership>). Similarly, in September 2022, daytime inbound traffic volumes on the Brooklyn, Manhattan, Williamsburg, and Ed Koch Queensboro Bridges were within 15 percent of pre-pandemic levels, despite the 2021 conversion of one inbound vehicle lane on the Brooklyn Bridge into a bike lane, the change on the Brooklyn–Queens Expressway between Atlantic and Sands Street from three to two lanes, and ongoing rehabilitation work on the upper deck of the Queensboro Bridge. September 2022 Midtown Manhattan daytime traffic speeds and traffic speeds fell to an average of 5.4 mph, only 10 percent above pre-pandemic levels. As activity is returning to pre-COVID-19 pandemic conditions, so is traffic congestion.

In addition, the benefits of the Project would support the economic recovery of the Manhattan CBD and region. The Project would provide a stable source of funding that can sustain and ready the transit system as the numbers of residents, workers, and visitors rebound to pre-pandemic levels. A modern and efficient transit system is and would remain the backbone of the transportation network. Reduced congestion would also benefit large and small businesses by increasing productivity by reducing the time required for deliveries and to make service calls. For more information on the economic effects of the Project, see the response to **Comment 31**.

Comment 8: Why does the EA rely on 2019 data, which does not reflect post-COVID conditions?

The EA uses 2019 data, which reflects conditions prior to the COVID-19 pandemic, as the baseline for the environmental analysis. This includes quantified traffic counts conducted at study area intersections in

¹⁵ New York Times. "In New York City, Pandemic Job Losses Linger - The New York Times." September 14, 2022. Accessed on October 7, 2022. <https://www.nytimes.com/2022/09/14/nyregion/nyc-covid-job-losses.html>.

¹⁶ The New School Center for New York City Affairs. Accessed October 7, 2022. <http://www.centernyc.org/reports-briefs/essential-and-remote-working-industry-jobs-surpass-pre-pandemic-levels-while-employment-in-face-to-face-industries-lags-by-more-than-nine-percent>.

¹⁷ MTA NYC Transit, "New York City Transit Key Performance Metrics," November 2022. pg. 10 <https://new.mta.info/document/100341>

2019 and social and economic datasets developed by the U.S. Census Bureau that reflect 2019 conditions. The Project Sponsors used pre-COVID-19-pandemic baseline conditions to define near-term 2023 No Action Alternative conditions as the region rebounds and to forecast long-term future conditions to 2045. The use of these data reflects the return of traffic volumes and other conditions to pre-pandemic levels as described below.

This data reflects normal, typical conditions, which are an appropriate baseline for the environmental analysis rather than the use of unusual conditions. This allows FHWA and the Project Sponsors to understand the potential effects of the proposed CBD Tolling Program in consideration of those normal background conditions.

As noted in response to **Comment 7**, recent data indicates that traffic is now at or close to pre-pandemic levels, whereas transit ridership continues to lag significantly, with average weekday ridership maintaining approximately 60 to 65 percent of comparable pre-pandemic days across the region.¹⁸ While many office workers continue to work remotely, others have returned to offices or work locations on part-time or full-time schedules. In addition, tourism, entertainment, and retail activity is returning to its previous levels. As activity is returning to pre-COVID-19 pandemic conditions, so is traffic congestion.

Use of 2019 data throughout the EA for the quantified analyses of the potential effects of the CBD Tolling Alternative—i.e., the analyses related to potential changes in traffic and potential increases in transit ridership—accounts for conditions that would occur in the future if traffic levels and transit ridership return to pre-COVID conditions. Currently, MTA forecasts that transit ridership will return to 80 percent of pre-COVID levels by 2026, and traffic levels throughout the region have already largely returned. If traffic and transit levels do not fully rebound, then the use of pre-pandemic information for the baseline analysis results in predictions of larger negative effects as a result of the proposed CBD Tolling Alternative than would actually occur. See also the response to **Comment 26**.

For more information on the analysis framework for the EA, see the EA, **Chapter 3, “Environmental Analysis Framework.”**

Comment 9: Why was the Best Practice Model (BPM) used for the analyses in this EA and are the results, which demonstrate congestion reduction and revenue generation, reliable?

FHWA and the Project Sponsors used a regional transportation model, the Best Practice Model (BPM), to evaluate the effects of introduction of a new CBD toll on travel patterns in the 28-county region that is the main catchment area for travel to and from the Manhattan CBD. The BPM is an activity-based model that is recognized by FHWA, the Federal Transit Administration (FTA), and the U.S. Environmental Protection Agency (USEPA) for multiple purposes including transportation planning and meeting the requirements of the Clean Air Act. It simulates the number and types of journeys, choice of destinations, choice of modes, choice of stops on journeys, and choice of time of day for journeys that are made on an average weekday

¹⁸ MTA. “Day by Day Ridership Numbers.” Accessed on October 9, 2022. <https://new.mta.info/coronavirus/ridership>.

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in the region by each resident. The model includes the region’s entire roadway network and public transportation network, including travel times and travel costs, and can predict changes in travel behavior as changes occur to that network.

FHWA and the Project Sponsors evaluated seven different tolling scenarios for the environmental analysis of the proposed CBD Tolling Alternative, to understand how introduction of a new toll would affect travel behavior. To analyze the range of effects the CBD Alternative could have, the tolling scenarios vary in their assumptions about the amount of the toll for different types of vehicles, the times tolls would be imposed, exemptions from tolling, crossing credits for tolls paid on other toll tunnels or bridges, and discounts in the form of “caps” on the number of tolls per 24-hour period to be applied to different types of vehicles. For each tolling scenario, FHWA and the Project Sponsors used the BPM to predict how many people would continue to access the Manhattan CBD by vehicle, including the specific routes they would use; how many would make their journey by another mode, including the specific modes they would use; and how many would no longer make their journeys. These results also allowed FHWA and the Project Sponsors to estimate the toll revenue that would be generated by each tolling scenario.

As shown in **Table 18A-1** below, the modeling demonstrates that the CBD Tolling Alternative would reduce congestion and generate revenue sufficient to meet the Project goals.

Table 18A-1. Evaluation Results for the CBD Tolling Alternative

CRITERION	RANGE OF RESULTS FOR TOLLING SCENARIOS EVALUATED
Reduction in daily VMT within the Manhattan CBD	7.1% to 9.2%
Reduction in the number of vehicles entering the Manhattan CBD daily	15.4% to 19.9%
Annual net revenue generated (which would be invested or bonded so as to fund \$15 billion in capital projects)	\$1.02 billion to \$1.48 billion

Use of transportation models to evaluate the regional effects of proposed transportation initiatives is a customary procedure and is required as part of the regional transportation planning process for metropolitan regions, and required for compliance with the Clean Air Act and other Federal laws and regulations. In the New York metropolitan area, the entity responsible for regional transportation planning in compliance with those Federal processes is the New York Metropolitan Transportation Council (NYMTC), and the BPM is the regional transportation model NYMTC developed and uses for that purpose.

More information on regional transportation planning required by the Clean Air Act, including an overview of the planning process, how FHWA uses regional transportation models in its review of proposed projects in accordance with National Environmental Policy Act (NEPA), and more information on the BPM, is provided below.

REGIONAL TRANSPORTATION PLANNING REQUIRED BY THE CLEAN AIR ACT

The Clean Air Act and other Federal laws and regulations establish a regional planning process that metropolitan areas must follow to be eligible to receive Federal funding of transportation projects, and for

compliance with air quality standards. This planning process involves consideration of travel and transportation issues and needs, demographic and economic conditions, and travel patterns and trends. In metropolitan areas over 50,000 population, the responsibility for transportation planning lies with designated Metropolitan Planning Organizations (MPO). For the New York metropolitan area (New York City, Long Island, and the Hudson Valley), the designated MPO is NYMTC. In New Jersey, the MPO for the New York City area is the North Jersey Transportation Planning Authority (NJTPA).

Regional transportation planning includes a highly coordinated approach based on the current and forecasted information that includes population, employment, land use, and socioeconomic information. MPOs oversee the development of Regional Transportation Plans (RTPs) and Transportation Improvement Programs (TIPs). In addition, there are also Clean Air Act requirements that must be met before a Federal agency can approve and/or fund projects. These are discussed below and transportation planning statutes 23 USC §§ 134 and 135 and the regulations in 23 CFR § 450 outline the requirements and the process.

Regional Transportation Plan

The RTP is a Federally required planning product that lays out the region's long-term transportation needs and goals over a long-term time frame. It includes current and projected transportation demand of persons and goods in the metropolitan planning area over the period of the transportation plan (usually a 20- to 30-year planning horizon). The plan also includes existing and proposed transportation facilities, transit operations, nonmotorized transportation facilities (sidewalks and bicycle facilities) and intermodal connectors that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions over the period of the transportation plan. The CBD Tolling Program is included in the region's RTP. There are also performance targets used to assess the transportation system and operational management strategies. To meet FHWA requirements, NYMTC's RTP must be financially "constrained," demonstrating adequate funding is available for all future projects.

Transportation Improvement Program (TIP)

In addition to the RTP, NYMTC must also develop a TIP that also must demonstrate fiscal constraint and is subject to Clean Air Act conformity requirements (see below). The TIP documents NYMTC's medium-range transportation improvements that are eligible for Federal funding and are projects implemented over a 5-year period that include bridges, highways, transit services, bikeways, and walkways. The CBD Tolling Program is included in the latest NYMTC TIP. The TIP is derived from and consistent with NYMTC's RTP.

Air Quality Conformity

To comply with the Clean Air Act, NYMTC must demonstrate that transportation projects included on its RTP and TIP will be consistent with (conform to) the air quality goals established by New York's state air quality implementation plan (SIP). SIPs are developed to establish the procedures the state will follow to achieve compliance with the National Ambient Air Quality Standards (NAAQS) of the Clean Air Act for pollutants where violations of the NAAQS has occurred. SIPs must be approved by the USEPA. Areas where air quality monitoring shows a violation of the NAAQS are designated "nonattainment." Once a

nonattainment area is shown through air quality monitoring to have met a NAAQS, USEPA will designate the area as a “maintenance area.”

For areas that are designated as nonconformity areas or maintenance areas, like the New York metropolitan area, the RTP and TIP must meet the USEPA’s requirements for air quality conformity. NYMTC must demonstrate that projects on the RTP and the TIP would not 1) cause or contribute to any new violation of the NAAQS; 2) increase the frequency or severity of any existing NAAQS violations; or 3) delay timely attainment of the NAAQS or any required interim emissions reductions or other milestones in any area. Air quality conformity ensures that the planned projects in the RTP or TIP would not make air quality in the region worse.

Use of Travel Demand Forecast Models by MPOs

The Federally mandated transportation planning processes described above require the ability to forecast travel demand on the transportation system through models that consider the complex movement of individuals and goods in order to meet the changing needs of the traveling public. NYMTC developed and maintains the BPM specifically for this purpose. NYMTC uses the BPM to forecast travel demand and as part of its analysis of transportation conformity.

Transportation Planning and NEPA

For an individual project that requires Federal approvals, and therefore is subject to evaluation in accordance with NEPA, evaluation of the project’s potential effects must be consistent with the larger regional transportation modeling. If the region, like the New York metropolitan area, is designated as a nonattainment or maintenance area for Clean Air Act NAAQS exceedances, transportation conformity requirements must be met before FHWA or FTA can fund or provide any approvals for an individual highway or transit project unless the project is exempt from conformity requirements. A project-level conformity determination addresses consistency with regional conformity determinations, and, where necessary, localized emissions. The project-level conformity determination must demonstrate that: 1) the project is included in the currently conforming regional transportation plan and TIP for the metropolitan area; and 2) where applicable, the project would not cause any localized exceedances of the NAAQS as determined by a project specific hot-spot analysis. FHWA requires that the effects of the project be evaluated using the same model—the BPM—that was the basis for the MPO’s conforming transportation plan. This ensures consistency with the RTP and TIP.

BPM

The BPM was developed by NYMTC for use in its transportation planning processes and is the Federally recognized transportation forecasting tool for the region. The NYMTC version of the BPM used for this study was developed for NYMTC’s 2017 Regional Transportation Plan and Federal air quality conformity determination. It includes the 28 counties of the regional study area evaluated in the EA. NYMTC regularly updates and calibrates the BPM as part of its regional transportation planning responsibilities, including updating the model’s demographic data, future employment and population projections, and changes in the underlying transportation network.

The BPM predicts changes in future travel patterns in response to changes in the demographic profiles and transportation systems in the region. It incorporates transportation behavior and relationships with an extensive set of data that includes a major travel survey of households in the region, land-use inventories, socioeconomic data, traffic and transit counts, and travel times.

BPM Calibration and Validation

The version of the BPM that the Project Sponsors used for the EA was released in 2015 and is primarily calibrated to 2010 conditions, based on a regional household survey conducted in 2010. Since the BPM is a regional model, it is calibrated to reproduce important regional metrics from the household survey related to auto ownership, frequency of trips/journeys by travel purpose, choice of travel modes, and choice of destinations. In addition, due to this Project's need to estimate changes in trips to or from the Manhattan CBD, the BPM's mode and destination choice components were further calibrated to better match worker travel flows from the 2012-2016 Census Transportation Planning Package (CTPP).

When a regional model like the BPM is applied for specific projects, it is common to calibrate and validate the model for corridor- or project-specific metrics. For this project, adjustments were made to calibrate the model so that it could reasonably replicate traffic volumes that would be subject to tolling at 60th Street, the East River crossings, and Hudson River tunnels. The model's traffic and transit volumes were validated against observed traffic and transit volumes at these key crossing locations into the Manhattan CBD.

Model Sensitivity

A calibrated and validated model was necessary for Project use, but it was important not to over-calibrate the model, which would reduce the sensitivity of the model for evaluating the policy in question: the willingness of various groups of travelers to pay tolls. Willingness to pay is primarily represented in the BPM by values of time assigned to groups of travelers (segmented by three income categories: low, medium, and high) and two travel purposes (work and non-work). In addition, the BPM assigns values of time for commercial vans, small trucks, and large trucks. Throughout early testing of Project tolling scenarios, the model was determined to be reasonably sensitive to changes in tolls applied at the Manhattan CBD crossing locations, which caused travelers to switch destinations, modes, or travel routes.

Comment 10: Why did FHWA and the Project Sponsors prepare an Environmental Assessment for the Project?

The requirements of NEPA apply to the CBD Tolling Program due to the Federal decision (the Federal action) regarding whether to accept the Project Sponsors' application to the VPPP, which would allow them to move forward with the CBD Tolling Program. The initial Federal legislation for the VPPP was passed in 1991 (Section 1012(b)(8) Intermodal Surface Transportation Efficiency Act – ISTEA), then amended in 1998 by TEA-21 (Section 1216 of Transportation Equity Act for the 21st Century), followed by amendments from SAFETEA-LU in 2005 (Section 1604(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59).

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In accordance with NEPA, FHWA requires an EA to help determine the significance of a project's environmental effects when such effects are unlikely or unknown. Before a Federal agency takes an action, NEPA requires the Federal agency to evaluate and disclose the environmental effects of the action. An EA (40 CFR § 1501.5) is prepared to ensure Federal agencies consider the environmental effects of their actions in the decision-making process (40 CFR § 1500.1(a)) when a proposed action is not likely to have significant effects or the significance of the effect is unknown (40 CFR § 1501.5). If the adverse effects are not significant or can be mitigated below significant levels, the Federal agency may issue a Finding of No Significant Impact (FONSI) (40 CFR § 1501.6). If there are significant effects that cannot be mitigated, then the Federal agency must require an Environmental Impact Statement (EIS) culminating in a Record of Decision (ROD).

For this Project, FHWA determined the significance of the effects was unknown, and therefore an EA was necessary to help determine significance. Following the public comment period, FHWA considered the findings of the EA, including mitigation and enhancement measures, as well as the public comments. Subsequently, FHWA worked with the Project Sponsors to develop additional mitigation and enhancement measures to ensure that all significant effects of the CBD Tolling Alternative are mitigated below a level of significance.

The EA provides a thorough analysis, similar to what would be included in an EIS, of the full range of potential effects that may occur as a result of implementation of the Project. The analysis in the EA includes a detailed evaluation of the potential effects of the CBD Tolling Alternative on travel patterns, including traffic flows, traffic congestion, parking, transit ridership, and air quality, based on the region's adopted regional transportation model (see response to **Comment 9**). This includes quantified analyses of traffic conditions at 102 different intersections, the effects of additional transit riders on line-haul capacity and individual stations, and regional and localized effects on air quality.

This Project would result primarily in operational changes with very little direct physical impact on the existing environment. The approach to reducing congestion in the Manhattan CBD lends itself towards beneficial effects on air quality and quality of life in the CBD. The physical impact of the Project would consist of mounting equipment on utility poles in a cordon area around the proposed tolling zone in Manhattan. In some cases, existing utility poles would be replaced with larger poles.

However, there was recognition that the effects from this Project could extend to the 28 counties in the regional study area. As a result, FHWA requested that the NEPA process include enhanced public outreach and coordination with Federal and state resource agencies as well as enhanced outreach to environmental justice populations. The effects on environmental justice populations throughout the Project study area were carefully evaluated in the EA. See response to **Comment 36** for further information about the findings of the analysis.

In addition, FHWA may adopt mitigation and apply monitoring or enforcement provisions. If FHWA finds no significant impacts after taking into account the mitigation, the mitigated finding of no significant impact shall state any enforceable mitigation requirements or commitments that would be undertaken to avoid

significant impacts (40 CFR § 1501.6). **Table 16-1** in **Chapter 16** of the EA summarizes the effects of the Project and associated mitigation measures.

Comment 11: Can the 30-day public comment period be extended?

The public comment period was initially advertised as extending from August 9, 2022, through September 9, 2022, and was subsequently extended by 14 days to September 23, 2022. FHWA and the Project Sponsors originally provided a public comment period on the EA consistent with Council on Environmental Quality requirements for public involvement for NEPA documents and the FHWA agency statutory requirements found in 23 U.S.C. 139(g)(2)(B). The FHWA statutory requirements require a 30-day comment period for an EA and allow for extension of the comment period by the lead agency for good cause. In this case, due to the level of detail and analysis in the EA and numerous requests for the comment period to be extended, the comment period was extended.

Comment 12: What public outreach was conducted during the NEPA process?

Both during and following preparation of the EA, FHWA and the Project Sponsors provided meaningful opportunities for public participation and engagement related to the Project. This included outreach while the EA was being prepared, which helped inform the analyses included in the EA; outreach and a public comment period after release of the EA; and outreach targeted to environmental justice populations, as described below.

EARLY PUBLIC OUTREACH PRIOR TO RELEASE OF THE EA

FHWA and the Project Sponsors provided extensive opportunities for public participation while the EA was being prepared. The public involvement strategy for the Project focused on outreach to the 28-county regional study area, which represents the main catchment area for trips made to and from the Manhattan CBD.

In late 2021, the Project Sponsors held 19 virtual public meetings, 9 of which focused on environmental justice communities. Of these, two public sessions and three environmental justice sessions focused on participants from New Jersey; and one public session and three environmental justice sessions focused on participants from Connecticut. During each of those sessions, Project Sponsor staff provided real-time feedback to questions posed by the public including environmental justice populations. Nearly 400 speakers provided oral comments and, as of February 2022, there were over 14,000 views on the Project website/YouTube of the meetings and presentations from that early outreach. **Chapter 18, “Agency Coordination and Public Participation,”** of the EA provides more information on the early outreach the Project Sponsors conducted for the Project prior to publication of the EA.

OUTREACH AFTER RELEASE OF THE EA

FHWA and the Project Sponsors made the EA available for public review on August 9, 2022. A comment period was provided, during which members of the public, agencies, elected officials, and organizations could submit comments on the EA. The public comment period was initially advertised as extending from August 9, 2022, through September 9, 2022, but it was subsequently extended to September 23, 2022,

Appendix 18A: Responses to Frequently Received Comments

based on requests from members of the public. In August 2022, the Project Sponsors held 6 virtual hearings on the EA itself, during which 552 speakers offered oral testimony and many more participated during the livestream or watched later, at their convenience, via the Project website or YouTube (over 11,100 views as of November 23, 2022). Opportunities to provide comment during the public comment period included: providing oral testimony at one or more of the public hearings; filling out an online comment form; sending letters to designated MTA/FHWA representatives; sending emails to designated MTA/FHWA representatives; and leaving a voice message at a designated phone number.

Unfortunately, some participants reported that they had difficulty providing comments during the public hearings, and MTA apologizes for any technical difficulties experienced. MTA did provide assistance to the best of their ability to speakers who experienced difficulty during the virtual public hearings. In addition, the hearings were all posted online and remain there for the public to watch at their convenience. Finally, the public comment period remained open for approximately one month following the hearings, during which people could submit their comments in written or video format.

All comments submitted were reviewed and responses have been provided. To be as responsive as possible, this includes substantive comments received after the formal close of the comment period, while the Project Sponsors were still preparing responses to comments. The full set of comments made and responses to those comments are provided in **Appendix 18**.

OUTREACH TARGETED TO ENVIRONMENTAL JUSTICE POPULATIONS

Beyond the public and environmental justice meetings and hearings, the Project Sponsors also convened an Environmental Justice Technical Advisory Group (EJTAG) and an Environmental Justice Stakeholder Working Group (EJSWG), to provide a means for meaningful engagement on concerns related to members of environmental justice communities or populations. Members of the EJTAG include groups that work in the field of environmental justice and includes representation from New York, New Jersey, and Connecticut. The EJSWG was created to allow anyone who wanted to participate in more meaningful engagement to self-select or nominate someone else to participate. Three meetings of the EJSWG and five meetings of the EJTAG were held by early October 2022, with a sixth and seventh session of the EJTAG held in January 2023.

AGENCY COORDINATION

In advance of the public outreach meetings and the public hearings, agency executives in all 28 counties of the EA's regional study area were invited to participate in dialogue. The first regional agency meeting was held on September 20, 2021, and executives and/or staff were invited and/or participated from the New York State Department of Transportation, New York State Department of State, New York State Department of Environmental Conservation, New York City Department of Environmental Protection, New York City Mayor's Office, New York City Department of Parks and Recreation, Port Authority of New York and New Jersey (PANYNJ), New Jersey Turnpike Authority, NJ TRANSIT, North Jersey Transportation Planning Authority, Connecticut Department of Transportation, South Central Regional Council of Governments, Western Connecticut Council of Governments, Connecticut Metro Council of Governments, Delaware Valley Regional Planning Commission, and Dutchess and Orange Counties. As part of that session, the Project Sponsors walked through the planned presentation, requested feedback, and offered to answer

any questions. The second regional agency meeting was held on August 4, 2022, and the same agencies were invited and/or attended. After reviewing the presentation and the findings, the meeting was opened for comments and/or questions.

Comment 13: Please clarify the boundaries of the area where the CBD toll would apply, and which roads would and would not be excluded?

In April 2019, the New York State Legislature passed the Traffic Mobility Act, which established the boundaries of the tolling zone. The CBD Tolling Program would apply to the area of Manhattan south and inclusive of 60th Street, but not including the Franklin D. Roosevelt Drive (FDR Drive), the West Side Highway/Route 9A, the Battery Park Underpass, and any surface roadway portion of the Hugh L. Carey Tunnel connecting to West Street. All vehicles other than those that are exempt from the toll would be charged a toll when entering or remaining in that defined area. See the response to **Comment 14** for information on vehicles that remain in the Manhattan CBD.

In accordance with the legislation, other connections between the bridges and tunnels and the excluded roadways would be subject to the toll. This includes connections between the Ed Koch Queensboro Bridge and the FDR Drive, approaches to the Ed Koch Queensboro Bridge from areas north of 60th Street, and connections between the West Side Highway/Route 9A and the Holland and Lincoln Tunnels. It also includes connections between the residential area of Waterside Plaza and the FDR Drive and between Battery Park City and the West Side Highway/Route 9A. The limits of the CBD Tolling Program as well as the specific roadways excluded from the toll are defined in the Traffic Mobility Act. See also the response to **Comment 21**.

Some commenters proposed that the specific additional roadways be excluded, to allow free connections between the excluded roadways (i.e., the West Side Highway/Route 9A and the FDR Drive) and the tunnels and bridges that provide access to the Manhattan CBD. However, these connections are typically among the more congested locations in the Manhattan CBD, and excluding them would not contribute to reducing congestion in the Manhattan CBD and therefore make the Project less effective at meeting its purpose and need.

Comment 14: What does “remaining in” the Manhattan CBD mean?

All vehicles other than those that are exempt from the toll would be charged a toll when entering or remaining in the Manhattan CBD, as per the Traffic Mobility Act. Vehicles that remain in the Manhattan CBD are vehicles that are detected when leaving but were not detected entering in the same day. Given that they were detected leaving, they must have driven through the Manhattan CBD to get to the detection point, and therefore remained in it during a portion of the day. These vehicles would be charged that day for remaining in the Manhattan CBD.

Examples of how tolls would be applied for passenger vehicles include the following:

- If a passenger vehicle enters the Manhattan CBD on Monday morning and leaves Monday evening prior to midnight, it would be detected when it enters and when it leaves the Manhattan CBD. Because passenger vehicles would be charged only once daily, a single toll would be charged.
- If a passenger vehicle enters the Manhattan CBD on Monday and is parked until it leaves on Wednesday, it would be charged upon entering on Monday and for remaining when it drove through the Manhattan CBD on Wednesday to leave. This vehicle would not be charged when it was parked the full 24-hour period on Tuesday.
- If a passenger vehicle makes two round trips into the Manhattan CBD on the same day, it would be charged a single toll, because passenger vehicles would be charged only once daily.
- If a passenger vehicle is parked all week within the Manhattan CBD (for example, a vehicle owned by a resident of the Manhattan CBD) and then leaves the Manhattan CBD for a day trip on Saturday, the vehicle would be detected leaving (remaining) and re-entering the Manhattan CBD on the same day. Because passenger vehicles would be charged only once daily, a single toll would be charged on Saturday.
- If a passenger vehicle is parked all week within the Manhattan CBD (for example, a vehicle owned by a resident of the Manhattan CBD or a visitor to the Manhattan CBD) and then leaves the Manhattan CBD on Friday and returns on Monday, the vehicle would be identified as having remained on Friday since it was detected leaving; it would be identified as entering when it returns on Monday. It would receive a charge on Friday for remaining and on Monday for entering the Manhattan CBD. It would not be charged any other days when parked the entire day in the Manhattan CBD, nor the days when away.
- If a vehicle parked on the street within the Manhattan CBD is moved to the other side of the street for alternate-side-of-the-street parking regulations, it would not be charged for entering or remaining in the Manhattan CBD so long as it does not leave the CBD when circling the block or cross one of the detection zones when crossing the street. A vehicle would also not be charged a toll if it uses one of the excluded roadways (the West Side Highway/Route 9A or the FDR Drive) before re-entering south of 60th Street in Manhattan. Vehicles that cross 60th Street (and vehicles that leave through any of the bridges or tunnels before returning) to find another parking space would be charged.

For more information, see **Chapter 2, “Project Alternatives,”** of the EA.

Comment 15: What is the process for selecting the actual tolling structure?

If the Project is approved, the process to identify and select the actual toll schedule is specified in the Traffic Mobility Act and requires the following key steps: 1) Establishing a Traffic Mobility Review Board (TMRB) that would recommend a toll structure; and 2) adoption of the toll schedule by the TBTA Board in accordance with the State Administrative Procedure Act. These steps are described below, as well as the factors that the TMRB and TBTA would consider in recommending and adopting the final toll schedule. The text of the Traffic Mobility Act is provided in the EA in **Appendix 2B, “MTA Reform and Traffic Mobility Act.”**

TRAFFIC MOBILITY REVIEW BOARD (TMRB)

To help define the CBD Tolling Program, the Traffic Mobility Act requires the TBTA Board (the organization that oversees the TBTA) to establish a TMRB with a chair and five members representing the region who have experience in public finance, transportation, mass transit, or management. The legislation requires that one TMRB member should be a resident of the Metro-North service area and one should be a resident of the Long Island Rail Road service area; one member should be appointed by the Mayor of the City of New York. The TMRB shall operate according to Open Meetings Law and will hold meetings open to the public.

In July 2022, TBTA established the TMRB with the following members:

- Carl Weisbrod, Chair – Former Chairman of New York City Planning Commission and Director of New York City Department of City Planning; founding President of New York City Economic Development Corporation
- John Banks – Resident of Westchester County; President Emeritus of the Real Estate Board of New York; former Vice President of Government and Community Relations at Con Edison; former MTA Board member
- Scott Rechler – Resident of Long Island; current chair of Regional Plan Association and Chief Executive Officer and Chairman of RXR (investor and developer company); former Vice Chairman of Board of Commissioners for PANYNJ; former MTA Board member
- Elizabeth Velez – Current President of Velez Organization (construction services firm) and MTA Board member; former commissioner of New York City Property Tax Reform Commission
- Kathryn Wylde – Current President and CEO of Partnership for New York City; former Chairperson of Metropolitan Transportation Sustainability Advisory Workgroup
- John Samuelsen – Appointed by the Mayor of New York City; current international president of the Transport Workers Union of America, AFL-CIO and non-voting member of MTA Board

The Traffic Mobility Act requires the TMRB to make a recommendation to the TBTA Board regarding the final toll structure for the CBD Tolling Program, including the toll amounts, which shall include a variable-pricing schedule and which shall not charge passenger vehicles more than once a day. The TMRB would also recommend a plan for credits, discounts, and/or exemptions for tolls paid on bridges and crossings, which would be informed by the results of the EA, which includes a traffic study associated with the impact of any such credits, discounts and/or exemptions on the recommended toll. The TMRB would also recommend a plan for credits, discounts, and/or exemptions for FHV, based on factors including, but not limited to, initial market entry costs associated with licensing and regulation, comparative contribution to congestion in the Manhattan CBD, and general industry impact.

In making its recommendation, in addition to the goal of reducing traffic in the Manhattan CBD, the TMRB must ensure that, at a minimum, the annual net revenues of the CBD Tolling Program would provide funds adequate to fund \$15 billion for capital projects for the 2020–2024 Capital Program and any additional revenues above that amount should be available for successor programs.

TBTA ADOPTION OF TOLL SCHEDULE

Informed by the TMRB's recommendation, the TBTA Board would approve and adopt a final toll structure following a public hearing in accordance with the State Administrative Procedure Act (SAPA). SAPA also requires a minimum 60-day public comment period on the proposed toll structure regulation, which commences upon publication of a Notice of Proposed Rule Making attaching the proposed toll structure regulation in the *New York State Register*. If there is a substantive change made to the proposed toll structure regulation after its publication therein, an additional 45-day public comment period would take place on such amended proposed toll structure regulation prior to the TBTA Board's adoption of the final toll structure. The toll schedule must be adopted by the TBTA Board at least 30 days before the tolls are enacted as described in the Traffic Mobility Act.

TMRB AND TBTA CONSIDERATIONS FOR TOLL SCHEDULE

The TMRB's recommendation would be informed by the results of the EA, which includes a traffic study. The Traffic Mobility Act requires the TMRB to 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 TBTA Board's decision would be informed by the EA, recommendations from the TMRB, and comments received during the public hearing on the final toll structure that would be held in accordance with the State Administrative Procedure Act.

Since the final toll structure has not yet been identified, FHWA and the Project Sponsors evaluated a range of tolling scenarios with different toll prices, crossing credits, exemptions, and discounts, to identify the range of potential effects that could occur from implementing the Project. The specific toll schedule structure, including toll price, crossing credits, and exemptions, may differ from those tolling scenarios. The analyses in the EA afford an understanding of how, if warranted, the toll schedule can be structured to avoid adverse effects or, if they cannot be avoided, to provide for their mitigation. If the TBTA Board adopts a toll schedule structure that has substantially different attributes from those examined in the EA, the Project Sponsors would review these changes with FHWA and other resource agencies, as appropriate, and identify a course of action to assess and document the changes in accordance with NEPA prior to implementation of the Project.

Commenters provided specific recommendations on individual elements that may be incorporated into the adopted toll schedule. The TMRB would consider these suggestions before making its recommendation to the TBTA Board.

Comment 16: How were the toll amounts determined, will they vary, and are they final?

Toll amounts have not yet been determined and therefore multiple scenarios with differing toll rates were analyzed in the EA to explore the range of effects that could occur with the CBD Tolling Alternative. To help define the CBD Tolling Program, the Traffic Mobility Act required the TBTA Board to establish a TMRB with six members representing the region who have experience in public finance, transportation, mass transit,

or management. The TMRB would recommend to the TBTA Board the toll amounts and toll structure, such as crossing credits, discounts, and/or exemptions for existing tolls paid on bridges and tunnels. Informed by the TMRB's recommendation, the TBTA Board would approve and adopt a final toll structure following a public hearing in accordance with the State Administrative Procedure Act. The adopted TBTA plan would specify any crossing credits, discounts, and/or exemptions for tolls paid on bridges and tunnels; credits, discounts, and/or exemptions for taxis and/or FHVs; and any other additional potential crossing credits, discounts, and/or exemptions. For more information, see the response to **Comment 15**.

Since the final toll schedule has not been determined, the EA included evaluation of multiple tolling scenarios within the CBD Tolling Alternative to identify the range of potential effects that could occur from implementing the Project. The tolling scenarios vary in their assumptions about the amount of the toll for different types of vehicles, the times tolls would be imposed, exemptions from tolling, crossing credits for tolls paid on other toll tunnels or bridges, and discounts in the form of "caps" (i.e., limits) on the number of tolls per 24-hour period to be applied to different types of vehicles. The actual toll structure may be a combination of these scenarios or a scenario with different or similar features, but not exactly the same as one of the tolling scenarios in the EA. See the response to **Comment 39** for information on commitments the Project Sponsors have made for the Final EA related to the final toll structure.

To meet the Project objective of creating a funding source for capital improvements and generating sufficient net revenues to fund \$15 billion for MTA capital projects, tolling scenarios that provide crossing credits, discounts, and/or exemptions would have a higher toll than those without these elements.

As required by the Traffic Mobility Act and FHWA's VPPP, the proposed tolling program would have a variable toll amount. The details of that variation have not been determined and would be included in the final tolling structure. The Project Sponsors anticipate that the tolls would vary by time of day, so that higher tolls would be charged during peak periods when congestion is greater. Specific peak periods have not yet been finalized and would be determined when the final tolling structure is established. See the response to **Comment 39** for information on commitments the Project Sponsors have made for the Final EA related to the final toll structure.

The peak periods assumed for the tolling scenarios evaluated in the EA are based on observed congestion patterns for the Manhattan CBD. Congestion in the Manhattan CBD typically begins in the early morning and lasts until past 8:00 p.m. Weekday traffic flows decline quickly during the 10:00 p.m. hour until reaching a low in the 3:00 a.m. hour. **Chapter 1, "Introduction,"** of the EA presents information on typical traffic flows into and out of the Manhattan CBD. As part of mitigation for other topics, TBTA has committed to ensuring that the overnight toll for trucks and other vehicles is reduced to at or below 50 percent of the peak toll from at least 12:00 a.m. to 4:00 a.m. in the final CBD toll structure.

For more information on the tolling scenarios evaluated, see the EA, **Chapter 2, "Project Alternatives," Section 2.4.2.4,** and **Appendix 2E, "Project Alternatives: Definition of Tolling Scenarios."**

Comment 17: Does the Program include incentives for trucks to make deliveries during off-peak and overnight periods or to discourage trucks from diverting to avoid the Manhattan CBD?

The Project Sponsors favor off-hour deliveries for trucks as a component of the CBD Tolling Program, to reduce adverse effects related to truck traffic. As required by the Traffic Mobility Act, the CBD Tolling Program would include variable tolling, in which the toll amount would be lower during periods with lower congestion and higher during peak periods when congestion is greater. This would encourage trucks to shift to off-peak periods for their deliveries, which would help to reduce peak-period congestion in the Manhattan CBD. In addition, for the Final EA, the Project Sponsors have added two new mitigation commitments to incentivize off-peak truck deliveries and reduce the number of trucks that divert around the Manhattan CBD: 1) a commitment to further reduce overnight toll rates; and 2) a commitment to expand NYCDOT's Off-Hours Delivery Program, a pilot program that provides support for businesses that shift their deliveries to off-peak periods (see response to **Comment 39**).

To allow the Project Sponsors to evaluate the effects of variable tolls, the tolling scenarios in the EA have lower toll costs for overnight travel, which would incentivize overnight deliveries. In all tolling scenarios evaluated, the number of daily truck trips passing through the Manhattan CBD would decrease, as trucks without an origin or destination in the Manhattan CBD divert around the area. This decrease would range, depending on the tolling scenario, from 21 percent (about 1,700 truck trips) in Tolling Scenario G, which has the lowest overnight truck toll, to 81 percent (almost 6,800 truck trips) in Tolling Scenario F, with the highest overnight truck toll (see **Subchapter 4A, "Transportation: Regional Transportation Effects and Modeling,"** of the EA, **Table 4A-22, "Average Daily Truck Trips through the Manhattan CBD: No Action Alternative and Tolling Scenarios"**). The Project Sponsors evaluated Tolling Scenario G specifically to understand the effects of lower overnight truck tolls. This tolling scenario has the lowest truck tolls of the scenarios presented in the EA (this scenario has the same toll rates for all vehicle classes, including trucks, ranging from \$7 overnight to \$17 in the peak period). Tolling Scenario G would result in the fewest truck trips diversions around the Manhattan CBD, demonstrating the relationship between toll price and truck diversions. Tolling Scenarios B and F include caps on the number of tolls a truck driver would pay per day. However, the truck toll under Tolling Scenarios B and F is higher than under Tolling Scenario G, resulting in a greater number of truck trips diverted around the Manhattan CBD. **Table 18A-2** provides a summary of the truck toll rates for the tolling scenarios evaluated. See the EA, **Appendix 2E, "Definition of Tolling Scenarios,"** for more information on the tolling scenarios.

The Project Sponsors also evaluated the concept of shifting truck deliveries to off-peak hours in lieu of the proposed CBD toll, as a potential alternative for congestion reduction. This analysis concluded that shifting trucks to off-hour deliveries would not be sufficient on its own to meet the goals of the Project. For more information, see the response to **Comment 2**.

Table 18A-2. Tolling Scenarios Evaluated in the Environmental Assessment: Toll Rates Considered

TOLL PERIOD	SCENARIO A	SCENARIO B ⁴	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
Off-Peak Toll							
Weekday Off-Peak Hours	8 p.m. to 10 p.m.	8 p.m. to 10 p.m.	8 p.m. to 10 p.m.	8 p.m. to 10 p.m.	8 p.m. to 10 p.m.	10 a.m. to 4 p.m.	8 p.m. to 10 p.m.
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
Peak Toll							
Weekday Peak Hours	6 a.m. to 8 p.m.	6 a.m. to 8 p.m.	6 a.m. to 8 p.m.	6 a.m. to 8 p.m.	6 a.m. to 8 p.m.	6 a.m. to 10 a.m.; 4 p.m. to 8 p.m.	6 a.m. to 8 p.m.
Weekend Peak Hours	10 a.m. to 10 p.m.	10 a.m. to 10 p.m.	10 a.m. to 10 p.m.	10 a.m. to 10 p.m.	10 a.m. to 10 p.m.	10 a.m. to 10 p.m.	10 a.m. to 10 p.m.
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
Overnight Toll							
Weekday Overnight Hours	10 p.m. to 6 a.m.	10 p.m. to 6 a.m.	10 p.m. to 6 a.m.	10 p.m. to 6 a.m.	10 p.m. to 6 a.m.	8 p.m. to 6 a.m.	10 p.m. to 6 a.m.
Weekend Overnight Hours	10 p.m. to 10 a.m.	10 p.m. to 10 a.m.	10 p.m. to 10 a.m.	10 p.m. to 10 a.m.	10 p.m. to 10 a.m.	10 p.m. to 10 a.m.	10 p.m. to 10 a.m.
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

Comment 18: Will there be any exemptions, discounts, or crossing credits?

At this time, the actual toll schedule, including exemptions, discounts, and crossing credits, has not been finalized. The EA explores the range of effects that could result from the CBD Tolling Program, including the effects related to exemptions, discounts, and crossing credits. In exploring these, the EA modeling provides seven scenarios, some of which provide exemptions and/or discounts in the form of caps on the number of times per day a vehicle may be tolled for certain types of vehicles, including taxis, FHV's, and buses. Several of the EA scenarios also provide for crossing credits for tolls paid at other toll facilities. Importantly, the more vehicles that receive crossing credits, discounts, and exemptions, the higher the toll must be to ensure sufficient revenues are generated to meet the Project's revenue target. At the same time, however, depending on the combination of toll cost and other variables such as crossing credits, a higher toll can result in more diverted traffic to highways that bypass the Manhattan CBD and thereby cause potential effects on the environmental justice populations that live near these highways. Please see the response to **Comment 15** for information on how the final toll schedule would be selected, including any exemptions, discounts, or crossing credits.

As described in **Chapter 4A, "Regional Transportation Effects and Modeling,"** to better understand the distribution of toll revenue (burdens) and CBD trips (benefits) by geography, an analysis was conducted that quantified the share of revenues paid by drivers from different geographies versus the share of trips made to the Manhattan CBD from each of those same geographies. This analysis was conducted using results from the 2023 BPM Tolling Scenarios A through G and is reproduced here as **Table 18A-3**. Each cell contains the percentage of total net revenue paid by drivers from a particular geography and the percentage of total trips to the Manhattan CBD made by drivers from that geography. For example, in Tolling Scenario A, Bronx drivers would pay 6.2 percent of total net revenue and would make 6.6 percent of total CBD vehicle trips. As illustrated in the table, the percentages of CBD toll revenue and trips tend to be more balanced for tolling scenarios that do not offer crossing credits (Tolling Scenarios A, B, and G), while the percentages tend to diverge for tolling scenarios that offer crossing credits (Tolling Scenarios C, D, E, and F).

The following discussion describes how exemptions, discounts, or crossing credits would be determined for the final toll schedule. Please also see the response to **Comment 39** for information on commitments the Project Sponsors have made for the Final EA related to the final toll structure.

Table 18A-3. Projected Percentage of Total Revenue/Percentage of Total Trips

GEOGRAPHY	SCENARIO A	SCENARIO B	SCENARIO C	SCENARIO D	SCENARIO E	SCENARIO F	SCENARIO G
New York (Manhattan)	13.5% / 14.0%	13.0% / 13.5%	15.7% / 13.6%	19.6% / 12.5%	17.9% / 12.4%	20.0% / 12.5%	13.1% / 13.5%
Kings (Brooklyn)	19.0% / 17.9%	18.9% / 17.8%	20.3% / 18.7%	17.1% / 16.5%	17.1% / 16.7%	17.5% / 16.5%	19.1% / 18.0%
Queens	17.9% / 16.4%	18.1% / 16.6%	17.7% / 17.6%	15.8% / 16.4%	16.6% / 16.5%	16.4% / 16.1%	18.2% / 16.7%
Bronx	6.2% / 6.6%	6.2% / 6.7%	7.9% / 7.1%	9.9% / 6.6%	9.1% / 6.6%	10.2% / 6.6%	6.3% / 6.8%
Richmond (Staten Island)	1.6% / 1.6%	1.6% / 1.5%	1.7% / 1.8%	1.1% / 1.7%	1.4% / 1.8%	1.4% / 1.7%	1.6% / 1.6%
Long Island	7.6% / 6.8%	7.7% / 6.9%	7.2% / 7.0%	6.3% / 6.7%	6.8% / 6.8%	6.3% / 6.6%	7.7% / 6.9%
Hudson Valley	6.6% / 7.1%	6.6% / 7.2%	8.4% / 7.7%	10.4% / 7.1%	9.4% / 7.1%	10.8% / 7.2%	6.6% / 7.1%
New Jersey	17.7% / 20.0%	17.8% / 20.0%	11.6% / 16.5%	10.0% / 21.9%	11.8% / 21.4%	7.8% / 21.9%	17.5% / 19.6%
Connecticut	2.4% / 2.5%	2.4% / 2.6%	3.1% / 2.8%	4.0% / 2.6%	3.5% / 2.5%	4.1% / 2.6%	2.4% / 2.6%
Other	7.5% / 7.2%	7.5% / 7.3%	6.4% / 7.1%	5.8% / 8.1%	6.5% / 8.4%	5.5% / 8.3%	7.4% / 7.2%

Note: Revenue includes only projected CBD toll revenue. Other existing TBTA and PANYNJ tolls, including those on crossings leading directly to or from the Manhattan CBD, are not included in the revenue calculations.

TRAFFIC MOBILITY ACT

Consistent with the Traffic Mobility Act, passenger vehicles would be tolled no more than once per day. The Traffic Mobility Act also provides exemptions for: 1) qualifying authorized emergency vehicles;¹⁹ and 2) qualifying vehicles transporting persons with disabilities. Qualifying vehicles transporting persons with disabilities include vehicles with government-issued disability license plates and fleet vehicles owned or operated by organizations and used exclusively to provide transportation to people with disabilities. The Traffic Mobility Act also requires a New York State tax credit for CBD tolls paid by residents of the Manhattan CBD with annual adjusted gross incomes below \$60,000. Other potential caps, exemptions, discounts, and crossing credits were modeled in the tolling scenarios for the CBD Tolling Alternative, including but not limited to exemptions and caps for buses, taxis, and FHV, but a decision on these would be made separately by the TBTA Board as informed by a recommendation from the TMRB. See response to **Comment 15** for more information. In addition, see the response to **Comment 39** for information on commitments the Project Sponsors have made for the Final EA related to the final toll structure.

THE ROLE OF THE TMRB IN CONSIDERING DISCOUNTS AND EXEMPTIONS

The TMRB would recommend to the TBTA Board a toll structure, including any crossing credits, discounts, and/or exemptions for existing tolls paid on bridges and tunnels. Informed by the TMRB's recommendation, the TBTA Board would approve and adopt a final toll structure following a public hearing in accordance with the State Administrative Procedure Act. The adopted TBTA plan would specify any crossing credits, discounts, and/or exemptions for tolls paid on bridges and tunnels; credits, discounts, and/or exemptions for taxis and/or FHVs; and any other additional potential crossing credits, discounts, and/or exemptions.

DISCOUNTS AND EXEMPTIONS PROPOSED BY COMMENTERS

The Project Sponsors would make the TMRB aware of the various requests for discounts (through toll credits) and exemptions made during the comment period. These include the following:

1. Artists
2. Auto commuters from New Jersey
3. Auto commuters from Orange County (NY)
4. Auto commuters from Rockland County (NY)
5. Auto commuters from Staten Island
6. Black cars
7. Buses
8. Buses – Commuter
9. Buses – Interstate
10. Buses – MTA
11. Buses – Private carriers

¹⁹ As defined in the Consolidated Laws of the State of New York, Vehicle and Traffic Law, Title 1, Article 1 Section 101, authorized emergency vehicles consist of every ambulance, police vehicle or bicycle, correction vehicle, fire vehicle, civil defense emergency vehicle, emergency ambulance service vehicle, blood delivery vehicle, county emergency medical services vehicle, environmental emergency response vehicle, sanitation patrol vehicle, hazardous materials emergency vehicle and ordnance disposal vehicle of the armed forces of the United States.

12. Buses – Private carriers providing transit/commuter service
13. Buses – School
14. Buses – Transit
15. Caretakers
16. Carpoolers
17. Civil servants
18. Community service providers that provide service in Manhattan Community District 3
19. Drivers – Infrequent
20. Drivers – New York State-registered plates with a Manhattan CBD zip code
21. Drivers – New York State-registered plates in Manhattan
22. Drivers – New York State-registered plates in New York City
23. Drivers – Staten Island
24. Farmers
25. Federal law enforcement agencies
26. First responders
27. FHV's
28. FHV's – licensed by the New York City TLC
29. FHV's – wheelchair-accessible (regardless of whether being used for disabilities)
30. Government vendors (e.g., Outfront, a contractor for MTA)
31. Low-income drivers
32. Low-income immigrants
33. Low-income residents
34. Medical patients
35. Members – International Union of Operating Engineers
36. Musicians
37. Non-emergency medical transport (which is an expense covered by health insurance)
38. Parents
39. Persons attending religious services
40. Persons of color
41. Persons on fixed incomes
42. Persons with disabilities (in addition to vehicles transporting them)
43. Persons with major financial constraints
44. Residents – Brooklyn
45. Residents – Manhattan CBD
46. Residents – Manhattan CBD, but make it temporary and phase it out
47. Residents – Manhattan CBD, who garage their vehicles
48. Residents – Manhattan CBD, with household incomes at or below 120 percent of Area Median Income (\$147,500)
49. Residents – Manhattan CBD, with household incomes at or below the Area Median Income (\$67,046)
50. Residents – Manhattan CBD, with household incomes less than \$150,000
51. Residents – Manhattan CBD, with individual income less than \$100,300
52. Residents – Long Island, battling cancer, 9/11-related illness, and other serious diseases

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53. Residents – Manhattan
54. Residents – Manhattan Community District 3
55. Residents – New York City
56. Residents – New York State
57. Residents – New York State, with incomes less than \$60,000
58. Residents – Orange County
59. Residents – Rockland County
60. Residents – Staten Island
61. Residents – Waterside Plaza
62. Retirees – NYPD
63. Retirees – NYPD detectives
64. Reverse commuters living in the Manhattan CBD
65. Senior citizens
66. Small business owners
67. Students – City University of New York
68. Students – receiving special education
69. Taxis
70. Taxis – licensed by the TLC
71. Taxis – wheelchair-accessible (regardless of whether being used for disabilities)
72. Taxis – yellow
73. Vehicles – agricultural transporting farm products
74. Vehicles – American Red Cross, dispatched from within the Manhattan CBD
75. Vehicles – Con Edison
76. Vehicles – construction
77. Vehicles – delivery
78. Vehicles – diplomatic license plates
79. Vehicles – electric
80. Vehicles – emergency
81. Vehicles – emergency roadside
82. Vehicles – food delivery
83. Vehicles – food delivery, fruits and vegetables to Manhattan Community District 3
84. Vehicles – food delivery to the homebound (Coalition for the Homeless, Encore, God’s Love We Deliver)
85. Vehicles – fuel delivery
86. Vehicles – hearses
87. Vehicles – high-occupancy
88. Vehicles – mopeds and scooters
89. Vehicles – motorcycles
90. Vehicles – noncommercial
91. Vehicles – nonprofits
92. Vehicles – passenger cars
93. Vehicles – providing social services

94. Vehicles – required for heavy work equipment
95. Vehicles – student transport for Fordham University
96. Vehicles – tow trucks
97. Vehicles – transporting medications to pharmacies in Manhattan Community District 3
98. Vehicles – trucks
99. Vehicles – using parking garages in the Manhattan CBD (daily or monthly)
100. Vehicles – whose manufacturers participate in the “circular economy”
101. Veterans
102. Workers – City
103. Workers – construction
104. Workers – detectives
105. Workers – detectives, NYPD
106. Workers – doctors
107. Workers – essential
108. Workers – FDNY/EMS
109. Workers – health care
110. Workers – hospital
111. Workers – judges
112. Workers – nurses
113. Workers – NYPD members
114. Workers – overnight
115. Workers – pharmacists
116. Workers – service delivery
117. Workers – teachers
118. Workers – teachers, only New York City Department of Education (not Charter schools)
119. Workers – trades (e.g., electricians, plumbers, HVAC technicians)
120. Workers – waste and recycling industry
121. Working-class families
122. Working-class immigrants

REQUESTS FOR EXEMPTIONS THAT SHOULD NOT BE INCLUDED

Many commenters, while expressing support for the CBD Tolling Program, also proposed that there be no exemptions at all beyond what is provided in the Traffic Mobility Act, or proposed that various types of vehicles or drivers should not be exempt from the toll. These include requests that no exemptions be provided for the following:

Broadly

1. Any beyond what is in the legislation
2. Any based on arbitrary classifications
3. Any based on employment type
4. Any but emergency response, Access-A-Ride, and MTA buses
5. Any but vehicles with handicap permits

Appendix 18A: Responses to Frequently Received Comments

6. Any but disabled drivers
7. Any but yellow medallion taxis and FHVs
8. Any within the first two years of the program

Businesses

1. Large delivery companies (FedEx, Amazon)
2. Transportation Network Companies (TNCs)
3. Uber/Lyft/Via and other commercial limousine services and ridesharing companies

Drivers

1. Entering New York City through a tolled bridge or tunnel
2. From New Jersey

Residents

1. Low-income
2. Manhattan CBD residents
3. New Jersey residents
4. New York City residents
5. Out-of-state residents
6. Various racial and ethnic groups

Vehicles

1. Bicycles
2. Buses – sightseeing
3. Car services and FHVs (Uber, Lyft, ride-sharing app services)
4. City vehicles
5. City department/agency vehicles
6. Delivery (FedEx, Amazon)
7. Motorcycles
8. MTA vehicles
9. Personal vehicles
10. Personal vehicles – belonging to cops
11. Personal vehicles – belonging to firefighters
12. Personal vehicles – belonging to City and MTA administrators
13. Private
14. Private – driven by City employees, FDNY, NYPD, or other City agencies
15. Personal vehicles
16. Scooters
17. Trucks
18. Taxis
19. Vehicles – electric or hybrid
20. Vehicles – out-of-state plates

Workers

1. All workers
2. City of New York employees
3. Charter school employees

4. DSNY (Department of Sanitation of New York) employees
5. FDNY employees
6. Federal employees
7. Government employees
8. MTA employees
9. NYPD officers
10. NYPD officers living outside of New York City
11. People with parking placards
12. Police
13. Public-sector employees
14. State employees
15. Teachers

PROPOSALS FOR ROADWAYS THAT SHOULD BE EXCLUDED FROM THE TOLL

Some commenters requested that specific roadways within the area defined as the Manhattan CBD be exempt from the toll, to allow connections to and from highway segments that would be exempt. These include the following:

1. Ed Koch Queensboro Bridge – approaches from the FDR Drive and from areas north of the Manhattan CBD
2. East River bridges (Ed Koch Queensboro Bridge, Williamsburg Bridge, Manhattan Bridge, Brooklyn Bridge) – connections to and from the FDR Drive
3. Holland Tunnel – connections to and from the West Side Highway/Route 9A
4. Lincoln Tunnel – connections to and from the West Side Highway/Route 9A
5. Waterside Plaza – connections to and from the FDR Drive

Comment 13 provides more information on the definition of the Manhattan CBD, which does not provide exemptions for these roadways and connections.

Comment 19: How will the exemption for vehicles transporting persons with disabilities work?

Qualifying vehicles transporting persons with disabilities would be exempt from the toll. Qualifying vehicles transporting persons with disabilities would include vehicles with government-issued disability license plates and fleet vehicles owned or operated by public or private organizations that are used exclusively to transport people with disabilities.

The exemption for vehicles transporting people with disabilities would work in several ways. First, the tolling technology would be used to exempt from the CBD Tolling Program any passenger vehicle with a disability license plate, provided the vehicle's registration is in good standing. Second, public and private organizations, regardless of their location, that transport persons with disabilities (e.g., Access-A-Ride, ambulette service providers, etc.) would register to receive an Organizational Disability E-ZPass Plan (ODEP) so that their qualifying vehicles would not be charged when using E-ZPass tags linked to an ODEP. Finally, TBTA would work with Access-A-Ride, MTA's paratransit service provider, and the New York City Taxi and

Limousine Commission so that taxis and other types of vehicles that are used for qualifying trips are not charged when making such trips using their E-ZPass linked to an ODEP.

Recognizing the interest in a disability exemption for individuals who may not use qualifying vehicles, TBTA reviewed existing benefits and transportation alternatives for persons with disabilities, potential means for credentialing individuals rather than organizations, potential operational impacts to the Project, and the potential for fraudulent use and ability to audit the Project. TBTA found that the term “disability” is broad and may or may not denote the ability of an individual to use public transportation. It also found that many credentials that could be used for individual qualification do not distinguish those who could use transit from those who cannot. Furthermore, individuals with disabilities (especially those who are low-income) may have access to benefits that allow for low- or no-cost transportation. Thus, it was determined that exempting public and private organizations that have qualifying vehicles transporting persons with disabilities and exempting vehicles with state-issued disability license plates meets the legislative requirements without imposing an undue burden or cost on the operation of the CBD Tolling Program.

In addition, MTA offers reduced fare passes for individuals with disabilities. People over the age of 65 or with a qualifying disability receive a reduced fare on MTA subways and buses. In addition, people with disabilities can also use MTA’s paratransit service, the Access-A-Ride Program. This program operates in New York City and in nearby areas of Nassau and Westchester Counties. It includes a shared-ride program and origin-to-destination service for eligible customers or feeder service (to and from public transportation) for others. The Access-A-Ride program operates 24 hours a day, 7 days a week, every day of the year. Private carriers under contract to MTA provide this service by lift-equipped vans, ramp-equipped vehicles or sedans. In addition, service is provided by taxis and FHV’s operating on behalf of MTA to transport paratransit users.

In New York north of New York City and on Long Island, Rockland, Orange, Dutchess, Putnam, Westchester, Nassau, and Suffolk counties also offer a combination of accessible buses and demand-responsive paratransit services.

Similarly, NJ TRANSIT has a reduced fare program that offers special rates on NJ TRANSIT buses and trains for residents 62 years of age or older and people with disabilities. NJ TRANSIT also offers paratransit service through its Access Link program. Additionally, all 21 counties in New Jersey also provide paratransit service. More information can be found on the State of New Jersey Department of Human Services website (<https://www.state.nj.us/humanservices/dds/hottopics/transportation/>).

In New Haven and Fairfield counties in Connecticut, CTtransit, Greater Bridgeport Transit District, and Norwalk Transit District offer reduced bus fares for the elderly and people with disabilities and demand-responsive paratransit service is also available. More information can be found on the Connecticut Department of Transportation website (<https://portal.ct.gov/DOT/Publictrans/Bureau-of-Public-Transportation/Paratransit-service>).

Building an accessible transit system for all New Yorkers is a key tenet of MTA’s 2020–2024 Capital Program. All MTA buses are fully ADA-accessible. There are more than 140 subway stations that are accessible in

accordance with the Americans with Disabilities Act (ADA). Information on stations that are accessible is available on MTA's website (<https://new.mta.info/accessibility/stations>) and via MTA's subway map that highlights accessible stations (<https://new.mta.info/map/5346>). The website and map both highlight whether a station complex (i.e., a group of interconnected subway stations, such as Union Square) is only accessible in some parts or if a station is only accessible in one direction. Making every station in the system accessible is a top priority for MTA and work on ADA-accessible stations is under way in every borough. For more information on improvements to the MTA system to make it ADA-accessible, see the response to **Comment 24**.

Comment 20: Will my car be subject to the toll on days when it is parked in a garage or on the street in the Manhattan CBD?

A car will not be subject to the toll if it is parked in a garage or on the street within the Manhattan CBD for the entire 24-hour period. Vehicles would not be charged for days that they are parked and do not enter or leave the Manhattan CBD (i.e., vehicles that are parked for the full 24 hours between 12:00 a.m. and 11:59 p.m. would not be tolled, as they were not contributing to congestion while parked). **Section 2.4.2 of Chapter 2, "Project Alternatives,"** of the EA provides additional description of how vehicles would be tolled. See also the response to **Comment 14**.

Comment 21: I drive infrequently or for short distances when I enter or leave the Manhattan CBD. I do not contribute to congestion, so why should I pay the new toll?

All vehicles that are driven into or out of the Manhattan CBD collectively contribute to congestion, even when each individual vehicle does so only infrequently or for short distances. Although infrequent trips may be made into the Manhattan CBD, these trips still contribute to traffic congestion. The less often you drive into the Manhattan CBD, the less often you would be charged. Moreover, the roadways that connect to entry/exit points for the Manhattan CBD are typically among the more congested locations in the Manhattan CBD, so vehicles using these points to enter and exit do contribute to congestion in the Manhattan CBD.

Comment 22: Why should I pay an extra toll to enter the Manhattan CBD when I already pay a toll at a bridge or tunnel?

Existing tolls at TBTA and PANYNJ facilities are used for a number of purposes, including funding mass transit. TBTA toll revenue is used for ongoing operating expenses and surplus revenue is used to help support MTA public transit services. The existing TBTA toll revenue is insufficient to meet the funding needs for MTA's 2020-2024 Capital Program. PANYNJ collects revenue from multiple operations, including: tunnels, bridges and terminals; aviation; ports; PATH (rail); and real estate. The monies collected from all of these sources, including tolls at the tunnels and bridges, contribute to the PANYNJ's general operating revenue budget as well as to their capital budget. Tolls, in particular, also help subsidize operations at the Port Authority Bus Terminal.

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At this time, the actual toll schedule, including exemptions, discounts, and crossing credits, has not been finalized (see response to **Comment 18**). The CBD Tolling Program could include credits for tolls paid at existing tolled tunnels that connect directly to the Manhattan CBD or credits for these facilities as well as tolls paid at tolled bridges connecting to Manhattan. If these are included, the crossing credits would more efficiently distribute traffic across the East River crossings by making the net toll amount paid by a driver at each crossing more similar. This would generally reduce VMT outside the Manhattan CBD and shift vehicles from local roads to the highway network. At the same time, the more vehicles that are given crossing credits and the higher the credit, the higher the CBD toll must be to ensure sufficient revenues are generated to meet the Project's revenue target. Drivers who choose to use a currently untolled East River crossing, or who enter the Manhattan CBD via the avenues that cross 60th Street, would pay a higher CBD toll under scenarios with crossing credits compared to scenarios without credits.

The Project Sponsors conducted an analysis of the effects of crossing credits in terms of the share of revenues paid by drivers from different geographies versus the share of trips made to the Manhattan CBD from each of those same geographies. That analysis (see **Table 4A-34** in **Subchapter 4A, "Transportation: Regional Effects and Modeling"**) shows that the percentages of CBD toll revenue and trips tend to be more balanced for tolling scenarios that do not offer crossing credits, while the percentages tend to diverge for tolling scenarios that offer crossing credits. As crossing credits are added, drivers from New Jersey and Queens would pay less for the CBD toll and drivers from Brooklyn and areas north of the Manhattan CBD would tend to pay more, although the differences would converge when considering overall tolls paid to enter the Manhattan CBD.

In addition, depending on the combination of toll cost and other variables such as crossing credits, a higher toll can result in more diverted traffic to highways that bypass the Manhattan CBD and potential adverse effects on environmental justice populations that live near these highways.

Comment 23: How will this Project be fair for drivers who cannot reasonably use public transportation, and therefore won't have a reasonable alternative to paying the new toll?

The majority of people who currently travel to the Manhattan CBD use public transportation. For work trips, approximately 85 percent of workers who commute to the Manhattan CBD take public transportation to travel to work and 11 percent drive to work. The remaining 4 percent travel by bicycle, walking, motorcycle, and taxi and FHV. This level of commuting by public transportation is much higher than in the United States overall, where most people commute to work by car. Indeed, the New York City metropolitan area has an extensive public transportation system covering a wide area, and within New York City, subway service operates 24 hours a day, 7 days a week. With the proposed new toll, people who currently drive to the Manhattan CBD have several options, which will vary in their feasibility and desirability among drivers. They include, but are not limited to, the following:

- Continue to drive and pay the toll.
- Switch modes to a non-vehicular option(s) to avoid the toll.

- Shift the time of trips to when lower off-peak and overnight toll rates are in effect.
- Carpool or rideshare and pay and share the cost of the toll.
- Telecommute, or telecommute more often, to eliminate or reduce the frequency of incurring the toll.
- Seek new employment opportunities (or other workplace locations with the same employer) at location(s) that would not involve incurring the toll.
- Relocate their place of residence to a location within the Manhattan CBD or to a location closer to transit.

For people who continue to drive and pay the toll, the cost of their trip would increase. As shown in **Figure 4A-3** in **Subchapter 4A, "Transportation: Regional Effects and Modeling,"** the total trip costs incurred by individuals driving to the Manhattan CBD would vary widely, depending on individual circumstances (including route choice and whether other, non-CBD tolls are paid) and the final tolling schedule implemented (including exemptions and crossing credits). See the response to **Comment 39** for information on commitments the Project Sponsors have made for the Final EA related to the final toll structure. The frequency and feasibility of this option for individuals would depend on several factors, such as the cost of the toll, their wages and salary, and the availability of non-vehicular commute options near their places of work and residence. The CBD Tolling Program would also result in beneficial effects for people who continue to drive, as a result of the overall reduction in VMT in the region and enhanced mobility that would result from reduced congestion. The Project would address the demonstrated need to reduce vehicle congestion in the Manhattan CBD, which would benefit all drivers traveling to and near the Manhattan CBD, especially those who value their travel-time savings more than the toll cost. The reduced congestion would produce other related benefits in the Manhattan CBD, including travel-time savings, improved travel-time reliability, reduced vehicle operating costs, improved safety for vehicles, pedestrians, and bicyclists, and improved air quality in the Manhattan CBD and regionwide. For some drivers, this would potentially offset the negative effect of increasing the cost of driving to the Manhattan CBD.

As noted by commenters, some people would not choose to switch to public transportation for their trip. The EA (**Section 5A.4.2.5** in **Subchapter 5A**) evaluates how many people do not currently have convenient access to public transportation options. All areas of New York City are within 1/2 mile of transit service, with the exception of one neighborhood in Queens (Breezy Point). Some small areas of New York City are within 1/2 mile of transit such as local bus service, but do not have direct access to faster transit modes (commuter rail, subway, or express bus/Select Bus Service (SBS)). Approximately 5,200 residents of these areas without faster transit access currently commute to the Manhattan CBD for work by car. Some of these commuters could choose to drive instead to a transit hub if parking is available there, and others could opt to use local bus service to access commuter rail, subway, or express bus/SBS service. Similarly, commuters from outside New York City could drive to a transit station to continue their trip to the Manhattan CBD. (Refer to response to **Comment 34** for more information about parking at transit stations.)

Some commenters noted that they are not comfortable using public transportation. Please see the response to **Comment 25** for information on initiatives MTA is undertaking to address safety in the subway system and response to **Comment 24** for other improvements currently under way in the transit system, including a major initiative to increase ADA accessibility in the subway system.

The EA includes an analysis of the effects of the new toll on low-income populations who drive in **Chapter 17, “Environmental Justice.”** As discussed there, about 16,000 low-income people who work in the Manhattan CBD and currently travel by car. Roughly half of these would be eligible for existing transit or E-ZPass discounts to access the Manhattan CBD. While some of these drivers might switch to transit to avoid the new toll, others may not reasonably be able to do so, or may choose not to do so. The Final EA describes existing programs in place for low-income commuters and additional measures the Project Sponsors would take to reduce the financial impact on low-income drivers. See response to **Comment 37** for more information.

For discussion of effects on elderly people, see response to **Comment 29**. For discussion of effects on medical patients, see response to **Comment 30**.

People from three specific geographic areas—Rockland County, New Jersey, and Staten Island—commented that the CBD Tolling Program would be unfair to them, because they have few public transportation options to the Manhattan CBD. Residents of those areas, like residents of other areas throughout the New York metropolitan region, do have the option of driving to a public transportation hub so that they can complete their trip by transit. As further detailed in response to **Comment 4** and as specified in the Traffic Mobility Act, the revenue from the CBD Tolling Program would be allocated as follows: 1) 80 percent to New York City subways and buses (New York City Transit, Staten Island Rapid Transit Operating Authority, and MTA Bus Company); 2) 10 percent to Metro-North Railroad; and 3) 10 percent to Long Island Rail Road.

The CBD Tolling Program would improve travel conditions in Manhattan for all travelers to the Manhattan CBD by reducing peak-hour traffic entering and leaving the CBD. All vehicle operators in Manhattan would benefit from reduced travel times and reduced fuel consumption, which includes Rockland, New Jersey, and Staten Island drivers who visit and work in New York. Revenues invested in maintaining and enhancing NYCT buses and subways would also benefit those from Rockland, New Jersey, and Staten Island traveling throughout New York City via public transit.

The EA provides more information on the effects of the CBD Tolling Alternative on people who currently drive to the Manhattan CBD in **Subchapter 5A, “Social Conditions: Population Characteristics and Community Cohesion.”** In addition, **Chapter 6, “Economic Conditions,”** evaluates the effects of the Project on people who drive to the Manhattan CBD for work. At this time, the actual toll schedule, including exemptions, discounts, and crossing credits, has not been finalized (see response to **Comment 18**).

Comment 24: Is MTA improving its transit system before implementing the CBD Tolling Program?

MTA regularly makes improvements to its transit system, including both capital improvements and ongoing operational improvements, as described below. The response to **Comment 25** provides additional information on initiatives MTA is taking to improve safety in its system.

CAPITAL IMPROVEMENTS

Beginning in 2017, MTA's operating agencies engaged in projects to address some of the root causes of declining service and implemented improvements to commuter rail and subway infrastructure. As documented in MTA's 2020–2024 Capital Program, these projects resulted in substantial reductions in delay and improvements in on-time performance. Notwithstanding these improvements, elements of MTA's commuter rail and subway system are more than 100 years old, and essential capital needs remain to ensure a state of good repair and to bring MTA's transit and rail assets into the 21st century. The MTA 2020–2024 Capital Program calls for extensive improvements throughout the MTA integrated transportation network.

MTA continues to make multi-million-dollar investments to expand and improve its system. These include the East Side Access Project to add Long Island Rail Road service to East Midtown in the Manhattan CBD, the construction of a third track on the Long Island Rail Road mainline between Floral Park and Hicksville, the introduction of Metro-North Railroad service to Penn Station via the Hell Gate Bridge with four new stations in the Bronx as part of Penn Station Access, the ongoing construction of the Second Avenue Subway, which will soon include three new stations in the East Harlem neighborhood of Manhattan, and proposals to renovate and expand Penn Station. When these projects are complete, MTA will substantially increase Long Island Rail Road service to Manhattan, provide new Metro-North Railroad service in areas not currently served by passenger rail, and substantially expand subway service available in East Harlem.

Projects are under way to address aging infrastructure, improve accessibility, and expand the system. MTA has an ongoing program to procure new commuter rail and subway cars as well as buses, including electric vehicles. MTA's station renewal program has and continues to carry over multiple capital programs to modernize commuter rail and subway stations throughout its network, addressing maintenance issues, improving communications technologies, addressing areas prone to crowding, and improving the overall passenger experience. MTA's Capital Program also addresses projects in its yards and depots to help maintain its fleet in good operating condition. Signal improvement projects, including Positive Train Control and Communications Based Train Control, would allow for faster, safer, and more reliable operations for commuter rail and subways.

MTA is working to increase ADA accessibility throughout its transit system. The MTA's 2020–2024 Capital Program has dedicated \$5.2 billion to making stations newly ADA-accessible and almost \$600 million to upgrading elevators to improve reliability. When these projects are finished, subway riders will never be more than two stops away from an accessible station. As of February 2023, 99 subway stations and 5 Staten Island Railway stations are fully ADA-accessible and another 15 subway stations are partially ADA-accessible.

Since 2020, MTA has improved 14 subway stations to make them ADA-accessible:

- 1 Ave (L)
- 59 St (N/R)
- 86 St (R)

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- 170 St (4)
- Astoria Blvd (N/W)
- Ave H (Q)
- Bedford Ave (L)
- Bedford Park Blvd (B/D)
- Canarsie–Rockaway Pkwy (L)
- Chambers St (J/Z)
- Eastern Pkwy–Brooklyn Museum (2/3)
- Greenpoint Ave (G)
- Gun Hill Rd (5)
- Times Square Shuttle (S)

At these stations, MTA installed ADA-accessible elevators and, when not already present, tactile warning strips, automatic gates, and other ADA-accessible features.

MTA is committed to an ongoing program to upgrade subway stations to make them ADA accessible. The 2020–2024 Capital Program includes ADA upgrades at an additional 70 stations, and work is currently under way on additional station projects in every borough. A list of these station upgrade projects is available on MTA’s website (<https://new.mta.info/accessibility/travel/subway>).

As part of MTA’s ongoing initiative to achieve systemwide accessibility, MTA and the New York City Department of City Planning are collaborating through a recently enacted citywide revision to the city’s zoning regulations, “Zoning for Accessibility,” that provides incentives for private property owners to provide space in their development projects for elevators or other station access points. In addition, some station improvements will be completed through the Rapid Station Accessibility Upgrade program. MTA will work with a private partner who will be responsible for completing the work more quickly and at a lower cost than MTA. These partners will also be required to maintain the elevators for 15 years.

Existing funding sources are insufficient to fully implement the MTA 2020–2024 Capital Program and subsequent capital programs that are needed for subway, bus, and commuter rail services. The New York State Legislature passed the Traffic Mobility Act to provide stable and reliable funding to repair and revitalize the regional transit system. Consequently, providing that reliable funding source is a principal component of the purpose for the CBD Tolling Program. MTA cannot make all planned improvements to the subway system prior to implementation of the CBD Tolling Program because adequate funding is not available.

OPERATIONAL IMPROVEMENTS

MTA routinely evaluates its service plan and makes adjustments to accommodate changes in demand. MTA adjusts its commuter rail, subway, and bus schedules, as needed, multiple times per year.

MTA is undertaking a comprehensive evaluation of its bus network. MTA is coordinating with the City of New York to fulfill Mayor Eric Adams’ promised 150 miles of new bus lanes and busways. MTA is also

working to expand the use of automated cameras to keep these corridors clear of private cars and delivery trucks, which cause delays. By implementing transit signal priority, a technology which can advance or extend the green phase of a traffic signal to allow a bus to continue through, MTA can reduce the time buses spend sitting at red lights.

MTA is also preparing studies of the bus networks in each borough to evaluate the efficiency of current routes. The studies recommend network improvements to decrease travel times and make trips simpler for customers; improve connections between and within boroughs, increase frequencies to provide an all-day network to meet customer needs, and to balance stop spacing to speed up buses and improve reliability. As part of this initiative, MTA has implemented bus network redesign programs in Staten Island and the Bronx and is currently planning the programs for Queens and Brooklyn. Since implementation of the redesigns, bus speeds in Staten Island have increased by 5 percent on weekdays overall, with the AM peak weekdays speeds 9 percent faster. And on Bronx bus routes speeds are now the highest in the system, outperforming the systemwide average by 7 percent. Not only are customers reporting satisfaction with these changes, but the routes are also attracting new riders, with increased ridership on many of the changed routes.²⁰ MTA is also working with NYCDOT to implement Bus Priority Projects on targeted corridors to maximize the travel time savings and improve the quality of service for customers.

Comment 25: What is MTA doing to improve safety in its system?

Safety and security are a priority for MTA and transit remains one of the safest ways to get around New York City. In 2021, subway ridership totaled 760 million and bus ridership totaled 312 million, nearly 1.1 billion total. During that same period, there were 1,778 major felonies reported, or 0.0002 percent of total ridership. Nearly three-quarters (73 percent) of these were due to robberies (529), grand larceny (766), or burglaries (6).

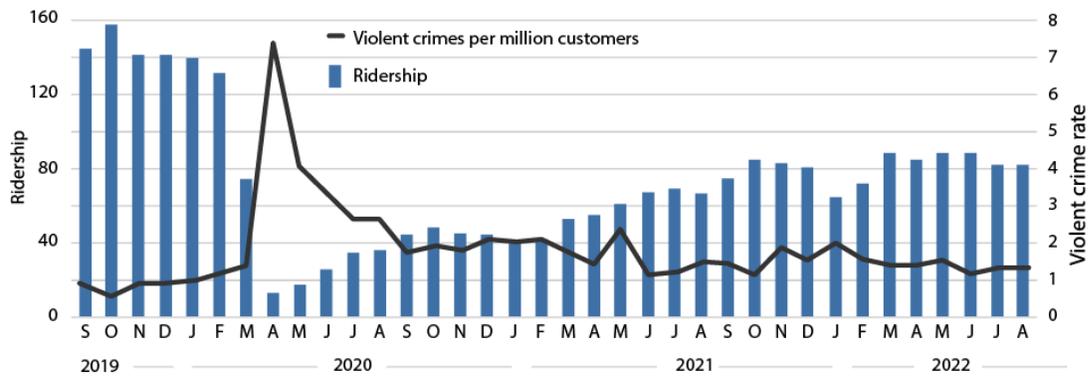
As of September 2022, customer assaults have been trending down and enforcement activity by the New York City Police Department (NYPD) has been increasing. **Figure 18A-1** illustrates recent trends in crime in the subway system and enforcement by NYPD.

²⁰ MTA NYCT analysis, 2022.

Figure 18A-1. Trends in Subway Crime and NYPD Enforcement, Pre-COVID vs. Post-COVID

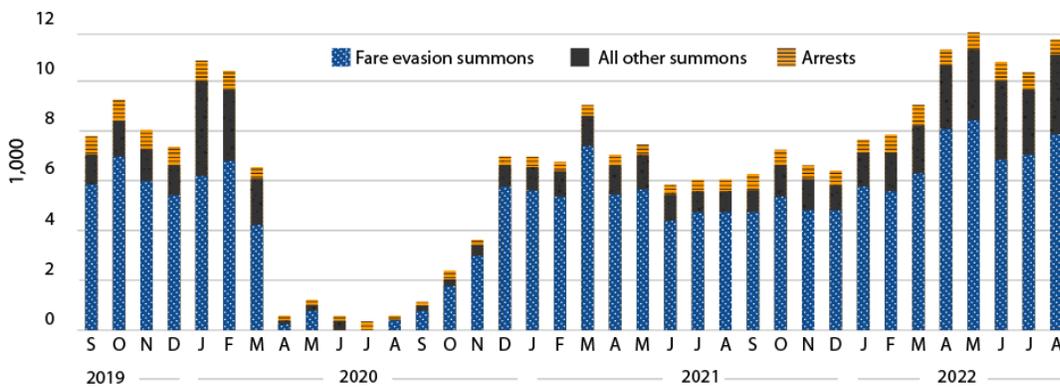
Violent Crimes Against Subway Customers

The rate of all major felonies (murder, rape, robbery, felony assault, grand larceny) against subway customers



NYPD Summonses & Arrests

The number of summonses issued for fare evasion (TABs + criminal); numbers of summonses issued for other infractions; and number of arrests made by NYPD



Moving forward, a number of initiatives are being undertaken in partnership with New York City Transit (NYCT) and NYPD. Among them:

- In September 2022, Governor Hochul announced that surveillance cameras would be installed in all subway cars.
- NYCT is actively adding additional cameras to the 10,000 already in place in subway stations, to further enhance coverage.
- NYPD uniformed train patrols are providing enhanced police presence, and communicating with train conductors and bus operators so that riders know police are present.
- MTA is engaged in discussions with District Attorneys across the city with the goal of achieving substantive outcomes from the arrests of recidivists and those committing sex crimes or employee assaults.

- MTA is launching a new initiative called “Cops, Cameras and Care,” which involves adding MTA and state police officers, more cameras, and re-training mental health clinicians to treat those suffering from mental illness including in-patient and out-patient treatment.
- Instituting transit bans to ban criminals from the transit system.

From January 2022 through September 2022, the following crime reductions took place:

- Major index crimes per rider down by 36 percent
- Track trespassing incidents down by 59 percent
- Vandalism down by 32 percent
- Homeless and quality of life issues at Penn Station down by 78 percent

In addition, for the first time in its history, NYCT is undertaking a monthly customer satisfaction survey, which includes questions related to personal safety and security, as well as cleanliness and other matters. Further, NYCT is also committed to more regular analysis of and reporting on performance metrics. As part of this, the NYCT Department of Buses is beginning a Surface Operations Analytics Review team and the Department of Subways has convened Subway Operations Analytics Review meetings; in both cases, these forums are used for leaders to closely investigate performance and customer satisfaction results by specific bus route or subway line or station.

Regarding safety as it relates to the health risks posed by COVID-19, MTA continues to follow Federal and state guidance developed by public health authorities. MTA continues to routinely clean and disinfect stations and vehicles, make masks and hand sanitizer available in stations, and remind customers and employees about precautions to keep everyone safe. Beginning September 7, 2022, the Federal mask mandate was lifted for public transit, making masks optional for customers on subways, buses, and commuter rail. MTA encourages riders to continue to wear masks, but it is optional to do so.

Comment 26: Can the region’s public transportation system accommodate increased ridership caused by this Project?

Yes, the region’s extensive public transportation system has the capacity to accommodate additional ridership that would occur as some people switch from automobile to public transportation with the new CBD toll. The Project Sponsors conducted a detailed analysis of the Project’s potential effects on the public transportation system using a regional travel demand model originally developed by NYMTC, the BPM, to identify how many people would shift from driving to public transportation as a result of the new toll and when and where those shifts would occur. The analysis considered the overall, regional effects of this shift to transit as well as the specific effects on line-haul (capacity) of particular routes and on specific station elements, such as individual stairs in subway stations.

The analysis of the Project’s potential effects on transit operations incorporated an analysis of existing conditions (the baseline for the analysis) that used ridership data from before the widespread closures, and subsequent decline in ridership, caused by the COVID-19 pandemic. Today, ridership levels have not fully

recovered to the pre-pandemic levels (see **Figures 18A-2, 18A-3, and 18A-4**). Using the higher pre-pandemic ridership numbers accounts for conditions that would occur in the future if traffic levels and transit ridership return to pre-COVID conditions. If that does not occur, then the use of pre-pandemic information for the baseline analysis result in predictions of larger negative effects as a result of the proposed CBD Tolling Alternative than would actually occur. See also the response to **Comment 8**.

As described in response to **Comment 24** and **Comment 25**, MTA is making substantial improvements to its public transportation network, which will continue in the future.

The EA included a detailed analysis of the potential effects of the CBD Tolling Alternative on the region's public transportation system in **Subchapter 4C, "Transportation: Transit."** That analysis evaluated how many new transit riders there would be, and how those new riders would affect each type of transit service, including overall capacity (also referred to as "line-haul" capacity) and operations at individual stations. These are discussed below.

EFFECTS ON TRANSIT RIDERSHIP AND LINE-HAUL CAPACITY

Overall, ridership on the extensive public transportation system linking the Manhattan CBD with the surrounding region would increase by 1 to 2 percent relative to the No Action Alternative. There is sufficient capacity throughout the system, including commuter rail, PATH rail, subway, and bus, to accommodate this increase in passengers. Prior to the COVID-19 pandemic, the share of Manhattan CBD-bound trips made via auto, taxi, van and truck had been steadily declining even while the total number of people entering the Manhattan CBD increased. As a result, subway and commuter rail crowding had increased over time, especially during peak periods, with average floor space per subway passenger declining by 0.9 feet over a 10-year period, and by 1.1 feet for passengers on the PATH system.²¹ Although the system can be very crowded at peak times (although that is less true today than prior to the pandemic), the analysis that the Project Sponsors conducted of the effects of the CBD Tolling Alternative concluded that there is sufficient capacity in the system to accommodate the predicted increase in ridership based on the pre-pandemic levels of crowding.

The CBD Tolling Alternative would not result in the overcrowding of commuter rail cars, subway cars, or buses such that additional trains or buses would be required to meet new demand. While there would be additional passengers using transit during peak AM and PM hours, there would be no adverse effect on system capacity for any of the public transportation modes. MTA routinely evaluates its service plan and makes adjustments to accommodate changes in demand. MTA adjusts its commuter rail, subway, and bus schedules, as needed, multiple times per year. (For more information, see **Sections 4C.4.2.3 and 4C.4.2.4 in Subchapter 4C** of the EA.)

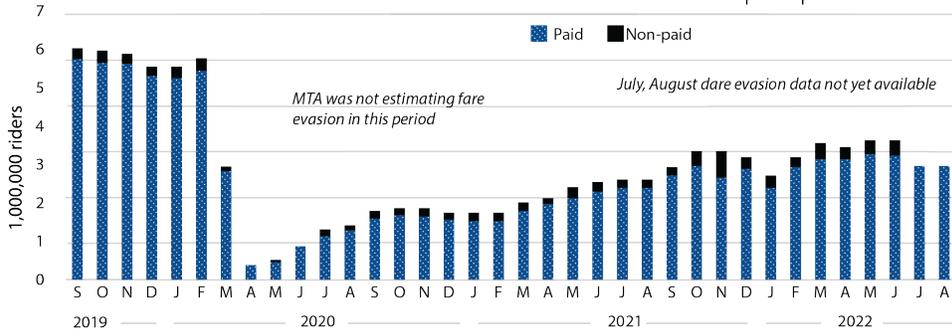
²¹ Table 1B and 8. 2019 Hub Bound Travel Data Report. NYMTC. Accessed 7 November 2023. <https://www.nymtc.org/Portals/0/Pdf/Hub%20Bound/2019%20Hub%20Bound/DM_TDS_Hub_Bound_Travel_2019.pdf?ver=GS5smEoyHSsHsyX_t_Zriw%3d%3d>

Figure 18A-2. Comparison of Transit Ridership, Pre-COVID vs. Post-COVID

Subway Ridership

The number of paying subway & SIR customers, and estimated number of non-paying customers, on an average weekday

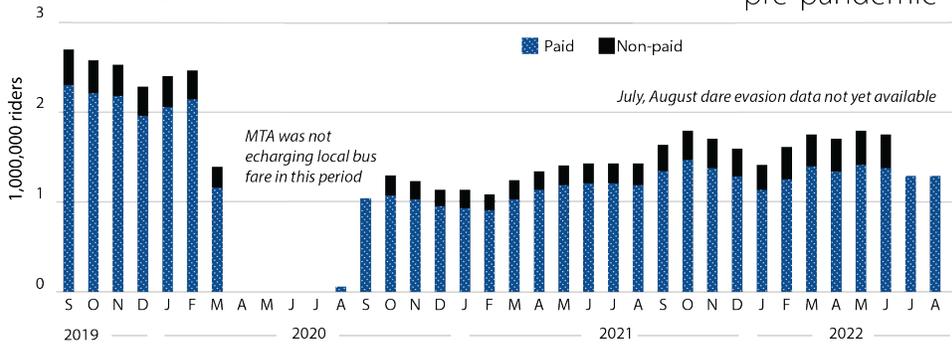
58%
pre-pandemic



Bus Ridership

The number of paying bus (NYCT and MTA) customers, on average on an average day

64%
pre-pandemic



Paratransit Ridership

The number of paying subway & SIR customers, and estimated number of non-paying customers, on an average weekday

81%
pre-pandemic

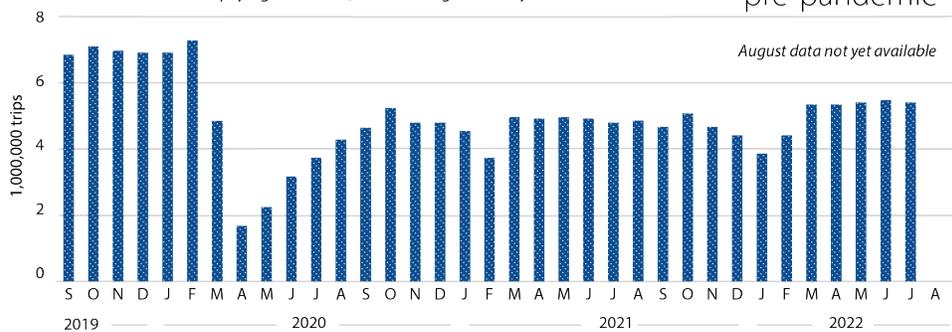


Figure 18A-3. Comparison of Long Island Rail Road Ridership, Pre-COVID vs. Post-COVID

Monthly Ridership

Estimated number of monthly trips taken, per million trips. Ridership is based on ticket sales data.

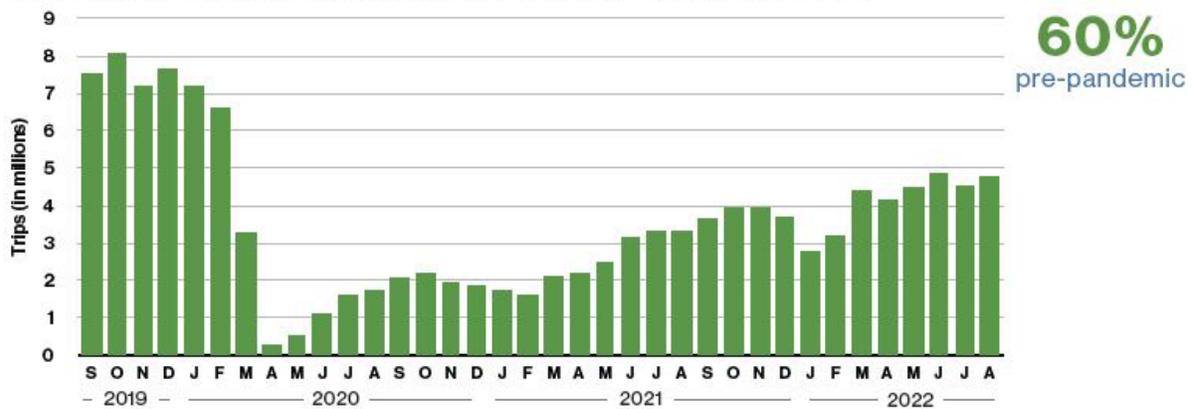
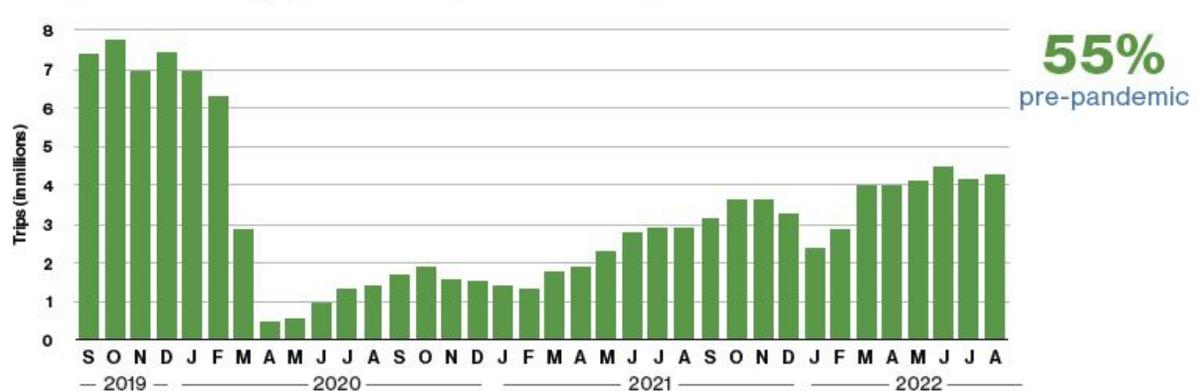


Figure 18A-4. Comparison of Metro-North Railroad Ridership, Pre-COVID vs. Post-COVID

Monthly Ridership

Estimated number of monthly trips taken. Ridership is based on ticket sales data.



EFFECTS ON OPERATIONS IN SUBWAY AND PATH STATIONS

As noted above, during peak periods, the region’s public transportation system can be crowded, and individual subway and PATH stations can have high volumes of passengers, although those volumes are now lower than they were prior to COVID-19. The detailed analysis the Project Sponsors conducted concluded that even assuming pre-pandemic ridership levels, transit stations throughout the regional public transportation system have adequate capacity to accommodate the projected increase in passengers as people switch from automobile to transit to avoid the new toll. The detailed analysis showed that the CBD Tolling Alternative could have adverse effects on vertical circulation elements (i.e., stairs and escalators) within four MTA NYCT subway stations in New York City and the PATH/NJ TRANSIT rail terminal in Hoboken, New Jersey during peak periods. At these stations, the Project Sponsors would implement measures to mitigate the effects on these vertical circulation elements. These affected stations, the specific

location within the station where the adverse effect would occur, and the proposed mitigation measures are as follows:

- 42nd Street-Times Square subway station (Manhattan), Stair ML6/ML8 connecting mezzanine to uptown Nos. 1/2/3 subway lines platform (all tolling scenarios): TBTA would coordinate with MTA NYCT to implement a monitoring plan for this location. The plan would identify a baseline, specific timing, and a threshold for additional action. If that threshold is reached, TBTA would coordinate with MTA NYCT to remove the center handrail and standardize the riser, so that the stair meets code without the hand rail. The threshold would be set to allow for sufficient time to implement the mitigation so that the adverse effect does not occur.
- Flushing-Main Street subway station (Queens), Escalator E456 connecting street to mezzanine level (all tolling scenarios): TBTA would coordinate with MTA NYCT to implement a monitoring plan for this location. The plan would identify a baseline, specific timing, and a threshold for additional action. If that threshold is reached, MTA NYCT would increase the speed of the escalator from 100 feet per minute (fpm) to 120 fpm.
- Union Square subway station (Manhattan), Escalator E219 connecting the L subway line platform to the Nos. 4/5/6 subway line mezzanine (all tolling scenarios): TBTA would coordinate with MTA NYCT to implement a monitoring plan for this location. The plan would identify a baseline, specific timing, and a threshold for additional action. If that threshold is reached, MTA NYCT would increase the escalator speed from 100 fpm to 120 fpm.
- Court Sq subway station (Queens)—Stair P2/P4 to Manhattan-bound No. 7 subway line (all tolling scenarios): TBTA would coordinate with MTA NYCT to implement a monitoring plan for this location. The plan would identify a baseline, specific timing, and a threshold for additional action. If that threshold is reached, TBTA would coordinate with MTA NYCT to construct a new stair from the northern end of the No. 7 platform to the street. The threshold would be set to allow for sufficient time to implement the mitigation so that the adverse effect does not occur.
- PATH Hoboken Station (New Jersey), Stair 01/02 (Tolling Scenarios E and F): TBTA would coordinate with NJ TRANSIT and PANYNJ to monitor pedestrian volumes on Stair 01/02 one month prior to commencing tolling operations to establish a baseline, and two months after Project operations begin. If a comparison of Stair 01/02 passenger volumes before and after implementation shows an incremental change that is greater than or equal to 205, then TBTA would coordinate with NJ TRANSIT and PANYNJ to implement improved signage and wayfinding to divert some people from Stair 01/02, and supplemental personnel if needed.

The EA includes an evaluation of the CBD Tolling Alternative’s potential effects on public transportation in **Subchapter 4C, “Transportation: Transit.”**

Comment 27: How will this Project affect middle-income drivers?

The CBD Tolling Alternative would increase costs for all motorists, at all income levels, who would continue to drive to the Manhattan CBD, unless they are eligible for an exemption. How much those costs would increase would depend on the actual tolling structure.

All areas of New York City outside the Manhattan CBD have transit access to the Manhattan CBD and would not be isolated from community services or ties within the Manhattan CBD. Even with the robust transit accessibility between the Manhattan CBD, New York City, and the regional study area, however, some people would continue to drive to the Manhattan CBD with the new CBD toll in place. The total trip costs incurred by individuals driving to the Manhattan CBD would vary widely, depending on individual circumstances (including route choice and whether other, non-CBD tolls are paid) and the specific tolling scenario (including exemptions and crossing credits). Driving to and from the Manhattan CBD is already expensive given the very limited availability of free or low-cost parking and the cost of off-street parking or taxi/FHV fares, and it is likely that people who drive regularly have higher incomes. Individuals who drive less frequently would incur lower costs because they would pay the toll less often; those who make trips during off-peak periods would benefit from lower off-peak tolls. Since the majority of trips to and from the Manhattan CBD are made by transit, most people would not be affected.

More specific information that illustrates this discussion is provided in the EA in **Subchapter 5A, “Social Conditions: Population Characteristics and Community Cohesion,”** and **Chapter 6, “Economic Conditions.”** **Subchapter 5A (Section 5A.4.2.5)** shows the potential change in work trips in the regional study area and the Manhattan CBD by all modes. The number of work journeys by driving modes to and within the Manhattan CBD would decrease by 4 to 10 percent (or 11,800 to 27,000 fewer driving journeys), depending on the tolling scenario (see **Table 6-23** in **Chapter 6**). Many of those people would instead switch to transit. Most workers, particularly those coming from other areas of New York City, would have transit access to the Manhattan CBD, but they might choose to drive despite the CBD toll (for example, because they value the travel-time savings and convenience of driving, or they have work hours that are less conducive for transit). People who do not want to pay the toll or use transit may seek employment elsewhere outside the Manhattan CBD but within the regional study area (see **Table 5A-9**). The total number of work journeys to the Manhattan CBD for all travel modes would decrease from some locations and increase from other locations, which suggests that the CBD Tolling Alternative would result in small shifts in employment patterns (i.e., generally a change of 2 percent or less as shown in **Table 5A-7**).

The CBD Tolling Alternative would also result in beneficial effects for people who continue to drive, as a result of the overall reduction in VMT in the region and enhanced mobility that would result from reduced congestion. The Project would address the demonstrated need to reduce vehicle congestion in the Manhattan CBD, which would benefit all drivers traveling to and near the Manhattan CBD, especially those who value their travel-time savings more than the toll cost. The reduced congestion would produce other related benefits in the Manhattan CBD, including travel-time savings, improved travel-time reliability, reduced vehicle operating costs, improved safety for vehicles, pedestrians, and bicyclists, and improved air

quality in the Manhattan CBD and regionwide. For some drivers, this would potentially offset the negative effect of increasing the cost of driving to the Manhattan CBD.

Some commenters stated that the proposed CBD toll would in effect be a new tax. However, unlike a new tax, the proposed CBD toll would not apply to everyone. Rather, it would only apply to people who drive into the Manhattan CBD, and only when they drive there. Transit riders already have a cost associated with their travel to the Manhattan CBD since they must pay a fare to use the service, but these costs are not currently paid by drivers using certain routes. A toll to enter the Manhattan CBD for drivers is like the user fee (fare) paid by transit riders.

Subchapter 5A, “Social Conditions: Population Characteristics and Community Cohesion,” of the EA evaluates the potential effects of the new toll on community cohesion, community facilities and services, and access to employment.

Comment 28: Will the CBD Tolling Program cause residents to relocate outside of the Manhattan CBD or the region?

The Project Sponsors do not anticipate that introduction of the new CBD toll would cause residents to relocate outside of the Manhattan CBD. Indirect residential displacement occurs when a change in socioeconomic conditions resulting from a project leads to conditions that require residents to move, such as increased rents or other increases in the cost of living. Implementing the London Congestion Charge (LCC) improved traffic conditions and increased property values in the charge area relative to areas outside the zone. A study of the LCC concluded that new homeowners were willing to pay, on average, 3.6 percent more for homes within the zone to benefit from better air quality and safer roads.²² Hence, while the Project could result in some residents relocating outside the Manhattan CBD due to increasing property values or rents, the benefits of a less congested and improved living environment may also play a role in encouraging residents to remain within the Manhattan CBD.

The Project Sponsors conducted an analysis of this issue for the EA, which concluded the following:

- The majority of Manhattan CBD residents use public transportation rather than a private vehicle to travel to and from the Manhattan CBD. Approximately 80 percent of the households in the Manhattan CBD do not own a vehicle.
- Certain residents of the Manhattan CBD who do drive and would therefore pay the new toll would be entitled to a New York State tax credit to offset their toll.
- Many factors influence a household’s decision about where to live, and each household seeking to avoid the toll would undertake its own decision-making process. It is unlikely that the toll would outweigh the other factors that influence a household’s decision on where to live such that it would result in indirect residential displacement.

²² A study of conditions in London found that reductions in traffic in the congestion zone increased residential sales prices in the congestion zone. Tang, Cheng Keat. 2018. “Essays in the economics of transportation, housing and discrimination.” PhD thesis, The London School of Economics and Political Science. etheses.lse.ac.uk/3797/.

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- The real estate market is complex and influenced by many factors, and the new toll could make Manhattan CBD real estate more attractive for some, and less attractive for others. A reliable and comprehensive public transportation system could also make surrounding areas near the Manhattan CBD more appealing to many people. Any changes in residential patterns related to residents moving closer to transit would be broadly distributed throughout the regional study area because of the variety of factors influencing a household's decision about where to live. Therefore, no particular area would likely see a significant inflow or outflow of new residents seeking to avoid the toll. The CBD Tolling Alternative would be unlikely to result in notable relocation due to changes in real estate market conditions.

Nonetheless, it is conceivable that some individuals who regularly drive to and from the Manhattan CBD might relocate to avoid the toll. The EA includes an evaluation of these factors in **Subchapter 5A, "Social Conditions: Population Characteristics and Community Cohesion."**

For more information, see **Subchapter 5A, "Social Conditions: Population Characteristics and Community Cohesion,"** of the EA.

Comment 29: What are the potential effects of the Project to elderly populations?

There are various reasons that elderly people drive to the Manhattan CBD, including trips to work, trips to shop, dine, or attend a performance, trips to visit friends or family, and trips to community facilities, including medical appointments. There is a transit option for reaching most destinations within the Manhattan CBD, including local buses that stop within a block or two of most destinations. People over the age of 65 or with a qualifying disability receive a reduced fare on MTA subways and buses, and elderly individuals with a qualifying disability can also receive MTA's paratransit service, including taxis and FHV's operating on behalf of MTA to transport paratransit users. For more information on MTA's paratransit service, see the response to **Comment 19**. Elderly people who drive to or from the Manhattan CBD and are low-income would be entitled to the same mitigation measures and enhancements proposed for all low-income populations with the CBD Tolling Alternative (see response to **Comment 37**). Other elderly individuals who drive to the Manhattan CBD would pay the full toll.

Elderly drivers would benefit from reduced traffic congestion in the Manhattan CBD, which would improve travel times and the reliability of their vehicle trips. Elderly bus riders would benefit from the travel-time and reliability improvements to bus service with the CBD Tolling Alternative.

For more information regarding the analysis of the Project's effects on elderly people, see the EA, **Subchapter 5A, "Social Conditions: Population Characteristics and Community Cohesion."**

Comment 30: Why should patients from regional locations and other locations in New York City have to pay to enter the Manhattan CBD for medical appointments?

Some people who currently drive to the Manhattan CBD for medical services may seek alternative locations outside the Manhattan CBD if they do not want to pay the toll. While there are many hospitals, clinics, and medical specialists within the Manhattan CBD, there are also service providers located outside the

Manhattan CBD, including prominent research hospitals such as Mount Sinai, Memorial-Sloan Kettering Cancer Center, and New York Presbyterian Hospital. Also, many doctors have office locations both within and outside the Manhattan CBD. Some people living outside the Manhattan CBD may not have or want to seek an alternative provider outside the Manhattan CBD and would be subject to the toll if they drive to their appointments. Similarly, some residents within the Manhattan CBD may need to travel to medical appointments outside of the Manhattan CBD and would be subject to the toll. At this time, the actual toll schedule, including exemptions, discounts, and crossing credits, has not been finalized (see response to **Comment 18**).

It is noted that many trips to medical facilities are taken by taxis, and the EA includes Tolling Scenarios C and E where taxis are exempt such that there would be no cost passed on to patients taking these modes. Furthermore, there are numerous programs that offer free or discounted transportation for medical travel that can be used to access medical providers in the Manhattan CBD at low or no cost. Many of these programs are specifically for those who are low-income, enrollees in Medicaid and Medicare plans, veterans, and persons with developmental disabilities. For example, Medicaid Transportation–NEMT (Non-Emergency Medical Transportation) provides free transportation services to patients and healthcare customers who need assistance getting to and from medical appointments. Servicers then submit transportation expenses, including tolls, for reimbursement. Further, Medicare recipients in the New York metropolitan area can apply for Age Well New York Advantage plus, where Medicare/Medicaid pays for transportation by ambulance, ambulate, taxi/livery service, or public transit. Another service is Lyft Pass for Healthcare, whereby nine of the largest healthcare system NEMT brokers provide transportation to their patients to get to healthcare appointments by using the Lyft app. These are just three examples of many services currently offered to qualifying individuals, which they can continue to use if the Project is implemented.

Transit also remains an option for travel to medical appointments and Reduced Fare MetroCards are available to those who are age 65 and above or have qualifying disabilities. NYCT Access-A-Ride also provides transportation for eligible customers with disabilities that prevent them from using buses and subways. Personal care attendants (PCA) are also eligible to ride MTA buses, subways, and rail roads for free when accompanying a person carrying an Access-A-Ride MetroCard with the PCA designation. One of the main aims of the Project is to reduce congestion, which in turn could make these trips faster and more reliable for those who drive, or use Access-A-Ride or transit to seek medical care.

Finally, the Internal Revenue Service allows for medical tax deductions to the extent that they exceed 7.5 percent of the adjusted gross income of those filing their taxes. This includes a host of travel expenses, including but not limited to vehicle expenses including tolls.

Subchapter 5A, “Social Conditions: Population Characteristics and Community Cohesion,” of the EA discusses the effects of the CBD Tolling Alternative on people who drive to medical appointments in the Manhattan CBD.

Comment 31: How will the CBD Tolling Program affect businesses and the economy?

Commenters expressed concern that the CBD Tolling Program would adversely affect economic conditions in the Manhattan CBD and potentially New York City. The following paragraphs describe the effects of the CBD Tolling Alternative on businesses and the economy from the perspective of employees, businesses, and specific industries. More information about this topic is available in the EA in **Chapter 6, “Economic Conditions.”**

ACCESS TO EMPLOYMENT

Given the highly transit-accessible nature of the Manhattan CBD, the Project’s toll on auto commuters would directly affect a relatively small percentage of the overall workforce. Approximately 11.3 percent of Manhattan CBD jobs are held by workers who use cars to travel to work, and most of those employees do not work in areas far from transit or at jobs dependent on automobiles. Approximately 99 percent of Manhattan CBD workers—and approximately 99 percent of the subset who commute from outside the Manhattan CBD—work within 1/2 mile of a subway station or SBS stop within the Manhattan CBD. In terms of those commuting from within the Manhattan CBD, a vast majority utilize public transportation or have close access to public transportation at their workplace. Approximately 14.5 percent of workers who live in the Manhattan CBD and work outside the Manhattan CBD drive to their jobs. Of those people, approximately 90.0 percent are traveling to jobs in New York City that are within 1/2 mile of public transportation (subway, railroad, or express or SBS bus stop).

Census data indicates that in the aggregate, there are no industry or occupational categories within the Manhattan CBD for which commuters have a greater propensity or need to commute by auto. While there are higher rates of auto commuting for specific industries and occupations within certain locations in the Manhattan CBD, the total numbers of employees working at those locations do not constitute a substantial percentage of the total workforce for any industry or occupation within the Manhattan CBD or broader regional study area. The tendency for these workers to commute by auto appears related more to distance from transit and/or availability of free parking than to needs of their occupations or industries. There are certain workers who commute by auto due to a need to transport job-related specialized equipment (e.g., HVAC specialists, construction contractors, musicians) or whose work is driving (e.g., taxi and FHV drivers, delivery workers, or couriers). Some of these drivers would benefit from time savings due to faster travel times that result from reduced congestion (either by allowing them to be more productive or allowing them to have more downtime that would otherwise have been spent in traffic). For these individuals, the time savings could be perceived as an off-set to the toll increase. For others, especially those who work during off-peak hours, lower overnight tolls would be beneficial. For additional information, see responses to **Comment 18** and **Comment 39**.

EFFECTS ON SPECIFIC INDUSTRIES

At a regional level, the CBD Tolling Alternative would not substantively alter one or more of the underlying forces that shape real estate market conditions, and therefore would not be likely to result in the involuntary displacement of residents, businesses, or employees.

No specific industry or business type would be adversely affected by the new toll. There is already a high cost associated with locating in or travel to the Manhattan CBD, and the toll cost would not meaningfully change the competitiveness or attractiveness of doing business in the Manhattan CBD. Businesses, like workers and residents, are adversely affected by congestion and the cost and inefficiencies that result. A study conducted for Partnership for New York City found that traffic congestion in the New York metropolitan area has a \$20 billion annual cost, including more than \$9 billion in travel-time costs and nearly \$6 billion in industry revenue losses.²³ Congestion pricing benefits drivers and businesses by reducing delays and stress, by increasing the predictability of trip times, and by allowing for more deliveries per hour for businesses.²⁴ More reliable and productive workforce as well as improved ability to schedule and complete deliveries could have beneficial impacts on businesses in the Manhattan CBD. If the Project is approved, the Project Sponsors will collect and evaluate data related to these potential benefits as part of the ongoing monitoring of the Project (described in **Chapter 16, “Summary of Effects”**) once it is in operation. This will include truck speeds and traffic flows, truck crashes (fewer crashes may signal more optimal goods movement), and tonnage and commodity flows (which may be a signal of productivity) to the extent practicable as data becomes available. A formal report on the effects of the Project will be issued one year after implementation and every two years thereafter. In addition, a reporting website will make data, analysis, and visualizations available in open data format to the greatest extent practicable.

The analysis in **Chapter 6 (Section 6.3.2.5)** of the EA considered the potential effects of the CBD Tolling Alternative on consumer spending at businesses and tourist areas in the Manhattan CBD. As discussed in the EA, a vast majority of non-work-related journeys to the Manhattan CBD, which include journeys for activities such as dining and entertainment, are conducted by modes other than auto. With the CBD Tolling Alternative, the transportation modeling conducted for the Project indicates that some non-work-related journeys to the Manhattan CBD by auto would continue (with potential reductions in some discretionary expenditures to compensate for the toll cost) and some would transition to public transit, such that there would be a small net change (less than 1 percent) in non-work-related journeys to the Manhattan CBD (see **Table 6-28** and **Table 6-29** in **Chapter 6**). Therefore, a reduction in non-work journeys to the Manhattan CBD would not be expected to substantively alter expenditures within any particular industry or category of consumer expenditures, such as dining at restaurants.

The tourism industry in the Manhattan CBD is not dependent on travel by personal vehicles or taxis/FHVs, because the Manhattan CBD and tourist destinations within it are very well-served by public transit. Travel writing on New York City frequently cites transit, especially the New York City subway system, as the most convenient way to get around New York City.²⁵ This is supported by a 2014 travel survey of visitors to the Empire State Building observation deck, a notable tourist attraction, which found that approximately 4 percent of the visitors arrived by private auto or taxi, and the remainder traveled by transit, walk, or tour

²³ Partnership for New York, January 2018. *\$100 Billion Cost of Traffic Congestion in Metro New York*. <https://pfnyc.org/wp-content/uploads/2020/01/2018-01-Congestion-Pricing.pdf>. The study defined the New York metropolitan area as including New York City, Westchester, Putnam, and Rockland Counties, and northern New Jersey.

²⁴ U.S. Department of Transportation Federal Highway Administration, October 2008. *Congestion Pricing: A Primer Overview*. <https://ops.fhwa.dot.gov/publications/fhwahop08039/fhwahop08039.pdf>.

²⁵ <https://www.nycgo.com/plan-your-trip/basic-information/transportation-in-nyc/getting-around>.

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bus modes.²⁶ Studies have identified investments in mass transit as important to supporting the health and growth of New York City’s tourism industry, both before²⁷ and after²⁸ the COVID-19 pandemic. Furthermore, traffic congestion within the Manhattan CBD, which leads to low travel speeds and unreliable travel times, can contribute to a poor-quality experience for tourists.

Visitors from the surrounding region (i.e., New York, New Jersey, Connecticut, and Pennsylvania) often travel to New York City by rail transit rather than by automobile,²⁹ and for those that drive to the city, it is likely that many park their vehicles and shift to transit for travel within the city. Furthermore, driving to and from the Manhattan CBD is already expensive given the very limited availability of free or low-cost parking and the cost of taxi/FHV fares, and it is likely that tourists who drive have higher incomes. For these individuals, the additional cost of the toll may reduce their discretionary expenditures slightly or incentivize them to choose other modes of transportation during their visit but would be unlikely to cause them to forego a visit to the Manhattan CBD.

Tourist visitation data from London, England, and Stockholm, Sweden, indicates that the number of tourists visiting these cities continued to grow following the implementation of congestion-based pricing programs in 2003 and 2007, respectively. In London, the number of visiting tourists increased from 11 million in 2002 to more than 19 million in 2016. In Stockholm, the number of commercial overnight stays increased by approximately 60 percent from 2008 to 2019. These data suggest that congestion-based pricing schemes did not adversely affect the tourism industries of these cities. In addition, in the central London charging zone, the hotel and restaurant sectors (both of which are dependent on tourism) registered stronger business performance since the introduction of charging, with consistent growth in employment and the numbers of businesses.³⁰

Overall, these data support the EA conclusion that the CBD Tolling Alternative would not be expected to substantively alter expenditures within any particular industry, including the tourism industry, restaurants, and Broadway. For more information, see EA **Chapter 6, “Economic Conditions,” Section 6.3.2.5.**

Refer to response to **Comment 34** for information about potential effects on the parking industry and response to **Comment 38** about potential effects on the taxi/FHV industry.

EFFECTS ON SMALL BUSINESSES

In New York State, a small business is defined as one that has fewer than 100 employees and is independently owned and operated, as defined in Section 131 of the New York State’s Economic Development Law. There are approximately 77,121 businesses in the Manhattan CBD. Most of these

²⁶ Vanderbilt Corridor and One Vanderbilt Final Environmental Impact Statement. March 2015. https://www1.nyc.gov/assets/planning/download/pdf/applicants/env-review/vanderbilt/10_feis.pdf. pg 10-7.

²⁷ *Ibid.* pg 34.

²⁸ Office of the New York State Comptroller. *The Tourism Industry in New York City” Reigniting the Return*. April 2021. Available: <https://www.osc.state.ny.us/files/reports/osdc/pdf/report-2-2022.pdf>. pg 16.

²⁹ NYC and Co. <https://indd.adobe.com/view/e91e777a-c68b-4db1-a609-58664a52cffd>. pg 7.

³⁰ Transport for London, July 2007. *Central London Congestion Charging: Impacts Monitoring (Fifth Annual Report)*. <https://content.tfl.gov.uk/fifth-annual-impacts-monitoring-report-2007-07-07.pdf>.

businesses (approximately 91.0 percent) are small businesses, and a large majority of them (78.0 percent) are also considered micro-businesses (fewer than 20 employees). Given that 91 percent of the businesses in the Manhattan CBD are small businesses, the conclusions of the EA overall related to economic conditions apply to small businesses.

Small businesses with fewer than 20 employees would be more sensitive to goods delivery cost increases to the extent that they may result from the toll increases proposed under the CBD Tolling Alternative. **Chapter 6** of the EA presents an analysis of the CBD Tolling Alternative's potential to affect the price of goods in the Manhattan CBD, including the cost to smaller businesses such as local markets and delis. Small businesses that have a high rate of deliveries, and most specifically small retail businesses such as grocery stores, restaurants, and small market convenience stores, are dependent on frequent deliveries of smaller loads, and delivery of goods represent a higher portion of their operating costs. There are approximately 600 such businesses within the Manhattan CBD, representing slightly less than 1 percent (0.7 percent) of all businesses within the Manhattan CBD.

An analysis conducted within the LCC zone highlighted that the congestion charge is likely to have different effects across businesses, but no significant effect on total Central London retail sales. Additionally, a survey of 500 businesses conducted in early 2004 (about a year after the charge was introduced) found that 72 percent of respondents felt that congestion pricing was working (with 14 percent saying it was a failure), and 58 percent felt it improved London's image (with 15 percent saying it gave London a bad image to outsiders). Overall, a plurality of business respondents felt the impact on London's economy was neutral (32 percent), with equal numbers identifying positive and negative effects (26 percent).³¹

The analysis in the EA (see **Chapter 6, Section 6.3.2.2**) concludes that the incremental toll costs that are passed along to receiving businesses would be passed in a diluted fashion. Because shippers would allocate the toll costs among the multiple receivers on a journey (on average, shippers to destinations in New York City make 5.5 stops per journey³²), the toll cost passed on to each business would be much less than the toll itself.

Review of research on congestion-based pricing programs in Singapore; London, England; and Stockholm, Sweden found that these programs had not adversely affected retail markets. In Singapore, surveys suggested that the pricing did not change business conditions or location patterns, and that overall, the business community responded positively to the program.³³ In London, analyses and surveys indicate congestion pricing has neutral regional economic impacts: five years after the implementation of the central London congestion charging scheme, there was no measurable evidence of any differential impact of the pricing on business and economic activity at the aggregate level. Annual surveys suggest businesses in the priced zone have outperformed those outside, with retail businesses in the central London charging

³¹ Leape, Jonathan. 2006. "The London Congestion Charge." *Journal of Economic Perspectives*, 20 (4): 157-176. <https://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.20.4.157>.

³² Holguín-Veras, José, et al. September 2010. *Integrative Freight Demand Management in the New York City Metropolitan Area*. <http://www.nyc.gov/html/dot/downloads/pdf/ohd-final-report.pdf>.

³³ K.T. Analytics, Inc. August 2008. *Lessons Learned from International Experience in Congestion Pricing, Final Report*. https://ops.fhwa.dot.gov/publications/fhwahop08047/intl_cplessons.pdf.

zone outperforming retail businesses in inner and outer London in terms of sales, profitability, and employment growth.³⁴ In Stockholm, studies of retail markets did not reveal adverse effects resulting from congestion charges. A durables survey within shopping centers, malls, and department stores conducted during the Stockholm program's trial period found that these entities developed at the same rate as the rest of the country; the same was true for other retail sectors.³⁵

While it is important to acknowledge that the analysis in the EA concludes that increased cost to businesses could be passed on to customers, growing congestion and unreliability threatens productivity and, ultimately, the ability to deliver products within the Manhattan CBD. In addition, when timely deliveries cannot be relied on, small businesses must keep extra inventory on hand. This can be expensive and lead to increased operating costs, which too could be passed on to customers. Implementing the CBD Tolling Program to guarantee dependable traffic flow would provide delivery reliability, helping to keep businesses' operating costs stable. Consistent delivery times and lower operating costs would increase small business competitiveness within the Manhattan CBD economy. Notably, a study of the LCC showed that the hotel and restaurant sector within the zone registered stronger business performance with an average growth of 1 to 3 percent per year. The LCC zone has also generally outperformed other areas in London in terms of profitability.³⁶ Therefore, small businesses within the Manhattan CBD could experience positive growth with the introduction of the CBD Tolling Program.

In recognition of the concerns of small businesses on the effects of the Project, the Project Sponsors have committed to establishing a Small Business Working Group (SBWG) if the Project is approved. The purpose of this group will be to share information about implementation of the Project, findings from evaluating the effects of the Project, and to solicit ongoing input on whether and how businesses are being affected. The SBWG would meet 6 months prior to Project implementation, 6 months after the implementation, and annually thereafter. For further information see response to **Comment 39**.

For information on the effects of the CBD toll on the costs of goods and services in the Manhattan CBD, see the response to **Comment 32**.

Comment 32: How will the CBD Tolling Program affect the cost of goods and services?

Commenters are concerned that the new toll would result in higher delivery costs that would be passed on to consumers in the form of higher prices for goods and services in the Manhattan CBD. While the new CBD toll would increase the cost of truck deliveries to the Manhattan CBD for some shippers (because of the price of the new toll), it would reduce it for others (because of reduced operating costs due to decreased travel time during peak hours). As described in **Chapter 6, "Economic Conditions,"** 80 percent of the

³⁴ K.T. Analytics, Inc. August 2008. *Lessons Learned from International Experience in Congestion Pricing, Final Report* and Transport of London, July 2008, *Central London Congestion Charging Impacts Monitoring*. <https://content.tfl.gov.uk/central-london-congestion-charging-impacts-monitoring-sixth-annual-report.pdf>.

³⁵ Eliasson, Jonas, KTH Royal Institute of Technology, prepared for the Centre for Transport Studies Stockholm, July 2014. *The Stockholm Congestion Charges: An Overview*. <https://www.transportportal.se/swopec/cts2014-7.pdf>.

³⁶ Transport for London, July 2007. *Central London Congestion Charging: Impacts Monitoring (Fifth Annual Report)*. <https://content.tfl.gov.uk/fifth-annual-impacts-monitoring-report-2007-07-07.pdf>.

commercial activity conducted by trucks occurs during daylight hours between 7:00 a.m. and 7:00 p.m. Congestion within Midtown Manhattan impedes truck mobility during the day, with truck speeds dropping to 7 miles per hour, which is 50 percent slower than off-peak periods (between 7:00 p.m. and 7:00 a.m.). The specific change to the cost of a given truck delivery would vary greatly depending on the toll rate, whether there is a cap on the number of tolls per day, and the number of times a truck is detected entering or remaining in the Manhattan CBD.

Businesses in the Manhattan CBD that would be more likely to be affected by increased delivery costs associated with tolling increases are small businesses that have a high rate of deliveries, and most specifically small retail businesses such as grocery stores, restaurants, and small market convenience stores, since they are dependent on frequent deliveries of smaller loads and delivery of goods represent a higher portion of their operating costs. There are approximately 600 such businesses within the Manhattan CBD, representing slightly less than 1 percent (0.7 percent) of all businesses within the Manhattan CBD.

The analysis in **Chapter 6** concludes that the incremental toll costs that are passed along to receiving businesses would be passed on in a diluted fashion, because shippers would allocate the toll costs among the multiple receivers on a journey (within New York City, averaging 5.5 stops per journey).³⁷ While small retail businesses may receive more frequent deliveries, shippers to small retail stores typically make many stops and consequently would share toll costs among those multiple receivers.

An incremental cost to any one retail store would be passed along as an incremental cost to consumers but would represent a very small component of the retail price charged to the consumer. In addition, the incremental cost of the new toll passed to receivers could be further diluted by cost savings realized by shippers due to reduced congestion, which would reduce the cost of delivering goods and services because of decreased travel times and lower operating costs incurred on the transportation system, and could ultimately lower the cost of some products consumed in New York City.³⁶

The extent of potential delivery cost savings would vary depending on the toll cost, the delivery route, timing of delivery, and the level of reduced congestion along the route that would be realized under the tolling scenarios. There are also less obvious costs associated with congestion that could be reduced, such as the cost of remaining open for longer hours to process late deliveries; penalties for lost business revenue associated with missed schedules; cost of spoilage for time-sensitive, perishable deliveries; cost of maintaining greater inventory to cover the undependability of deliveries; costs of reverting to less efficient production scheduling processes; and the additional cost incurred because of access to reduced markets for labor, customer, and delivery areas.³⁸

For the Final EA, the Project Sponsors have added two new mitigation commitments to incentivize off-peak truck deliveries and reduce the number of trucks that divert around the Manhattan CBD: 1) a commitment to further reduce overnight toll rates; and 2) a commitment to expand NYCDOT's Off-Hours Delivery

³⁷ Holguín-Veras, José, et al. September 2010. *Integrative Freight Demand Management in the New York City Metropolitan Area*. <http://www.nyc.gov/html/dot/downloads/pdf/ohd-final-report.pdf>.

³⁸ Cambridge Systematics, Inc. and Texas Transportation Institute. September 2005. *Traffic Congestion and Reliability Trends and Advanced Strategies for Congestion Mitigation*. https://ops.fhwa.dot.gov/congestion_report/congestion_report_05.pdf.

Program, a pilot program that provides support for businesses that shift their deliveries to off-peak periods. The reduction of overnight toll rates would also benefit some workers and businesses. For more information, see the response to **Comment 39**. **Chapter 6, “Economic Conditions,”** of the EA (**Section 6.3.3.2**) provides an evaluation of the potential effects of the CBD Tolling Alternative on the delivery of goods to and within the Manhattan CBD. For more information on the effects of the CBD Tolling Alternative on small businesses, see the response to **Comment 31**.

Comment 33: How will the Project affect traffic outside the Manhattan CBD?

The Project Sponsors evaluated the potential effects of the CBD Tolling Program using a comprehensive travel demand forecasting model, the BPM, which is the New York City region’s primary long-range travel forecasting model (see response to **Comment 9** for information on the BPM). The model results predict changes in the region’s travel characteristics that would result from changes to the transportation network (in this case, introduction of a new CBD toll), and specifically how trips would be made to, from, through and around the Manhattan CBD, including any changes in the total number of trips, routes, and travel mode (e.g., transit vs. automobile). The Project Sponsors evaluated the effects of seven different tolling scenarios with different characteristics, such as toll price, crossing credits, caps, and exemptions, to identify how these characteristics would affect travel behavior.

Crossing credits would more efficiently distribute traffic across the East River crossings by making the net toll amount paid by a driver at each crossing similar. However, the more vehicles that receive crossing credits, discounts, and exemptions, the higher the toll must be to ensure sufficient revenues are generated to meet the Project’s revenue target. At the same time, the model results demonstrate that depending on the combination of toll cost and other variables such as crossing credits, a higher toll can result in more diverted traffic to highways that bypass the Manhattan CBD and potential effects on the environmental justice populations that live near these highways. **Subchapter 4A, Transportation: “Regional Transportation Effects and Modeling,”** of the EA presents the results of the travel demand modeling.

CHANGES IN VEHICLE-MILES TRAVELED (VMT)

In all tolling scenarios, the overall VMT in the region would decrease as some drivers switch to transit or elect not to make their trip. In 2023, the decrease in VMT would range from -0.2 percent (Tolling Scenarios A, B, F, and G) to -0.4 percent (Tolling Scenario E), and in 2045, the decrease ranges from -0.2 percent (Tolling Scenarios A, B, C, and G) to -0.5 percent (Tolling Scenario E) (see **Tables 4A-7** and **4A-13** in the **Subchapter 4A** of EA). In addition, some people who previously drove through the Manhattan CBD would choose a different path to avoid the Manhattan CBD altogether and some drivers who would continue to drive to the Manhattan CBD but would choose a different route, depending on whether crossing credits are included as part of the tolling program.

As described in **Subchapter 4A (Section 4A.4.5)**, under all tolling scenarios, daily VMT would decline across the 28-county region, with the greatest declines occurring within and in areas closest to the Manhattan CBD. Due to traffic diverting around Manhattan to avoid the CBD toll, VMT would increase on Staten Island for all tolling scenarios and in the Bronx for Tolling Scenarios A, B, C, F, and G. In Staten Island and the

Bronx, most of the change would be from personal vehicles, with a smaller change due to trucks. **Tables 4A-25 and 4A-27 in Subchapter 4A** present information on these changes.

The Project Sponsors evaluated in additional detail the changes in VMT that would occur within or near environmental justice areas (i.e., areas with low-income and/or minority populations). As shown in **Tables 4A-23 and 4A-24 in Subchapter 4A**, while overall VMT would be reduced in the 10-county study area evaluated for air quality, VMT would increase in some locations due to diversions. In particular, Bergen County, Richmond County and Bronx County would all have areas that experience localized increases in VMT. Levels of VMT reduction and increase would vary by tolling scenario. Outside the Manhattan CBD, these changes would occur predominantly on highways, with minimal change on local streets. Using results from the BPM, the Project Sponsors conducted a detailed analysis of changes to traffic congestion on highways and local streets that would occur as a result of a new CBD toll. See **Table 4B-32 in Subchapter 4B, “Transportation: Highways and Local Intersections.”** That analysis considered changes on highways and intersections throughout the regional study area and shows that on the majority of roads in and near the Manhattan CBD and travel routes to and from the Manhattan CBD, the CBD Tolling Alternative would reduce traffic volumes because drivers would avoid entering the Manhattan CBD or shift to transit. This is described in more detail below. In addition, see the response to **Comment 35** for maps illustrating where VMT increases would occur and how those locations relate to environmental justice communities.

EFFECTS ON HIGHWAY SEGMENTS

Detailed analysis of traffic flows was conducted for 10 highway segments approaching the Manhattan CBD, which concluded that in tolling scenarios with the highest traffic volumes, increased traffic would result in adverse effects in the form of increased delays and queues during the midday and PM peak hours on three highway segments—the westbound LIE (I-495) near the Queens-Midtown Tunnel (midday and PM peak hours), approaches to the westbound George Washington Bridge on I-95 (midday peak hour), and the southbound and northbound FDR Drive between East 10th Street and the Brooklyn Bridge (PM peak hour). For these locations, if a tolling scenario is implemented that would result in the highest projected level of traffic volumes, the Project Sponsors would implement Traffic Demand Management measures such as ramp metering, motorist information, signage, and/or targeted toll policy modifications to reduce diversions. The Project Sponsors would undertake monitoring of traffic patterns specifically tailored to the adopted tolling scenario—commencing prior to implementation with data collection approximately 3 months after the start of Project operations—to determine whether the predicted adverse effects are occurring and to determine the appropriate Transportation Demand Management measures (or improvement in existing Transportation Demand Management measures) to be implemented. The monitoring program would inform the development and implementation of appropriate Transportation Demand Management measures and possible adjustments to the tolling policy should delays increase more than 2.5 minutes.

EFFECTS ON LOCAL INTERSECTIONS

The EA analyzed 102 intersections at locations most likely to see a change in traffic volumes both within and outside the Manhattan CBD—primarily locations near bridges and tunnels connecting to the

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Manhattan CBD. The analysis showed that the majority of intersections would experience a reduction in delay.

The assessment of local intersections incorporated the tolling scenario that would result in the greatest increase in traffic at these intersections of the seven scenarios examined in the EA, which was generally Tolling Scenario C or Tolling Scenario D. Four intersections were found to be potentially adversely affected by the CBD Tolling Alternative during at least one peak hour: Trinity Place at Edgar Street in the midday peak hour (in Lower Manhattan near the Hugh L. Carey Tunnel), East 37th Street at Third Avenue between 9:00 p.m. and 10:00 p.m. and East 36th Street at Second Avenue in the midday peak hour (both in Midtown Manhattan near the Queens-Midtown Tunnel), and East 125th Street at Second Avenue in the AM and PM peak hours (in East Harlem near the Robert F. Kennedy Bridge). Signal-timing improvements would mitigate any potential adverse traffic effects at all locations.

The Project Sponsors would undertake pre- and post-implementation monitoring at the four intersections with identified potential adverse effects during the first year after implementation of the Project, with post-implementation monitoring starting no sooner than 3 months after the start of operations to account for an initial period of fluctuation in travel behavior. The monitoring would be used to validate the need for, and design of, potential mitigation measures. The Project Sponsors commit to using a range of traffic operations and street design strategies at the four intersections (e.g., signal-timing/phasing changes, lane assignment changes, changes to curbside regulations, etc.) to mitigate adverse effects associated with the adopted tolling scenario, to the extent practicable. In addition, the robust post-implementation biennial Evaluation Report mandated by the Traffic Mobility Act would include traffic data collection at intersections in and around the Manhattan CBD and other locations of interest in the form of Automatic Traffic Recorder and camera-based vehicle classification and turning movement counts. These data would be used to identify and quantify actual traffic effects associated with the adopted tolling scenario and to inform the development of appropriate mitigation measures, if needed.

POTENTIAL EFFECTS ON ENVIRONMENTAL JUSTICE POPULATIONS

The traffic analysis included highway segments and intersections in areas where identified environmental justice populations live. All 10 highway segments analyzed in detail in the EA are within or adjacent to environmental justice census tracts. Of the 102 intersections that were analyzed, 43 are in environmental justice neighborhoods, including some locations requested during enhanced environmental justice outreach for the Project. The Project Sponsors are committing to mitigation measures to address the potential adverse effects on highway segments and local intersections, including the locations within environmental justice communities.

For information on how traffic diversions might affect environmental justice communities, see response to **Comment 35**.

SUMMARY OF CONCLUSIONS RELATED TO TRAFFIC INCREASES IN NEIGHBORHOODS CLOSE TO THE MANHATTAN CBD BOUNDARY

As described above, the EA examines potential changes in traffic volumes on highway segments and at local intersections in the neighborhoods in and near the Manhattan CBD at locations where traffic is most likely

to increase as a result of the CBD Tolling Alternative. Based on the conclusions of the traffic analysis in the EA described above, including the analysis of highway segments and of local intersections, neighborhoods in and near the Manhattan CBD would not see an increase in traffic congestion.

Comment 34: How will the Project affect parking?

The Project Sponsors evaluated the effects of the Project on parking demand and capacity, including potential effects on parking conditions near the Manhattan CBD boundary and parking effects at transit hubs outside the Manhattan CBD, as described below. In addition, the Traffic Mobility Act requires that NYCDOT study the effects of the CBD Tolling Program on parking conditions and availability in and around the Manhattan CBD following implementation of the Project and prepare a report describing the results of this study 18 months after the Project commences.

EFFECTS ON PARKING NEAR THE MANHATTAN CBD BOUNDARY

The analysis of the potential effects of the Project on parking conditions considered locations where transportation modeling predicts an increase in vehicle trips that would result from the Project. This analysis considered locations outside the Manhattan CBD both within Manhattan and in other locations.

Transportation modeling conducted for the Project using the BPM shows that in Manhattan, the number of cars on each of the avenues immediately north of 60th Street would decrease under all tolling scenarios; therefore, there would not be an increase in parking demand in those neighborhoods because there would be fewer cars traveling to them. For more information, see the analysis in the EA in **Subchapter 4D, “Transportation: Parking.”**

The neighborhoods closest to the Manhattan CBD, including the Upper East Side (i.e., East 59th Street to East 96th Street, from Central Park to the East River), the Upper West Side (i.e., West 59th Street to West 110th Street, from Central Park to the Hudson River), Long Island City in Queens, and Williamsburg and Downtown Brooklyn in Brooklyn, have curbside parking on local streets. In these neighborhoods, as in the rest of New York City, curbside parking is generally heavily used, with high demand and few available spaces during most times of the day. Consequently, on-street spaces are generally not a reliable source of parking and finding available parking spaces that are not already occupied can involve substantial time searching for an available space. While transportation modeling conducted for the Project does not indicate an increased demand for parking in neighborhoods outside but close to the Manhattan CBD, if this were to occur as a result of the new CBD toll—for example, immediately after the toll is implemented, before drivers adjust to the new conditions—those drivers seeking parking would increase demand for the very limited curbside parking and for off-street parking lots and garages. The analysis presented in the EA (see **Chapter 6, “Economic Conditions,” Section 6.4.3.2**) describes that in Manhattan close to but north of the CBD boundary, there is available capacity in off-street parking facilities. If there are parking capacity constraints, parking operators would likely increase fees for parking. Consistent with the New York’s *City Environmental Quality Review (CEQR) Technical Manual* methodology, parking shortfalls in New York City in areas designated as “Zone 1” and “Zone 2” are not considered adverse effects. These zones include all of Manhattan as well as neighborhoods in Brooklyn, the Bronx, and Queens close to the Manhattan CBD (see **Figure 4D-1** in **Subchapter 4D, “Transportation: Parking”**).

Commenters requested that the CBD Tolling Program include implementation of a residential parking permit program, which would limit parking spaces available to non-residents in areas near but outside the Manhattan CBD. The City of New York does not currently have a program of residential parking permits and a residential parking permit program is not currently included as part of this Project. However, this does not preclude NYCDOT from implementing such a program in the future. See the discussion below of the parking study that NYCDOT would conduct after implementation of the CBD Tolling Program for more information.

It should be noted that certain Manhattan residents receive a partial exemption on the tax paid for privately operated parking garages and lots in Manhattan. The Manhattan Resident Parking Tax Exemption lowers the tax residents pay on rental parking spaces by 8 percent. The current tax on rental parking spaces in Manhattan is 18.375 percent, but it is lowered to 10.375 percent with the exemption. Residents must apply to the New York City Department of Finance to receive the exemption.

POTENTIAL EFFECTS ON PARKING NEAR TRANSIT STATIONS

The Project Sponsors also evaluated the effects of new parking demand on parking lots and garages near transit stations, to determine whether increased transit ridership due to the Project would adversely affect parking at transit stations. Overall, transportation modeling conducted for the Project indicates that ridership on the extensive public transportation system linking the Manhattan CBD with the surrounding region would increase by 1 to 2 percent relative to the No Action Alternative.

Some of these new transit users would drive to transit stations in New York City outside the Manhattan CBD to access transit to complete their journey. Based on the BPM results, the increase in the number of travelers at individual transit facilities in New York City outside the Manhattan CBD would be widely distributed. Within New York City, the 0.7 to 1.6 percent increase in transit usage from the Project would be distributed among commuter rail and subway stations. Subways, which carry 61.9 percent of these commuters, generally do not have dedicated parking facilities and little to no available on-street or off-street parking nearby. Parking at commuter rail stations within New York City is also limited. Moreover, the new vehicle trips at transit facilities would include some customers who would be dropped off without parking and therefore would not add to the demand for parking. For these reasons, the Project Sponsors anticipate a small number of new vehicle trips at transit stations in New York City. The Project Sponsors estimated that at transit stations in New York City, the number of new vehicles would not exceed a screening threshold of 50 vehicles per hour, and consequently determined that no adverse effects on parking conditions would occur.

At commuter rail stations outside New York City, most of the parking facilities are well-used with limited available capacity. **Appendix 4D, "Parking Data for Commuter Rail Stations,"** of the EA presents information on the parking capacity at commuter rail stations throughout the region. The EA concludes that at transit stations that are at or over capacity, the additional vehicles resulting from the Project could not be accommodated. However, based on the transportation modeling results, the increase in commuters at individual stations or park-and-ride facilities would be distributed throughout the region, and the number of new vehicles would not exceed the screening threshold of 50 vehicles per hour used in the analysis.

Therefore, no adverse effects on parking conditions would occur. More information on this analysis is provided in the EA in **Subchapter 4D, “Transportation: Parking.”**

FUTURE PARKING STUDY

The Traffic Mobility Act requires that NYCDOT study the effects of the CBD Tolling Program on parking conditions and availability in and around the Manhattan CBD, following implementation of the Project, and prepare a report describing the results of this study 18 months after the Project commences. The study will collect data on pre-implementation and post-implementation parking conditions in these geographies and other areas of concern for comparison. Based on the findings of the report, NYCDOT will identify and seek to implement potential solutions. Recommendations could range from changes in curb regulations at affected locations to larger-scale initiatives that would require state or local legislation to implement (e.g., a residential parking permit program).

Comment 35: How will traffic changes and diversions due to the Project affect air quality?

The Project Sponsors conducted an analysis of the Project’s effects on air quality throughout the region, including regional and local effects. The analysis included consideration of highway segments throughout the region where traffic volumes would change as a result of the Project; it also included consideration of local intersections where traffic would be most likely to change as a result of the Project. Following completion of the EA, the Project Sponsors conducted additional analysis to further evaluate the potential air quality-related effects of the Project on environmental justice populations. The air quality analysis conducted for the Project indicated that the CBD Tolling Alternative would not result in any violations of National Ambient Air Quality Standards.

REGIONAL EMISSIONS

Regionwide, the CBD Tolling Alternative would reduce regional levels of air pollutants across the 12-county study area as a result of changes in VMT due to the Project. Some counties are predicted to show increases in pollutant emissions, while others would have decreases. This is detailed in the EA in **Chapter 10, “Air Quality,” Section 10.3.2.**

LOCAL INTERSECTIONS

The Project Sponsors reviewed all 102 intersections for which detailed traffic analyses were completed to evaluate the potential effects of the Project on air quality at those locations. Those locations were selected for traffic analysis because they are the locations most likely to see a change in traffic volumes both within and outside the Manhattan CBD—primarily locations near bridges and tunnels connecting to the Manhattan CBD. The analysis showed that the majority of intersections would experience a reduction in traffic delay. Based on the air quality analyses conducted, the level of potential change in air pollutants at the local level at all 102 intersections would not result in adverse effects on local air quality, based on evaluation criteria developed by New York State Department of Transportation. All locations passed the screening criteria used to identify the potential for adverse effects requiring further evaluation. See **Section 10.3.2.2 in Chapter 10** of the EA for more information.

TRAFFIC DIVERSIONS OUTSIDE THE MANHATTAN CBD

Traffic modeling for the Project indicates that the CBD Tolling Alternative would result in some traffic diversions around Manhattan, particularly for through trips, as vehicles seek to avoid the toll. The diversions would be experienced primarily in the Bronx and northern New Jersey and Staten Island, in all tolling scenarios. These diversions would be most pronounced at the approach to the Robert F. Kennedy Bridge in Queens, across the South Bronx and the George Washington Bridge, and into northern New Jersey. Diversions to the south would occur across the Verrazzano-Narrows Bridge and through Staten Island. Diversions would be greatest in Tolling Scenarios D, E, and F, and smallest in Tolling Scenario G.

The Project Sponsors conducted analysis of the potential air quality-related effects of these traffic diversions, including detailed localized analyses of certain highway segments (see **Chapter 10, Section 10.3.2.3**). To address concerns related to the potential effects on local air quality from traffic diversions, the Project Sponsors conducted detailed analyses for three highway segments near environmental justice neighborhoods: I-95 west of the George Washington Bridge in New Jersey, the Cross Bronx Expressway at Macombs Road in the Bronx, and the Robert F. Kennedy (Triborough) Bridge approach in Queens. These segments were selected based on the potential increases in diesel-truck traffic that might occur due to the Project, community concern, and/or existing high volumes of Annual Average Daily Traffic. For these three highway segments, “hot-spot” analyses were conducted to evaluate the increase in particulate matter that would occur as a result of the Project. The analyses for all three highway segments concluded that the CBD Tolling Alternative would not result in adverse effects on air quality at any of those locations because NAAQS would not be exceeded.

In addition, the Project Sponsors evaluated the potential air quality effects on the segment of the FDR Drive near East 10th Street, a highway segment that runs alongside a large public housing complex. No trucks are permitted on the FDR Drive, so increases in diesel-truck traffic are not a concern here. For the FDR Drive segment, the CBD Tolling Alternative would not increase traffic in a magnitude that could result in adverse air quality effects in terms of exceedance of the NAAQS.

ENVIRONMENTAL JUSTICE CONCERNS

Overall, increases in traffic volumes due to diversions would occur near some environmental justice communities, and decreases would occur at other locations near environmental justice communities, depending on the tolling scenario. Following publication of the EA, the Project Sponsors conducted additional analysis related to the effects of additional traffic due to the CBD Tolling Alternative near environmental justice areas. That analysis included consideration of pre-existing air pollution and chronic disease burdens using data from USEPA and Centers for Disease Control and Prevention programs, as well as state and local public health data. The resulting analysis is presented in **Appendix 17D, “Technical Memorandum.”**

The **Technical Memorandum** describes how and why traffic, and particularly truck traffic, contributes to pollutant burdens and the association between these burdens and health outcomes. The analysis also provides a broader context by describing pre-existing pollutant and chronic disease burdens, as well as past land use policies and related trends in pollutant emissions and associated health outcomes. Finally, the

analysis presented in the **Technical Memorandum** identifies which census tracts that are already overburdened within the environmental justice study area, relative to the rest of the nation, would experience Project-related decreases or increases in traffic and resulting emissions.

To identify and describe the burdens experienced by environmental justice communities with pre-existing pollutants or chronic diseases, the analysis relies on data from a number of sources, including USEPA, the Council on Environmental Quality, the Centers for Disease Control, New York State Department of Health, New York City Department of Health and Mental Hygiene, New Jersey Department of Health, and New Jersey Department of Environmental Protection. The analysis identifies those census tracts in the 10-county local study area where pre-existing/cumulative pollutant burdens are at or above the 80th percentile for the United States or existing health burdens are above the 66.66th percentile for the United States. More detail can be found in **Section 17D-5 of Appendix 17D, “Technical Memorandum.”**

To identify locations for mitigation to address Project effects, the Project Sponsors determined that it would be appropriate to follow the Council on Environmental Quality’s Climate and Economic Justice Screening Tool’s (CEJST) methodology for identifying communities in the 10-county local study area that are at or above the 90th percentile for either pre-existing pollutant or chronic disease burdens, and which may also experience increases in truck traffic proximity as a result of the Project. Due to the nature of this region and the distribution of both environmental justice census tracts and the level of pre-existing burdens, the environmental justice census tracts with either pre-existing pollutant or chronic disease indicators that could experience truck traffic increases are the same whether applying the 80th and 66.66th percentiles, or the 90th percentile.³⁹ These areas would benefit from regional mitigation measures described in **Section 17D-7 of Appendix 17D, “Technical Memorandum.”**

Figure 18A-5 depicts the environmental justice census tracts where individuals experience at least one pre-existing pollutant burden and at least one pre-existing chronic disease burden at or above the 90th percentile, nationally, and where truck proximity could increase as a result of the Project. The map further categorizes each census tract by the number of indicators for which the tract is in the 90th national percentile or higher. The census tracts shown here have a combined number of indicators at or above the 90th percentile between two and seven; none are at or above the 90th percentile for eight or all nine indicators.

The census tracts where increases or decreases would occur are often in the same neighborhoods and towns. In 63 census tracts with high pre-existing pollutants and health burdens, truck traffic proximity would remain the same (47) or decrease (16) in Tolling Scenario E. Under the same tolling scenario, truck traffic proximity could increase in 56 environmental justice census tracts where at least one pre-existing

³⁹ **Section 17D-5 of Appendix 17D, “Technical Memorandum,”** analyzes pre-existing air pollutant and health burdens at the 80th and 66.66th percentiles to understand the Project effects. **Section 17D-7** analyzes these burdens at the 90th percentiles to determine where mitigation is needed. In essence, the census tracts identified for both of these analyses are co-extensive because all census tracts in which highway truck traffic proximity would increase have at least one pre-existing burden exceeding the 90th percentile. The regional-focused mitigation would benefit these census tracts regardless of the percentile used for analysis.

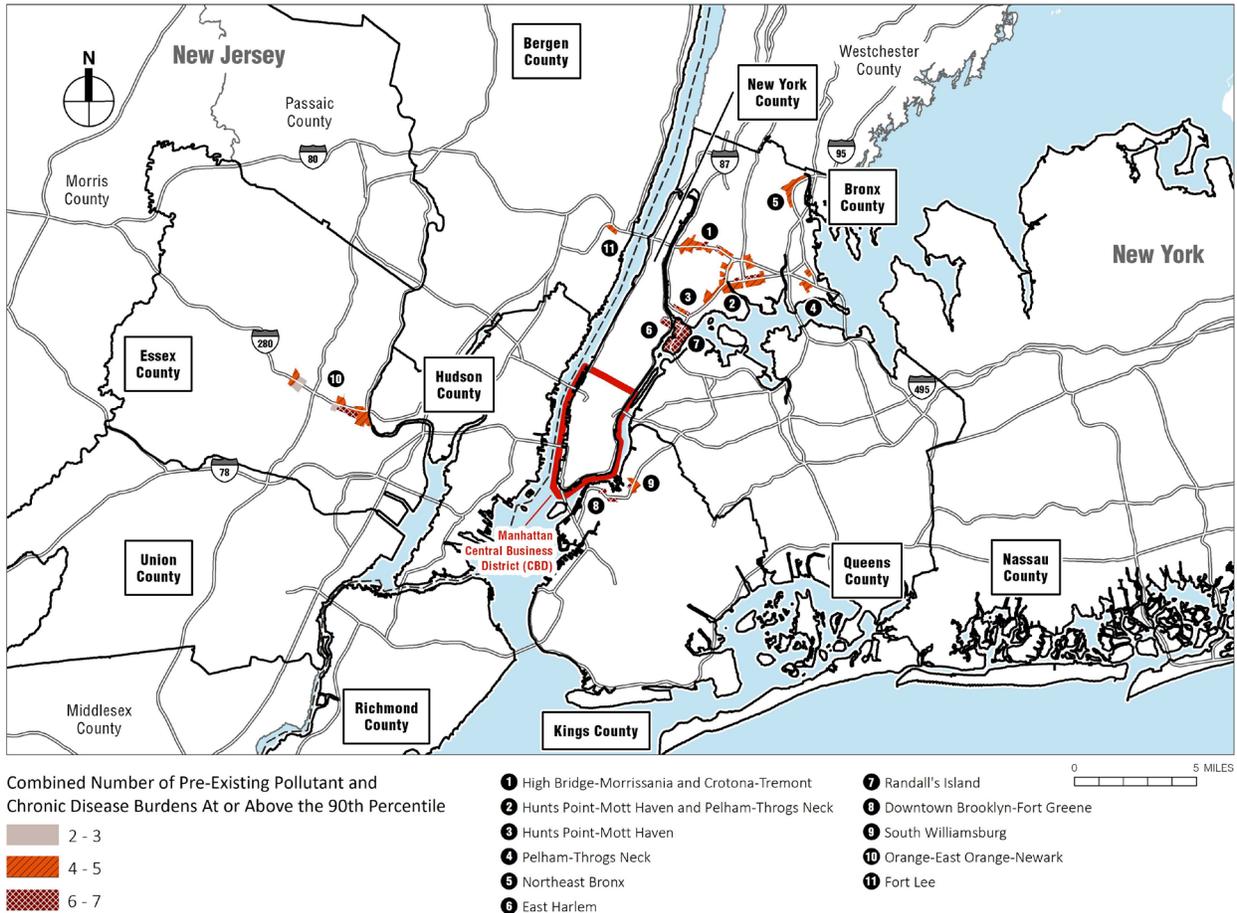
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pollutant burden and at least one pre-existing chronic disease are at or above the 90th percentiles (the locations of increases are listed in **Table 17D-13** of the **Technical Memorandum**).

The specific census tracts that would experience increased or decreased truck traffic change slightly depending on the tolling scenario. The following communities (as illustrated in **Figure 18A-5**, which is taken from the **Technical Memorandum**) could have census tracts that would merit place-based mitigation for truck emissions: High Bridge, Morrisania and Crotona, Tremont, Hunts Point, Mott Haven, Pelham, Throgs Neck, Northeast Bronx, East Harlem, Randall's Island, Downtown Brooklyn, Fort Greene, South Williamsburg, Orange, East Orange, Newark, and Fort Lee (except in Tolling Scenario G).

For non-truck traffic, mitigation was identified for the FDR Drive adjacent to the Lower East Side and Lower Manhattan. Modeling indicated that the increase in this area could be mitigated by ensuring that vehicles traveling to Manhattan on the Brooklyn Bridge that drive north on the FDR Drive and use the exit at East Houston Street to immediately turn left and head back south on the FDR Drive would be tolled, thus discouraging diversions of non-truck traffic. This mitigation will be implemented as part of the package of place-based mitigation measures.

Figure 18A-5. Environmental Justice Census Tracts with High Pre-Existing Pollutant and Chronic Disease Burdens Where Truck Traffic Proximity Could Potentially Increase (Tolling Scenario E)



Source: USEPA National Air Toxics Assessment (NATA) and Agency Air Quality System via EJScreen 2021 data; CDC PLACES Estimates 2020 via EJI 2022 data; BPM, WSP 2021.

Notes: Percentiles are national. Census Tract 3009, Nassau County not shown. Potential truck volume increases and decreases on roadways within the tract would ultimately cancel each other out and result in no change of truck traffic proximity for the residential populations within the tract.

MONITORING AND MITIGATION

Certain areas in the Bronx, notably Hunts Point and High Bridge, have many census tracts with high pre-existing burdens. Though the increase in traffic due to the Project at some of these locations would be more modest (e.g., along the Cross Bronx Expressway), when combined with the pre-existing burdens, these areas suggest a high priority for place-based mitigation measures. Other locations, particularly East Harlem, do not have a large number of tracts with pre-existing pollutant or chronic disease burdens, but do have a larger Project-related increase in truck traffic and therefore also merit place-based mitigation measures. Locations with neither high pre-existing burdens, nor large increases in truck traffic, that may experience adverse effects from Project-related truck diversions will be addressed more broadly through regional mitigation described earlier.

The Project Sponsors have committed to a package of regional and place-based mitigation measures to these potential adverse effects on environmental justice populations, which is discussed in **Comment 39** of this chapter.

In addition, as described in the EA released in August 2022, TBTA will coordinate with New York City Department of Health and Mental Hygiene (DOHMH) to expand the New York City Community Air Survey network of air quality monitors. The monitors will be used to determine whether changes in air pollution occurring after Project implementation can be attributed to changes in traffic occurring after implementation of the Project. The Project Sponsors will select the additional monitoring locations in consideration of air quality analysis in the EA and input from environmental justice stakeholders. New York State Department of Environmental Conservation (NYSDEC) and other agencies conducting monitoring will also be consulted prior to finalizing the monitoring approach. The Project Sponsors will monitor air quality prior to implementation (setting a baseline), and two years following implementation. Following the initial two-year post-implementation analysis period, and separate from ongoing air quality monitoring and reporting, the Project Sponsors will assess the magnitude and variability of changes in air quality to determine whether more monitoring sites are necessary. Data collected throughout the monitoring program will be made available publicly as data becomes available and analysis is completed. Data from the real-time monitors will be available online continuously from the start of pre-implementation monitoring.

Finally, as an independent action, MTA is currently transitioning its bus fleet to zero-emission buses, which would reduce air pollutants and improve air quality near bus depots and along bus routes. TBTA coordinated with MTA NYCT, which is committed to prioritizing service to traditionally underserved communities and particularly for areas with concerns related to air quality and climate change, and has developed a new approach that actively incorporates these priorities in the deployment phasing process of the bus-fleet transition. Based on feedback and concerns raised during public outreach for the Project related to environmental justice, MTA NYCT would prioritize transitioning the fleet at two bus depots in Upper Manhattan and the Bronx: the Kingsbridge Depot and Gun Hill Depot, when electric buses are received in MTA's next major procurement of battery electric buses, which began in late 2022. Both of these depots are located within, and provide service to environmental justice neighborhoods.

If the Project receives Federal approval, the Project Sponsors will implement mitigation measures to address adverse effects to communities that are already overburdened by pre-existing air pollution and chronic diseases, relative to national percentiles. Mitigation measures will include both regional measures, which will reduce truck diversions and reduce emissions, and place-based measures, to reduce emissions and improve air quality in areas with the greatest potential effect due to the Project, based on the actual tolling structure selected. To fund these mitigation measures the Project Sponsors have committed \$155 million over 5 years. The Project Sponsors commit to these measures, regardless of the tolling structure eventually adopted. An adaptive management approach will be used which will include monitoring the efficacy of mitigation, stakeholder consultation, and adjustments as warranted. An additional \$5 million has been allocated for mitigation and enhancement measures related to monitoring

across other topics, along with \$47.5 million for the low-income toll discount. These mitigation measures are further described in response to **Comment 39**.

Comment 36: How will the Project affect minority and low-income populations?

FHWA and the Project Sponsors evaluated the CBD Tolling Alternative's potential effect on minority and low-income populations, in comparison to the effects on the general population. That analysis included consideration of the effects of the new toll on environmental justice populations who drive and would pay the new CBD toll. It also included consideration of the effects of changes in traffic volumes on environmental justice populations living near the affected roadways. At this time, the actual toll schedule, including exemptions, discounts, and crossing credits, has not been finalized (see response to **Comment 18**).

ENVIRONMENTAL JUSTICE POPULATIONS WHO WOULD PAY THE CBD TOLL

For the 28-county regional study area that is the main catchment area for trips to the Manhattan CBD, population characteristics include the following:

- More than half of the population of the regional study area (63 percent) identifies as minority. Approximately 47 percent of the people who travel to the Manhattan CBD for work identify as minority populations. Approximately 10 percent of the minority commuters to the Manhattan CBD, or close to 73,000 people, use cars to make their trip.
- About one-third of the population of the regional study area (31 percent) is low-income. About 14 percent of the commuters to the Manhattan CBD (about 219,000 people) are low-income. Approximately 7 percent of those people, a total of approximately 16,100 people, drive to the Manhattan CBD for work.
- All areas of New York City, other than a neighborhood in Queens that is not an environmental justice area (Breezy Point, Queens) are within 1/2 mile of transit services. Approximately 440,000 people (or about 5.2 percent of the city's 8.4 million residents) live in areas of New York City that are more than 1/2 mile from faster public transportation modes (commuter rail, subway, or express bus or SBS service), and approximately 33,900 of them commute to the Manhattan CBD. Approximately 5,200 (15 percent) of these commuters to the Manhattan CBD travel by car.
- New York City taxi and FHV drivers licensed by the TLC predominantly identify as minority.

With the CBD Tolling Alternative, most people, including minority and low-income populations, would continue to use public transportation to travel to and from the Manhattan CBD and would not be adversely affected by the new toll.

Most people who currently drive to the Manhattan CBD have alternative travel options to avoid the CBD toll. However, for some people, switching to transit is not a reasonable option because they have poor access to transit, commuting by transit is inefficient with long travel times, they have work hours during times of limited transit service, or they need access to a private automobile for their work. For these individual drivers who do not have reasonable alternatives to private vehicle, the Project would increase

their cost of travel to the Manhattan CBD. The size of cost increase would depend on the tolling scenario and each driver's specific route and travel patterns.

The analysis concludes that the cost of the new toll would not result in a disproportionately high and adverse effect on minority drivers who have no reasonable alternative mode for reaching the Manhattan CBD other than private vehicle. The analysis concludes that the effect on these drivers would be the same effect as experienced by the general population and would not be predominantly borne by a minority population or be more severe or greater in magnitude for the minority population than for the general population. Approximately 10 percent of the minority commuters to the Manhattan CBD use cars to make their trip. This is similar to the overall population of all commuters, of whom approximately 10.2 percent use cars. (See **Table 17-6** in the EA in **Chapter 17, "Environmental Justice"**).

The analysis concludes that the cost of the new toll would not result in a disproportionately high and adverse effect on taxi and FHV drivers in New York City, comprised largely of minority populations, with the updated mitigation in the Final EA. Specifically, TBTA will ensure that a toll structure with tolls of no more than once per day for taxis or FHV is included in the final CBD tolling structure. This will avoid a disproportionately high and adverse effect on taxi and FHV drivers from the Project. See also response to **Comment 38**.

The analysis concludes that the CBD Tolling Alternative would not result in disproportionately high and adverse effects on low-income drivers who currently drive to the Manhattan CBD with the inclusion of new mitigation measures for the Final EA. For these drivers, the effect of that cost would be appreciably more severe than the effect on the non-low-income population, because the cost of the toll would represent a larger proportion of each driver's available income. The specific cost associated with the new toll would vary for each driver, depending on the route, time of day, frequency of the trip, and the tolling scenario. With the addition of new mitigation, including a discount for frequent low-income drivers, the Final EA concludes there would not be a disproportionately high and adverse effect on low-income drivers.

Chapter 17 of the EA, "**Environmental Justice**," presents the analysis the Project Sponsors conducted and describes the mitigation measures that the Project Sponsors will implement. See also response to **Comment 37** and **Comment 39**.

ENVIRONMENTAL JUSTICE POPULATIONS ALREADY OVERBURDENED BY PRE-EXISTING AIR POLLUTION AND CHRONIC DISEASES WHO LIVE NEAR ROADWAYS WHERE TRUCK TRAFFIC WOULD CHANGE

As a result of traffic diversions as drivers seek to avoid the new toll, some environmental justice communities would experience lower traffic volumes; others would see increases in traffic. Following publication of the EA in August 2022, and based on public comments and input from the Environmental Justice Technical Advisory Group, the Project Sponsors conducted additional analysis related to these potential diversions.

The analysis, presented in **Appendix 17D, "Technical Memorandum,"** describes how and why traffic, and particularly truck traffic, contributes to pollutant burdens and the association between these burdens and health outcomes. Specifically, vehicles contribute to air pollutants like carbon monoxide, mobile source air

toxics, nitrogen oxides, and particulate matter through brake and tire particulates, dispersal of roadway dust, and through the burning of fossil fuels in combustion engines.

Although all motor vehicles produce air pollutants, emissions from trucks are of particular concern to near-road air quality, in part because of the pollutants they emit, but also because they disproportionately contribute more emissions than other types of vehicles. Thus much of the analysis focuses on truck traffic; however, to ensure that the full range of effects is explored, **Appendix 17D, “Technical Memorandum”** also explores effects of the Project on non-truck traffic.

The analysis also provides a broader context by describing pre-existing pollutant and chronic disease burdens, as well as past land use policies and related trends in pollutant emissions and associated health outcomes. Finally, the analysis presented in the **Technical Memorandum** identifies which census tracts that are already overburdened within the environmental justice study area would experience Project-related decreases or increases in traffic, particularly truck traffic, and resulting emissions.

Appendix 17D, “Technical Memorandum,” presents the analysis the Project Sponsors conducted and describes the mitigation measures that the Project Sponsors will implement to address potential adverse effects on certain communities already overburdened by pre-existing air pollution and chronic diseases. See also response to **Comment 35**.

Comment 37: How will the Project Sponsors mitigate the economic effect to low-income residents?

For low-income travelers, a wide variety of discounted and lower cost transportation options are currently available in the New York City metropolitan region, including:

- **Transit Fare Discount for Individuals in Low-Income Households.** Beyond the Manhattan CBD, New York City residents between the ages of 18 and 64 who reside in a household with an income below the Federal poverty threshold, and are not receiving full carfare from the Department of Social Services/Human Resources Administration or any other New York City agency, are eligible for the Fair Fares program, which allows travel at half the full fare cost on MTA subway; local, limited, and SBS buses; and Access-A-Ride paratransit. As of January 2023, there were more than 275,500 people enrolled in the Fair Fares program.
- **Transit Fare Discount for Persons with Disabilities and Those 65 Years of Age and Older.** Even broader geographically, MTA subway, bus, and rail riders who are 65 and older or are persons with disabilities are eligible for a Reduced Fare program, which allows travel on transit at half the full fare cost. This program is not restricted to New York City residents. Nearly 1.4 million MTA customers are enrolled in the Reduced Fare program, and as of January 2023, more than 925,000 of those enrolled have been active in the past 18 months.
- **Student Transit Fare Discount.** MTA works with the New York City Department of Education so that students have access to education. Student MetroCards are distributed by schools to students whose home is 1/2 mile or farther from their school. These MetroCards allow three free rides each school day

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between 5:30 a.m. and 8:30 p.m., including free transfers between buses or between the subway and local, limited, and SBS buses. For the 2021-2022 school year, NYCT distributed more than 3,425,000 Student MetroCards to the NYC Board of Education. These cards are provided for students for transportation to and from school (one MetroCard per semester) and for school-approved extracurricular activities.⁴⁰

- **Free Ferry Service.** The Staten Island Ferry, which operates 24 hours a day, 7 days a week, every day of the year, runs free ferry service from Staten Island to the Manhattan CBD. The ferry carries approximately 25 million passengers annually on its 5.2-mile route.⁴¹
- **Reduced-Fare Bike Share.** Citi Bike, in partnership with Healthfirst and NYCDOT, provides reduced cost membership of \$5/month (roughly one-third the typical membership) for low-income individuals 16 years and older who are residents of New York City Housing Authority facilities or receive Supplemental Nutrition Assistance Program (SNAP) benefits. For those who cannot bike for their entire commute, Citi Bike can serve as a “first-mile/last-mile” mode to access transit. In 2022, there were more than 15,000 people enrolled in Citi Bike’s low-fare membership program, and those enrolled took 50 percent more rides than full-priced members, a testament to its utility for low-income riders.⁴²
- **24-Hour Public Transportation Widely Available.** As described in other chapters of this EA, New York City and the surrounding region has an extensive regional transportation network that operates 7 days a week all year long. The services within New York City operate 24 hours a day.
- **E-ZPass Payment Options.** To make the convenience of E-ZPass available for as many customers as possible, TBTA offers a Pay-Per-Trip option and a Reload Card for customers without credit cards to replenish their E-ZPass. About 250,000, or 6 percent of all MTA E-ZPass accounts, are Pay-Per-Trip accounts. Establishing an E-ZPass account ensures customers pay the lowest applicable tolls and can qualify for resident rebates on existing facilities. For example, there are over 200,000 transponders associated with over 135,000 accounts enrolled in the Staten Island Resident Rebate program, which provides drivers with an effective toll rate of \$2.75 (the cost of a one-way MTA transit fare) in each direction on the Verrazzano-Narrows Bridge.⁴³
- **MTA City Ticket Program.** MTA established the reduced-cost, flat-fare City Ticket to encourage travel on Long Island Rail Road and Metro-North Railroad between stations within New York City. Currently, City Tickets cost \$5.00 and are good for one-way travel during off-peak hours. MTA will soon expand the City Ticket program to include peak hours with a modestly higher peak rate, to be adopted by the MTA Board. By comparison, peak hour travel tickets currently can cost as much as \$10.75 on Long Island Rail Road and \$9.75 on Metro-North Railroad. This change will make faster travel between the

⁴⁰ MTA NYCT analysis, 2022.

⁴¹ NYCDOT, “Staten Island Ferry Facts.” <https://www.nyc.gov/html/dot/html/ferrybus/ferry-facts.shtml#:~:text=The%20Ferry%20carries%20approximately%2025,day%2C%20365%20days%20a%20year.>

⁴² The Better Bike Share Partnership, “This Summer, NYC Youth Rode Citi Bike to Work.” [https://betterbikeshare.org/2022/09/27/this-summer-nyc-youth-rode-citi-bike-to-work/.](https://betterbikeshare.org/2022/09/27/this-summer-nyc-youth-rode-citi-bike-to-work/)

⁴³ TBTA analysis, 2022.

Manhattan CBD and neighborhoods in the Bronx, Brooklyn, and Queens more affordable, and will benefit more than 10,000 trips on an average weekday.⁴⁴

In addition to these existing programs offered or supported by the Project Sponsors, the Project Sponsors will implement the following mitigation measures to address the potential adverse effect of the CBD Tolling Program on low-income drivers:

- **Low-Income Discount Plan:** TBTA will ensure that for the first five years of the Project, the final tolling structure includes a discounted toll rate for low-income frequent drivers, who could include, for example, commuters to the CBD or people who travel regularly to the CBD for medical appointments. The discounted toll rate will be in place for drivers who have either a Federal adjusted gross income reported on their income tax return for the prior calendar year in the amount of no more than \$50,000 or proof of enrollment in a qualifying government-provided income-based program (such as the Supplemental Nutrition Assistance Program (SNAP) or the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)).⁴⁵ Through the use of their E-ZPass tag and an associated Low-Income Discount Plan on their E-ZPass account, qualifying drivers will benefit from a 25 percent discount on the full CBD E-ZPass toll rate for the applicable time of day after the first 10 trips in each calendar month. (This discount will not include the overnight period, which will already be deeply discounted.)
- **Further Reduced Overnight CBD Toll:** All tolling scenarios in the EA include an overnight rate of either 50 or 60 percent of the peak rate. As described in further detail in response to **Comment 39**, TBTA will ensure the overnight toll rate is reduced further in the final CBD tolling structure, which will benefit low-income drivers traveling during this time.
- **Tax Credit for Tolls Paid:** The Project will include a tax credit for CBD tolls paid by residents of the Manhattan CBD whose New York adjusted gross income for the taxable year is less than \$60,000. TBTA will coordinate with the New York State Department of Taxation and Finance (NYSDF) so that documentation that may be needed for those eligible for the New York State tax credit is available.⁴⁶
- **Education/Outreach/Coordination on the Tax Credit:** TBTA will post information related to the tax credit on the Project website, with a link to the appropriate location on the NYSDTF website to guide eligible drivers to information on claiming the credit.
- **Elimination of the E-ZPass Tag Deposit Fee:** For all drivers, the best way to reduce toll costs associated with the CBD Tolling Program would be to use E-ZPass, since toll rates would be lower for those who use E-ZPass than for those who do not. As noted, TBTA already offers a Pay-Per-Trip option and a Reload

⁴⁴ Office of New York Governor Kathy Hochul. 2023. "Governor Hochul Announces Public Transit Expansions to Increase Access, Affordability and Safety." Jan. 10, 2023. <https://www.governor.ny.gov/news/governor-hochul-announces-public-transit-expansions-increase-access-affordability-and-safety>.

⁴⁵ The Project Sponsors commit to a five-year period for the discounted toll rate to allow time for low-income frequent drivers to try alternatives and/or adjust their travel habits as capital projects increase reliability and access.

⁴⁶ Although some people might not earn enough annually to have to file a tax return, they may still opt to submit a tax return to claim the credit. Free tax filing programs are available for qualifying individuals through the NYS Department of Taxation and Finance and the NYC Department of Consumer and Worker Protection (DCWP).

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Card for cash customers to replenish their E-ZPass. However, there is a \$10 refundable deposit required for customers who do not have a credit card account linked to their account. Recognizing that these tend to be low-income customers, TBTA will eliminate the \$10 E-ZPass tag deposit fee for customers without credit card backup. Importantly, in many cases, once these customers have E-ZPass, they will also benefit from lower toll rates (compared to Tolls by Mail) on other facilities, including but not limited to the Port Authority of NY & NJ tunnels and bridges, TBTA's bridges and tunnels, the New York State Bridge Authority bridges, and the New York State Thruway, thus reducing their overall toll expenditure. There are more than 815,000 MTA E-ZPass accounts that are not linked to a credit card and require the tag deposit.⁴⁷

- **Enhanced Promotion of Existing E-ZPass Payment and Plan Options:** TBTA will provide enhanced promotion of existing E-ZPass payment and plan options, including the ability for drivers to pay per trip (rather than a pre-loaded balance), refill their accounts with cash at participating retail partners, and discount plans already in place, about which they may not be aware.
- **Education/Outreach on Transit Discounts:** TBTA will coordinate with MTA to provide outreach and education on eligibility for existing discounted transit fare products and programs, including those for individuals 65 years of age and older, those with disabilities, and those with low incomes, about which many may not be aware.
- **Establishment of an Environmental Justice Community Group:** The Project Sponsors commit to establishing an Environmental Justice Community Group that will meet on a quarterly basis, with the first meeting taking place prior to Project implementation. The Project Sponsors will continue to provide meaningful opportunities for participation and engagement related to environmental justice concerns by sharing updated data and analysis, listening to concerns and seeking feedback on the toll setting process.

The Project Sponsors have also committed to the following enhancement: TBTA will coordinate with MTA NYCT to improve bus service in areas identified in the EA as the Brooklyn and Manhattan Bus Network Redesigns move forward. New York City's buses serve a greater share of low-income and minority households compared to other modes of transportation, including subways. MTA NYCT, when redesigning its bus networks, took into consideration areas with higher rates of low-income and minority households. The recently implemented Bus Network Redesigns in Staten Island and the Bronx have been well-received. Since implementation of the redesigns, bus speeds in Staten Island have gotten 5 percent faster on weekdays overall, with the AM peak weekdays speeds 9 percent faster. And on Bronx bus routes speeds are now the highest in the system, outperforming the system-wide average by 7 percent. Not only are customers reporting satisfaction with these changes, the routes are attracting new riders, with increased ridership on many of the changed routes.⁴⁸ Network redesigns in Queens and Brooklyn are progressing. TBTA commits to working with NYCT to address areas identified in the EA where bus service could be improved as the Brooklyn and Manhattan Bus Network Redesigns move forward.

⁴⁷ TBTA analysis, 2023.

⁴⁸ MTA NYCT analysis, 2022.

The EA includes an analysis of the potential effects of the CBD Tolling Alternative on low-income drivers in Chapter 17, "Environmental Justice."

Comment 38: How will the Project affect taxi and FHV drivers?

The Project Sponsors evaluated the effect of the CBD Tolling Alternative on taxi and FHV drivers. The tolling scenarios they evaluated in the EA includes some tolling scenarios that would have exemptions for taxis and/or FHV drivers and/or limits ("caps") to the number of times per day they would be subject to the toll, and other tolling scenarios without exemptions and/or caps.

Tolling Scenarios that would toll taxis and/or FHV drivers more than once per day (unmodified Tolling Scenarios A, D, and G; and Tolling Scenarios C and E for FHV drivers) would adversely affect taxi and/or FHV drivers in New York City, as follows:

- The cost of the new toll would adversely affect taxi and FHV drivers, who would need to pay the CBD toll, including at the start of their workday, in tolling scenarios that toll their vehicles more than once a day.
- The new CBD toll would reduce VMT associated with taxis and/or FHV drivers in Manhattan. Since the income of taxi and FHV drivers is directly related to the miles they travel with paying customers, this would reduce the income of taxi and FHV drivers and this reduction would be large enough that job losses could occur in tolling scenarios that toll their vehicles more than once a day.

In Tolling Scenarios B and F, and the modified Tolling Scenarios A, D, and G, these adverse effects would not occur. More information on the analysis the Project Sponsors conducted is provided in the EA in Chapter 17, "Environmental Justice."

As updated in the Final EA, TBTA will ensure that a toll structure with tolls of no more than once per day for taxis or FHV drivers is included in the final CBD toll structure. This will avoid a disproportionately high and adverse effect on taxi and FHV drivers from the Project. (This commitment would not preclude New York City taxi and FHV drivers from benefiting from the low-income driver mitigation measures, including the Low-Income Discount Plan for their vehicles that are not licensed as taxis or FHV drivers, provided that they can demonstrate eligibility. For more information on mitigation for low-income drivers, see the response to **Comment 37**.)

For more information, see **Chapter 17, "Environmental Justice,"** of the EA, which evaluates the effects of the Project on environmental justice populations, including minority populations and low-income populations. See response to **Comment 39** for further information on the commitments the Project Sponsors are making in addition to those that were described in the EA.

Comment 39: What mitigation and enhancement measures will the Project Sponsors implement, in addition to those that were described in the EA?

The EA included a number of mitigation and enhancement measures, which are shown in the **Executive Summary, Table ES-4**, as well as in **Chapter 16, "Summary of Effects," Table 16-1**. During the public review and comment period, the Project Sponsors made changes to several of these to further clarify or provide specificity.

These are now provided in the Final EA (**Table ES-5** and **Table 16-1**), with changes indicated in a combination of bold, italics, and brackets (e.g., *[this is how edited text is marked]*). In addition, the Final EA now includes new tables (**Table ES-6** and **Table 16-2**) summarizing how the mitigation measures will be implemented.

The Project Sponsors also added new enhancement and mitigation commitments in the Final EA. These include the creation of a Small Business Working Group (SBWG): the Project Sponsors commit to establishing a SBWG that will meet 6 months prior and 6 months after Project implementation, and annually thereafter, to solicit ongoing input on whether and how businesses are being affected (see **Chapter 6, “Economic Conditions”**). They also include the further reduction of overnight toll rates: TBTA will ensure the overnight toll for trucks and other vehicles is reduced to at or below 50 percent of the peak toll from at least 12:00 a.m. to 4:00 a.m. in the final toll structure; this will also benefit some workers and businesses.

To address a potential disproportionately high and adverse effect on environmental justice populations, the Project Sponsors have committed that the final CBD toll structure will have tolls of no more than once per day for taxis or FHVs, and a Low-Income Discount Plan for low-income drivers (see **Chapter 17, “Environmental Justice”**). The further reduced overnight rates noted above will also benefit low-income drivers traveling during this time.

In addition, the Project Sponsors have committed to a package of mitigation measures to address potential adverse effects related to diversion of traffic to areas where environmental justice populations are already overburdened by existing pollution burdens or adverse health burdens. The Project Sponsors have committed to multiple regional mitigation measures to reduce truck diversions and reduce emissions, as well as multiple place-based measures to reduce emissions and improve air quality in areas with the greatest potential effect due to the Project. These are summarized in **Table 18A-4**. To fund these mitigation measures, the Project Sponsors have committed \$155 million over five years. The Project Sponsors commit to these measures, regardless of the tolling structure eventually adopted. An adaptive management approach will be used which will include monitoring the efficacy of mitigation, stakeholder consultation, and adjustments as warranted. An additional \$5 million has been allocated for mitigation and enhancement measures related to monitoring across other topics, along with \$47.5 million for the low-income toll discount.

The specific census tracts that would experience increased or decreased truck traffic change slightly depending on the tolling scenario, but the communities largely remain the same across tolling scenarios. The following communities could have census tracts that would merit place-based mitigation: High Bridge, Morrisania and Crotona, Tremont, Hunts Point, Mott Haven, Pelham, Throgs Neck, Northeast Bronx, East Harlem, Randall’s Island, Lower East Side/Lower Manhattan, Downtown Brooklyn, Fort Greene, South Williamsburg, Orange, East Orange, Newark, and Fort Lee (except for Tolling Scenario G).

After toll rates are set, a process that includes both additional analyses and community input will take place to determine the sites of place-based mitigation (e.g., in which schools to install air filtration units, or on what roadways to plant vegetation). This will require coordination between the Project Sponsors, the Environmental Justice Community Group (representing the 10-county environmental justice study area),

the relevant communities receiving the place-based mitigation, and local implementing agencies, and will include needs assessment and feasibility screening to determine the range of possibilities. The Project Sponsors will work with the implementing agencies through existing public engagement and participation processes to then prioritize and select the specific locations. The specific place-based mitigation sites will be made available to the public by a posting on the Project website, as well as direct emails to members of the public who have signed up to receive information about the Project.

Table 18A-4. Regional and Place-Based Mitigation Measures

MITIGATION MEASURES	BENEFIT AND RESULT OF MITIGATION	5-YEAR FUNDING ¹	RELEVANT LOCATION(S)	FUNDING SOURCE	IMPLEMENTATION LEAD
Regional Mitigation					
Further reduced overnight toll	Minimize/avoid truck diversions	\$30 million	10-county environmental justice study area	CBD Tolling Program	TBTA
Expand NYC Clean Trucks Program	NOx and PM _{2.5} reductions from ~500 new clean trucks	\$20 million		CBD Tolling Program	NYCDOT
Expand NYCDOT Off-Hours Delivery Program	Safety and emissions reduction benefits resulting from reduced truck traffic during the day	\$5 million		CBD Tolling Program	NYCDOT
Place-Based Mitigation					
Toll vehicles traveling northbound on the FDR Drive that exit at East Houston Street and then travel southbound on FDR Drive	25 to 35 percent of the non-truck traffic increases on the FDR Drive could be mitigated	N/A	FDR Drive between the Brooklyn Bridge and East Houston Street	N/A	TBTA
Replacement of Transport Refrigeration Units (TRUs) at Hunts Point Produce Market	Major NOx and PM _{2.5} reductions from the replacement of up to 1,000 TRUs	\$15 million ²	Hunts Point	MTA CMAQ Program	NYCDOT
Implement Electric Truck Charging Infrastructure	NOx and PM _{2.5} reductions from electric vehicles using 35 new chargers (at seven stations)	\$20 million	After toll rates are set, a process that includes both additional analyses and community input will take place to determine specific locations	\$10 million Federal CRP + \$10 million CBD Tolling Program	NYSDOT
Install Roadside Vegetation to Improve Near-Road Air Quality	Improves near-road air quality by pollutant capture from ~4,000 trees and ~40,000 shrubs	\$10 million		CBD Tolling Program	TBTA with Relevant State and Local Agencies
Renovate Parks and Greenspace in Environmental Justice Communities	Increases overall community well-being. 2-5 park/greenspace renovations depending on size and complexity.	\$25 million		CBD Tolling Program	TBTA with Relevant State and Local Agencies
Install Air Filtration Units in Schools Near Highways	Removes air pollutants from classrooms. 25-40 schools depending on school size and complexity of existing HVAC system.	\$10 million		CBD Tolling Program	TBTA with Relevant State and Local Agencies
Establish Asthma Case Management Program and Bronx Center	Reduces hospitalizations and doctor visits, decreases days and nights with symptoms and missed school days – program expansion up to 25 schools	\$20 million		CBD Tolling Program	NYC DOHMH

Notes:

- 1 An additional \$5 million has been allocated for mitigation and enhancement measures related to monitoring across other topics, along with \$47.5 million for the low-income toll discount discussed above. Enhancement measures include air quality monitoring that will expand NYC’s existing monitoring network. Locations will be selected in consideration of the traffic and air quality analyses in the EA and in coordination with environmental justice stakeholders and relevant state and local agencies. This will complement the regional and place-based mitigation measures related to traffic diversions outlined here (see **Chapter 10, “Air Quality,”** for details).
- 2 After three years, any remaining funds designated for TRU replacements may also be used for clean truck replacement vouchers through the NYC Clean Trucks Program.