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**Testimony of Assembly Member Micah Z. Kellner**

Before the NYC Traffic Congestion Mitigation Commission  
At Hunter College Auditorium, East 69<sup>th</sup> Street between Park and Lexington Aves.  
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My name is Micah Z. Kellner and I represent the 65<sup>th</sup> Assembly District, including Yorkville, parts of the Upper East Side, and Roosevelt Island. Thank you to the New York City Traffic Congestion Mitigation Commission for the opportunity to testify today.

My Assembly District is one of four bisected by 86<sup>th</sup> Street, which was identified as the northern boundary of the Mayor's proposed congestion pricing zone. As such, last July, I began conducting a survey of my constituents' opinions on traffic congestion and congestion pricing. To date, I have received approximately 400 survey responses as well as hundreds of phone calls, letters and emails.

Last October I came before this Commission to report on the preliminary results of my survey. Three months later, unfortunately, the basic problem has not changed: we are still hearing a lot of talk about the big picture, and next to nothing about the details. But as the results of my survey make clear, the individual details are what matter to individual New Yorkers.

East Siders do not need to be told that traffic congestion is a serious problem in New York City – they experience its costs in time, money, and peace of mind on a daily basis. As one of them reports, “First Avenue from 7 a.m. to 7 p.m. is a parking lot.”

They want to believe that congestion pricing offers a solution. 64 percent of them say they support the idea in theory – including 51 percent of car owners. But when you ask them about the details, their reservations begin to emerge.

I can not help but observe that once again the critical details are missing – *none* of the five plans in the Interim Report adequately addresses the kind of concerns my constituents and I have raised regarding the preparations for any congestion pricing program, the equitable and efficient operation of such a program, and the use of the revenue the program would generate.

Even supporters of congestion pricing told me they were worried that New York's mass transit infrastructure as it stands is not prepared to absorb the 78,000 daily diversions the City estimates would be created by implementation of congestion pricing. The problem is especially acute on the Upper East Side, as the neighborhood's sole subway line, the Lexington Avenue Line, is already operating beyond capacity and service on the line cannot be expanded any further.

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In its Report to the Traffic Mitigation Commission, the MTA outlined a plan to expand bus and subway service throughout the city prior to implementation of a congestion pricing program. The plan includes the addition of 36 buses to already established routes on the Upper East Side. This would seem barely adequate to handle thousands of additional commuters on a daily basis, but what guarantee do we have that even this level of service enhancement will be implemented? For its expanded service plan, the MTA estimates unfunded capital costs of \$767 million, with up to \$56 million in annual debt service, as well as unfunded operating costs of \$55.8 million to get its plan started, and recurring unfunded operating costs of \$104.2 million on an annual basis thereafter. Where will this money come from?

We cannot be lulled by assurances that the MTA will take care of everything. We need guarantees as to what services will be expanded and how the expansion will be financed, and we need a concrete requirement that no congestion pricing program will be implemented until and unless certain benchmarks for service enhancement have been achieved.

The residents of my neighborhood also expressed concern over the effect congestion pricing would have on their ability to park in their own neighborhoods. When the Mayor first proposed his plan we were told that a residential parking permit program would be part of the equation – a program favored by 58% of respondents to my survey. Yet no such plan was mentioned in the bill the Mayor sent to Albany. The Mayor’s administration continues to give us vague assurances that the City will “work with local communities” to address parking problems created by congestion pricing, including residential parking permits as a “possible solution.”

This is unacceptable. Neither the Mayor’s plan nor the Commission’s alternative congestion pricing plan includes specific steps to institute a residential permit program. The alternative plan dismisses the need for such a program, assuming that parking won’t be a problem since the neighborhood north of its proposed 60<sup>th</sup> Street boundary is short on parking already. But this is precisely why we need to protect neighborhood residents’ ability to park in the first place – even a small impact on an already-overcrowded situation will create big problems for local residents. Vague assurances and assumptions are useless. We need a requirement that no congestion pricing program may be implemented until and unless a residential permit parking system is in place in neighborhoods near the zone boundary and in outer-borough neighborhoods adjacent to bridge and tunnel crossings to Manhattan.

Respondents expressed a number of concerns about the implementation of any congestion pricing program. A majority of them oppose, as do I, setting the northern boundary of the pricing zone at 86<sup>th</sup> Street – a major commercial thoroughfare already subject to a number of challenges to mobility, not least of which is the seven-year construction period for Phase I of the Second Avenue Subway. The Commission’s alternative plan contemplates establishing the boundary at 60<sup>th</sup> Street, yet this too is unacceptable, since it would create precisely the kind of park-and-walk problem the Mayor’s plan was meant to avoid. I can’t escape the impression that decisions about where to place the boundary have been like splitting Solomon’s baby – based on arbitrary proposals with little rational consideration of why one option might be better than another. Locating the boundary at 72<sup>nd</sup> Street would avoid the problems associated with setting

the boundary higher or lower, and would allow drivers to enter or exit the FDR Drive and West Side Highway without entering the pricing zone.

The Commission's Alternative Plan also fails to include an exemption for travel on these peripheral roads, thus needlessly impeding the ability of New York City residents to get from place to place without contributing to traffic congestion in the central business district.

Other important details appear to be lost in the shuffle. While the Mayor's plan included an exemption for vehicles with handicapped license plates, the Commission's alternative plan as outlined in the Interim Report mentions no such exemption. None of the plans includes an exemption for drivers traveling to or from hospitals within the pricing zone. Disabled commuters and those traveling for medical reasons very often do not have the option of taking public transportation. It is unfair to subject them to a fee.

The Commission's alternative plan includes a \$1 surcharge on taxi trips beginning or ending within the zone. Such a charge would make the plan distinctly more regressive. More of my constituents rely on cabs than on personal vehicles as their primary means of transportation. Many of them are elderly or disabled. Rather than tax them, an equitable congestion pricing proposal should include a surcharge on corporate black cars and a crackdown on traffic violations by these vehicles. Corporate New York will benefit tremendously from a reduction in traffic congestion; it's only fair to ask that New York's businesses make a proportional share of the sacrifice.

My constituents strongly object to the notion of charging residents of the pricing zone for travel within their own neighborhoods. Nearly two-thirds of them oppose an intra-zonal charge. By contrast, 56 percent of survey respondents said that they would support a congestion pricing program that did not include such a fee. They also wonder why they should be charged for leaving their neighborhoods – as one respondent put it, “to penalize residents of New York by making them pay an extraordinary fee to get out is unconscionable.” I agree – especially in the case of residents who live in the zone and who use the FDR or West Side Highway to leave Manhattan. One advantage of the alternative pricing plan is that it would not include intra-zonal or outbound charges, and I commend the Commission for making these improvements. However, I should also note that a strong majority of survey respondents said that they opposed the imposition of tolls on the East River bridges, a plan that would once again punish residents who are not even contributing to peak-hour traffic congestion.

My constituents, like many others who have contributed to the debate over congestion pricing, have also drawn attention to a variety of other ways to mitigate traffic congestion. As many of them point out, no plan to deal with congestion can be a success unless it is accompanied by a greatly strengthened commitment to enforcing traffic violations like blocking the box and obstructing bus lanes. And it's absurd to ask ordinary New Yorkers to sacrifice while we continue to give a free ride to the estimated 150,000 government employees with free parking placards – many of whom park illegally and create hazards for local communities. There's no reason why the Commission's final recommendation shouldn't include other smart ideas – like expanding the number of taxi stands in Manhattan and offering pricing discounts to hybrid vehicles and those carrying three or more passengers.

Survey respondents were most unanimous in agreeing that revenue generated by a congestion pricing program must be dedicated to improving mass transit. As other polls have demonstrated, it is this link that most improves public support for congestion pricing – indeed, this link is one of the main reasons for even contemplating a pricing program. It is inexcusable, then, that the legislation the Mayor sent to Albany last year failed to include such a guarantee. At first we were told that funds from congestion pricing would be dedicated to the MTA’s capital budget. But then the money was used as a kind of political bait, held up as a potential prize to those pursuing a number of different agendas. It’s time to get serious – any legislation authorizing congestion pricing must include a requirement for distribution of revenues, otherwise it’s not even worth considering.

Last spring, we were presented with an imaginative plan to reduce traffic congestion and improve mass transit. But critical details were lost in translation when it was ultimately drafted as legislation. I cannot vote on the basis of imagination alone. I need to see concrete measures to address my constituents’ concerns. I am worried that the problem is about to repeat itself – while the Commission is contemplating an array of grand plans, those crucial details are once again being left on the drafting room floor. We cannot skip straight from concept phase to implementation. We need to know how this is going to work – and right now, I’m not convinced that any of it *will* work. I said this in October and I’ll say it again – I will not vote for a plan that’s little more than an outline.

When I voted to create this commission, I did so in the understanding that it was designed to foster an open and honest discussion. Sadly, it seems to have fallen short of this intent, operating with a lack of transparency and inadequate public input. Members of this Commission have complained that consistent standards have not been applied to all the data considered. I can only conclude that this faulty process is responsible for producing five wholly inadequate options. Despite these shortcomings, I believe that a workable plan can be developed.

Supporters of congestion pricing may wonder why the idea isn’t more popular. I submit that the reason is because the public understands that when big ideas are implemented without enough attention to detail, it’s the public who pays the price. A congestion pricing program would affect New Yorkers on an individual basis, in a wide variety of ways. It is these localized effects that must be addressed before any sweeping changes can be implemented. Any viable congestion pricing proposal must include concrete plans to prepare for its implementation, properly account for the details of its operation, and assign the revenue it generates. We have not yet seen such plans.

I am not looking for the perfect plan, but I believe that significant improvements can be made over what has been proposed so far. Attached is my final report on my constituent survey and recommendations for a better approach to solving the problem of traffic congestion, improving mass transit, and reducing pollution in New York City. It encompasses many of the points I have made today, as well as elements of each of the five plans proposed in the Commission’s Interim Report. I hope you will take the time to review it and consider it seriously.

Thank you for the opportunity to testify today.