

New Yorkers Against Congestion Pricing Tax

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New Yorkers Against Congestion Pricing Tax to USDOJ: Rescind Regressive, Unfair, Inequitable Toll-Tax via NYS Court

New Yorkers Against Congestion Pricing Tax ("New Yorkers") called on the federal attorneys who are working to rescind the failed, regressive and harmful congestion pricing toll tax to join the pending litigation before the New York State Supreme Court to declare Congestion Pricing unlawful. New Yorkers' attorney Jack Lester's [letter](#) to the federal attorneys today (Monday, May 5) raised the pending State litigation based upon the Metropolitan Transit Authority and Governor Hochul's failure to follow proper administrative procedures in the implementation of Congestion Pricing pursuant to State Administrative Procedure Act ("SAPA") and its relevant Section 206 that "allows for individuals adversely affected by conflicting or overlapping Federal and State regulatory requirements to Petition the relevant State agency and the Courts for relief." New Yorkers continue to advocate a judicial resolution as the best way forward to decisively determine the future of Congestion Pricing in New York City.

Attorney Lester wrote, "the core requirements of SAPA in relation to small businesses and job holders are the avoidance of the negative socioeconomic impacts of rulemaking. The Federal Government's effort to terminate Congestion Pricing and its position regarding the deleterious impacts of Congestion Pricing have been confirmed over the past five months. A process leading to Federal rulemaking should now be implemented through a public hearing procedure that will serve to provide a rational basis for the Federal Government's justifiable termination of Congestion Pricing.

The New York State Administrative Procedure Act ("SAPA") mandates public hearings on rulemaking determinations of the MTA/TBTA that affect small businesses – particularly in communities such as Chinatown and Little Italy – and wage earners. A full and fair opportunity to have a judicially imposed determination of the legalities and equities of Congestion Pricing will serve the interests of all New Yorkers and reestablish the primacy of the rule of law. New York law addresses the negative socioeconomic consequences of Congestion Pricing.

"New Yorkers respectfully request that the Federal Government use its rulemaking authority to provide relief for the beleaguered small businesses and wage earners being negatively affected by Congestion Pricing," wrote attorney Lester. The attorney for New Yorkers recommended the federal government implement a process leading to Federal rulemaking through a public hearing procedure "to provide a rational basis for the Federal Government's justifiable termination of Congestion Pricing."

As an alternative to litigation, New Yorkers Against Congestion Pricing Tax strongly recommends all stakeholders working collaboratively to find an equitable path to insure cleaner air and improved mass transit – a solution that doesn't unfairly burden environmental justice communities and hard working everyday New Yorkers; we point to "[A 5-point Plan to Save Public Transit](#)" that New Yorkers proposed last Spring. Representatives of New Yorkers met earlier this year with the Governor's office to present

the 5-point Plan and a “[menu](#)” of one dozen alternative resources identified by Keep NYC Congestion Tax Free; we have yet to receive any feedback from the Governor’s office. Public transit fuels the City economy which fuels the state economy, which fuels the U.S. economy.

This path avoids any need to pursue pending litigation. Our grassroots coalition of residents and businesses from diverse neighborhoods around New York City meanwhile asserts pending claims that New York State law requires a review relative to small businesses and job retention.

As we [maintained](#) from the beginning, “Rescinding this congestion pricing toll-tax that has been picking their pockets and cutting into their pocketbooks helps marginalized New Yorkers – whether or not they commute or live in or outside the congestion zone. The rescission of the Congestion Pricing Toll Tax protects Environmental Justice Communities including the Lower East Side, Chinatown, and the South Bronx which faced increased traffic and pollution and incidence of asthma.”

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New Yorkers Against Congestion Pricing Tax is a coalition of residents from diverse neighborhoods around New York City who have initiated a lawsuit to demand that the Federal Highway Administration perform an Environmental Impact Statement (EIS) to show the real impacts of Congestion Pricing (CP) on our communities. The federal government and the Metropolitan Transit Authority rushed an incomplete Environmental Assessment Statement (EAS) instead of applying the more extensive and comprehensive EIS. An EIS would properly examine the three E’s: Environmental Impacts, Economic Hardship, and Equity.