




TANY Fights Back

Lawsuit Filed Against
Congestion Pricing

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TANY President



In April of 2019, as part of the FY2020 state budget, the NYS legislature passed a law that enabled the City of New York to implement a congestion pricing program. The program charges vehicles that travel south of 60th Street a toll based on the type of vehicle. FDR Drive and Route 9A (the West Side Highway) are exempt from the toll, but vehicles will be charged if they leave these exempt roads and enter Manhattan within the congestion zone. The stated goals of the program are twofold – (1) reduce congestion and (2) raise \$1 billion in revenue to support the Metropolitan Transportation Authority’s (MTA’s) \$15 billion capital plan.

When passed, New York had a goal to collect the first tolls in 2021. The COVID pandemic derailed those plans, but now, over five years later, the City is set to start collecting tolls as of June 30, 2024.

Initially, TANY advocated strongly for a full exemption from the congestion toll given that there is no option but to drive into the congestion zone to make deliveries. Freight certainly is not going to be delivered via subway. However, it became clear early on that very limited exemptions were going to be considered and commercial vehicles were not going to be one of them. While 100 percent of the revenue will be dedicated to transit, the MTA argued that the trucking industry will still benefit from the program due to reduced congestion delays as passenger vehicle traffic declines. Therefore, they felt justified in charging commercial vehicles a toll. We are not convinced that the program will actually reduce congestion. In the world of politics, we must recognize what’s possible and what is not. So, we changed tactics and lobbied that if trucks are to be charged, they should not be charged more than passenger vehicles.

TANY has held countless meetings with various public officials advocating for pricing parity. We have participated in every public hearing that has been

held, submitted comments to the environmental assessment and to the proposed toll rates, met directly with the MTA to discuss our concerns, communicated with the Traffic Mobility Review Board (the group that met to recommend the toll rates), and have published op-eds to illustrate the negative impacting that charging commercial vehicles will have on small businesses and consumers. Despite these efforts, our concerns were completely ignored.

The Problem

On March 27, the MTA board approved the toll rates for Congestion Pricing. Full details of the MTA’s tolling plan can be found at <https://congestionreliefzone.mta.info>, but the key details you need to know are this:

1. Passenger vehicles will be charged \$15 once per day.
2. Trucks will be charged between \$24 - \$36 every time they enter the zone.
3. There are toll credits for crossing into the zone via certain tunnels (but not the George Washington Bridge) and there is an off-peak discount, neither of which helps the trucking industry.

The key takeaway is that passenger vehicles, whose drivers generally have transit options available to them, are being charged once per day. In contrast, commercial vehicles, which have no choice but to drive in the zone, will face not only a higher toll but will also pay every time they enter the zone. Here’s the other important factor – the MTA is mandated to raise \$1 billion per year. It’s not a revenue goal, it is a revenue mandate. So the question becomes – how do you reduce congestion and raise \$1 billion annually? Here’s how – you target the industry that has no choice.

Left With No Choice

On May 30, TANY filed a lawsuit against the State of New York, the Metropolitan Transportation Authority and the Federal Highway Administration seeking an injunction preventing implementation of the congestion pricing program because it unfairly targets and penalizes the trucking industry.

Our lawsuit lays out three primary reasons why the congestion pricing program is unconstitutional:

The tolling program violates the Commerce Clause of the United States Constitution because its charges are not a fair approximation of use by TANY members and are excessive in relation to the benefit conferred upon TANY members.

The tolling program violates TANY members' constitutionally protected right to travel for the same reasons - because it fails to satisfy the fair approximation and excessiveness tests.

The tolling program violates the Supremacy Clause because it is preempted by the Federal Aviation Authorization Act ("FAAAA"), in that it relates to the rates, routes or services of TANY's membership, which is comprised of motor carriers doing business in New York State.

One of the key arguments made in the case is that trucks make up only 4% of all vehicle traffic in the zone. For-hire vehicles and taxis make up the majority of the traffic in the zone, at 52%, yet they are exempt from being tolled under the congestion pricing program.

Hundreds of millions of tons of freight are moved into or out of New York City each year. The top three zip codes for daily freight deliveries and shipments are located in midtown Manhattan next to the Lincoln Tunnel. That freight includes medical supplies, clothing, food, water, school supplies, hospitality supplies, home and commercial heating oil, and

essential goods. Trucks and other commercial vehicles deliver nearly all of that freight.

The trucking industry has always been willing to pay its fair share into the roads and bridges that are our workplaces. In New York, the industry pays approximately 29% of all roadway taxes owed by motorists despite representing only 7% of vehicle miles traveled in the state. To a certain degree, that is reasonable. Trucks weigh more than passenger vehicles and do more damage to the roads; therefore, they should pay more.

However, as it relates to congestion in New York City, the trucking industry is not the culprit. Trucks are providing a critical service to support the City's economy and they should not be penalized for it. **MP**

**As of this writing, Governor Hochul has put an indefinite pause on the program. TANY continues to move forward with our lawsuit and will keep members posted on the status.*



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The below rates apply for those vehicles equipped with E-ZPass. Non-E-ZPass rates are noted. There is no toll credit provided for non-E-ZPass equipped vehicles.

Passenger Vehicles (once per day toll):

Includes sedans, sport utility vehicles, station wagons, hearses, limousines, pickup trucks with factory beds, pickup trucks with caps below the roofline and not extending over the sides, and vans without an extended roof above the windshield.

Peak period:
\$15.00/\$22.50 non-E-ZPass

Peak period (low income): \$7.50 (11th trip and trips thereafter in a calendar month)

Toll credit (peak periods only):

- Lincoln/Holland: \$5.00
- Queens-Midtown/Hugh L. Carey: \$2.50

Off-Peak period:
\$3.75/\$5.50 non-E-ZPass

Commercial Vehicles – single-unit vehicles (per trip toll):

Includes non-articulated trucks, pickup trucks with modified beds, vans with modified body behind the drivers cab, pickup trucks with caps above the roofline or extending over the sides, and vans with an extended roof above the windshield.

Peak period:
\$24.00/\$36.00 non-E-ZPass

Toll credit (peak periods only):

- Lincoln/Holland: \$12.00 (once per day)
- Queens-Midtown/Hugh L. Carey: \$6.00 (once per day)

Off-Peak period:
\$6.00/\$9.00 non-E-ZPass

TOLL STRUCTURE: Also found at: <https://new.mta.info/document/138931>

Peak period: 5am – 9pm weekdays, 9am – 9pm weekends

Toll credits provided for:

- Lincoln Tunnel or Holland Tunnel (entering the congestion zone)
- Queens-Midtown Tunnel or Hugh L. Carey Tunnel (entering or exiting the congestion zone)

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Commercial Vehicles – multi-unit vehicles (per trip toll):

Includes articulated trucks where a power unit is carrying one or more trailers.

Peak period: \$36.00/\$54.00 non-E-ZPass

Toll credit (peak periods only):

- Lincoln/Holland: \$20.00 (once per day)
- Queens-Midtown/Hugh L. Carey: \$10.00 (once per day)

Off-Peak period: \$9.00/\$13.50 non-E-ZPass

Buses (per trip toll):

Includes vehicles registered with the DMV and plated as a bus, omnibus, or have other designated official plates.

Peak period: \$24.00/\$36.00 non-E-ZPass

Toll credit (peak periods only):

- Lincoln/Holland: \$12.00 (once per day)
- Queens-Midtown/Hugh L. Carey: \$6.00 (once per day)

Off-Peak period: \$6.00/\$9.00 non-E-ZPass

Licensed Sightseeing Buses (per trip toll):

Peak period: \$36.00/\$54.00 non-E-ZPass

Toll credit (peak periods only):

- Lincoln/Holland: \$20.00 (once per day)
- Queens-Midtown/Hugh L. Carey: \$10.00 (once per day)

Off-Peak period: \$9.00/\$13.50 non-E-ZPass

Motorcycles (once per day toll)

Peak period: \$7.50/\$11.25 non-E-ZPass

Toll credit (peak periods only):

- Lincoln/Holland: \$2.50 (once per day)
- Queens-Midtown/Hugh L. Carey: \$1.50 (once per day)

Off-Peak period: \$1.75/\$2.75 non-E-ZPass

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