Dear MTA Colleague:

In the very near future, an unelected group of six individuals, called "The Traffic Mobility Review Board", will issue its report on the implementation of the long-awaited congestion pricing program. We, the members of the MTA Board, will then be asked to review the panel's recommendations and act.

I would respectfully suggest that we are on the edge of abdicating our authority to an advisory committee that has no accountability, and that merely rubberstamping its recommendations violates our oath of office.

In truth, this entire process was flawed from the very beginning when the New York State Legislature passed congestion pricing without knowing or including any of its details in the bill. How can it be that the Legislature passed such an important, far reaching bill without a full vetting of the details in public before voting on it? That would be like the Congress passing unspecified tax increases in legislation, only to leave them to a six-member, unelected body of people to determine what the rates should be. The fact that we are now being called upon to ratify the elements of this plan is profoundly wrong and destructive to the very authority placed in our hands.

Some might assert that the MTA has the authority to raise fares and tolls without the Legislature acting. The clear answer is "Yes." But raising fares and tolls on commuters who actually use MTA subways, buses, commuter rails, and bridges and tunnels, is very different than the MTA imposing fees on those commuters who do not. The fact is that the Legislature improperly delegated this task to us, and we, in turn, have bucked this issue to a third party review board.

But it is not too late. Now that we are left with the task, we must intelligently and independently pause and ask ourselves whether it is the right time to implement this plan. The answer is "No." And, rather than mindlessly going from one step to the other, believing congestion pricing to be inevitable, please review the following.

1. Be advised that according to a 2019 NYC Department of Transportation Report, the number of cars entering Manhattan's central business district continued to decline, not increase. And this data predates Covid. According to the report, however, "Empty, for-hire vehicles circling the area brought no relief from congestion." So, instead of dealing with the problem of the proliferation of call cars causing the problem, we are asking millions of commuters to pay the price.
2. In a post-Covid, inflation-ridden economy, congestion pricing will inflict grievous harm on those least able to afford it and dramatically affect the City's ability to economically recover from Covid. We want to encourage, not discourage people from coming to the City, back to their offices, back to the restaurants, and back to the wide variety of entertainment our great City has to offer. Taxing commuters to travel to the City each day will not result in their taking public transit, particularly at a time when we need to do much more to make it safe. Instead, people will simply choose to work from home.

3. Congestion pricing will have a significant environmental and health impact on low-income communities already suffering high asthma rates, particularly in the Bronx, due to increased truck traffic on roads like the Cross Bronx Expressway.
4. A good deal of traffic congestion in NYC is of its own making and, instead of adopting policies that could ameliorate congestion, NYC has either adopted policies to promote it or has refused to take other, more basic actions to reduce it.
   For example, review the traffic pattern on Lexington Avenue where there are five lanes. Two lanes, the eastern and western-most, are designated for parking. One lane, the one next to the western-most parking lane, is a bus lane. This presumably leaves two lanes for traffic. However, with the City-approved restaurant sheds and the double parking of trucks, either making deliveries or just parked there, there is effectively one lane open to cars. Eliminating the restaurant sheds and enforcing traffic rules (and changing truck delivery schedules) would significantly reduce congestion. Moreover, the proliferation of bike lanes has further increased congestion.

Equally crucial is a review of the need for congestion pricing to support the MTA's Capital Plan. No one debates the need for robust five-year capital plans to ensure the safety and reliability of the MTA's operating systems. The current 2020-2024 MTA Capital Plan envisions committing $55.4 billion. Yet, by June, 2022, half way through the plan, the MTA has committed only 17% of that program and states that it will commit 24% ($13.3 billion) by the end of 2022, the 60% point. This means the MTA will have to commit $42.1 billion in two years. No management magic wand will accomplish that. After all, the MTA still has uncommitted funds from the prior 2015-2019 Capital Plan which was $33 billion.

We need to insist that MTA staff go back and seriously review the Capital Plan. It must determine how much it can realistically and responsibly commit and must focus its spending on the essential state of good repair needs of the system. We cannot afford system expansions at this time, particularly since these expansions will only exacerbate significant operating deficits we are facing well into the future. Only after the State Legislature provides a dedicated funding for MTA operations can we even think of system expansions.

It is time for us all to exercise our due diligence as Board Members and recognize that congestion pricing is simply wrong at this time. Ask the difficult questions I have posed here, and you will inevitably reach the same conclusion.

Cordially,

David Mack