

Avoid the “Congestion Tax Pit” Inside a Sweet Fruit

Statement to NYC Traffic Congestion Mitigation Commission

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The manner in which City Hall pronounced its scheme – a large pit wrapped in a sweet fruit – by now many know my “mango analogy, followed to this very day by the selective review and consideration of alternatives demonstrates a real need to open the process. That same process leaves you defending the impossible, because you issue an Interim report totally devoid of a “lockbox” that assures New Yorkers that the funding you propose would deliver new projects as opposed to new dollars to replace old ones that get re-allocated elsewhere.

Chairman Marc Shaw, for whom I have utmost respect and he knows that, spoke at the last commission meeting of the need for a plan that meets perhaps the highest test – in my words I call it the ability not just to collect dust on some shelf, or worse relegation to some file drawer never again to see the light of day. The commission needs to propose something that can pass. I submit to you that none of the tax – whether a straight toll tax or of the congestion charge tax variety – rises to the level of something “passable.”

Commissioners, your task involves no document that gets published in a law review or other distinguished trade journal; your task consistent with federal and state requirements involves development of a plan that addresses congestion and raises revenues. The environmental piece would be nice but reality sets in here; as someone involved in the creation of most of the flurry of major municipal environmental laws in the late 1980s through the early 1990s, I know the initiatives we need remain outside the purview of this commission.

The problem we face starts because the city developed its congestion tax as part of a plan imposed top down. It even took more than two months after the Mayor announced the Congestion Tax masked inside feel-good environmental and green proposals on Earth Day (Sunday, April 22, 2007), to release – selectively – legislation first outlining the specifics of the tax and its implementation has been shared with the public.

Not only that but at forums where I and other who advocate sound alternatives to the congestion tax “debated” tax proponents, they cite erroneous traffic data, mislead (as was done with the ads about environment and traffic impacts outside Manhattan). Even at a December commission meeting, city bureaucrats failed to share information with commission members – and the public – about toll revenues by borough already available.

From the outset, a high powered management consulting firm hired to develop the plan failed to engage community groups in discussions of its plans. The feel good sessions called early last year as part of the PlaNYC process failed to heed the sound proposals civic leaders and others advanced to address mass transit and other needs.

This included many items included in the innovative [CIVIC 2030](#) platform of the [Queens Civic Congress](#), a strong opponent of the Congestion Tax.

The City scheme, touted as similar to that of London, yet failed to follow the process used by that foreign city. Its Deputy Mayor Nicky Gavron, at a May 18 forum, revealed how London took several years and much consultation with local civic groups before a final plan got announced. Here we get a pronouncement, not a consultation. Despite the hearings and the meetings, not much has changed. Too much of the debate takes place in the media.

I propose a simple remedy: Ax the Congestion Tax. Move on to the non-intrusive, low-cost (almost no cost) traffic mitigation [measures](#) proposed by [Keep NYC Congestion Tax Free](#) with some half billion or more in incidental revenues and the [revenue](#) measures proposed by such coalition partners as the [Queens Civic Congress](#). By the commission's own analysis, this solid (revenue) recommendation involving true revenue sharing with the suburban counties covered by the MTA, nets almost 1.8 billion (\$1,774,000,000).

I helped set up a forum on the MTA capital plan early next month in Queens because I recognize its importance. If you really do concur, you would look at measures that make sense, have greater merit – including both equity and fairness – than the tax schemes in the Interim Report. Jettison the Interim recommendations. I truly doubt anyone pushing the toll/tax schemes if they honestly care about the public interest, would fight the sound alternative recommendations I and many others of sound mind and intellect share with you today.

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*see: http://keepnycfree.com/media/files/2007-10-12_Alternative_Approaches_PR.pdf

**see: http://queensciviccongress.org/Media/files/2007/2007-10-30_transit_alternatives.pdf.