

Keep NYC Congestion Tax Free

www.keepnycfree.com

For Immediate Release:

Contact – Corey Bearak

(O) 718 343-6779

(C) 516 343-6207

Statement by Keep NYC Congestion Tax Free: New York State Law says congestion pricing scheme is dead

Despite all of the efforts of the city administration and City Council, the congestion pricing scheme died at midnight last night.

Last year, the State Senate, State Assembly and Governor *passed into law* legislation which set out the creation of the commission to study traffic congestion. It also set the deadline for final action in a clear and unambiguous manner.

That legal deadline was March 31, 2008.

§ 6. The state legislature shall consider such implementation plan on or before March 31, 2008. The city of New York shall not impose or collect any fee for traveling into or within the designated congestion mitigation zone unless the implementation plan has been approved by the state legislature on or before March 31, 2008 and signed into law by the governor, pursuant to a request from the mayor that the state legislature consider such plan where such request has been approved by the New York city council in a resolution approved by a majority of its members; provided, however, that nothing in this act shall otherwise prevent or limit the city of New York or the state of New York from taking any other steps to mitigate traffic congestion.*

*LAWS OF NEW YORK, 2007
CHAPTER 384

AN ACT establishing the New York city traffic congestion mitigation commission and requiring the development of a traffic congestion mitigation plan by the mayor of the city of New York; to amend the public authorities law, in relation to capital program plans; and providing for the repeal of such provisions upon expiration thereof Became a law July 26, 2007, with the approval of the Governor.

Passed by a majority vote, three-fifths being present.

The language is very clearly and explicit. And it is equally clear that the state legislature did not approve anything regarding congestion pricing by the stated deadline. The Governor did not sign any measure into law by the stated deadline.

There has been confusion about the federal *memorandum of understanding* which sets a date of April 7, 2008.

A memo of understanding is legally only an agreement to agree and *does not supersede a law*. And the federal DOT officials acknowledge the March 31, 2008 deadline.

Staten Island Advance

Congestion pricing date change

Posted by **Sally Goldenberg** March 18, 2008 8:12PM

But a spokesman for the state Assembly told me the Assembly has not been asked to amend its bill yet, so March 31 is still the deadline.

Brian Turmail, a spokesman for the federal DOT, told Daily News blogger Liz Benjamin:

"The operative date right now is the state deadline. Our understanding is that under it's own law, after March 31, the state Legislature will no longer have the power enact a congestion pricing plan, so the April 7 date is moot."

As of today, there is no congestion pricing plan that met the *law*.

-30-

ABOUT [KEEP NYC CONGESTION TAX FREE](#)

[Keep NYC Congestion Tax Free](#) represents a diverse coalition of civic, business and labor organizations and businesses throughout New York City. We share a simple vision: to keep our city congestion tax free. Our members oppose the \$8 fee (\$21 for trucks) the Mayor proposes to impose on drivers entering Manhattan below 86th Street. Our members urge New Yorkers to deliver a simple message to our legislators: "Say no to the fee the Mayor wants to charge us to enter Manhattan." Many supporters and coalition members propose alternatives to the congestion tax that better address traffic issues in our entire city and provide new sources to support mass transit. For more information, visit keepnycfree.com.