

As Congestion Pricing Nears Reality, It Faces Growing Opposition

A legal and political battle has erupted over the new \$15 fee to drive into the busiest parts of Manhattan.



By Winnie Hu and Ana Ley

Published March 21, 2024 Updated March 22, 2024

When New York lawmakers approved congestion pricing in 2019, it was little more than a vague outline tucked into the state budget: Drivers entering the busiest parts of Manhattan would be charged a fee to raise money for public transit.

But as the first-in-the-nation congestion pricing plan finally takes shape, a growing number of opponents — including Gov. Philip D. Murphy of New Jersey, some New York City elected officials and influential unions — are waging last-ditch efforts to water down or derail the effort before it even begins.

The Metropolitan Transportation Authority expects in June to start charging most passenger cars \$15 a day to enter a congestion zone below 60th Street. Trucks would pay \$24 or \$36, depending on their size. Taxi fares would go up by \$1.25, and Uber and Lyft fares by \$2.50.

Now, amid the uncertainty caused by legal and political clashes — over the cost to drivers, the possibility of increased traffic in some neighborhoods and more — M.T.A. officials have suspended some capital construction projects that were to be paid for by the program.

Five lawsuits challenging the plan have been brought in federal courts in New York and New Jersey, while lawmakers on both sides of the aisle in Albany have put forth proposals to repeal congestion pricing or carve out exemptions. On March 13, a court-ordered settlement conference for the lawsuits ended without an agreement.

Andrew M. Cuomo, the former New York governor who pushed to pass congestion pricing while in office, appeared to backtrack on March 11, when he wrote in an opinion piece in the New York Post that “many things have changed since 2019 and while it is the right public policy, we must seriously consider if now is the right time to enact it.”

He questioned how the toll would affect the recovery of a city emerging from a pandemic and grappling with a migrant crisis and other pressing problems. And he pointed out that congestion pricing, which is “designed to incentivize people to use mass transit,” comes as many are worried about crime and mentally ill homeless people in the subway system.

The talk-show host Whoopi Goldberg chimed in last week, complaining directly to Mr. Cuomo's successor, Gov. Kathy Hochul, about congestion pricing during a segment of “The View.”

“This is a huge deal,” she said, “because I can afford it — don't get me wrong, I can afford it — but a lot of my friends who drive in every day, who left here because they couldn't afford to live here anymore, can't.”

But congestion pricing will soon become a reality unless the federal courts decide to intervene, transportation and legal experts said.

Many consider the most serious challenge a lawsuit by New Jersey officials, which is scheduled for a hearing on April 3 and 4. It contends that the tolling plan's environmental impact was inadequately assessed and that no mitigation funds have been specifically allocated for New Jersey communities that could see more traffic and pollution. The mayor of Fort Lee, N.J., Mark J. Sokolich, has filed a related lawsuit.

Three more lawsuits have been brought in New York: by Vito Fossella, the Staten Island borough president, and the United Federation of Teachers; and by two groups of city residents.



Kathryn Freed, a former New York Supreme Court Justice and former City Council member, is among the opponents of congestion pricing who say the plan's potential effects have been insufficiently studied. Dave Sanders for The New York Times

“We need to do what we can to stop it from happening,” Mr. Fossella said. “More and more people are beginning to realize the negative implications on their pocketbook.”

More than 25,000 public comments were submitted about congestion pricing from late December to mid-March, of which about 60 percent expressed support while 32 percent were opposed, according to the M.T.A.

M.T.A. officials and Governor Hochul have held firm. The authority has conducted an environmental study of the plan, which was over 4,000 pages and was accepted by the Federal Highway Administration. “Oh, it’ll happen,” Ms. Hochul told reporters last month.

John J. McCarthy, the M.T.A.'s chief of policy and external relations, said the environmental study had looked extensively at New Jersey communities and found no significant detrimental effects. He added that "mitigations can and will be applied where appropriate," including in New Jersey, once the tolling plan is finalized.

The congestion pricing plan is expected to reduce the number of vehicles that enter Lower Manhattan by about 17 percent, according to a November report compiled by an advisory committee reporting to the M.T.A. The report also said that the total number of miles driven in 28 counties across the region will be reduced.

Other cities that have adopted congestion pricing programs, such as London, Singapore and Stockholm, have reported sharp drops in traffic and congestion.

The tolls will also pay for much-needed upgrades to the subway system, which will benefit millions of riders, said Danny Pearlstein, a spokesman for Riders Alliance, an advocacy group that supports congestion pricing.

It would not be the first time that a traffic plan stumbled near the finish line. In the 1970s, the city was planning to add tolls to the East River and Harlem River bridges when a new mayor, Abraham D. Beame, stopped it, recalled Samuel I. Schwartz, a former city traffic commissioner. A federal court later ruled in favor of the toll plan, but Congress passed a 1977 amendment that effectively blocked it.

"We were so close," Mr. Schwartz said. "At the traffic department, I was busy designing all the toll plazas. Nothing could stop it short of an act of Congress — and that's what stopped it."

Mr. Schwartz, a passionate supporter of congestion pricing, said the recent opposition was to be expected, and that it followed a pattern in Stockholm and other cities that adopted congestion pricing.

Both supporters and opponents of congestion pricing have pushed for exemptions for certain drivers, which could reduce the \$1 billion in projected annual toll revenue, or lead to higher fees for other drivers.

Donovan Richards, the Queens borough president, who supports congestion pricing, has called for an exemption for “first responders,” including police officers, firefighters and medical workers, many of whom live in Queens. “I don’t want to just clap for our first responders during a pandemic,” he said, adding, “we should be easing the burden during a time of inflation.”

In Albany, Democratic lawmakers have proposed bills to exempt residents of Lower Manhattan, Staten Island, and even Rockland and Orange Counties north of the city. (Republicans have also sponsored bills to repeal congestion pricing, but those are unlikely to get far in a Democratic-controlled Legislature.)

Assemblyman Chris Eachus, a Democrat who opposes congestion pricing, said that many of his constituents in Rockland and Orange Counties, including firefighters, police officers, emergency workers and teachers, drive to work because they do not have access to fast and reliable trains and buses.

Still, there has been no serious discussion among Albany leaders about revisiting congestion pricing, several legislators and aides said.

The tolling structure was recommended by an M.T.A. advisory panel and awaits approval by the board of the M.T.A., which is expected to vote on it at its regular March 27 meeting.

The current plan contains only limited exemptions. Emergency vehicles and vehicles transporting people with disabilities were already exempted by state law. The advisory board recommended adding exemptions for specialized government vehicles and for most buses.

The scramble for exemptions has divided the city’s for-hire vehicle industry. Taxi owners and drivers have sought an exemption from the new fee, which would be passed along to passengers, saying that increasing fares would hurt their business. The new fee comes on top of existing congestion fees — \$2.50 for taxis, \$2.75 for Ubers and Lyfts — imposed in 2019.

But Josh Gold, a spokesman for Uber, which fought to pass congestion pricing, said that the company supports the tolls because funding a robust public transit system reduces the need for car ownership, which is likely to lead to more Uber use, and curbs traffic.

Even after it takes effect, congestion pricing is likely to face more scrutiny and legal challenges.

New York opponents have called the M.T.A.'s environmental study insufficient and have sought a comprehensive study of the program's environmental and socioeconomic effects on neighborhoods including the Lower East Side, Battery Park City, East Harlem and the South Bronx, before the tolls start. But at the settlement conference last week, "the M.T.A. appeared unwilling to come to the table," said Jack Lester, a lawyer who represents the group New Yorkers Against Congestion Pricing Tax.

M.T.A. officials declined to speak about the settlement conference, saying they had been ordered by the court not to discuss confidential proceedings.

Elizabeth Chan, a Battery Park City resident who is a plaintiff in one of the lawsuits, said it was "very frustrating to hear public officials say they're going to get rid of congestion, they're going to clear air, they're going to do all these great things."

"Except the reality is," she added, the current plan will shift congestion and pollution to other parts of New York City.

Winnie Hu is a Times reporter covering the people and neighborhoods of New York City. More about Winnie Hu

Ana Ley is a Times reporter covering New York City's mass transit system and the millions of passengers who use it. More about Ana Ley

A version of this article appears in print on , Section A, Page 18 of the New York edition with the headline: Congestion Pricing Plan Faces Growing Opposition