

RESOLUTION EXPRESSING OPPOSITION TO CENTRAL
BUSINESS DISTRICT TOLLING PROGRAM OF NEW YORK
CITY

NOVEMBER 26, 2024.—Referred to the House Calendar and ordered to be printed

Mr. GRAVES of Missouri, from the Committee on Transportation
and Infrastructure, submitted the following

R E P O R T

[To accompany H. Res. 609]

The Committee on Transportation and Infrastructure, to whom
was referred the resolution (H. Res. 609) expressing opposition to
Central Business District Tolling Program of New York City, hav-
ing considered the same, reports favorably thereon without amend-
ment and recommends that the resolution do pass.

CONTENTS

	Page
Purpose of Legislation	1
Background and Need for Legislation	2
Hearings	2
Legislative History and Consideration	3
Committee Votes	3
Committee Oversight Findings and Recommendations	3
New Budget Authority and Tax Expenditures	3
Congressional Budget Office Cost Estimate	4
Performance Goals and Objectives	4
Duplication of Federal Programs	4
Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits ...	4
Federal Mandates Statement	4
Preemption Clarification	4
Advisory Committee Statement	4
Applicability to Legislative Branch	5
Section-by-Section Analysis of the Legislation	5
Changes in Existing Law Made by the Bill, as Reported	5

PURPOSE OF LEGISLATION

The purpose of H. Res. 609 is to express opposition to the Central
Business District Tolling Program of New York City.

BACKGROUND AND NEED FOR LEGISLATION

The Resolution expresses Congressional opposition to the Central Business District (CBD) Tolling Program proposed by the State of New York Department of Transportation, the City of New York Department of Transportation, and the Metropolitan Transportation Authority (MTA). The CBD Tolling Program proposes the Nation's first congestion pricing program, with the stated goal of reducing traffic in Manhattan's CBD and raising funds for the MTA.¹

According to the CBD Tolling Program's Environmental Assessment (EA), around 7.7 million people commute to Manhattan daily, with transit comprising about 75 percent of trips and passenger cars representing 24 percent of trips.² MTA estimates that prior to the pandemic, MTA subways previously carried 1.7 billion passengers and MTA buses carried 557 million passengers, but after the COVID-19 pandemic in 2022, trips were down to one billion on subways and 343 million on buses.³ This sustained drop in ridership combined with existing budgetary challenges has compounded MTA's difficulty financing its \$55 billion capital plan and the proposed congestion pricing plan is intended to help finance the Authority.⁴

On July 21, 2023, the State of New Jersey filed a lawsuit against the United States Department of Transportation (DOT) and Federal Highway Administration (FHWA) over the Department's finding of no significance (FONSI), which allows the project to move forward, alleging the *National Environmental Policy Act (NEPA)* requires a more robust review and full environmental impact statement (EIS) process.⁵

The Resolution expresses several concerns regarding the potential impacts of the proposed tolling program on commuters and small businesses, particularly following restrictive COVID-19 policies. The Resolution recommends the State of New York conduct and make publicly available an economic impact report on the proposed tolling program, as well as recommending that Federal agencies and the State of New York halt implementation of the proposed tolling program.

HEARINGS

For the purposes of rule XIII, clause 3(c)(6)(A) of the 118th Congress—

(1) The following hearing was used to develop or consider H. Res. 609:

On Wednesday, May 10, 2023, the Subcommittee on Highways and Transit held a hearing entitled, "*Freight Forward: Overcoming Supply Chain Challenges to Deliver for America.*" At the hearing Members received testimony from William "Lewie" Pugh, Executive Vice President, Owner-Operator Independent Drivers Association

¹ U.S. DOT, FHWA, MTA, Central Business District (CBD) Tolling Program Final Environmental Assessment: Executive Summary, (April 2023), available at <https://new.mta.info/document/110756>.

² *Id.*

³ MTA, *Subway and Bus Ridership for 2022*, (last accessed May 1, 2024), available at <https://new.mta.info/agency/new-york-city-transit/subway-bus-ridership-2022>.

⁴ *Id.*

⁵ Press Release, STATE OF NEW JERSEY GOVERNOR PHIL MURPHY, *Governor Murphy announces Filing of Lawsuit to Block New York's Proposed Congestion Tolling Program*, (Jul. 21, 2023), available at <https://www.nj.gov/governor/news/news/562023/approved/2023072a.shtml>.

(OOIDA); Anne Reinke, President & Chief Executive Officer, Transportation Intermediaries Association (TIA); David Fialkov, Executive Vice President, Government Affairs for both NATSO, Representing America's Travel Plazas and Truck Stops (NATSO) and SIGMA: America's Leading Fuel Marketers (SIGMA); and Cole Scandaglia, Senior Legislative Representative and Transportation Policy Advisor, International Brotherhood of Teamsters (Teamsters). This hearing allowed Members to examine and discuss the trucking industry's role as an essential link within the Nation's supply chain, as well as the challenges associated with moving freight by commercial motor vehicles.

LEGISLATIVE HISTORY AND CONSIDERATION

H. Res. 609 was introduced in the United States House of Representatives on July 24, 2023, by Representative Anthony D'Esposito of New York and referred to the Committee on Transportation and Infrastructure. Within the Committee on Transportation and Infrastructure, H. Res. 609 was referred to the Subcommittee on Highway and Transit. The Subcommittee on Highways and Transit was discharged from further consideration of H. Res. 609 on July 27, 2023.

The Committee considered H. Res. 609 on July 27, 2023, and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

No recorded votes were requested on H. Res. 609.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the *Congressional Budget Act of 1974* and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to express Congressional opposition to the Central Business District (CBD) Tolling Program proposed by the State of New York Department of Transportation, the City of New York Department of Transportation, and the Metropolitan Transportation Authority (MTA).

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H. Res. 609 establishes or reauthorizes a program of the Federal government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED
TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the *Unfunded Mandates Reform Act* (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the *Congressional Budget Act of 1974* requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H. Res. 609 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the definition of Section 5(b) of the appendix to Title 5, United States Code, are created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Resolved

This resolution expresses Congressional opposition to the Central Business District Tolling Program of New York City. It expresses several concerns with the program, including the potentially significant costs to commuters and small businesses who travel into Manhattan daily for work. The Resolution recommends the State of New York conduct and make publicly available an economic impact report on the proposed tolling program, as well as recommends that Federal agencies and the State of New York halt implementation of the proposed tolling program.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported by the Committee, H. Res. 609 makes no changes in existing law.

