

## Unfair Congestion Tax – Chock Full of Lies

Statement to NYC Council Committee on State Legislation  
Wednesday, March 24, 2008  
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Thank you for this opportunity to speak on the unjust, unfair and inequitable congestion tax. The *pushers* of this unfair congestion tax say and promise anything to promote their unjust scheme. The pushers falsely claim this unjust scheme will clean our air – it will not; that their unfair tax will measurably reduce traffic congestion and speed in Manhattan's midtown and downtown business district – it does not; that this inequitable tax will raise substantial funds for mass transit projects and lead to transit improvements that will make a difference throughout the city; it will not. Shame on them! Why are they putting so many dollars to make us buy their false promises and phony guarantees?

And then there are the truths they ignore. What their ads do not say include how their tax scheme promotes [anti-labor](#)<sup>1</sup> practices. Further, they do not note how better [alternatives](#)<sup>2</sup> exist and how their [Kangaroo Court](#)<sup>3</sup> of a commission in a haste to impose an unfair tax did not even gloss over those better ways. The City Council should show these pushers that it is [Nobody's Fool](#).<sup>4</sup>

I was around for – perhaps one say right in the middle of the enactment of some of the most future looking and difference-making laws this body ever enacted: the landmark recycling law,<sup>5</sup> the shutdown of apartment house incinerators,<sup>6</sup> the Spill Bill,<sup>7</sup> the Right to Know law,<sup>8</sup> and the Alternative fuels vehicles law<sup>9</sup> to name just a few. As an advocate, I take pride in only taking on causes or even working for people I support. I find offensive how folks from organizations that supported many of the laws I just mentioned jumped in to support this unfair tax scheme; I do not recall a similar effort to save the recycling law from being gutted by the previous administration and current now all of a sudden claiming to be environmentally friendly administration. One of the groups involved in lobbying this unfair taxing scheme used to have trouble paying their bills on time; now money appears to be no object to make someone in City Hall rather happy. Another group even uses as its chief strategist for this effort – an effort in which City Hall remains clearly engaged – someone who lobbies City Hall. Look it up.

It boggles the mind why they continue to scheme for a tax mechanism that might improve traffic flow not even one half mile per hour – if even that number proves accurate. They talk about the environment and asthma when those impacts are severe in low incomes communities such as East Harlem, The South Bronx, South Jamaica and East New York – areas where traffic will either remain the same or be increased.

Please indulge me as I identify some things that never receive any attention and perhaps, matter much more than anything previously promised. Just look at what the unjust congestion tax scheme never promised to pay for and deliver:

I need to subway through Manhattan to get to another part of my home borough – The Rockaways. I need to subway from eastern Queens through Manhattan to reach Coney Island or anywhere in Brooklyn which my brother and his family call home. It still requires a subway ride through Manhattan to reach where I once worked near Yankee Stadium in the Bronx. If my wife plays Mah Jong at our friend Ellen's home in Little Neck, she cannot rely on the Q79 bus because it does not operate after 7:00 p.m. If my friend Helene needs to go to a doctor in Lake Success or Manhasset, as many who reside in eastern Queens often do, MTA's Access-a-Ride does not cross the city line between Queens and Nassau – the issue is cost to the MTA. My daughter needed three buses to go from our home in Bellerose to Bayside High School – about 1

1/4 hours; a ten minute or less car ride; think about her classmates who had to take multiple buses from Howard Beach. When my daughter is not away at college, four adults share two cars; many families have one car for each adult because that is the need in much of Queens. Nothing about the unfair congestion tax adds any money to address these needs.

The focus is entirely on those who commute into Manhattan - nothing about intra borough trips. The focus ought to be on making residents less car dependent. An Assemblyman friend speaks elegantly of this as the “carrot”.<sup>10</sup> The number of residents projected to be diverted from cars make no real dent in congestion to justify any new funding. The commission's revenue estimates make obvious that it and city hall desire no long-term reductions in motor vehicle use; otherwise the dollars would not be there.

This is why we in Queens joined our Borough President Helen Marshall<sup>11</sup> and proposed many needed transit projects.<sup>12</sup> Perhaps Queens ought just to secede and charge anyone who enters to use our airports; that just may move many of Commission member Kathy Wilde's members to look at Queens for moderate density office and commercial spaces; no longer would our police precincts get raided to cover parades in Manhattan; we'd be free to make sound decisions about our schools; city agency responses, no doubt, would improve. Someone in Brooklyn might make similar points without the airports but the borough where wife was born and lived for many years and where my brother's family lives and works has its good points as well and might just pursue the same approach.

The point remains that the congestion tax scheme – besides being unfair, inequitable, inefficient and non-sensible – just offers nothing but perhaps crumbs which may not even address ANY needs – not unusual – for the overwhelming number of residents. The few community boards that supposedly supported – I was emailed this weekend from one committee chair that members felt pressured to support the unfair tax scheme – set so many conditions – none included in this legislation to create the unjust tax; arguably with the conditions unmet, perhaps no community board favors this unjust proposal!

Yet this unfair scheme asks residents of the boroughs outside<sup>13</sup> of Manhattan to pay, to disproportionately bare the brunt of this unjust tax scheme. How is this unjust tax scheme not *new*? Is this unfair tax not inconsistent with the Governor's budget that offers no *NEW* taxes? Is there a new definition of *new*?

I hold leadership positions in a boroughwide and other significant community organizations. My comments reflect my views; some may be consistent with the organizations' views; <sup>14</sup> many reflect nearly a generation of policy, budget and legislative work in public service. These perspectives lead me to championing the the non-intrusive, low-cost (almost no cost) traffic mitigation measures<sup>15</sup> proposed by Keep NYC Congestion Tax Free<sup>16</sup> with some half billion dollars or more in incidental revenues and the revenue<sup>17</sup> measures proposed by its Queens Civic Congress<sup>18</sup> coalition partner. I care enough to share; do you care enough to heed?

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Notes:

- 1) [http://keepnycfree.com/media/files/2008-01-16\\_Commission\\_John.pdf](http://keepnycfree.com/media/files/2008-01-16_Commission_John.pdf)
- 2) [http://keepnycfree.com/reports/files/2007-10\\_Alternative\\_Approaches.pdf](http://keepnycfree.com/reports/files/2007-10_Alternative_Approaches.pdf)
- 3) [http://keepnycfree.com/media/files/2008-01-31\\_Kangaroo\\_Court.pdf](http://keepnycfree.com/media/files/2008-01-31_Kangaroo_Court.pdf)
- 4) [http://keepnycfree.com/media/files/2007-11-20\\_Series\\_03\\_Nobodys\\_Fool.pdf](http://keepnycfree.com/media/files/2007-11-20_Series_03_Nobodys_Fool.pdf)
- 5) Local Law 19 of 1989
- 6) 1989 Local Law 39
- 7) 1987 Local Law 42 (Hazardous Substance Emergency Response Law)
- 8) 1988 Local Law 26
- 9) 1991 Local Law 6
- 10) [http://keepnycfree.com/media/files/2007-08-03\\_LancmanCarrotBill.pdf](http://keepnycfree.com/media/files/2007-08-03_LancmanCarrotBill.pdf)
- 11) [http://keepnycfree.com/media/files/2008-01-24\\_QueensBP.pdf](http://keepnycfree.com/media/files/2008-01-24_QueensBP.pdf)
- 12) [http://queensciviccongress.org/Media/files/2007/2007-10-30\\_transit\\_alternative\\_s.pdf](http://queensciviccongress.org/Media/files/2007/2007-10-30_transit_alternative_s.pdf)
- 13) [http://keepnycfree.com/media/files/2007-12-12\\_Series\\_06\\_OutsidersPayNoTax.pdf](http://keepnycfree.com/media/files/2007-12-12_Series_06_OutsidersPayNoTax.pdf)
- 14) [http://queensciviccongress.org/Media/files/2008/2008-01-24\\_Commission\\_Q-Civics.pdf](http://queensciviccongress.org/Media/files/2008/2008-01-24_Commission_Q-Civics.pdf)
- 15) See Note 2
- 16) <http://keepnycfree.com/>
- 17) See note 12
- 18) <http://queensciviccongress.org/>