

Might The Straphanger's Gene Russianoff be on to something (see last and third paragraph below – last page) when he questions the practicality of a toll tax scheme that clearly appears to any keen observer as the son of the congestion tax. The toll tax, like its parent would also involve 40% of the take, \$2 of every \$5 collected to pay for the act of collecting the other \$3. This makes compelling the need for our officials and others who share our concern to fund mass transit appropriately to look at our sound [plan](#) which also empowers the city and the state to devote funds to that core responsibility.

http://www.nytimes.com/2008/12/07/nyregion/07transit.html?_r=1&ref=nyregion

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News Analysis

Many Hurdles, Legal and Political, to Bridge Tolls

By [WILLIAM NEUMAN](#)

The report by a state commission charged with finding ways to raise badly needed money for the [Metropolitan Transportation Authority](#) made it sound quite simple: The authority, it said, “should be authorized to acquire the East River and Harlem River bridges from New York City, and it should be empowered to impose an electronic cashless system of tolls.”

But the reality is anything but straightforward, and long before any car zips by an E-ZPass reader on any bridge, the proposal faces many political and legal difficulties.

The commission, led by [Richard Ravitch](#), a former chairman of the transportation authority, proposed its rescue plan for the financially teetering authority on Thursday. The recommendations also included a regional payroll tax and regular fare increases. All are controversial. But the notion of bridge tolls, an idea that has been raised and rejected in the past, seems to have already become the political hot potato that no one wants to handle.

Besides the political hurdles, a key part of the challenge is the complex legal path that must be followed to allow the authority to oversee the bridges. Mr. Ravitch revealed nothing when asked about the legal approvals needed for the authority to take control of the bridges and begin collecting tolls.

“It’s very complicated,” he said Thursday, when he announced the rescue plan. He said it was not clear how the transfer would be accomplished and that lawyers for the state and the city would have to study the issue.

City Hall and the State Legislature have appeared eager to avoid taking ownership of the issue.

“The bridges, by the way, are not owned by the State of New York, not owned by the M.T.A. at this point,” the Assembly speaker, [Sheldon Silver](#), said in an interview last month, before Mr. Ravitch’s recommendations were made public, but when the possibility of tolls had already emerged. “We probably cannot be called upon to vote on the imposition of tolls, whether they get imposed or don’t get imposed,” he added.

Though Mr. Silver expressed support for Mr. Ravitch’s plan and said he would move on it quickly, he did not back away from the notion that action on the bridge tolls might be outside his jurisdiction.

For its part, the city has also moved quickly to head off any suggestion that Mayor [Michael R. Bloomberg](#) alone might be able to hand the bridges over to the transportation authority.

“Our conclusion is that the city would not be permitted to transfer the bridges to the M.T.A. without a new state law,” Kate O’Brien Ahlers, the communications director for the city’s Law Department, said in a written statement on Friday.

City officials said that under state law, the bridges were similar to streets and parks, which are inalienable properties of the city. It is a status that requires state legislative action if they are to be sold, leased or otherwise removed from city control.

There is a law that allows the city to transfer property to the authority if it is to be used for transit purposes, such as land for a subway station. But the city officials said they did not believe that would apply to the bridges.

Ross Sandler, a former commissioner of the city’s Transportation Department who is now the director of the Center for New York City Law at New York Law School, agreed that the Legislature would have to pass a law allowing the city to give up control of the bridges.

But he said it was also likely that the Legislature would not do so without seeking a home rule vote from the City Council backing the move, because a provision in the state law protects city property from certain state actions. The Legislature could act without the home rule message, he said, but then it could expose itself to a legal challenge.

Mr. Sandler also said that the Legislature would almost certainly have to vote to give the authority the power to collect bridge tolls. Under state law, he said, roads are free, except in the cases where legislation has authorized the collection of tolls.

That could create a bleak prospect for bridge tolls because many members of the Assembly and the Council have spoken out against them.

The legal and political landscapes defining the issue present political risks for the mayor. He invested large amounts of political capital in persuading the Council to extend the term-limit law.

But now that he will run next year, it could be politically damaging to embrace bridge tolls, which have long been unpopular with voters, especially in the boroughs outside Manhattan.

And yet the toll proposal is similar to the mayor's [congestion pricing](#) plan, which failed this year when the State Assembly refused to vote on it. Congestion pricing would have generated money for the transportation authority by charging drivers a fee to enter the portion of Manhattan below 60th Street, including those crossing the East River bridges.

As a result, remaining neutral on the toll proposal could be risky for Mr. Bloomberg if it makes him look as if he is moving away from a cause he once championed.

So far, the mayor has been cautious, praising Mr. Ravitch while stopping short of endorsing his plan. Instead, he has pointed to the Legislature's role in aborting congestion pricing and said it was the responsibility of state lawmakers to find a solution to the authority's financial crisis.

Mr. Ravitch said that tolls were part of the rescue plan because he wanted to spread the burden among the groups that benefited from the transportation system: riders, businesses and drivers.

[Gene Russianoff](#), the staff lawyer of the [Straphangers Campaign](#), a transit advocacy group, said that given the controversy surrounding tolls, it might be more practical to find another way for drivers to contribute to the authority.

One alternative is a proposal by Comptroller [William C. Thompson Jr.](#) to increase motor vehicle registration fees, with higher fees for larger, less fuel- efficient vehicles.

“There are other ways for drivers to pay,” Mr. Russianoff said. “If bridge tolls turn out to be a nonstarter, it doesn’t mean the conversation is over. It means you have to figure out another way to do it.”