

## Summary

### Assessment of Public Comments:

The following is a summary of the Assessment of Public Comments document prepared pursuant to SAPA Section 202(5). As the full Assessment of Public Comments exceeds 2000 words, this summary is provided. A copy of the Assessment of Public Comments is available at the Authority's Headquarters, 200 Southern Blvd., Albany, NY or by calling Tracie M. Sandell, Assistant Counsel at 518-436-3188.

The following summarizes identifiable comments raised during the public comment process for the New York State Thruway Authority's (Authority) proposed toll adjustment, including the public hearings held in Albany, Buffalo, Rochester, Syracuse and West Nyack. Several interest groups have provided comments, including transportation/trucking/automobile interests; farming/dairy interests and contractors. Additionally, this memorandum discusses identifiable comments of localized and legislative interest raised during the public comment process.

While many comments were received in opposition to the toll increase, these individuals expressed support for the high levels of service provided by the Thruway in operating and maintaining a safe highway system. They also expressed opposition to the continued diversion of toll revenue to non-Thruway projects such as the Canal System and I-287. However, the Authority does not have the ability to divest itself of such mandates as the Canal System and I-287.

Many farming interests opposed the toll increase because of their inability to pass increased costs onto consumers. Many trucking and farming interests advocated for the retention of the commercial volume discount programs and for keeping the Temporary S-

Discount in place. The proposed toll adjustment will be phased in over the next few years and will maintain its discount programs for commercial charge account customers. The Authority structured the toll adjustment with a phased approach and maintained its various discount programs with the intention of mitigating the impact of the toll adjustment on the states agricultural and trucking industries. In addition, the Authority's Temporary S-Discount program will not be eliminated as originally proposed but instead will be restricted to those customers of the E-ZPass New York Customer Service Center Authorities.

Comments were also received from the contracting industry. The contracting industry was generally in support of the toll adjustment and highlighted the need to properly operate and maintain the road and the consequences of inadequate funding for maintenance and operation, such as the recent tragedy of the bridge collapse in Minnesota. Some comments received even encouraged the Authority to undertake a larger toll increase at this time as inflation associated with construction materials continues to rise as does the cost of gasoline. The Authority believes, based on its own analysis and that of its independent consultant, Stantec Inc., the proposed toll adjustment is sufficient to meet the current operational and capital needs of the Authority/Corporation.

Others were opposed to the toll increase and encouraged the Authority to become more efficient before imposing a toll increase and some questioned why the Authority was still in existence when the tolls were originally supposed to be temporary. Many felt there should be no tolls collected at all and that the Authority should receive more federal aid and plan on receiving such aid. In 1989 (Chapter 634), Governor Cuomo and the

State Legislature created the Thruway Authority Transition Advisory Council and charged it with the responsibility to “make recommendations concerning the future of the Thruway and the Thruway Authority after the scheduled retirement of the Authority’s bondable debt in the year 1996...” The Advisory Council, which by law was required to have membership from a diverse group of interests (including business, trucking and other highway users, state and local government, labor and highway planners) issued its report on September 30, 1991. The Advisory Council stated that while the Thruway could be made toll free, it could not be made free. Fundamentally, the State’s choice in financing the Thruway after retirement of the bonds used to finance the construction of the system was between tolls and taxes. The Advisory Council concluded that tolls were the preferable choice because it was more appropriate for those who actually use the Thruway to pay for its maintenance and upkeep rather than the taxpayers of New York generally. Therefore, the Advisory Council recommended to the Legislature and the Governor that the tolls be maintained and that the Authority with its bonding ability, be retained to meet the highway transportation needs along the Thruway corridor. In order to eliminate the tolls, the Legislature would have had to enact legislation to remove the Authority’s power to impose tolls and to issue debt secured by tolls once the original bonds were retired. Instead, in 1992, the Governor and the State Legislature enacted legislation to further expand the responsibilities of the Authority to include the operation and maintenance of the canal system and authorized additional indebtedness secured by toll revenues to assist with the financing and new responsibility. While other highways in New York are financed with tax dollars, the Thruway Authority receives no state tax dollars and depends on tolls to maintain, operate and police its roads and bridges.

Further, the Authority's Bond covenants preclude free passage except in limited circumstances. In addition, operating under Board-imposed cost containment measures, the Authority has already eliminated more than 450 positions since 1995 and plans to eliminate at least another 50 positions by the end of 2012. Further, the Authority's overall operating expense budget is expected to grow 3.2 percent annually between 2008-2012, significantly less than the 5.0 percent growth rate included in the 2008-2009 New York State Operating Funds Budget. In addition, the Authority has already cut more than \$300 million of projects from the \$2.7 billion Multi-Year Highway and Bridge Capital Program due to inflationary costs. The Authority will continue to evaluate its own operating costs; however, as the Audit Report of the New York State Comptroller stated, the Authority has been given "additional areas of responsibility that went beyond its original mission of constructing, operating and maintaining the Thruway," spending more than \$1 billion since the early 1990's. The Authority has no control over the amount of federal aid that it will receive in the future.

Others were opposed to a toll increase because they feel commuters should travel toll free or at reduced tolls. The Authority has proposed a graduated toll adjustment plan that would have less of an impact on commuters who rely on the Thruway for their daily trip to and from their place of employment. Under the plan, the annual mainline commuter plan, upon payment of \$80 annually (where it has been since 1988) until 2009 when it would increase to \$84 and then to \$88 in 2010, a passenger car is entitled to the first 30 miles of every trip without further payment.

Many comments were received in opposition to the toll increase because of potential diversion of Thruway traffic to local roads. The Authority's independent

consultant, Stantec, performed an analysis of peak hour diversions and traffic impacts along potential diversion routes. The volume of traffic that would divert from the Thruway due to the proposed toll increase is estimated to be relatively small. Specific information on diversion can be found in the full Assessment of Public Comments and in the Authority's Full Environmental Assessment.

The Authority also received many comments in support of the toll adjustment and compliments on the high levels of safety and service available to users of the Thruway. In addition, there was testimony received by the Authority opposing Canal cutbacks in seasonal hours and seasonal personnel from members of the public at the public hearings held throughout the state and via correspondence and thus supporting the proposed toll adjustment. As a result, the Authority will be restoring the canal hours between Memorial Day and Labor Day and not cutting as many seasonal personnel positions as a result of these comments.

In conclusion, the Authority undertook an extensive public outreach process and received many comments both in support and in opposition to its proposed toll adjustment. However, there were no suggestions within the Authority's control that raised suitable alternatives to the toll adjustment.