

Mobilizing the Region

A Weekly Bulletin from the Tri-State Transportation Campaign

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NEWS

Prospects for NJ Truck Rule Seem to Dim

On Sept. 26, a three-judge panel at the U.S. Court of Appeals for the Third Circuit wasted no time telling New Jersey's lawyer that **route restrictions** enacted in 1999 by NJDOT that keep **102-inch wide tractor-trailers** on Interstate and large state highways appeared to violate the federal Constitution's unwritten Commerce Clause, because the rule only applies to trucks making purely interstate trips.

The regulation was challenged in 200 by the American Trucking Association (*MTR #285*), which argued that keeping inter-state trips on the 102-inch wide network delayed truckers by 18 minutes, and cost as much as \$44 more in tolls, thereby impacting interstate commerce. New Jersey proved at trial that **the regulations reduced crashes** (trucks were much more likely to crash on two- and four-lane highways), and that it reduced air pollution, providing a net economic benefit to truckers and the citizenry at large. The State also proved the regulation's principal impact was to prevent trucks coming from Pennsylvania from taking the shortcut up Rtes. 31 and 202 to I-287, avoiding the Turnpike.

In the past, federalism upheld highway regulations if states had a legitimate safety rationale, even if it had an incidental effect on commerce. The balance tipped away from safety in cases in which states tried to restrict out-of-state competition against prized products. The Tri-State Campaign, as a friend-of-the-court, argued the safety line of cases should control, since it is a particularly local concern, under a state's police powers; moreover, Congress hasn't regulated the subject.

The judges indicated that New Jersey failed to adequately prove there was no alternative means to accomplish the safety objective. It is likely New Jersey will now broaden the regulation to include all 102" wide trucks, or at least **apply it to all trucks** in key zones.

New Jersey's assistant attorney general requested a 30-day stay in case the regulation was struck down. The judges seemed nonplused that NJ did not have a back-up plan ready. When the state's attorney said without the stay then large trucks would be back on small, unsuitable rural roads, Judge Garth responded, "Isn't that the point, that these trucks are entitled to drive everywhere?" ❖

Throgs Neck Cracks Underline Strain on Infrastructure, Booming Freight Flow

Just a few months after the MTA began enforcing truck weight restrictions on the Whitestone Bridge (*MTR #504*), cracks discovered in the Throgs Neck Bridge deck have spurred the agency to restrict truck traffic on that bridge as well. The MTA had in fact directed heavy trucks to the Throgs Neck from the Whitestone Bridge.

The pummeling of these bridges is a portent of our transportation times. Truck traffic in New York City is expected to **increase 50 percent** over the next 15 years (according to federal transportation projections). At the same time, state and federal **infrastructure investment programs are insufficient** to maintain key road, rail and other systems in their present mediocre states.

Consider the recent report by the NYU Rudin Center last spring (*MTR #495*). It found that the 14-county downstate NY region's highway network needs at least twice as much investment as Albany has provided (though that estimate included some capacity expansion).

As the federal transportation bill reauthorization battle was gearing up a few years ago, the FHWA determined that more than \$455 billion would be required over the next six years to maintain existing surface transportation conditions. Earlier this year, President Bush signed a \$286.4 billion federal transportation bill, about \$170 billion shy of that figure.

Installed in the mid-1980's, the Throgs Neck's decks had a life expectancy of many decades. The appearance of the cracks after only 20 years is cause for concern for MTA engineers, and they blamed the **surge in heavy trucks**, which have grown 113 percent in just the last five years.

The MTA has agreed to allow trucks weighing up to 89,000 pounds to use the Throgs Neck — slightly higher than the bridge's 80,000-pound rated limit. Trucks weighing more will have to cross at night, and will be escorted to ensure they do not speed. ❖

Tracking NY's Transportation Bond Act

A Quinnipiac University public opinion survey released this week found that a **majority of New Yorkers** support the proposed \$2.9 billion transportation bond act. 56% of those surveyed by the uni-

versity's well-known Polling Institute said they supported the measure, which would authorize the state to borrow against its general credit to invest in mass transit and highway infrastructure. 67% of respondents in NYC, 60% in the suburbs and 45% upstate said they support the act.

The Tri-State Transportation Campaign and many other organizations support the measure because the transportation construction programs approved this year by the legislature and Governor Pataki are not adequate to maintain and improve transportation infrastructure, while also allowing the MTA to get a start on **critical projects for the future**, especially the Second Avenue subway and LIRR access to Grand Central Terminal.

The NY State Senate Republican annual poll at the state fair in Syracuse asked 3,200 people whether they would "vote to support a 2.9 billion Transportation Bond Act that includes funds to rebuild local roads and bridges, create jobs, and help strengthen the economy?" 58% answered yes and 42% said no, though it is very unclear how scientific that effort is.

Staten Islanders continue to oppose the act. The MTA recently shifted funds to allow inclusion of construction of a **third MTA bus depot** on the island, probably to appease Borough President James Molinaro's vocal hammering of the bond act. Molinaro has not relented, however, and seems to be engineering something of an anti-bond act consensus among S.I. opinion-makers and local leaders.

If the poll numbers hold true, that may not matter. The strategy announced by the pro-bond coalition, "Vote Yes for Transportation," is to win over a larger proportion of **voters who go to the polls**. According to *Crain's*, 70% of NY voters in the 2000 presidential election did not pull a lever on that year's transportation bond initiative.

The New York Public Transit Association has set up a Bond Act public resource website at www.nytransit.org with information about the Act and the importance of its passage. ❖

NJ Transit Ridership Rising

NJ Transit continues to build on already-strong ridership – Transit chief George Warrington says his system is handling so many riders that it is bursting at the seams: bus and train fleets are being fully utilized, so breakdowns can have more difficulty than usual effects during commute times.

Total **ridership is up over 5%** in a year. Areas of the largest gains for the agency are bus commuters to NYC, Hudson County light rail riders and train riders on the Northeast Corridor line, according to the *Star-Ledger*. NJ Transit's new record of one-way trips per day is 800,900. ❖

Gas Price Spike Pushes and Pulls

A variety of news reports suggest that the recent gas price spike is affecting transportation behavior in a variety of ways around the region. Are elected leaders or other policy makers absorbing any lessons from the episodes?

- *Less Labor Day Traffic* MTA Bridges & Tunnels reports that it saw a 3.7% decline in vehicle volume over 2005's Labor Day weekend, measured against Labor Day 2004. The Port Authority reportedly saw a 6% bridge/tunnel volume drop from 2004 levels.

The MTA's percentage translates to 84,047 fewer vehicles crossing the MTA's toll bridges during this season's summer-end holiday. "Fuel prices have finally take their toll on travel," MTA bridge chief Michael Ascher told the *NY Post*. The Katrina-inspired price spike at Labor Day was probably more responsible for the drop than the actual price level — prices had increased earlier in the year as well, but the *Post* noted that over the July 4 weekend this year, MTA Bridges & Tunnels had seen record-high vehicle volumes.

- *Commuter transit up* The *Journal-News* reported a hike in Metro-North riding over Labor Day weekend and the week after, but cites officials who say usage has since returned to normal. However, the Haverstraw ferry, which connects northern Rockland County to train service at Ossining, says it has 24% more riders than at this time last year, and that its Labor Day spike has been sustained.

CT Transit also reports a 10% hike in express bus ridership on routes into Hartford this year. Bus officials say they may need to add to their fleet if the trend continues.

- *Fuel costs impact transit, too* DeCamp Bus Lines raised its fares a week ago, adding 40 cents, or 7.2% to one-way trip prices. The company carries just under 8,000 riders per day, mainly on commutes between Essex County and Manhattan. NY Waterway hiked fares 25 cents on five of its Hudson County-Manhattan commuter routes on Monday. One-way prices before the hike were \$5.50 to \$7.50. Both companies cited spiraling fuel costs. Amtrak also says its fuel costs have risen 40% in the past year, and is implementing 5-7% increases for standard fares and will reduce discounts for Northeast Corridor commuter tickets in two stages.

- *Sudden emphasis on fuel efficiency* Auto industry-wide sales of big SUV's fell 43% last month from September 2004 figures, but it is too soon to know whether this response will mark a watershed in vehicle purchase trends. ❖

The Tri-State Transportation Campaign web site:

www.tstc.org

ARC Endangered, Activists Warn

The much-needed new passenger rail tunnel between Secaucus and Manhattan — the Trans-Hudson Express (THE) Tunnel, or Access to the Region's Core (ARC) project — **cannot be built unless New Jersey finds new sources** of revenue for transportation, said groups who spoke out on the issue last week at Newark Penn Station.

“Mass transit in New Jersey has grown by leaps and bounds, but the trend will be choked off if we do not create a system with more room for those who need and want to use it,” said Tom Dallesio, NJ director of the Regional Plan Association.

New Jersey Transit trains and tunnels, and the Port Authority's exclusive bus lane in the Lincoln Tunnel are at capacity and **will not permit additional service**. But growth in northern New Jersey remains dynamic, with a significant population surge predicted for the coming decades. Most of the growth in suburban commuting to New York is coming from west of the Hudson.

The Trans-Hudson Express Tunnel is needed not only to schedule more service along existing train lines, but is also the **linchpin** for proposals for **new rail services across northern New Jersey**. “Without more capacity at the Hudson River, we will not see the new rail lines and added services that people, businesses and local governments want from Bergen to Ocean counties. The Hudson crossing and Penn Station is a bottleneck preventing fundamental growth on the New Jersey Transit rail system,” said Martin Robins, director of the Voorhees Transportation Center at Rutgers University.

A new tunnel from Secaucus to New York City, along with a new rail station under Manhattan's West 34th Street, is estimated to cost about **\$6 billion**. While some funding from the Port Authority and federal government is expected, New Jersey Transit must also contribute. But the agency's ability to pursue any construction program at all next year is in serious jeopardy.

All of the revenue New Jersey currently collects for transportation projects will be needed to pay **debt service** for past transportation projects by the beginning of the next state fiscal year in July. That means that basic roadway and transportation maintenance, let alone large-scale projects like THE Tunnel, will need to be paid for with **new revenue**.

Trenton seems paralyzed by the scale and difficulty of the problem it has created with its borrow-and-spend approach to transportation. But doing nothing is not an option. The state's future depends on strong leadership and action on transportation.

Recent reports have shown NJ Transit ridership at an all-time high, having reached over 800,000 trips per day (see story on previous page). ❖

NYC DOT: No to Planning in North Brooklyn

The NYC DOT has answered "No" to a request that it undertake a transportation study in light of the recent rezoning of the Greenpoint and Williamsburg sections of northern Brooklyn.

The Tri-State Transportation Campaign urged the city to **prepare a transportation forecast** and needs assessment in light of the rezoning, which could lead to the addition of some 20,000 new residents in the already booming area.

The DOT's response indicated that it does not view traffic congestion in the area as a problem, which is true at the moment. The biggest problem the district will face is that its direct subway connection to Manhattan, **the L-train, is already at capacity** during rush hours, and increasing rents in Williamsburg have rapidly directed an influx of new residents and redevelopment directly east along the L-train's route, further straining it. Some growth in the area could be taken up on the less-used G and JMZ subways, but they are less used because they do not serve trips to Manhattan as efficiently as the L-line, and it is unclear whether NYC Transit has the resources to add service in the area in the future.

NYC DOT is not of course directly responsible for subway demand and conditions, but overburdened transit will have significant repercussions for surface transportation and quality of life in the area. New York City needs to be able to develop **overviews of transportation trends and their likely impacts**. NYC Transit's ability to respond to rapid development and demographic changes is limited by subway infrastructure, the lack of spare rolling stock in the subway fleet, competition within the universe of MTA capital needs and the lengthy periods it takes Transit to identify, plan, finance and implement major capacity increases. These factors argue strongly in favor of pro-active forecasting of transit capacity needs and the traffic consequences of growth that overwhelms subway service.

Unfortunately, the city's response underscores the extreme compartmentalization of its transportation policy and competencies — **there is no center** with the ability or will to look across modes and budgets to synch transportation to the rapid real estate changes sought by the Bloomberg administration. In Downtown Brooklyn, business leaders are considering their own transportation planning institution to combat this problem. Such incapacity in a metropolis aspiring to continued world leadership is a sad comment on city leaders' visions for the future.

The idea of a Greenpoint-Williamsburg transportation plan is supported by Borough President Marty Markowitz, City Council members David Yassky and Diana Reyna and Assembly member Joseph Lentol, among others. ❖

Both Sides of Aisle Wary of Turnpike Lease

Republican Assemblyman Francis Bodine, a transportation committee member and leader on the problem of Transportation Trust Fund reform, says he is against the idea of leasing the New Jersey Turnpike or Garden State Parkway to solve the state's transportation funding crisis.

"The Transportation Trust Fund has been repeatedly raided to balance the budget or fund other state agencies and programs," remarked Bodine. "I am **leery of this proposal** because I am not convinced the money from the sale would be used as it was intended." Bodine also reiterated the concern that a long toll road lease would amount to a huge one-shot that would leave the transportation system high-and-dry in the future: "What happens once we have spent all the money?"

Bodine and Assembly transportation committee chair **John Wisniewski**, a Democrat, have introduced A.3414, legislation designed to **constrain transportation-related borrowing** to sustainable levels, stop the transfer of capital funds to operating budgets and plug other leaky aspects of the state's Transportation Trust Fund. Wisniewski has also been cited in news reports of being skeptical of plans to sell either of the state's major toll roads. ❖

Maine-Florida Trail Hits Snag in New Jersey

The East Coast Greenway Alliance, a coalition dedicated to the creation of a pedestrian/cycling trail from Maine to Florida has received some good news but still must overcome has significant obstacles before completing its New Jersey map.

Having completed the portion of the trail in Union County, New Jersey's East Coast Greenway group was further buoyed by news that a local corporation in Edison will donate a one-mile stretch along the Raritan River to connect two park trails that are part of ECGA's New Jersey route.

There are still several parts of the trail that have not been designated in New Jersey. One is along abandoned rail tracks in the "**Bergen Arches**" **right of way** in Jersey City. Six blocks if corridor has been purchased by a local developer.

Activists have pushed Jersey City to appropriate the land, but so far Mayor Jerramiah Healy has seemed unmoved. He has also expressed concern that the land would be better used as a **mass transit corridor** than as a walking/cycling trail.

The East Coast route through northeastern New Jersey was one of the last segments to be proposed because of the difficulty identifying routes through Jersey City and Newark. ❖

Calendar

October 14, 1:00-3:00pm. Information session with Port Authority of NY/NJ and FTA on WTC Vehicular Security Center and Tour Bus Parking Facility. Please rsvp to mmorera@panynj.gov.

October 14, 8:15am-1:30pm. "Main Streets that Work for Cars and People." Municipal Land Use Center, Project for Public Spaces. New Brunswick. www.njsmartchoices.org.

October 17, 1:00pm. NYC Council Transportation Committee hearing: NY State Transportation Bond Act. Hearing Room, 250 Broadway, 14th floor, Manhattan. www.nyccouncil.info.

October 18, 5:00-8:00pm. Empire State Development Corp. EIS scoping hearing: Brooklyn Arena/Atlantic Yards development. NYC College of Technology, 285 Jay Street, Brooklyn. www.nylovesbiz.com/default.asp.

October 18, 8:30am. 6th annual Tri-State Transit Symposium. "Transit security and the financial future of transit." NYU Rudin Center for Transportation. MTA Chair Peter Kalikow keynotes. 60 Washington Square South, 10th Floor, Manhattan. 212-998-7545.

October 19, 9am. New Jersey Transit board meeting. NJ Transit's HQ, One Penn Plaza East, 9th Fl., Newark. 800-772-2222.

October 20, 12:15-2:00pm. [Metro-North Railroad Commuter Council](#) meeting. MTA Headquarters, 347 Madison Avenue, 10th floor. Manhattan. 212-878-7087.

October 20, 1:45pm. NY Metropolitan Transportation Council monthly meeting. Presentation on benefits of transportation and urban planning. 199 Water Street, 22nd Floor, Manhattan. RSVP: 212-383-7241.

October 24, 10:00am. NY Metropolitan Transportation Council Pedestrian-Bicycle Working Group. 199 Water Street, 22nd Floor, Manhattan. RSVP: 212-383-2530.

October 24, 4:45pm. Transportation Alternatives rally for a Car-Free Central Park. Manhattan. 212-629-8080. www.transalt.org.

TRI-STATE TRANSPORTATION CAMPAIGN



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