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Neoliberalism, Rationality, and the Politics of Congestion Pricing in New York City

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1. Abstract

Elected officials in the United States currently face a difficult and growing challenge: how to finance the estimated $4.5 trillion needed to bring the United States' public infrastructure back to a state of good repair. Amidst the uncertainty of financing public services through tax revenues, policymakers in several cities around the world have been advocating for and implementing an urban policy solution called congestion pricing. In this study, against the background of theories of political decision making, I analyze two cases in New York (2007-2008 and 2017-2019) to demonstrate why congestion pricing became the policy of choice by elected leaders in New York City for resolving the transportation financing crisis. I argue that the most important independent causal variable that affected the dependent outcome of policy implementation is the way in which congestion pricing's backers framed and rationalized the policy to elected officials and to the general public.

2. Introduction

Public infrastructure in the United States requires an estimated $4.5 trillion in overhauls to bring it to a state of good repair.[1] The need to procure this funding is a major challenge for today's elected officials. Since the late 1970s policymakers in both the United States and around the world have sought to shrink the direct role that government plays in the economy. Under this political economic regime, known as neoliberalism, governments at the national and local levels have changed the way they finance public services and goods from generally redistributive models (like progressive taxes) to financing models that put the price of public goods onto users. Concurrently, while other advanced industrial countries choose to

[1] "ASCE's 2017 American Infrastructure Report Card: GPA: D." American Society of Civil Engineers. Accessed April 8, 2020

continually invest in public infrastructure, a lack of action in the United States seeks to threaten the country's ability to transport workers and goods and thus its economic competitiveness and quality of life.[2] Despite campaign promises, under the Trump administration government officials in states like New York have been unable or unwilling to request federal tax dollars for local infrastructure projects because the Trump administration has not been forthcoming with federal dollars for jurisdictions that vote Democratic. New York's city and state elected officials have found themselves in a situation that policymakers across the country face: How can cities in the United States seek to raise the revenue needed to respond to local infrastructure needs?

Amidst the uncertainty of financing public services through tax revenues, policymakers in several cities around the world have been advocating for and implementing an urban policy solution called congestion pricing. Under a congestion pricing scheme, municipalities charge automobile users a toll to drive into designated zones, usually the downtowns of major cities. Congestion pricing allows cities to simultaneously reduce cars on the road in busy urban centers by incentivizing people who do not want to pay the toll not to drive downtown, while also raising money for infrastructure investment from toll revenues. In this way, congestion pricing essentially uses the mechanisms of a market to regulate access to a city's downtown. Congestion pricing has successfully been implemented in cities such as Singapore, London, and Stockholm, but no city in the United States was able to successfully attempt congestion pricing until 2019.

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[2] Kane, Joseph, and Adie Tomer. "Shifting into an Era of Repair: US Infrastructure Spending Trends." Brookings. Brookings, May 10, 2019.
McBride, James. "The State of U.S. Infrastructure." Council on Foreign Relations, January 12, 2018.

In the summer of 2017 a steep decline in the operational reliability of the New York City Subway caused by decades of deferred maintenance led to widespread public outrage. City and state policymakers were forced to come up with a long-term solution for financing the subway and addressing billions of dollars in needed repairs. In March 2019, elected officials in the New York State Legislature voted to establish a congestion pricing plan for New York City. The 2019 budget for New York state created a congestion pricing zone that will be implemented in 2021 in New York City, with toll revenue from the congestion pricing system being channeled directly to the New York City Subway. New York's congestion policy is the first time a city has successfully passed a congestion scheme in the United States, and other cash-strapped major American cities are watching to see if congestion pricing succeeds in New York. However, New York's adoption of a congestion policy was far from inevitable.

One decade earlier, New York City Mayor Michael Bloomberg spearheaded the first serious attempt to pass congestion pricing in New York in 2007, but the plan failed to gain support among elected officials and subsequently died in the New York State Legislature in 2008. Voters and elected officials in the Legislature viewed the policy as being too unfair and punitive to working class commuters who would pay the majority of the tolls. Why was a policy that was rejected as being too regressive embraced a decade later? Additionally, during the second attempt to pass congestion pricing in 2017-2019, Bloomberg's successor, New York City Mayor Bill de Blasio, consistently advocated for a "millionaire's tax" that would slightly raise income taxes on the highest earners in New York with the raised funds going to subway infrastructure improvements, rather than finance the subway through a congestion charge. For parts of 2017 and 2018, de Blasio's millionaire's tax seemed to be gaining momentum with voters and state and city officials, yet the state's elected leaders ultimately rejected the policy. Why did congestion pricing win out as the selected policy even when officials could have pursued, through the millionaire's tax, a more redistributive approach to infrastructure financing?

In this study, I seek to understand why politicians in New York decided on the policy of congestion pricing to address the city's public transportation infrastructure financing. Why did congestion pricing become the policy of choice by elected leaders in 2017-2019 but not in 2007-2008? I argue that the most important independent variable that affected the dependent outcome of congestion pricing implementation is the way in which congestion pricing's backers framed and rationalized the policy to elected officials and to the general public. Rejected as an unfair and regressive tax primarily targeting working class commuters by New York's voters and elected leaders in 2008, activists and elites sympathetic to congestion pricing in 2017-2019 were able to reframe the policy as a progressive urban policy benefiting the majority of transit riders and only adversely affecting wealthy car users.

Additionally, I also identify three other independent variables that influenced the outcome of congestion pricing adoption in New York City. The first additional variable is the composition of the New York State Legislature. Several progressive Democrats were elected in the 2018 midterm elections and were more willing to support congestion pricing than were earlier legislators in 2008. Second is the increased visibility of New York City's transportation crisis, which demanded policymakers' and the public's attention to the poor state of the subway in 2017 and 2018. Third is the central rationality for congestion pricing:

the Bloomberg administration in 2007 sought congestion pricing for its environmental and social benefits, whereas a decade later a new governor (Andrew Cuomo) and other elected leaders saw congestion pricing as an ideal method for raising revenue for the New York City Subway.

Though support in elected bodies and an increased visibility of the transit financing problem to the public were important in this case to congestion pricing's success, New York's struggle and subsequent success in implementing congestion pricing reveals how policymakers need to successfully frame urban financing policies as fair and beneficial to the majority of the general public to win over support. As other American cities such as Portland, Los Angeles, and Philadelphia also consider implementing their own congestion pricing schemes, this research provides policy makers an important case study from which these cities would benefit.

Explanation of Sections

In this study, I first provide an overview of the relevant political decision-making literature that provides insight into the dynamics of domestic policy making in my case. I next explain the methodology of my research for my two decision making periods in New York: 2007-2008 and 2017-2019. In my first case, I investigate the decision-making in New York in 2007-2008 during the Bloomberg administration when congestion pricing failed to pass in the state legislature. I then investigate the decision-making case in 2017-2019, with Cuomo as Governor and de Blasio as Mayor, where congestion pricing passed in the New York State Legislature. I conclude with the implications of the New York Cases for the broader policy debates about urban infrastructure finance in the United States.

3. Literature Review

In this literature review, I explain the political science literature that assists me in the analysis of my two New York City decision-making cases. I first review three widely-used political decision-making theories and argue that the Multiple Streams Framework is most useful as a framework for understanding my case. While the Multiple Streams Framework helps me explain why congestion pricing was or was not able to be adopted, it is insufficient to explain all of the dynamics in the New York case. Thus I next review policy framing and neoliberal political economy approaches, arguing that these approaches help to explain the passage of congestion pricing.

The Political Decision-Making Scholarship

One way to understand the political deliberations around transportation financing in New York City is to use a framework based on theories of policy making by elected officials. These theories help us understand why policy outcomes emerge, and what roles elected officials play. Below, I survey three of the most widely cited theories in American political science (with each theory cited by over 3,000 authors in published works): Policymaking motivated by reelection, policymaking motivated by ideology, and John Kingdon's Multiple Streams Framework. I argue that the Multiple Streams Framework is the most useful as a framework for understanding the congestion pricing decision-making in this study.

Policymaking Motivated by Reelection Concerns

One widely-cited theory of political decision making promoted by Mayhew (1974) argues that the primary goal of elected Members of the United States Congress is reelection.[3] He argues that if we assume that all decision-making behavior by Members of Congress can be explained by their single-minded drive to win reelection, then all of their decisions are made with re-election in mind. One can expand Mayhew's theory beyond just Members of Congress and towards most American elected officials such as mayors, city councilmembers, state legislators, and the like, as long as the renewal of their jobs depend on reelection. Under this expanded interpretation of Mayhew's work, members of the New York State Legislature did not vote in favor of congestion pricing in 2008 because they felt that the policy was politically unpopular and would hurt their election chances, whereas in 2019 the policy had become more popular with voters. This theory is inadequate to explain my New York cases because, as I will explain in my case study, in 2007 voters in New York were not concerned enough about financing the subway for this issue to make a difference in officials' reelection. In 2017-2019 however, legislators were not required to vote directly on congestion pricing because they approved it as part of the larger state budget. This meant legislators did not have to record an up/down vote on congestion pricing and so any policymaking motivated by reelection concerns would be moot. If reelection is insufficient to explain elected officials' actions in New York, could it be that politicians were voting by simply following their political ideologies?

<u>Policymaking Motivated by Ideology</u>

[3] Mayhew, David R. *Congress: The Electoral Connection*. Vol. 26. Yale University Press, 1974.

A second policy making school of thought, championed by Poole and Rosenthal (1996), holds that rather than basing policy decisions on the demands of their constituents with an eye towards reelection concerns, elected officials make policy decisions based on their own ideologies, and often (but not always) specifically their partisan ideologies.[4] According to this theory, congestion pricing is expected to be favorable to either New York's liberal Democrats or conservative Republicans. For example, Democrats in the state legislature would support congestion pricing if they viewed the policy as liberal. This theory lacks explanatory power for understanding New York congestion pricing because support for congestion pricing crossed party lines, and the opposition was divided within the Democratic party. Some Democrats supported congestion pricing while others, representing Brooklyn and Queens, did not support congestion pricing because they felt that the policy would unfairly affect voters who commute into Manhattan from the outer boroughs. Additionally, concerns about congestion pricing by voters were practical in nature (for example, *will I be able to afford going into Manhattan?)* and not ideological. With reelection and ideology insufficient to explain congestion pricing's passage, I next turn to one of the major theories of policy adoption, John Kingdon's Multiple Streams Framework.

Multiple Streams Framework

One of the most prominent theories in political science for understanding why a policy is adopted is called the Multiple Streams Framework (MSF). John Kingdon originally developed this theory in his 1984 book *Agendas, Alternatives and Public Policies,* which has since been cited in over 23,000 works. The framework assumes the following: ambiguity,

[4] Poole, Keith T., and Howard Rosenthal. "Are legislators ideologues or the agents of constituents?" *European Economic Review* 40, no. 3-5 (1996): 707-717.

meaning many solutions are possible for a policy problem since these problems are hard to define in the first place; that policymakers don't have clear preferences in relation to certain policies; and unclear technology, meaning jurisdictions are unclear, and turf battles between agencies are common.

MSF contains three "streams" that develop independently of each other: the problem stream, the policy stream, and the political stream. In the problem stream, "focusing events" are situations that bring problems to the attention of policymakers and the general public at the same time. In the policy stream, policy alternatives are created in "policy communities" like think tanks or universities which judge the potential effectiveness of various policies. The political stream includes elements such as the national mood, changes to legislative or government bodies, and interest group campaigns. Policy entrepreneurs are advocates who are ready to invest their resources in pushing specific policies. MSF posits that the opportunity to bring the three separate streams together is called a "policy window" or "window of opportunity." Under MSF, agenda change becomes more likely if (a) a policy window opens, (b) the streams are ready for coupling, and (c) a policy entrepreneur promotes the agenda change.

The Multiple Streams Framework is useful in understanding the political decision making around congestion pricing in New York City. Yet just focusing on MSF does not tell us the entire story of what happened with congestion pricing in New York. One of MSF's problems is that the policy is relatively static and abstract. While MSF tells us why a decision was made at a certain time, the framework does not always tell us why a policy was adopted. MSF alludes to the framing of policy as one tool of many by the policy entrepreneur.

However, I argue that the framing is so critical to the decision-making process that it needs to be decoupled and investigated for its own influence. Below, I analyze the concept of policy framing as a mechanism for decision makers.

Policy Framing

I argue that the principal difference between the first and second attempts to pass congestion pricing in New York is how the policy was framed by elites and activists to elected officials and the general public. Here I draw on Druckman (2001) who defines framing as it is generally understood in the social sciences as

> when, in the course of describing an issue or event, a speaker's emphasis on a subset of potentially relevant considerations causes individuals to focus on these considerations when constructing their opinions.[5]

In other words, the focus by policymakers and activists in New York on one aspect or interpretation of an issue or policy over another affects how people develop their opinions around the issue or policy. Druckman notes that many authors see framing as a form of elite manipulation and would argue in the New York case that elites successfully reframed the voter perception of the congestion pricing policy.

In this case, I demonstrate how in 2008 policymakers framed congestion pricing as an economically rational urban policy that was essentially neoliberal and regressive in nature, but worth it for the benefits to the city's economy. A decade later elites were able to change the policy framing of congestion pricing, to change the perception among voters and elected officials. To consider the neoliberal political economy influencing policy makers' framing of

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[5] Druckman, James N. "On the Limits of Framing Effects: Who Can Frame?" *The Journal of Politics* 63, no. 4 (2001): 1041-066.

congestion pricing, I next review a political economy approach, specifically neoliberalism's effect on policy decision making.

Political Economy Strategies (Neoliberalism in the City) as a driver of Policymaking

The effect of neoliberalism as a political economic regime has major implications for the types of policies that decision makers can pursue in the contemporary American city. Cuomo, Bloomberg, and the elected and appointed officials that support them all embraced congestion pricing because they have a decision-making view that relies on a neoliberal political lens. But in 2007-2008 many decision makers in the state legislature were unconvinced, as well as Mayor de Blasio and his progressive supporters in 2017-2019. Only when congestion pricing was reframed from a neoliberal lens of market efficiency to supporting less wealthy New Yorkers that support public transport was the policy able to pass in the legislature.

To define neoliberalism, I draw upon the definition provided by urban geographer David Harvey (2007):

> [Neoliberalism is] in the first instance a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade.[6]

Harvey's definition of neoliberalism can be extended to the realm of the city, where it becomes helpful in understanding New York City's political economy. In my study, however, it is insufficient on its own to fully explain the adoption of congestion pricing.

[6] Harvey, David. *A Brief History of Neoliberalism*. Oxford University Press, USA, 2007, 2

Additionally, I borrow an insight from Harvey when he applies neoliberalism to contemporary cities.[7] Harvey gives an explanation of the condition of New York City during Michael Bloomberg's tenure as Mayor, from 2002-2013:

> Increasingly, we see the right to the city falling into the hands of private or quasi-private interests. In New York City, for example, we have a billionaire mayor Michael Bloomberg, who is reshaping the city along lines favorable to the developers, to Wall Street and transnational capitalist class elements, while continuing to sell the city as an optimal location for high-value businesses and a fantastic destination for tourists, thus turning Manhattan in effect into one vast gated community for the rich.[8]

New York City under Mayor Michael Bloomberg became perhaps one of the world's most preeminent examples of what Harvey first started classifying in the late 1980s as the "entrepreneurial city" where cities actively seek private investment, public-private partnerships, and market solutions in lieu of traditional managerial governance.[9] Bloomberg sought to present New York as a destination for global capital investment, especially in real estate. Bloomberg was the latest in a line of mayors and governors in New York that endorsed a neoliberal governing regime.

Governing Regimes

I use the term "governing regime" in this study to mean, in the tradition of *Regime Politics* by Clarence Stone (1989), a coalition of public and private actors working together to govern the city.[10] A coalition, when held together, can govern a city but coalitions generally do not have absolute powers. Thus other coalitions can form to challenge the regime. Bloomberg's New York and many of the past governors and mayors since the late 1980s can

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[7] Harvey, David. *Rebel Cities: From the Right to the City to the Urban Revolution*. Verso books, 2012.
[8] Harvey, *Rebel Cities*, 23.
[9] Harvey, David. "From managerialism to entrepreneurialism: the transformation in urban governance in late capitalism." *Geografiska Annaler: Series B, Human Geography* 71, no. 1 (1989): 3-17.
[10] Stone, Clarence Nathan. *Regime Politics: Governing Atlanta, 1946-1988*. University press of Kansas, 1989.

be identified as a governing regime that focused on making New York a premier entrepreneurial city open to capital investment and sought to solve urban problems with market-based solutions. In a neoliberal governing regime, a policy like congestion pricing is popular because it essentially introduces a market for a public good (use of downtown city roads) and, through the use of the market (making users who desire to enter downtown in a car pay a toll) the city is able to raise money for that or another public good (such as the subway) through revenue from the users of the good itself rather than raising taxes on society as a whole.

4. Methodology

My methodology for this study takes a qualitative approach, using interviews, government documents, and news sources to understand my two cases. I conducted phone interviews in December 2019 and January 2020 with five individuals in New York City who all have extensive knowledge of the two political battles around congestion pricing analyzed in this study. For privacy reasons, their names and titles are withheld. The first person is a reporter at a major New York City newspaper who covered the city's transportation and congestion pricing issues, referred to in this paper as "Reporter." The next three people I interviewed, referred to here as "Official 1," "Official 2," and "Official 3," all work or have worked in the office of a major elected official and were privy to the debates about passage of congestion pricing by the New York State Legislature. The final person interviewed for this study works for a civil society group that was a member of the coalition of groups that advocated for congestion pricing in the public realm and participated in rallying voters to the cause of congestion pricing. I refer to this person as the "Advocate." All five interviewees were asked about why they believed politicians passed congestion pricing in the legislature in 2019 but not in 2008, what they believed changed politically between the two case periods, why they believed a policy like de Blasio's millionaire's tax was not able to garner enough support to pass, and what they believed were the roles and positions of the Mayor, Governor, advocacy groups, and voters during the cases. The perspectives I gained from these interviews extends and augments the narratives of my two case periods gained from journal and news articles as well as information from government documents used to advocate for congestion pricing in the cases such as *PlaNYC 2030* and *FixNYC.*

New York City is an important case to examine because it is the only city in the United States that has attempted to implement a congestion pricing scheme, let alone actually passed a congestion pricing policy. This is important because as more cities across the United States look for new ways to finance infrastructure, congestion pricing as a purportedly "innovative" urban policy will likely be proposed more frequently. That New York sought to implement the policy twice (once with failure in 2008 and later with success in 2019-2019) makes the two time periods in New York an interesting comparison of what changed. New York also has the largest subway system in the United States and arguably suffered the largest "collapse" of a public transit system in 2017, with $50 billion worth of deferred maintenance. The city had to take decisive action to raise financing quickly. Finally, New York is interesting because of the presence of a competing policy-- the millionaire's tax, which was defeated. Thus the New York case is instructive for how officials in other US cities may approach the financing of public goods.

In this study I am not seeking to take a normative approach to the policy of congestion pricing, for instance saying that congestion pricing *should* have or *should* not have passed in the legislature because passage of congestion pricing brings us closer to or creates obstacles for achieving an “ideal” outcome in urban policy. I believe that there are both benefits (taking cars off of the roads and reducing traffic congestion) and drawbacks (forcing people to directly pay a regressive tax for a public good) to the congestion pricing policy. Rather, I seek to understand *why* congestion pricing became the consensus among policymakers for financing a public good such as the subway in New York City.

Though toll roads have been a fixture of road-based transportation since ancient times, congestion pricing--charging car users to access the downtown streets of a city--is a form of road tolling that is distinct from, for example, a tolled highway. Highways, bridges, and tunnels often charge tolls to offset the construction and continual maintenance costs of those individual infrastructure assets. The motivation for tolling access to these pieces of infrastructure is rarely about discouraging users to drive in order to mitigate congestion writ large, as downtown-based congestion pricing is. The purpose of a congestion pricing scheme is usually to mitigate traffic congestion and car use throughout a city downtown. The New York City region has a long history of road tolling itself. Car users have to pay to use the Holland, Lincoln, Queens-Midtown, and Brooklyn-Battery Tunnels, for example. Yet New Yorkers in the past have never had to pay a toll to drive into any part of Lower or Midtown Manhattan, and it is this notion of creating a market for access to the city center that is new for New Yorkers with congestion pricing.

5. Case One: Bloomberg’s Congestion Pricing Push in 2007-2008

Introduction

In 2007 and 2008 the New York State Assembly seriously considered a congestion plan backed by then New York City Mayor Michael Bloomberg that would charge a toll to automobile users who entered the central business district of Manhattan. Despite broad support by many planning groups and business interests in the city as well as major elected officials, in 2008 the Bloomberg administration's congestion plan failed to gain enough votes in the legislature. Why did such a seemingly popular policy introduced as a legislative bill fail to become law in 2008?

Congestion pricing failed in 2008 because of the way that the plan was framed and rationalized by policymakers and sold to the legislative community. Politicians overwhelmingly viewed car owners who would have to pay the congestion toll as being unfairly targeted by congestion pricing. Policymakers understood congestion pricing as a regressive tax, a perception that would impede the policy's support with more moderate Democrats in the legislature. Congestion pricing was introduced and promoted by the Bloomberg administration largely as a policy to improve the environment and quality of life for New Yorkers as well as boost New York's economic productivity; it was not promoted as a policy tool to raise money for better transportation infrastructure.

Additionally, in 2008, the New York State Assembly was controlled by moderate Democrats, many of whom represented boroughs outside of Manhattan (Brooklyn, Queens, and the Bronx). These elected officials were skeptical of the impact of congestion pricing on their working-class constituents in the outer boroughs. This lack of political alignment was coupled with a lack of a focusing event for agenda change: Whereas in 2017 and 2018 the New York City Subway's deterioration of service was highly publicized, and the resulting controversy forced policymakers to act, in 2008 there was not the same sense of urgency among elected officials and from the public to pass a congestion charge.

Congestion Pricing is First Proposed

Though policy think tanks had proposed congestion pricing for the New York City region since at least the early 1990s, discussions of congestion pricing among policy groups came to the public forefront in 2006 and 2007. Among groups such as the Regional Plan Association, an urban planning think tank and advocacy group based in New York, as well as civic groups that advocated for transit riders, congestion pricing began to gain popularity as a potential policy for the city. These groups were inspired by the successful implementation of congestion pricing in London in 2003 as well as other successful road pricing schemes in Singapore and Stockholm.[11] The Partnership for New York City (a nonprofit representing business interests in the city) became a key advocate for a congestion pricing policy.[12]

This coalition of businesses represented by the Partnership along with civic groups began to issue a series of reports examining the role of car usage in the city and the potential feasibility of a congestion scheme, helping to create a rationality for the congestion pricing policy. From the earliest days of this first attempt to pass congestion pricing the rationale for the policy centered around the negative economic and social externalities that traffic congestion causes. One of the main reports was issued by the Partnership for New York City in 2006 called *Growth or Gridlock* and projected that congestion in the city would cost $4.6 billion in lost economic activity. As seen in Figure 1.1, according to the Partnership's justification, negative economic consequences from congestion stem from a central circle

[11] Schaller, Bruce. "New York City's congestion pricing experience and implications for road pricing acceptance in the United States." *Transport Policy* 17, no. 4 (2010): 266-273.
[12] Ibid.

labeled “Market Failure.” Congestion itself is presented as a negative externality, and the need for the congestion pricing policy comes from the threat that congestion poses to the efficient operation of business in the city.[13]

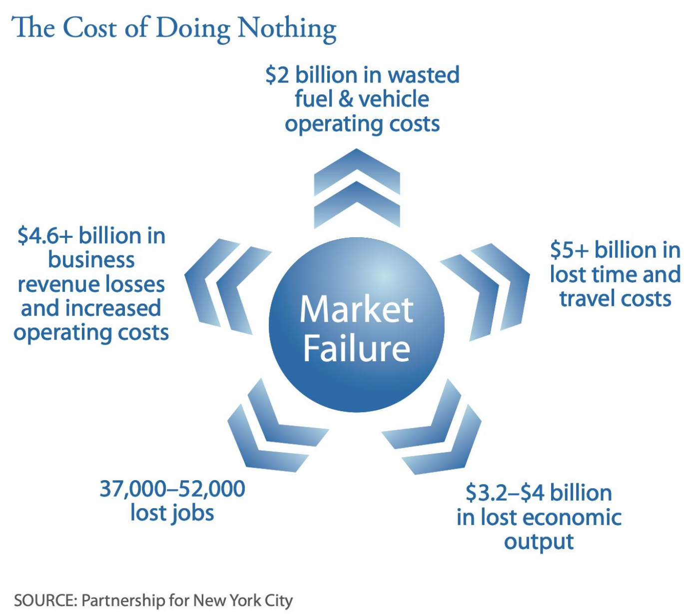

Figure 1.1. Source: “Growth or Gridlock: The Economic Case for Traffic Relief and Transit Improvements for a Greater New York.” Partnership for New York City, December 2006.

This market-based rationale promoted by groups such as the Partnership for New York City and the Regional Plan Association helped influence the Bloomberg Administration to officially propose a policy to implement congestion pricing.

Introducing *PlaNYC*

Around the same time as congestion pricing began to be discussed in the private sphere, Mayor Bloomberg’s administration sought to develop a long-term land use policy for New York City.[14] This plan evolved into a document released on Earth Day in April 2007 by the City called *PlaNYC 2030: A Greener, Greater New York.* Essentially a citywide

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[13] “Growth or Gridlock: The Economic Case for Traffic Relief and Transit Improvements for a Greater New York.” Partnership for New York City, December 2006.
[14] Schaller, "New York City’s congestion pricing experience."

sustainability plan, *PlaNYC* focused on environmental, urban vitality, and quality of life initiatives for New York City.[15] *PlaNYC* included proposals to improve New York City's housing, open spaces, water quality, and air quality, among a host of other urban environmental and infrastructure concerns. Besides these other recommendations, *PlaNYC* proposed that New York introduce an $8 daily fee for cars travelling into lower and midtown Manhattan. A congestion charge was proposed in the plan primarily to address the issue of traffic congestion itself and its associated externalities such as air pollution from cars and lost economic productivity. The revenue from this proposed congestion pricing scheme would be devoted to a $31 billion regional financing agency focusing on transportation expansion projects for those that lacked sufficient access to public transportation. The financing of public transportation through this agency was seen as more of a positive side benefit to the policy and less of the main focus of the proposed congestion pricing policy. A decade later, this would change.

The Rationale for Congestion Pricing

From the earliest instances when congestion pricing policies were proposed by civil society groups in 2006 to the 2007 *PlaNYC* proposal, the rationality around congestion pricing had centered on social arguments such as the environmental benefits of less cars and improved quality of life with less congestion. In the words of the Reporter and Official 2 interviewed by this author:

> Reporter: The Bloomberg plan was framed mostly around fighting congestion, which at the time was considered a major issue… [Congestion] had gotten a lot worse in the 1990s and 2000s, basically as people were starting to move back into the city.

[15] Ibid.

> Official 2: Bloomberg's approach number one was at a different message, right? It was based on inequality and, you know, speeding commutes as opposed to taking the revenue and putting it directly into transit which may have been one aspect of his presentation, but it wasn't the predominant one.

From the very beginning of discussions around congestion pricing in this first case period, the neoliberal governing regime in New York City supported the market-based element of a congestion pricing scheme. Business groups like the Partnership for New York City, transportation advocacy groups, and the Bloomberg administration (through *PlaNYC*) were key to creating the rationality around congestion pricing. Moderate and conservative-leaning elected officials as well as business leaders appreciated a congestion pricing scheme's approach. The promotion of congestion pricing fits well within the goals of a neoliberal entrepreneurial city: implementing a tolling scheme to access Manhattan essentially creates a market around the right to the city's central business district while at the same raising revenue for transportation infrastructure expansion without raising taxes. Those who were willing to pay for access to Lower and Midtown Manhattan would enjoy a commute with fewer cars. Those who weren't able or willing to pay would benefit from improved money for public transportation and from less cars on the road. In this way, the market set up by a congestion scheme essentially allocates the right to drive into the city.

Unlike in 2017, when the neoliberal government regime was challenged by de Blasio's millionaire's tax, in 2007 congestion pricing was the only serious major urban transportation policy being discussed by elected leaders. The question facing elected officials was "to pass or not to pass congestion pricing" rather than "to pass congestion pricing or the millionaire's tax." Part of this rationality emerged from the nature of the political scene at the time, as any policy had to appeal to Mayor Bloomberg, an independent, pro-market mayor as well as Republicans and less progressive Democrats in the state legislature.

> Official 1: Mayor Bloomberg favored congestion pricing, which is a little bit more market based… some would say it's actually more regressive… at least compared to a millionaire's tax fix.

In agreement with PlaNYC's quality of life rationale for congestion pricing, the advocacy groups that supported congestion pricing in 2007 and 2008 tended to focus on these quality of life arguments rather than arguments that congestion pricing would improve the city's public transit system. As explained by the Reporter:

> Riders Alliance [a transit advocacy group] didn't exist 10 years ago… Like the main people who were the main transportation advocates who were pushing for this were cycling and walking advocates, not transit advocates.

If supporters of congestion pricing in the policy community deployed economic arguments in favor of the scheme, these arguments tended to focus on the negative economic costs of traffic congestion itself (as seen above in the Partnership for New York City report). Using congestion pricing revenue for transportation improvements was not the primary goal of *PlaNYC's* congestion pricing policy. The revenue raised from the congestion tolls would have gone to regional public transportation improvements such as expanding bus and rail service, as well as bringing existing transportation infrastructure to a state of good repair. The plan emphasized using congestion pricing revenue to construct new public transportation projects in sections of New York that lacked easy access to transit. In this way, the plan hoped to alleviate the concerns of many New York City residents who have to drive into Manhattan and would have had to bear the brunt of the congestion charge (in the long term) by providing these voters' neighborhoods with expanded public transportation access.[16]

Bloomberg's administration focused on plans to expand public transportation service at the expense of investing in basic maintenance. During the Bloomberg administration, much excitement was placed on large capital construction projects expanding the transit system, such as the Second Avenue Subway, the 7 Train extension to Hudson Yards, and the East Side Access program to bring the Long Island Railroad to Grand Central Terminal.[17] These types of multibillion dollar expansion projects that brought rail transit to new neighborhoods were likely what the authors of *PlaNYC* imagined the congestion charge money going to, rather than to the basic upkeep of the MTA.

Commission Approval

When *PlaNYC* was released it was met with much positive support from the general public and Mayor Bloomberg's proposal was introduced to the State Assembly in June 2007. In July the legislature created a 17-member Traffic Congestion Mitigation Commission (TCMC). The Commission, composed of members appointed by the Governor, Mayor, leaders of the state legislature and City Council, was charged with evaluating different proposals for congestion reduction in Manhattan. The commission made a few modifications to Bloomberg's original *PlaNYC* plan, including shrinking the area in Manhattan that would be covered under the congestion charge from the northernmost boundary at 86th street to one

[16] Office of Michael R. Bloomberg, *PlaNYC: A Greener Greater New York*. The City of New York (2006).
[17] As of 2020, only the 7 train extension has been completed, with East Side Access and the Second Avenue Subway running years and billions of dollars over budget.

at 60th street. In January 2008, the Commission recommended the modified plan (seen in Figure 1.2), effectively endorsing congestion pricing for New York City.[18]

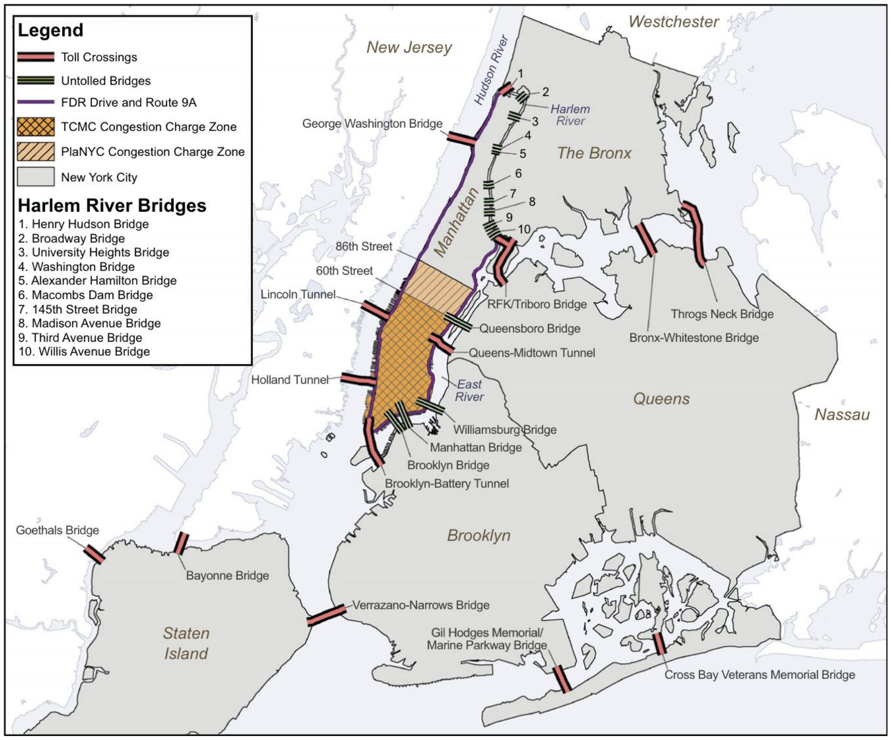

Figure 1.2, a map of the Commission's proposed congestion charge zone area in Manhattan as well as proposed tolled and untolled bridges and tunnels into and within the city. Source: Schaller, Bruce. "New York City's congestion pricing experience and implications for road pricing acceptance in the United States." *Transport Policy* 17, no. 4 (2010): 266-273.

The plan was supported by a group of 135 civic and business groups as well as the Governor, David Patterson.[19] Even then-President Obama weighed in and endorsed congestion pricing, stating "I think Mayor Bloomberg's proposal for congestion pricing is a thoughtful and innovative approach."[20] But not all policymakers agreed with the president's optimism.

Opposition and Failure in the State Legislature

[18] Schaller, "New York City's congestion pricing experience."
[19] Newman, Andy. "Outside Manhattan, Many Oppose Congestion Plan." The New York Times. The New York Times, June 9, 2007.
[20] Chan, Sewell. "Obama Weighs In on Congestion Pricing." The New York Times. The New York Times, March 27, 2008.

Despite strong support from some elected officials the congestion pricing proposal faced vocal opposition from politicians in the boroughs outside of Manhattan, whose opposition would end up defeating the passage of congestion pricing in the New York State Legislature.[21] These elected officials raised concerns that the policy was inequitable since working class people from Brooklyn, Queens, and the Bronx would have to pay the $8 toll every day to commute into Manhattan. Opposition was strong in the Democratic-controlled State Assembly where elected officials representing these outer boroughs were deeply skeptical of the plan. Though Bloomberg’s congestion pricing plan was aimed at suburbanites who drive into Manhattan from outside of the city limits, studies found that half of the drivers who drive into jobs in Manhattan did so from Brooklyn, Queens, and the Bronx rather than from the suburbs.[22] Many of these drivers, commuting from areas poorly served by mass transit, would have had little choice other than to drive into the city and pay the $8 toll. During this period, there was no major alternative policy being proposed like Mayor de Blasio’s future millionaire's tax that opponents of congestion pricing could rally around. Even without an alternative policy, opponents were quick to emphasize how congestion pricing was in its essence a regressive tax and would punish working-class commuters. Because the backers of congestion pricing framed the policy as a largely neoliberal tool, opponents to congestion pricing in the legislature were able to portray the policy as undeservedly affecting working class car owners.

On April 7, 2008, the congestion pricing plan put forward by the Commission and backed by Bloomberg failed to pass in the New York State Assembly in Albany, which

[21] Schaller, "New York City’s congestion pricing experience.”
[22] Newman, “Outside Manhattan, Many Oppose Congestion Plan.”

effectively killed the attempt at implementing a congestion charge during Bloomberg's administration.[23] April 7, 2008 was the deadline for New York State to receive up to $354 million in matching federal transportation grants for traffic mitigation should its congestion pricing bill become law. Bloomberg denounced the decision while the Speaker of the Assembly, Sheldon Silver, remarked that "The congestion pricing bill did not have anywhere near a majority of the Democratic conference."[24] Though Official 2 recounted to me that "the loudest critics [in the legislature] were Republicans," according to news reports it was actually a majority of Democrats who refused to put the plan to a vote on the floor of the State Assembly. Indeed, the "Assembly Minority Leader, James N. Tedisco, said he had offered the votes of all 42 of the Republicans in the Assembly to Mr. Silver" but the votes were not there on the Democratic side.[25] With Bloomberg calling the failure a "a sad day for New Yorkers and a sad day for New York City," at midnight on April 7 New York missed its deadline to receive the $354 million in federal matching funds. The missed deadline effectively killed Bloomberg's congestion proposal.

Why Congestion Pricing Failed

Congestion pricing's framing by its backers as neoliberal policy primarily affecting New York's economic and social health as well as the framing of the policy as unfair to working class car owners by politicians in opposition to congestion pricing contributed to the policy's downfall in 2008. In a scholarly analysis of why the plan was not able to pass, Schaller (2010) emphasized how elected Democrats representing the outer boroughs in the

[23] Confessore, Nicholas. "Congestion Pricing Plan Dies in Albany." The New York Times. The New York Times, April 7, 2008.
[24] Confessore, Nicholas. "Congestion Pricing Plan Dies in Albany."
[25] Ibid.

State Assembly were able to stop the policy from being enacted. These elected officials along with the voters in these boroughs viewed the policy as elitist and Manhattan-centric. Opponents of the policy saw congestion pricing as unfairly targeting working-class people in the city. As stated by Schaller, “a relatively small group of auto users believed that congestion pricing was against their best interests” and was able to use their political power to stop the passage of a policy that would have benefited many New Yorkers.[26] Using the Multiple Streams Framework (MSF) for understanding agenda change, it is evident that the political stream was not present since in 2008, many Democrats representing the outer boroughs of the city did not support congestion pricing because of the way the policy was framed vis a vis their working class, car owning constituents. As such, the lack of legislative support prevented the window of opportunity to pass the policy from opening. The political outlook favoring auto drivers in 2008 is a stark contrast with the political climate a decade later when Democrats elected to the legislature in 2018 came to see driving into the city as a privilege that mainly upper-class people enjoyed and could therefore bear the congestion pricing’s costs.

According to MSF, for an agenda change to occur, the problem, policy, and politics streams should be integrated. Besides the politics stream being unaligned in this case (with the hesitance of the legislature to support congestion pricing), the problem stream was not well-defined and there was no focusing event to bring attention to congestion pricing among both policymakers and the general public. In 2017-2019, the deterioration of the New York City Subway became front-page news among voters in the region and forced policymakers to

[26] Schaller, "New York City’s congestion pricing experience.”

act. The subway system's need for financing became too great for policymakers to ignore, and congestion pricing became a relatively easy way to generate large sums of money needed to finance the subway repairs. Conversely, in 2007 and 2008 the subway system was functioning comparatively well. In the words of the Advocate:

> Foremost the subway wasn't broken in 2008, right? The subway was on time. Performance was far better in '08 and ridership [in 2008] is actually far lower than it was, you know, 10 years later. And so the pressure on the transit system was opposite… the urgency of it was not the same.

Because the subway in 2008 was functioning much better than it would in the coming years, there was little media attention paid to the subway's needs and thus the lack of a focusing event among the general public. At the time, almost no emphasis in the public discussion was placed on making sure that existing New York City Subway infrastructure had adequate financing from a dedicated funding stream to remain in a state of good repair, since the subway was functioning relatively well. The lack of a focusing event meant there was no public pressure on the city and state to improve the subway system, and so the subway was able to depreciate over the next decade without anyone taking action until it was too late.

Though congestion pricing failed to pass in 2008, the focus on this solution in New York helped set the precedent for urban policy and transportation financing policy a decade later. With business and elected officials as well as advocacy groups active at the time agreeing on the merits of congestion pricing, the precedent was set in 2007 and 2008 that financing transit in New York City by the established neoliberal governing regime (of whom Bloomberg was a part, and whom future governor Andrew Cuomo would also be a part of) would turn to market-based solutions rather than any redistributive policies. This precedent set in 2008 helps inform why a millionaire's tax was unable to gain support in 2019. Advocacy groups attempting to address congestion or transit issues under the Bloomberg administration had focused on a more moderate proposal when Bloomberg was mayor. The focus on the policy of congestion pricing essentially crowded out the chances of a more progressive policy later. In the words of Official 1:

> Under Bloomberg they [advocacy groups in favor of transportation improvements] were like, okay, we have a guy who does care about transportation. Like he genuinely cares about the mass transit system, but he's kind of like a moderate. He's a neoliberal in some ways. And he's not... certainly not a class warrior. So, like the way we can fix our mass transit system, which is an asset that's a popular asset that helps working people, is with a system like congestion pricing. So you had these coalitions that were built and persisted and those still existed when the Democrats took the state Senate [in 2018].

These advocacy and civil society groups in favor of congestion pricing would continue to advocate for the policy in the decade between 2008 and 2018. However, a decade later these advocates would need to change their approach when presenting the congestion pricing policy to elected officials and the general public.

Conclusion

Congestion pricing's failure in 2008 stemmed from the policy framing approach used by its backers. Because of its backers' focus on the neoliberal aspects of the policy, it was widely seen by voters and elected officials in the Legislature as regressive and unfair to outer borough car owners who had no choice but to drive into Manhattan. This framing closed congestion pricing's politics stream because the legislature did not support the policy. Compounding this opposition was a lack of a focusing event that highlighted the urgency of congestion pricing policy since the New York City Subway was functioning relatively well in 2007 and 2008. Finally, the Bloomberg administration's rationale for congestion pricing based on economic and social arguments was not enough to convince decision makers of the urgency of the policy. All of these dynamics would change when congestion pricing was reframed by its supporters as a progressive policy a decade later.

6. Case Two: The Passage of Congestion Pricing in 2017-2019

Introduction

In April 2019, the New York State Legislature approved a statewide budget that included a provision to create a congestion pricing zone in New York City's central business district of Lower and Midtown Manhattan. For the first time cars entering an American city's central business district will have to pay a toll, with funds from the fee providing much-needed infrastructure improvements for the New York City Subway. In 2019, eleven years after the failure to pass congestion pricing in 2008, there was an unusual window of opportunity for policymakers to pass a public transportation infrastructure funding plan. What changed? Why was congestion pricing able to pass in the state legislature in 2019? New York's established neoliberal governing regime pushed for congestion pricing, but was challenged by a competing policy with the broad support from some lawmakers and the general public: a "millionaire's tax" where New York's highest earners would be taxed more to fund infrastructure improvements. Why was the governing regime able to pass congestion pricing when faced with the challenge presented by the millionaire's tax?

The case offers insight into how policymakers and policy communities can successfully reframe a policy. In this case, Governor Cuomo's office and policymakers working with him, along with transit activists and civil society groups, were able to present congestion pricing to voters and elected officials in the legislature as a largely progressive policy that would help the majority of New Yorkers, especially those New Yorkers who rely on public transportation, rather than a regressive and neoliberal policy that would put the burden of tolls onto everyday voters. A key element in this shift comes from a change in how policymakers understood car owners. Whereas in 2008 those New Yorkers with cars were seen as reflecting a significant part of the commuting population and a group to be protected from any new fees, by 2018 the understanding of car-based commuters had changed. Policymakers now saw these commuters with cars as economically advantaged enough to pay a congestion fee. Additionally: the composition of the state legislature changed, allowing the politics stream to open for congestion pricing; the New York City Subway became noticeably worse, creating a focusing event for policy action; and finally, the central rationale for congestion pricing changed to emphasize the policy as a funding stream for public transportation improvements in New York.

Challenges to New York's Governing Regime

During the late 2000s and early 2010s, it was becoming clear for many New Yorkers that the governing regime under Bloomberg was making the city increasingly unaffordable for middle and working-class people. Bloomberg was Mayor of New York City during the devastating economic crisis of 2008 and later during a time of increased local and national attention to the rapidly escalating issue of income inequality. Indeed the left-wing Occupy protest movement of 2011 started right in Bloomberg's own city, on Wall Street where the billionaire mayor made his fortune. The widespread discontent with New York's economic situation in the early 2010s provided the opening for the much more outwardly progressive mayoral candidate Bill de Blasio and with him perhaps a new urban governing regime in New York City focused on redistribution rather than explicitly neoliberal policies.

The explosive construction of luxury condominiums that bloomed under Bloomberg's administration exacerbated a housing crisis and made New York unaffordable for many residents. Bloomberg reportedly said in an interview in 2013 that the housing crisis was a "good sign" because the lack of housing meant the city's economy was doing well.[27]

Before successfully running for mayor, Bill de Blasio served as New York City Public Advocate from 2010-2013, where he fashioned himself as a progressive interested in helping low income New Yorkers. As Public Advocate, he took issue with the city's decision to cut the amount of low-income housing vouchers given to residents.[28] He also sparred with Mayor Bloomberg's schools chancellor.[29] When running for mayor, de Blasio cited increasing income inequality under the Bloomberg administration as one of the central problems facing the city. De Blasio showed his willingness to consider redistributive policies when he proposed a tax increase on individuals earning over $500,000 to help finance New York City's public schools.[30] His mayoral campaign was endorsed by the left-leaning Working Families Party.[31] As such, when de Blasio was elected he was described as an "assertive,

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[27] Gay, Mara. "Mayor Bloomberg Says New York City's Lack of Affordable Housing Is a 'Good Sign' of a Vibrant Economy Because 'More People Want to Live Here'." nydailynews.com. New York Daily News, January 10, 2019.
[28] Einhorn, Erin. "Public Advocate Bill De Blasio: Section 8 Housing Subsidies Cuts Will Cost City." nydailynews.com. New York Daily News, April 9, 2018.
[29] Katz, Celeste. "Bill De Blasio Unimpressed With Cathie Black's Hedging On A Public School Do-Over For Her Kids." nydailynews.com. New York Daily News, December 18, 2010.
[30] Goldman, Henry. "De Blasio Proposes NYC Tax Surcharge on Wealthy for Schools." Bloomberg.com. Bloomberg, October 4, 2012.
[31] " Working Families Party Leaders Back Bill De Blasio for Mayor of New York City." Working Families Party, September 12, 2013.

tax-the-rich liberal" by the *New York Times* and his election was seen as a potential break with New York's established neoliberal regime, or at least a break with the overtly pro-capital approach of the Bloomberg administration.[32] In contrast with de Blasio, Andrew Cuomo, New York's governor during the 2017-2019 case, was and is widely seen as a member of the pro-capital neoliberal governing regime that Bloomberg was a part of.

Congestion Pricing is Discussed Again

New York City's economy and population both grew rapidly in the 2010s despite the pervasive income inequality and the housing crisis. Between 2010 and 2018, the New York City population grew by about 208,000 people while the overall New York metropolitan area grew by over 500,000 people in just the years between 2010 and 2016.[33] The city experienced record economic and tourism growth as well. The strain of traffic congestion was increasingly felt on the city's transportation network, with average traffic speeds dropping 21% between 2010 and 2018.[34]

Despite the failure of Mayor Bloomberg to pass congestion pricing in 2008, support for the idea continued to grow in the decade between 2008 and 2018. Civic groups began to increasingly advocate for congestion pricing as the traffic situation in the city became worse. For example, non-governmental advocacy groups such as the urban planning think tank Regional Plan Association (RPA) continued to advocate for congestion pricing in the public sphere as a potential solution to the city's traffic woes. The RPA would emerge as a major

[32] Grynbaum, Michael. "De Blasio Draws All Liberal Eyes to New York City." The New York Times. The New York Times, December 31, 2013.
[33] "New York City, New York Population 2020." New York City, New York Population 2020 (Demographics, Maps, Graphs). Accessed April 8, 2020.
[34] New York City Department of Transportation, *New York City Mobility Report June 2018*. The City of New York (2018).

player in the 2017 case. Every 20 years or so the RPA publishes its “Regional Plan,” a massive document filled with urban planning recommendations for the New York area. While congestion pricing remained a popular idea with policy experts such as advocacy groups like the RPA, it was not yet seriously considered by most politicians. Hence, even while there was little public attention towards fixing the subway or traffic issues, the endorsement of the congestion pricing policy by experts gave it increased legitimacy as the best way to handle the problem of raising money for infrastructure. Official 1 explains the appeal that congestion pricing has to policymakers:

> [Congestion Pricing] makes the streets safer because it makes our city perhaps healthier, like, you know, makes the air better, and also just because it generally shifts people to other modes of transportation... those are high goals of environmentalists and people who care about mass transit. It's not just about making our mass transit system economically viable. It's about shifting [car users to public transit].

Already a consensus was emerging that congestion pricing would be good for business while also beneficial to public transit users that would be able to rely on a well-maintained transit system. The emerging consensus was that congestion pricing would benefit different constituencies in different ways. Businesses would benefit from reduced traffic and therefore regained transit time, environmental and social advocates would benefit from less cars and therefore pollution in the city. Transit riders would benefit from better public transportation commutes. This time, the focus of passing congestion pricing was on providing a dedicated funding stream for transit infrastructure investment. By 2017, this dedicated funding stream was badly needed as the New York City Subway began to collapse.

The Subway Crisis and a History of Disinvestment

As New York's economy continued to grow, the service on the New York City Subway began to severely deteriorate in spite of increasing ridership. Whereas during Bloomberg's push for congestion pricing in 2007 the subway functioned relatively well, by the second half of the 2010s it was becoming clear that the subway needed a new stream of funding to pay for maintenance and operating costs. The subway was relying on a deteriorating fixed-block signaling system that was over 100 years old and that limited the capacity of how many trains could move through the network.[35] The signaling system was so old that the MTA had to manufacture replacement parts itself since the original manufacturers have long since gone out of business. Overcrowding, from 4 million riders in the 1990s to almost 6 million in 2017, exacerbated problems with the fixed-block system since more trains couldn't be introduced to absorb new demand. By the end of 2017, transit ridership had slightly fallen even as the city has continued to do well economically. Some New Yorkers chose to avoid riding the unpredictable subway by switching to transportation network company (TNC, also known as ridesharing) apps like Uber and Lyft. The increase in TNC rides in turn only made Lower and Midtown Manhattan even more congested.[36] By 2018, the subway had the worst on-time performance of any major rapid transit system in the world.[37]

The deterioration of subway service in the 2010s stemmed from long-term decisions by policymakers stretching back to the early 1990s, decisions that allowed the New York State and City governments to walk away from their responsibility to fund a public good like

[35] Fitzsimmons, Emma G., Ford Fessenden, and K. K. Rebecca. "Every New York City Subway Line Is Getting Worse. Here's Why." The New York Times. The New York Times, June 28, 2017.
[36] Santora, Marc. "Subway Ridership Falls as M.T.A. Scrambles to Improve Service." The New York Times. The New York Times, November 15, 2017.
[37] The New York Times. "M.T.A. Delays: How Did the Subway Get So Bad?" The New York Times. The New York Times, February 20, 2018.

New York's subway for decades. According to two *New York Times* investigations, both Democratic and Republican officials have stripped a combined $1.5 billion from the MTA since the 1990s. Part of the problem comes from the fact that the New York City Subway itself is owned by the City of New York but operated by the MTA, a state agency, meaning the system is only properly funded when both the city and state cooperate, and as a result the subway is often the subject of turf wars between the state and city. Mayor Rudolph Giuliani in 1994 cut the city's contribution to the MTA by $400 million, eager to show voters he could run the city without raising taxes. Under Governor George Pataki, New York State eliminated subsidies to the MTA, forcing it to operate on its own revenue in 1995. These moves by both Mayor Giuliani and Governor Pataki are classic examples of market-based governance. Forcing a state agency to operate on its own revenue is a hallmark of neoliberalism, since the goal is to reduce the state's public expenditures and make the government operate more like a private company in the marketplace. The use of a state-run agency like the MTA is due to the fact that public transit has traditionally been seen by policymakers as a public good. A state-run agency is usually operated for the good of society rather than to make money.

Mayor Giuliani's successor, Michael Bloomberg, decreased funding, and by 2017, the city's financial contribution to the subway's operation had dropped by 75% since the 1990s. In 2000, the MTA accepted a $12 billion debt refinancing package from Wall Street investment firm Bear Stearns. The deal infused cash into the MTA in the short term but required the agency to spend much of its long-term capital paying back the debt. Placing the MTA's finances into the hands of the private debt market was a way for politicians in 2000 to easily raise a huge sum for the transit system in the short term without raising fares or taxes, but is emblematic of the state washing its hands of its responsibility to finance a public agency like the MTA through traditional methods. Today, nearly 17 percent of the MTA budget goes to paying debt, taking away money the agency would otherwise spend on operating transportation services. During the recession of 2008, the agency curtailed 40 types of maintenance and laid off hundreds of frontline workers while still repaying the debt, cuts that have not been restored despite the strong economy in 2019 and growing transit ridership. As recalled by the Reporter:

> [The] recession happened and that created an incredible financial strain at the MTA that forced the agency to cut a bunch of service in 2009 and 2010.

As recently as 2016 or 2017, the MTA had cut $500 million of funding for signal improvements and directed them to pet projects favored by Governor Cuomo, such as new lights and signs. Cuomo, like elected leaders including Bloomberg before him, has also consistently canceled MTA capital projects to make room for his own flashy projects, like new extensions of subway lines that direct funds away from basic maintenance.[38] These cuts compounded over time until the infrastructure was severely impaired in 2017.

A Subway State of Emergency

Though the crisis was decades in the making, the lack of investment in New York's public transportation network burst into public view in 2017 and would prove to be the focusing event that would lead to congestion pricing's passage. By the summer of 2017, the poor shape of the subway system led to a series of widely publicized accidents and incidents that made the network's decline impossible to ignore. On June 6th, riders were trapped in a

[38] Rosenthal, Brian, Emma G. Fitzsimmons, and Michael LaForgia. "How Politics and Bad Decisions Starved New York's Subways." The New York Times. The New York Times, November 18, 2017.
Fitzsimmons, Emma G., and Michael Laforgia. "How Cuts in Basic Subway Upkeep Can Make Your Commute Miserable." The New York Times. The New York Times, December 20, 2017.

stalled and overheated train for 45 minutes.[39] 34 people were injured when two train cars derailed due to an improperly secured piece of track on June 27th.[40] On July 17th, a track fire sent nine people to the hospital and prompted a series of delays throughout the system.[41] Just three days later, a subway train in Brooklyn derailed, causing yet more delays.[42]

At this point, the Mayor and Governor were facing increasingly intense pressure from the public to deal with the rapidly escalating crisis. The June 27th crash finally forced the Governor to act. Cuomo declared a "Subway State of Emergency" on June 29th, immediately designating $1 billion in improvements to the subway.[43] Due to the immense public scrutiny now facing elected leaders in New York, the June and July 2017 subway incidents were the "focusing event" in this case, which (as per MSF) focused the attention of both the public and policymakers upon the dire state of the subway. All of the subjects interviewed agreed that public attention to the dire state of the subway was key to action by elected officials:

> Reporter: [In 2017] the subways got noticeably worse. And the needs of the subways felt more acute.
>
> Advocate: Train delays were mounting over the same period of time between roughly 2012 and 2017 and in 2017, you know, it sort of reached a fever pitch.

During the summer of 2017, coverage of the problems from a variety of media outlets made the subway failures a top story. Emblematic of the extensive coverage is a *BuzzFeed*

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[39] Nir, Sarah Maslin. "A Hot Mess for F-Train Subway Riders Trapped in Cars." The New York Times. The New York Times, June 6, 2017.
[40] Santora, Marc, and Emma G. Fitzsimmons. "Subway Derailment in Manhattan Injures Dozens." The New York Times. The New York Times, June 27, 2017.
[41] Fitzsimmons, Emma G. "Subway Track Fire Sends 9 to Hospital and Snarls Morning Commute." The New York Times. The New York Times, July 17, 2017.
[42] Fitzsimmons, Emma G. "Subway Train Derails in Brooklyn, Disrupting Morning Commute." The New York Times. The New York Times, July 21, 2017.
[43] Fitzsimmons, Emma G. "Cuomo Declares a State of Emergency for New York City Subways." The New York Times. The New York Times, June 29, 2017.

Article on July 11, 2017 called “32 Pictures That Show Just How Bad The NYC Subway Has Gotten” which compiles social media posts submitted by readers who experienced outrageous situations on the subway.[44] Images of derailed trains and massive crowds waiting for delayed trains filled the social media feeds of New Yorkers throughout the summer of 2017. From then on it would be politically impossible for the Mayor and the Governor to do nothing with regards to fixing the subway.

By the end of 2017, it was clear that, per MSF parlance, the problem stream was well defined: the lack of funding for public transportation in New York City. The political stream was beginning to align with the problem stream as well, since policymakers knew that they had to take action. Yet the policy stream was still not well-defined: divergent solutions would soon be proposed by the Mayor and the Governor.

Immediately after Governor Cuomo’s declaration of emergency, a panel of experts was convened by the governor to come up with an interim plan to stabilize the failing system. The panel included transit union leaders but also leaders from the private side of the city’s governing regime, such as Peter Kalikow, a president of a large real estate company; and Daniel L. Doctoroff, a former Bloomberg administration official who leads the Google subsidiary Sidewalk Labs, a company building a technology-integrated neighborhood in Toronto.[45] The resulting $800 million Subway Action Plan sought to immediately stabilize the system, with the understanding that real long-term changes would come later.[46] Indeed, soon

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[44] Stopera, Dave. “32 Pictures That Show Just How Bad The NYC Subway Has Gotten.” BuzzFeed. BuzzFeed, July 11, 2017.
[45] “MTA CHAIRMAN JOSEPH LHOTA UNVEILS NEW YORK CITY SUBWAY ACTION PLAN.” NYS News. New York State, July 25, 2017.
[46] Fitzsimmons, Emma G. “$800 Million Subway Rescue Plan Adds Cars and Subtracts Seats.” The New York Times. The New York Times, July 25, 2017.

Mayor de Blasio and Governor Cuomo would advocate for two different approaches to fixing the subway.

Divergent Plans and Divergent Support

It was clear to elected officials that several billion dollars of repairs were needed to bring the subway to a state of good repair. By August 2017, Governor Cuomo and Mayor de Blasio were both feeling electoral pressure to respond to the crisis.[47] The leaders publicly expressed their different opinions on how the subway should be financed in the long term. Governor Cuomo in August 2017 endorsed congestion pricing, saying “congestion pricing is an idea whose time has come.”[48] In line with his progressive leanings, de Blasio put his support behind a policy he called a “millionaire’s tax.”[49] The policy would slightly raise the tax rate on individual incomes of $500,000 or more, which would reportedly affect 32,000 people, or less than 1 percent of the city’s taxpayers.[50] Brooklyn borough president Eric Adams supported the tax as well as the transit advocacy group Riders Alliance. De Blasio was quoted as saying:

> “Rather than sending the bill to working families and subway and bus riders already feeling the pressure of rising fares and bad service, we are asking the wealthiest in our city to chip in a little extra to help move our transit system into the 21st century.”[51]

The proposal originally originated not with de Blasio, but with New York State Senator Michael Gianaris, however de Blasio became the policy’s main public champion.[52]

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[47] Goodman, J. David. “De Blasio's Push for Tax on Wealthy Helps Put Pressure on Cuomo.” The New York Times. The New York Times, August 7, 2017.
[48] Santora, Marc. “Cuomo Calls Manhattan Traffic Plan an Idea 'Whose Time Has Come'.” The New York Times. The New York Times, August 13, 2017.
[49] Fitzsimmons, Emma G. “Bill De Blasio Will Push for Tax on Wealthy to Fix Subway.” The New York Times. The New York Times, August 6, 2017.
[50] Walker, Ameena, and Tanay Warerkar. “De Blasio's Proposed Millionaires Tax Would Fund Half-Priced MetroCards, Subway Upgrades (Update).” Curbed NY. Curbed NY, August 7, 2017.
[51] Fitzsimmons, “Bill De Blasio Will Push for Tax on Wealthy to Fix Subway.”
[52] Ibid.

Though not many opinion polls were conducted on the issue, one Quinnipiac University poll conducted in October 2017 suggested that New York City voters were strongly behind de Blasio on this issue, with voters solidly backing a millionaire's tax to fund transit improvements over a congestion pricing scheme 61 to 24 percent. The poll noted that support for the millionaire's tax was strong in all five boroughs.[53]

Part of de Blasio's support for a millionaire's tax was probably tied to electoral politics, as the Mayor likely did not want to alienate voters in the outer boroughs who drive into Manhattan for work. However, because of his appetite for redistributive policies, it appeared that de Blasio believed that a millionaire's tax would be the better policy. He repeatedly called the tax "fairer" than congestion pricing, which could be interpreted both in that it would be fairer to residents that have no choice but to drive from outer boroughs and that taxing a small number of wealthy residents rather than putting the burden on all drivers would be fairer to a majority of New Yorkers. According to my interviews, it is clear that the mayor did not seek to alienate voters who drove cars, and was also far more concerned with raising money for the transit system than working to combat congestion:

> Official 1: [Mayor de Blasio's] top priorities were not to shift people away from driving or to penalize car users, in and of itself; he is a car driver. He comes from Brooklyn where people drive. Like I think he's come to accept that cars can be very dangerous... and I think he's increasingly concerned about the environment. But those have not always been his top priorities. And I don't think they were the top concerns when it came to this policy discussion. The top concern was funding it for him, funding the mass transit system, and trying it in a way that is fair to working people.

[53] "NYC VOTERS BACK MILLIONAIRES' TAX FOR SUBWAY FIX, QUINNIPIAC UNIVERSITY POLL FINDS; CITY DEMS BACK CUOMO OVER de BLASIO 2-1 IN GOV RACE." Quinnipiac University, October 6, 2017.

As Official 1 notes, the central problem policymakers were concerned about during this time period was the rapidly deteriorating subway. This focus on finding a funding stream to pay for subway improvements is distinct from the Bloomberg administration's focus on the economic and social betterment of New York City. The changing focus reflects the differing rationale for a congestion pricing policy being advocated in 2017for by Governor Cuomo's administration and his allies.

An understanding among many policymakers was solidified around this time (late 2017) that car users were far wealthier and therefore more advantaged than the average New Yorker who takes public transportation. While the basic premise of a congestion charge policy assumes cars are a negative externality to be controlled through a market mechanism, for the first time in New York (and in a change from 2007-2008) politicians were increasingly in favor of placing a levy on their constituents who are car owners. Policymakers under Cuomo in favor of congestion pricing argued that car owners in the New York area are on average wealthier and could therefore afford paying the tolls under congestion pricing. However, the Mayor felt it would be fairer to everyone if those New Yorkers who were the wealthiest subsidized public transit improvements rather than all car owners:

> Official 2: [De Blasio's focus on the millionaire's tax comes from] a genuine belief that millionaires are not paying their fair share for city services, including public transit… Car owners are much wealthier than non-car owners. But millionaires are much wealthier than the typical [car] owner.

The quote by Official 2 reflects the emerging understanding among New York policymakers that some group was going to have to bear the cost burden of public transit infrastructure improvements. The question here was whether to proceed with a redistributive approach and tax millionaires or proceed with a regressive approach and tax car owners.

The passage of de Blasio's millionaire's tax to fund transit improvements would have been a break with the urban regime of the past few decades that focused on denying the MTA direct tax dollars. With support for the millionaire's tax from half of the city council, state legislators, and by the majority of New Yorkers according to the Quinnipiac poll, the popularity of the policy challenged the consensus created around congestion pricing and suggests that on its own the passage of congestion pricing was not inherently inevitable. In October 2017, it was reported that half of New York's City Council supported de Blasio's millionaire's tax.[54]

One month later, in November 2017, the RPA released their "Fourth Regional Plan" for New York City.[55] Implementation of a congestion pricing scheme was one of the goals recommended in the plan, further legitimating congestion pricing with some members of the policymaking community.[56] By October 2017, with a millionaire's tax appearing as an increasingly viable policy and still under immense public pressure to act on the subway, Governor Cuomo announced the creation of an expert panel called "Fix NYC" to come up with solutions to fix the subway. At this point Cuomo had already publicly declared his support for a congestion pricing plan for two months. Paralleling the Subway Action Plan, members of the panel appointed by Cuomo's office were part of the existing neoliberal governing regime. The panel included Scott Rechler, chairman of the Regional Plan Association, and Bill Rudin, chairman of the Real Estate Board of New York (REBNY),

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[54] Rosenberg, Zoe. "De Blasio's Proposed Millionaires Tax Backed by More than Half of City Council." Curbed NY. Curbed NY, October 26, 2017.
[55] Edelson, Zachary. "The RPA Releases Its Fourth Regional Plan." Metropolis, November 30, 2017.
[56] "Executive Summary." The Fourth Regional Plan: Making the Region Work for All of Us. Regional Plan Association, November 2017.

which represents New York landlords.[57] According to Cuomo's office, the panel was taxed with "coming up with proposals to address the pressing issue of heavy congestion on New York City roads and highways, while producing a dedicated funding stream for the MTA."[58] Yet in having the "experts" define the two separate problems of traffic congestion and infrastructure financing in connection with each other even before any solutions were recommended, Cuomo's panel created a rationality that these problems had to be solved in connection with each other as well, presupposing congestion pricing as the panel's outcome. As a policy, only congestion pricing can simultaneously address congestion and raise revenue. A millionaire's tax raises revenue but has no impact on traffic congestion.

Unsurprisingly, one of the main outcomes of the "Fix NYC" panel was to officially recommend congestion pricing as a policy solution when the report was issued in January 2018.[59] The panel came up with several other recommendations including better regulation of taxis and adding a surcharge to TNC rides, but no recommendations on new tax revenue for the subway were offered. The outcome of this panel conceived by the governor lined up with the governor's desire for congestion pricing, which helped further the neoliberal political rationality around the policy.

Why did Governor Cuomo endorse congestion pricing at the expense of working with Mayor de Blasio to pass a policy such as a millionaire's tax? Interviewees agreed that because Cuomo's is part of the same entrepreneurial governing regime that Bloomberg was a part of, a more moderate and market-based policy rather than a redistributive one is on brand for the governor:

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57 "Fix NYC Advisory Panel Report." HNTB Corporation, January 2018.
58 "Governor Cuomo Announces 'Fix NYC' Advisory Panel." Governor Andrew M. Cuomo, October 6, 2017.
59 "Fix NYC Advisory Panel Report."

> Reporter: Cuomo hates raising taxes. That's why he preferred congestion pricing [and perceived it as an] easier way than [the millionaire's tax]. There was already a movement for it. He probably supported it 10 years ago, like thinks it sound policy, and was just sort of waiting.
>
> Official 1: If you have someone to the left, saying I want to fix this by taxing millionaires. And then you have the governor whose whole brand and strategy is on, upon putting forth moderate principles that as much as possible do not agitate the private sector, or the wealthy, frankly.
>
> Official 2: Every politician has their base; the governor's base is millionaires and billionaires.

It is clear here that Cuomo was on the side of a policy that did not alienate the wealthy, or other supporters of his market-based governing regime. It was now his task, and that of his allies, to convince the legislature and the public that congestion pricing was the best approach to funding the subway.

Continued Political Pressure

During 2018 the Mayor and Governor continued to feel pressure to take responsibility for the subway crisis. At the beginning of the year former actress Cynthia Nixon entered the gubernatorial Democratic primary race against Cuomo and quickly made fixing the subway one of her central campaign priorities.[60] Nixon tried to pin the subway crisis squarely on her opponent by encouraging the use of the hashtag "#Cuomo'sMTA." The Reporter recalls how the escalating subway crisis ended up becoming a political liability for Cuomo:

> Reporter: The subway ended up being the place where Cuomo was most vulnerable... It was deteriorating for years before that and people didn't really notice and elected officials didn't really notice. [In 2017 and 2018] Cuomo couldn't ignore it, like #Cuomo'sMTA was viral and there was that, do you know the video [showing riders trapped in a smoke-filled subway car] of the people praying and the doors opened and

[60] "Fixing the Subway." Cynthia For New York. Accessed April 8, 2020.

> the steam? I think that video passed congestion pricing to be honest. Politicians basically realized that they had to do something, the governor and the legislature.

In 2017, activist groups that advocate for transit improvements began to increase the pressure on officials including the Governor and state legislature to act on improving the subway:

> Official 2: The advocates in between Bloomberg and Cuomo successfully elevated the issue of the failing MTA to the point that it wasn't acceptable to not have an answer. They in fact, made the poor performance of the MTA into a crisis.

> Official 3: [The legislature] couldn't keep putting off not financing the MTA. It was such a big problem for the legislature.

Many activists specifically targeted their animus on the Governor. The Advocate remembers one of the campaigns where activists, after inviting Governor Cuomo to ride the subway with them to experience an average New Yorker's commuting experience with no response from the governor, carried a cardboard cutout of the governor through the subway to symbolize his missing presence (as seen in figure 1.3):

> Advocate: Folks rode the train in a highly publicized manner with a cardboard cutout life size of the governor himself. After cardboard cutout Cuomo came the hashtag #Cuomo'sMTA. You know, to sort of solidify the link between the governor and his near ironclad authority over the decisions of the agency that runs the MTA. The governor sort of was backed into a position where he had to take responsibility for having spent years trying to palm it off on other folks.

Figure 1.3: Activists bring a cardboard cutout of Governor Cuomo through the New York City Subway to symbolize his missing presence in advocating for better public transportation. Photo by Nicolas Enriquez/The New York Daily News.

In May 2018 Andy Byford, the former leader of MTA New York City Transit appointed by Cuomo, released a long-awaited blueprint to fix the subway system called "Fast Forward: The Plan to Modernize New York City Transit."[61] The plan called for bringing the subway to a state of good repair by replacing the system's ancient fixed-block signaling system with a modern computer-based system in 10 years rather than the previously planned 40 years, a huge project estimated to cost no less than $40 billion and perhaps more than $50 billion dollars. The release of Fast Forward placed more pressure on policymakers to quickly come up with a dedicated funding stream for the subway. (Byford has now left the MTA

[61] "Fast Forward: The Plan to Modernize New York City Transit." Metropolitan Transportation Authority, 2018.

because of political disagreements with Cuomo.) By mid 2018, the problem stream (a lack of action on transit financing) was now well defined, and the politics stream was about to align in the November 2018 midterm elections.

A New State Legislature

In the November 2018 midterm elections, voters in New York voted to give full control of the New York State government to Democrats. Governor Cuomo easily won reelection (he also handily beat Nixon in the Democratic primary), while the Democratic Party was able to take the majority in the State Senate and expand their majority in the State Assembly. For all but three of the past seventy years, Republicans had controlled at least one of the three branches of state government. The cohort of voters sent to Albany in the midterms includes some of the most progressive Democrats in recent history and the newly elected legislators were expected to push a firmly progressive agenda.

> Advocate: There was a real generational shift in the legislature, especially after the elections of 2018, the sort of, the Trump resistance election that brought a lot of very young and very progressive people into office.
>
> Official 1: Democrats didn't just take control. It's very important that they not only took control, they took control by a wide margin. And not only did they defeat Republicans, but they also took out a bunch of and replaced a bunch of moderate Democrats with a more liberal or progressive Democrats, whatever you want to call them. So you had, within the democratic caucus, you had … more unity, then you could've had and there was a democratic majority to begin with.

Finding a solution to funding the subway was seen as important to these Democrats. The lock on control of all statewide offices was seen as essential to passing a congestion pricing plan.[62] The election of Democrats to the State Senate helped line up MSF's political

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[62] Mckinley, Jesse, and Vivian Wang. "A Profound Democratic Shift in New York: 'We Seized the Moment'." The New York Times. The New York Times, June 22, 2019.

stream in this case, since in 2007 more progressive Democrats in the Assembly blocked the passage of the congestion pricing proposal. Now, beginning in 2019, these moderate Democrats were out of office. Would newly elected democrats choose the more 'progressive' millionaire's tax or congestion pricing? Now, pressure was on the private side of New York's governing regime--businesses and advocacy groups--to convince these new legislators to reject the millionaire's tax and adopt a congestion pricing policy.

Fix Our Transit and Public Advocacy

The newly elected legislators in the State Assembly were soon under pressure to pass congestion pricing and fund improvements to the subway from a unified group of disparate businesses and advocacy organizations. Sometime in late 2018, a coalition of advocacy groups and businesses came together to formally lobby for the passage of the congestion pricing plan in the legislature. The group called itself "Fix Our Transit" and consisted of over 100 members including expert groups like the Regional Plan Association, advocacy groups like the Working Families Party (the progressive group that had earlier endorsed de Blasio) as well as companies like Uber, Lyft, and trade associations like the Real Estate Board of New York (REBNY). REBNY reportedly spent $200,000 in support of congestion pricing while the Regional Plan Association spent $100,000. Uber and Lyft support congestion pricing because less cars in Manhattan mean faster rides for customers. Uber was reported to have spent "in the mid-six figures" on the Fix Our Transit campaign with Lyft contributing money to the campaign as well.[63] The alliance of business interests like real estate and Uber with progressive advocacy groups that spend most of their time fighting these same business

[63] Vielkind, Jimmy, and Paul Berger. "Unusual Alliance Leads Congestion-Pricing Movement." The Wall Street Journal. Dow Jones & Company, February 21, 2019.

interests demonstrates how these groups viewed passing congestion pricing as pertinent to civic life in New York. The unusual alliance of business and activists was not lost on those involved. As my sources noted:

> Reporter: Business oriented, good government moderates joined together with progressives to pass [congestion pricing].
>
> Advocate: everyone depends on a well-functioning subway, no matter what your primary interest is. And so we created essentially a coalition of strange bedfellows to support, you know, what is kind of a wonky transit tax.

Though businesses were supportive of fixing New York's deteriorating public transit system, this did not mean that the private sector side of the city's governing coalition was suddenly supportive of redistributive policies to fund transit:

> Official 1: All the intelligent private sector interests understand that mass transit is critical to the economic vitality of the city and specifically also for the real estate interests to real estate value. One of the biggest factors is proximity to mass transit. And so they understand that that is very important and in their self interest. But that doesn't mean that they're socialists suddenly. Right? Doesn't mean that they think the right way to fund their self interest is by taxing rich people.

When it appeared that Governor Cuomo was serious about passing congestion pricing, congestion pricing received a massive political boost against the millionaire's tax. Advocacy groups were quick to ally with the policy they understood as the most likely to pass:

> Advocate: Our analysis along with the other allies that we work with… given how powerful the governor is and how he's the one responsible for fixing the subway, if he is supportive of congestion pricing, then that's the train to get on.

However, it was the reframing of congestion pricing from a regressive to a progressive policy by its supporters that was essential to its growing support. Advocates were able to portray congestion pricing to the legislature as a solution to New York City's infrastructure problems that would involve the already privileged (those who are able to drive into

Manhattan) paying their fair share. Because of the "authentic" pitch from activists representing transit riders in concert with major business players, Fix Our Transit was able to present to the legislature a formerly wonky, regressive tax as equitable for everyday New Yorkers:

> Advocate: We were able to, because we were authentic, to give a progressive [portrayal] to something that had been supported by the billionaire mayor Mike Bloomberg and the conservative Governor, democratic Governor Andrew Cuomo. We were able to give it the progressive gloss that it needed to, you know, rise to prominence in this big progressive wave in the legislature of 2019.

While most civic and business groups allied around congestion pricing, Mayor de Blasio continued to push for a millionaire's tax. During his January 2019 State of the City Address in January, de Blasio stated:

> Circle April 1st, because it's the day the budget is due in Albany. 80 days away. In the next 80 days, the fate of the MTA, the fate of our subways and buses, will be determined once and for all ...Different people have different ideas. That's okay. We're going to need a lot of different ideas to fix this once and for all. Now, I continue to believe a millionaires' tax is the fairest, most progressive way to fund the repairs and improvements we need.[64]

However, by February of 2019 de Blasio reversed course and decided to back congestion pricing, under the assumption that the congestion pricing plan was the most likely to pass the state legislature.[65]

Congestion Pricing Passes

In early 2019, the Democratic-controlled legislature in New York was able to successfully sign into law a variety of long-desired proposals such as updating the state's rent

[64] "Transcript: Mayor De Blasio Presents 2019 State of the City." The official website of the City of New York, January 10, 2019.
[65] Fitzsimmons, Emma G., and Jesse Mckinley. "Boost for Congestion Pricing in Manhattan as De Blasio Supports Cuomo Plan." The New York Times. The New York Times, February 26, 2019.

controls and instituting a climate plan.[66] Then, on April 22, 2019, the state legislature passed its 2019 budget, which included congestion pricing, making New York the first city in the United States to pass a congestion pricing policy and finally creating a dedicated revenue source for the subway. The coalition of businesses and progressive groups active in advocating for congestion pricing were able to, through reframing the policy, gain the progressive high ground and crowd out de Blasio's millionaire's tax. Elites framed congestion pricing as a "progressive" policy that both the city's neoliberal governing coalition and newly elected progressives in the state legislature could support. Two procedural changes from the 2008 attempt to pass congestion pricing helped elites in favor of congestion pricing to more efficiently sell the congestion pricing proposal to the legislature. First, as noted above, the congestion pricing policy was incorporated into the 2019 state budget rather than presented to the legislature as a separate bill. This allowed politicians in the legislature to approve congestion pricing without taking an up/down vote on the policy itself, since legislators were only voting on the overall statewide budget. Second, unlike in 2008 where the congestion charge would have been $8, policymakers declined to specify the price that commuters would now pay to enter Manhattan, minimizing opposition in the legislature based on the new charge constituents would have to pay.

In September 2019, the MTA released its proposed 2020-2024 capital plan, in which the agency planned to spend an unprecedented $51.5 billion on transportation infrastructure projects in New York.[67] The massive expenditure is possible only through congestion pricing, with the projected $15 billion in future congestion charge revenue allowing the MTA to raise

[66] Mckinley and Wang, "A Profound Democratic Shift in New York."
[67] "MTA Capital Program 2020-2024: Rebuilding New York's Transportation System." Metropolitan Transportation Authority, September 25, 2019.

$25 billion through municipal bonds.[68] With congestion pricing as part of the budget approved by the State Assembly, the traffic congestion fee will go into effect in New York City by 2021.

Reframing Car Owners

Why was a technically regressive policy that had been rejected due to its unfair costs to car owners now being embraced by elected officials and activists alike as a piece of good urban planning policy? Analyzing the policy through the multiple streams framework provides an answer. In the policy sphere, congestion pricing won out over the millionaire's tax because of the successful presenting of the policy by its backers as the answer that would appeal to the largest number of constituencies (businesses, progressive advocates, and transit users). The problem stream became clear in the summer of 2017: something had to be done about creating a dedicated revenue source for the subway to finance infrastructure improvements. The political stream was in line, too, with full Democratic control of the legislature. During this case period, the problem, political, and policy streams were able to converge and the "policy window," or political opportunity, for passing congestion pricing opened in the beginning of 2019. The crisis was large enough, the media was attentive, the public demanded a solution, and politicians were ready to implement the policy. None of the above was the case in the first battle to pass congestion pricing in 2007-2008. Yet the use of policy framing to change the perception of car owners and of congestion pricing itself in 2017-2019 was the most significant change from 2007-2008.

[68] Goldman, Henry. "MTA to Sell $25 Billion of Congestion-Fee Bonds in Record Budget." Bloomberg.com. Bloomberg, September 25, 2019.

In 2007 and 2008, congestion pricing was defeated because the policy was successfully portrayed as being unjustly unfair to automobile owners in the outer boroughs of New York. Notably, a decade later, elected officials and advocates thought of car owners in a very different light. A decade of increased income inequality in the city had changed the perception of those able to afford driving into central Manhattan, and that those constituents could afford to pay a little more to improve the public transportation of many.

> Advocate: We successfully reframed congestion pricing as progressive by thoroughly articulating how much wealthier car owners are in the city than people who depend on transit.
>
> Reporter: People who drive have a lot of political power because they tend to be people with money in homes and parking spots. And those are often the people who politicians listen to. Like just because that's who's active in their community and who was the time to be active in their community. But like the voter base doesn't necessarily reflect that. And I think politicians sort of realized that they were getting more people upset about the subways than people upset about [not being able to drive into Manhattan].
>
> Advocate: Overall in the city, Manhattan-bound commuters in a household with a car earn twice what households without a car earn.

Congestion pricing was successfully portrayed in 2008 by its opponents as punitive to working-class car owners, far from a progressive and redistributive urban policy solution. It was seen by many elected officials as regressive and was pushed for by the city's neoliberal governing coalition. In 2018, the conversation had changed so much that the argument successfully made by activists aligned with business that the most progressive and equitable outcome for all New Yorkers would be for market-based solutions to handle traffic congestion.

> Advocate: We were heavily dependent on some basic census data, which said that only 4% of Manhattan bound commuters from the outer boroughs of New York city drive to work, which means 96% take the train or the combination of the train of the bus or

> the bus or I guess ferries or walk or bike. But only a very small percentage actually drive. And that percentage is totally reliant on the fact that everyone else doesn't drive. Because if everyone tried to drive, of course no one would get anywhere. Literally. There isn't nearly enough room. So, you know, from that angle, most of that privilege of driving is immediate on a market basis.

Congestion pricing is not just seen as a benefit to all of the New Yorkers who cannot drive and have to rely on quality public transit to get around. For those wealthy members of the public who can afford to own a car, drive a car into Manhattan, pay a congestion toll, and pay to park in Manhattan, congestion pricing also becomes a benefit to them. Now, with less cars on the road because of the toll and therefore less congestion, those who are willing to pay get a faster commute in exchange.

> Advocate: [Those who drive will] actually have better commutes. Because the estimate that this will take, you know, 10 to 15% of cars off the road because, but that's about, you know, what the economists believe, we'll switch modes, right. So for everyone who's die hard and is going to keep driving, don't get just an indirect but a direct benefit in the form of free flowing traffic.

Conclusion

Congestion pricing will now be implemented in the central business district of Manhattan in New York City by 2021, finally creating a permanent funding stream for the subway. The policy will almost certainly help take cars off the road and increase ridership on the subway. Though the policy, political, and problem streams lined up for congestion pricing it would be wrong to assume that congestion pricing became the policy outcome because of broad agreement with the policy by voters. When the left-wing Working Families Party came together with the Real Estate Board of New York (its usual foe on issues like rent control) to support congestion pricing as part of Fix Our Transit, the unprecedented collaboration was noted by leaders. State Senator Jessica Ramos joked of congestion pricing, "It's so urgent I'm standing next to [REBNY President] John Banks at a press conference."[69] While consensus had developed among legislators, businesses, and civil society groups, voters overwhelmingly expressed opposition for congestion pricing in 2017 and continued to do so in 2019. Opinion polls in April of 2019 suggest that even after the passage of congestion pricing voters do not support the scheme.[70] Fifty-four percent of voters disapprove of the scheme and disapproval rises to sixty-four percent in the Bronx (an outer borough with many car-bound commuters).[71]

The subway crisis was created not just by overcrowding or aging signals but through conscious years of disinvestment in the city's transportation system. The effects of the crisis that we see today in New York, one of the most prominent being increased traffic congestion, are the direct results of the decades-long decisions made by the neoliberal governing regime in New York. As the subway began to deteriorate throughout the 2010s, many people in New York who could afford it switched from riding the subway to using TNC apps such as Lyft and Uber. The explosion of TNC services in New York is one of the primary reasons for the increase in vehicle congestion and the consequent slowdown in traffic speeds in New York's central business district. It is not unreasonable to make the connection that congestion pricing is a market-based solution to a problem that a market-based governing coalition itself created. If generations of politicians choose not to invest in the subway then it reasons that as a result surface transportation would become more congested.

Though congestion pricing is a break from the status quo from disinvesting in the subway, it is still a continuation of an entrepreneurial and market-based approach to solving

[69] Vielkind and Berger. "Unusual Alliance Leads Congestion-Pricing Movement."
[70] Guse, Clayton. "New Poll Shows Most New Yorkers Think Congestion Pricing Is Hogwash." nydailynews.com. New York Daily News, April 2, 2019.
[71] Quinnipiac University. "QU Poll Release Detail." QU Poll, April 2, 2019.

urban problems. Faced with dissatisfaction with the status quo of the urban governing regime and a progressive and redistributive challenge starting with the Occupy movement and ending with Mayor de Blasio's millionaire's tax, the governing regime was able to adapt and present a new policy solution that is "progressive" but also market-based. Just as neoliberalism itself as a political ideology has been able to adapt and evolve over time, the policy around subway financing in 2017-2019 displays the ability in which elites in urban governing regimes, especially neoliberal ones, can seek to represent public policies to their advantage.[72]

7. Conclusion

Why did policymakers in New York City settle on congestion pricing as the policy to fund public transportation, and why was congestion pricing only able to pass the legislature in 2019? I argue that the most important factor in the passage of congestion pricing was how elites and activists in New York City's governing regime were able to use policy framing to change the perception of congestion pricing among elected officials. These elites were able to reframe congestion pricing from a neoliberal policy seen as hurting many working-class commuters to a progressive urban policy benefiting the majority of New Yorkers. I utilize the Multiple Streams Framework to explain why congestion pricing passed when it did. However, I argue that to fully understand the decision-making case in New York City, focus must be placed on policy framing, for which the Multiple Streams Framework does not fully take into account. I demonstrate that policy framing was the most important tool policymakers were able to deploy in support of congestion pricing.

[72] Davies, Will. "The new neoliberalism." *New Left Review* 101 (2016).

Upon congestion pricing's passage in New York, other elected officials in cities around the United States (such as Chicago, Los Angeles, and Washington, D.C.) have expressed interest in creating their own congestion pricing systems, for both the benefits in traffic reduction and the potential revenue stream from the congestion tolls.[73] Los Angeles, in particular, is considering congestion pricing as a method of funding needed public transit infrastructure improvements in time for the 2028 Summer Olympics.[74] As the Trump administration continues (as of April 2020) to be extremely reluctant to spend money on local infrastructure projects, the need for cities to raise money on their own for transportation infrastructure remains. What can policymakers in other American cities seeking to implement congestion pricing schemes learn from New York?

Policymakers must frame congestion pricing as benefiting, rather than penalizing, the majority of citizens. In New York City, congestion pricing was only able to pass after the policy was framed as progressive and assisting the majority of the commuting public. How the policy is specifically framed and messaged to the population is key to its adoption. Other cities in the United States must determine the equation for themselves: is congestion pricing worth forcing some car users to pay so long as the majority of commuters (via road and public transit) believe the scheme is helping them? In New York, the need for subway improvements was so noticeable that the benefit for public transit commuters outweighed the costs to car-based commuters. These car-based commuters were, by the time congestion pricing passed in 2019, framed as wealthier and were therefore fair to tax. However, if congestion

[73] Gribbin, DJ. "Congestion Pricing Is All around Us. Why Is It Taboo on Our Roads?" Brookings. Brookings, October 16, 2019.
[74] Marshall, Aarian. "The Age of Congestion Pricing May Finally Be Upon Us." Wired. Conde Nast, February 28, 2019.

pricing is perceived by elected officials and the general public as a new tax unfair to middle and/or working-class commuters (as in 2008) the congestion pricing policy will likely have a smaller chance of achieving public buy-in and support.

In New York, if all goes as planned, congestion pricing will be implemented in the city by 2021 and the MTA will enjoy a permanent funding mechanism expected to generate billions of dollars in revenue for the New York City Subway. Whether other cities around the United States follow through with their own plans for congestion pricing remains to be seen, and these cities will likely wait until New York's system is up and running to move forward. Yet municipalities around the country must soon generate billions of dollars to spend on needed public infrastructure improvements, with the obligation to invest growing each year. Besides infrastructure, public goods of all types in the United States (for example, public education and social services) face the continued threats of budget cuts and underfunding under a neoliberal political economy.[75] Elected officials will likely continue to search beyond traditional methods of financing public goods through taxation, and as a result market-based policy solutions like congestion pricing will become increasingly relevant in public discussion. Should New York's congestion pricing scheme prove to be a fruitful experiment, I believe congestion pricing could soon become ubiquitous in major cities throughout the United States.

[75] We do not know as of April 2020 if the current coronavirus pandemic will change this equation, as Congress considers another $1 trillion stimulus plan that may include federal spending on local infrastructure.

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