

EXHIBIT I

Summary

Assessment of Public Comments:

The following is a summary of the Assessment of Public Comments document prepared pursuant to SAPA Section 202(5). Because the full Assessment of Public Comments exceeds 2000 words, this summary is provided. A copy of the Assessment of Public Comments is available by calling the Legal Department at 518-436-2840.

The summary includes identifiable comments raised during the public comment process for the New York State Thruway Authority's (Authority) proposed toll adjustment, including at the public hearings held on May 8, 2023 in Cheektowaga, May 9, 2023 in Syracuse, May 16, 2023 in West Nyack, May 22, 2023 in Glenmont and virtually on June 5, 2023. Comments were submitted by various industries, elected officials and private citizens.

While many comments were received in opposition to the toll increase, some of these individuals acknowledged the need for the Authority to continue to operate and maintain a safe highway system with infrastructure in good repair. Some commenters expressed opposition to the timing of the toll adjustment during a time of high inflation and while recovering from the coronavirus pandemic and concern that various industries will pass costs on to consumers.

The New York Thruway has a widely known reputation for safety and reliability. The hundreds of millions of dollars in annual capital investments funded by toll revenues include roadway and interchange reconstruction; pavement resurfacing, restoration and rehabilitation; bridge replacement and rehabilitation; safety upgrades and improvements; and rock slope stabilization and removal. Hundreds of Thruway bridges need to be

addressed in the following decade. The Thruway's roadway base, most of which dates to the 1950s, requires constant maintenance. The longer the wait, the more expensive the work becomes.

The Authority's approved 2023 Budget invests a total of \$413 million to support its Capital Program which is scheduled to invest \$1.9 billion into projects through 2027.

A toll increase should be a last resort and the Authority is at that point. Ninety percent of the Authority's revenue comes from tolls, and there has not been a system-wide toll adjustment for New York E-ZPass customers since 2010. The COVID-19 pandemic had a devastating impact on toll traffic and revenues. Inflation and rising costs have also negatively impacted the Authority. The Authority's operating budgets have increased at an average of less than two percent over the past 12 years. Since 2010, the Authority executed six debt refinancings that produced approximately \$500 million in debt service savings and the Authority has reduced personnel costs by 28 percent. The Authority is applying for federal grants under the Bipartisan Infrastructure Law and has been awarded two grants for one-time funding to supplement the associated costs of the projects.

It is only with the additional revenue actions that the Authority will be able to maintain the Thruway in a state of good repair. The purpose of the toll adjustment is to generate additional revenues needed for the Authority to fulfill its system-wide operating, debt service, and capital needs anticipated in its long-range financial plan. The proposed plan maintains some of the lowest toll rates in the country with two system wide adjustments in 2024 and 2027.

Various commenters questioned why a toll increase was necessary when toll collectors were eliminated and there should be a cost savings.

Cashless tolling was intended as a cost neutral initiative to modernize the Thruway system and improve Thruway customer safety and convenience. While the conversion to cashless tolling eliminated toll collector positions, many of those employees were retained in other Thruway positions. There are increased costs associated with collecting Tolls by Mail (TBM) revenue as well as for equipment maintenance and repair.

The Authority received many comments in support of the toll adjustment. The contracting industry was generally in support and highlighted that the toll adjustment is essential for operating and maintaining a safe and reliable transportation system. Some comments indicated the toll increase is only a step in addressing the Thruway's capital program needs. The Authority believes, based on its own analysis and that of its independent consultant, Stantec Inc., that the proposed toll adjustment is sufficient to meet the Authority's current operational and capital needs.

Other commenters questioned why the Authority is still in existence when the tolls were originally supposed to be temporary. In 1989 (Chapter 634), the Thruway Authority Transition Advisory Council was created and charged with the responsibility to "make recommendations concerning the future of the Thruway and the Thruway Authority after the scheduled retirement of the Authority's bondable debt in the year 1996..." The Advisory Council, required by law to have a diverse group of interests represented (including business, trucking and other highway users, state and local government, labor and highway planners), issued its report on September 30, 1991 and

stated that while the Thruway could be made toll free, it could not be made free. Fundamentally, the State's choice in financing the Thruway after retirement of the bonds used to finance construction of the system was between tolls and taxes. The Advisory Council concluded that tolls were the preferable choice because it was more appropriate for users of the Thruway to pay for its maintenance and upkeep rather than New York taxpayers generally. Therefore, the Advisory Council recommended to the Legislature and the Governor that the tolls be maintained and that the Authority with its bonding ability, be retained to meet the transportation needs along the Thruway corridor. To eliminate the tolls, the Legislature would have had to enact legislation to remove the Authority's power to impose tolls and to issue debt secured by tolls once the original bonds were retired. Instead, in 1992, the Governor and the State Legislature enacted legislation to further expand the Authority's responsibilities and authorized additional indebtedness secured by toll revenues to assist with the financing and new responsibility.

Some of the comments received requested various discounts.

The proposed toll adjustment maintains several discount options and specialized plans that the Authority offers for both passenger and commercial vehicles. These discounts and plans are primarily geared towards frequent users of the system. The financial plan preserves the passenger vehicle 40 percent Commuter Discount and increases the Resident Discount for qualified Rockland and Westchester residents from seventeen percent to twenty percent for the Governor Mario M. Cuomo Bridge (GMMCB).

Some commentors suggested a toll increase would divert traffic from the Thruway. A detailed traffic diversion assessment was completed which identified

potential routes that drivers could utilize to avoid Thruway tolls and evaluated potential effects from traffic diversions on non-Thruway roads, including, but not limited to noise, air quality, traffic, and community character. The assessment estimates the diversion of a limited number of vehicles to alternate routes that run parallel to the Thruway. In most cases, traffic diversions are expected to divert to state highways and other major arterials, not to local roads. Based on prior studies and historical trends, initial traffic diversions to alternative routes are often temporary. Travel time and other factors, such as a driver's value of time, fuel costs, existing congestion along alternate routes, as well as amenities offered by the Thruway, tend to reduce the diversion effects of toll increases over time. Therefore, the proposed toll modification would not result in significant adverse effects related to traffic diversions.

Other commentors opposed the higher cashless tolling rate and/or higher rate for non-NY E-ZPass accounts.

Costs for processing TBM program transactions are higher than the costs for E-ZPass customers, and the higher tolls are to incentivize more customers to sign up for an E-ZPass account. Almost all cashless tolling facilities throughout the country charge TBM premiums or a combination of premiums and administrative per-bill surcharges to offset additional printing and mailing costs. The Authority's cost per mile for non-NY E-ZPass customers will remain among the lowest in the Northeast. Tolling agencies across the United States offer reduced rates for customers who have an E-ZPass issued by their state. It is anticipated that most Thruway users who currently pay toll with non-NY E-ZPass or via TBM would see a reduction in overall toll costs by acquiring a NY E-ZPass.

It is not a requirement that an individual be a New York resident to open a NY E-ZPass account and receive the reduced rate.

To make NY E-ZPass accounts more accessible, potential barriers to opening an NY E-ZPass account, such as automatic account replenishment, credit card, or bank account requirements, were eliminated several years ago. For Thruway users with passenger vehicles, “Pay per Trip” E-ZPass toll payment plans are available, which link a customer’s E-ZPass account to their checking account and pays E-ZPass tolls once per day directly from the bank account only on days when tolls are posted to their E-ZPass account. A prepaid E-ZPass account balance or credit card is not required for this type of account. Thruway users who do not have bank accounts may also acquire a NY E-ZPass account by purchasing a prepaid credit card at any retailer that offers them and using the card to replenish their NY E-ZPass account. Alternatively, a Thruway user may purchase a pre-packaged NY E-ZPass tag at participating retail locations using cash and replenish their account using cash at any VanillaDirect™ retailer. Non-E-ZPass Thruway users who receive toll bills can also pay with cash at any VanillaDirect™ retailer.

The Authority received comments citing issues with E-ZPass accounts, cashless tolling and/or customer service.

Since cashless tolling went live on the Thruway’s ticketed system in November 2020, more than one billion transactions have been successfully recorded. Over the last several years, the Authority has made numerous improvements to the billing system, including enhancements to the TBM website, newly designed toll bills and envelopes to emphasize ways to avoid fees and to help customers better understand the tolls incurred and adding more signage leading up to and after cashless tolling gantries. The Authority

will be launching a new and improved website to streamline the payment process and give customers the ability to resolve E-ZPass account or TBM issues online. The Office of the Toll Payer Advocate assists customers who are unable to resolve their concerns through the NY Customer Service Center. The Authority recently implemented an option for non-E-ZPass customers to sign up for text alerts notifying them when their tolls are available to pay without having to wait for a mailed toll bill. There is also a TollsNY mobile app for customers to search and pay for tolls.

The Authority received comments regarding toll violators and recovering lost toll revenues. The Authority has always maintained a customer-centric approach to collecting tolls. It is critical that everyone pays their fair share for using the Thruway. Late toll bill payments are assessed a \$5 late fee. Unpaid second toll bills escalate to violation that includes a \$50 fee per violation notice. The Authority sends delinquent accounts to its collections contractor and can pursue registration suspension with NYS DMV for the failure to respond to three or more Notices of Violation within a five-year period. The Authority has a toll enforcement reciprocity agreement with Massachusetts and is reviewing the feasibility of agreements with other states. The Authority continues to utilize all available tools to fairly and effectively collect tolls and violation fees from its customers and maintains rigorous enforcement mechanisms to pursue scofflaws.

The additional revenues generated by the proposed toll modification is a critical component of the Authority's multi-faceted program to provide funding necessary to finance the Authority's Capital Program, maintain the Thruway System's highways and bridges in a state of good repair, fulfill its critical role in supporting the State's economy, and comply with the relevant portions of the Authority's General Revenue Bond

Resolution and Fiscal Management Guidelines. Thruway tolls support all Thruway facilities.

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

Assessment of Public Comments on Toll Adjustment

The following summarizes identifiable comments raised during the public comment process for the New York State Thruway Authority's (Authority) proposed toll adjustment, including the public hearings held on Monday, May 8, 2023 in Cheektowaga, Tuesday, May 9, 2023 in Syracuse, Tuesday, May 16, 2023 in West Nyack, Monday, May 22, 2023 in Glenmont and virtually on Monday, June 5, 2023. There were thirty-four commenters at the hearings or virtually, including elected officials or their representatives, trucking, business, contractors and union interests as well as private citizens. Of the thirty-four commenters, six participated in two or more hearings and fourteen participated in the virtual hearing. The following summary of the comments is organized by interest rather than hearing date and incorporates remarks submitted, both in person and written or via email during the public comment process from representative groups, elected officials and private citizens. The comments on the toll adjustment are summarized/paraphrased to capture the key components. The virtual public hearing is available for viewing on the Authority's website.

I. **Transportation/Trucking/Busing/Automotive Interests:**

(a) John Corlett, Legislative Committee Chair of AAA New York State, Inc.:

John Corlett submitted comments that the Thruway is of fundamental importance to its members and AAA seeks to ensure the Thruway has adequate resources to remain in top condition. The proposal to charge a 75 percent toll rate differential to "out-of-state"

is nearly unprecedented and undermines the principle of interoperability. AAA strongly urges the Authority to re-examine the proposed policy with respect to “out-of-state” E-ZPass holders.

Response: I (a). The New York Thruway has a widely known reputation for safety and reliability. The hundreds of millions of dollars in annual capital investments funded by toll revenues include: roadway and interchange reconstruction; pavement resurfacing, restoration and rehabilitation; bridge replacement and rehabilitation; safety upgrades and improvements; and rock slope stabilization and removal.

The average age of the Thruway’s 815 bridges is 55 years old and more than 85 of those bridges will need to be replaced within the next decade at a projected cost of \$800 million. Hundreds of additional bridges will need to be addressed in the following decade. The Thruway’s roadway base, most of which dates back to the 1950s, requires constant maintenance. The longer the wait, the more expensive the work becomes.

The Authority’s approved 2023 Budget invests a total of \$413 million to support its Capital Program which is scheduled to invest \$1.9 billion into projects through 2027.

Response: I (a)-1. Tolling agencies across the United States offer reduced rates for customers who have an E-ZPass issued by their state. It is not a requirement that an individual be a resident of New York to open a NY E-ZPass account and receive the benefit of the NY E-ZPass rate. The Authority’s cost per mile for non-NY E-ZPass customers will remain among the lowest in the Northeast.

During the public comment process, the Authority received nine comments related to opposing higher toll rates on non-NY E-ZPass holders.

(b) Lou Esposito, Director, Owners/Operators Independent Drivers (Glenmont and virtual hearings):

Lou Esposito testified he is also the Supervisor of the Town of Princetown and has been in the trucking industry over 50 years as an independent contractor and now an owner/operator. Esposito stated he tries to avoid the Thruway as much as possible to avoid tolls and save money. Esposito stated the Thruway should have been turned over to the Federal Highway Administration to have federal funds for maintenance of the Thruway. He noted that truckers have to pay a highway use tax (unless on the Thruway but still cheaper to run the back roads) and an international fuel tax. Mega/private retail carriers can pass costs on to consumers but it is a burden on small independent contractors/small private carriers because they can't pass on costs and don't receive discounts offered to larger trucking firms. Esposito stated all of the toll operators were fired to do away with the toll booths; and the increase is wrong. Esposito suggested a focus on the \$276 million in uncollected tolls and the residents of New York State will have to pay these tolls because their registrations won't be able to get renewed until the tolls are collected.

Response: I(b). A toll increase should be a last resort and the Authority is at that point. Ninety percent of the Authority's revenue comes from tolls, and there has not been a system-wide toll adjustment for New York E-ZPass customers since 2010. The COVID-19 pandemic had a devastating impact on toll traffic and revenues. While traffic volume has improved in 2021 and 2022, revenue has not yet reached previously forecasted levels. Inflation and rising costs have also negatively impacted the Thruway Authority. The Authority's operating budgets have increased at an average of less than

two percent over the past 12 years. Since 2010, the Authority executed six debt refinancings that produced approximately \$500 million in debt service savings. Since 2010 the Authority has reduced personnel costs by 28 percent. The Authority is applying for federal grants under the Bipartisan Infrastructure Law and has been awarded two grants for one-time funding to supplement the associated costs of the projects. Opportunities to boost revenue such as leasing fiber lines and selling excess property are pursued.

The updated financials that reflect both the reduced revenues and mitigating actions taken by the Authority show that the proposed toll actions are still necessary to meet the future growing capital needs, fund outstanding debt and provide reliable services to its patrons. It is only with the additional revenue actions that the Authority will be able to maintain the Thruway in a state of good repair. The purpose of the toll adjustment is to generate additional revenues needed for the Authority to fulfill its system-wide operating, debt service, and capital needs anticipated in its long-range financial plan.

The proposed financial plan maintains some of the lowest toll rates in the country with two system wide adjustments in 2024 and 2027. The Plan preserves the passenger vehicle 40 percent Commuter Discount and increases the Resident Discount for qualified Rockland and Westchester residents from seventeen percent to twenty percent for the Governor Mario M. Cuomo Bridge (GMMCB).

Cashless tolling was intended as a cost neutral initiative to modernize the Thruway system and improve the safety and convenience of the system for Thruway customers. Cashless tolling reduces congestion, improves traffic flow, is better for the

environment and allows for non-stop travel. While the conversion to cashless tolling eliminated toll collector positions, many of those employees were retained in other Thruway related positions. There are increased costs associated with collecting Tolls by Mail (TBM) revenue as well as for equipment maintenance and repair.

Response I(b)-1. The Thruway Authority has always maintained a customer-centric approach to collecting tolls. It is critical that everyone pays their fair share for using the Thruway. Toll bill payments not received by the due date are assessed a \$5 late fee. Unpaid second toll bills escalate to violation that includes a \$50 fee per violation notice. The Authority issues violations, sends delinquent accounts to its collections contractor, and can pursue registration suspension with NYS DMV for the failure to respond to three or more Notices of Violation within a five-year period. The Authority has a toll enforcement reciprocity agreement with Massachusetts. The feasibility of reciprocity agreements with other states is under review. The Authority continues to utilize all available tools to fairly and effectively collect tolls and violation fees from its customers and maintains rigorous enforcement mechanisms to pursue scofflaws.

Response I(b)-2. A detailed traffic diversion assessment was completed in anticipation of the proposed toll modifications, which identified potential routes that drivers could utilize to avoid Thruway tolls and evaluated potential effects from traffic diversions on non-Thruway roads, including, but not limited to potential effects with respect to noise, air quality, traffic, and community character. The assessment estimates that the proposed toll modifications would result in the diversion of a limited number of vehicles to alternate routes that run parallel to the Thruway. In most cases, traffic diversions are expected to divert to state highways and other major arterials, not to local

roads. Based on prior studies and historical trends, initial traffic diversions to alternative routes are often temporary. Travel time and other factors, such as a driver's value of time, fuel costs, existing congestion along alternate routes, as well as amenities offered by the Thruway, tend to reduce the diversion effects of toll increases over time. Therefore, the proposed toll modification would not result in significant adverse effects related to traffic diversions.

During the public comment process the Authority received seventy comments in general opposition to the toll adjustment proposal; ten comments suggesting an impact on various industries/tourism and/or the costs being passed on to consumers; four comments suggesting the toll adjustment would result in avoiding the Thruway; twenty-three comments related to removal of the toll booths and/or elimination of toll collector positions; and thirty-four comments related to collecting lost revenue from toll violators or taking steps to address such loss.

(c) Todd Spencer, President, Owners/Operators Independent Drivers:

Todd Spencer submitted comments that he represents small-business truckers and professional truck drivers with over 150,000 members in all 50 states including 3,700 members in NYS. Spencer noted support for robust and cost-effective investment in infrastructure but strongly opposes a discriminatory scheme because it disproportionately affects small trucking businesses, especially those domiciled outside NY. Small trucking businesses predominately pay tolls out of pocket as freight rate systems seldom reimburse toll charges by shippers. Any toll increases severely impact their bottom line. Spencer submitted that tolling decreases overall highway safety by diverting traffic to secondary or local roads – often in smaller communities. Shifting financial burden for the

maintenance of the Thruway to out-of-state truckers discourages them from entering the state which could increase costs for NY businesses and consumers.

Response: See: I(a); I(a)-1; I(b); I(b)-2

(d) Dan Rodriquez, Vice President, Coach USA and President NJ Bus

Association:

Dan Rodriquez submitted comments that the proposed toll increases would be ill-advised and have deleterious impacts on the ability to provide affordable transportation to hundreds of thousands of individuals who commute utilizing the Association's services to get in and out of NY every day. The bus industry was hit hard by the pandemic and decreased ridership. Surges in fuel prices along with other increased costs has hindered operation at levels necessary to meet expenses. Rodriquez commented that an increase in tolls will exacerbate that and some, if not all, private carrier bus operators will curtail or cease services which will impact the riding public and businesses who depend on them.

Response I(c): The Authority offers a 10 percent discount from the E-ZPass rate for all qualified omnibuses (any vehicle capable of transporting 10 or more persons, including the driver). This discount is applicable to Thruway Charge Account holders certified as operators of omnibuses and is in addition to the Authority's commercial volume discount. The commercial volume discount program offers discounts between 10 and 20 percent based on the volume of monthly toll charges.

Also See: I(a); I(b)

During the public comment process, the Authority received fifteen comments that referenced the timing of the proposed toll adjustment during inflation, the pandemic impact, increased gas prices and/or the economy.

(e) Terry Button, owner of Terry L. Button Farms in Rushville (virtual hearing):

Terry Button testified that he is a Yates County Legislator, District 2 and a New York State Century farmer (5th generation since 1872). Button noted that we need to think very hard about the Thruway toll increase and especially how it affects trucks and how it will result in more trucks on I-86 and I-88 to avoid the tolls. Button suggested that continuing to raise tolls will drive commerce (trucks) off the Thruway and they will stop buying fuel, will not stop for meals or other spending and will impact generating sales tax. The costs get passed on to the public.

Response: See: I(a); I(b); I(b)-2

(f) Michael McTowan, Heritage Stables in Skaneateles (virtual hearing):

Michael McTowan testified that his business has three semi-trucks. McTowan is concerned that if the tolls are raised, trucking companies from New York City will start running back roads which will push traffic into small towns because they will save money and time. McTowan stated it was a huge problem in 2008 and it will become a huge problem again with trucks not heeding the signage to stay on the Thruway. McTowan suggested it would be a great idea to exempt truckers from the toll increase.

Response: See: I(b); I(b)-2

II. Contracting Industry, Engineering and Economic Development:

(a) Dottie Gallagher, President and CEO of the Buffalo Niagara Partnership:

Dottie Gallagher submitted a letter on behalf of its members urging sufficient revenues for the Thruway System to be well-maintained and reliable for businesses to operate efficiently and cost-effectively. The efficient transportation of goods and services creates job opportunities, attracts businesses and promotes tourism.

Response: II(a) : The purpose of the toll adjustment is to generate additional revenues needed for the Authority to fulfill its system-wide operating, debt service, and capital needs anticipated in its long-range financial plan.

Also See: I(a); I(b)

During the public comment process, the Authority received forty comments indicating support for the toll adjustment.

(b) Frank DelSignore, Vice President CMJ Consulting (Cheektowaga hearing):

Frank DelSignore testified that the toll increase is modest and will benefit all users by maintaining a safe highway.

Response: See: I(a); I(b)

(c) Daniel Ortega, Local 825 International Union of Operating Engineers – IUOE (West Nyack, Glenmont and Virtual hearing):

Daniel Ortega testified that the Union is supportive of the proposed toll adjustment and its members are ready to start working on the construction projects and rely on the jobs for their families who also live in the communities. The toll adjustment will make sure there is safe, reliable infrastructure. Local 825 IUOE has 20 percent of the mileage of the Thruway in the territory they cover; they do a lot of Thruway work and are happy to see the proposal and support fully funding the projects. Ortega submitted it is not just about jobs but members want a reliable and dependable system for users for all needs.

Response: See: I(a); I(b)

(d) John Cooney, Jr., Executive Director, Construction Industry Council

Westchester/Hudson Valley Inc. (West Nyack hearing):

John Cooney, Jr. testified that CIC represents 600 employers, advocates for heavy highway contracting community and partners with hundreds of suppliers and builders and organized labor and collectively speaks for 30,000 members. Cooney submitted that the Thruway has only 15 percent of original construction replaced and referenced the National Transportation Research Nonprofit TRIP Report (“Report”) that repeated resurfacing is not addressing the continuing deteriorating pavement condition. Cooney noted the Report recommends a full depth repair scenario which requires an increase cost per mile of construction but will lower the overall lifecycle cost of the roadway in the future. Based on current funding levels the average pavement conditions are anticipated to decline by 31 percent from a rating of 64 to 44 which is a poor condition. Cooney stated the Report includes that from 2012 to 2022 the annual investment in the highway and bridge rehabilitation on the Thruway decreased by 37 percent from \$322 million to \$236 million. Cooney submitted the projected revenues are not sufficient to meet the System’s rehabilitation needs and meet the high levels of safety and service. Current and proposed toll rates per mile are lower than neighboring New Jersey, Pennsylvania and Massachusetts Turnpikes. Even after the toll increase the Thruway will still be among the lowest toll rates in the Northeast.

Response: See: I(a); I(b); II(a)

(e) Gregory Sheehan IUOE Local 825 (West Nyack Hearing):

Gregory Sheehan testified as an IUOE Local 825 member and resident of Valley High in Rockland County who knows the importance of infrastructure, good jobs and the ability to get to work and where someone needs to go. Sheehan stated the need to make

sure commerce and industry stay and come to the area and while there are a lot of increases in costs, most people can afford the small increases.

Response: See: I(a); I(b)

(f) Ron Epstein, President and Chief Executive Officer of the New York Construction Materials Association (Glenmont and virtual hearings):

Ron Epstein submitted written comments and testified that the Association strongly supports the proposed toll adjustment and the stark reality is that the proposal is a referendum for maintaining a safe and efficient travel corridor, one that supports enhanced mobility, economic competitiveness, and sustainability goals; or one that allows conditions to further decline to a point of no recovery. Epstein cited fair/poor pavement conditions from 10 percent a decade ago to 74 percent now; more than 75 percent of bridges have exceeded their 50 year design life and are in constant need of repair and require billions of dollars to rehabilitate or replace; and externally directed spending priorities, back door borrowing and deferred toll adjustment have increased the debt service commitment to the point where it will soon consume 100 percent of the resources available for the maintenance and repair of the System. Epstein submitted that the modest toll adjustment proposal is essential for operating and maintaining a safe and reliable transportation system. Failure to approve the proposal will only serve to undermine state and regional growth and it will also become a safety issue which the Thruway will have increasing liability for maintaining. The Association would also like to see tolls indexed.

Response: I(a); I(b); II(a)

(g) Fred Hiffa, Rebuild NY Now Coalition (Glenmont hearing):

Fred Hiffa testified that investments are incredibly important, very much needed for the aging infrastructure and the fourteen years since the prior toll increase has had a devastating impact on system. Hiffa noted that after the 2010 toll increase, the capital budget was \$1.1 billion (13 years ago) and is only \$1.2 billion in 2023; and core highway and bridge spending is down 10 percent from over 10 years ago. According to the Federal Highway Administration, inflation for highway construction has gone up 91 percent. Hiffa stated that the very minimal but still helpful toll increase should allow the Authority to double the number of bridges replaced annually but will need to increase 3-4 times what replacing in the next 20-25 years. In 2007, less than 10 percent of roads were in fair or poor condition but today 74 percent of roads are rated fair or poor. Hiffa noted it is important to maintain a good condition rating because it costs almost 16 times more to bring fair and poor pavement to good condition.

Response: I(a); I(b); II(a)

(h) John Evers American Council of Engineering (Glenmont hearing):

John Evers testified that the Thruway is in need of numerous structural upgrades and pavement repairs and all of the studies and experts who have examined this, including from the engineering industry, support this contention. Evers submitted the Thruway needs to be kept up to date, repaired, and upgraded to protect the safety of the public that utilizes this key transportation asset. Capital improvements ensure the reliability of this crucial means of conveyance and good service not just for New Yorkers but for the entire northeast and beyond. Average age of bridges within the System is 55 years old. Eighty-five bridges have been identified as requiring replacement in the next decade. Eighty percent of its road base is from the original construction. Without the

required highway rehabilitation and necessary funding to support it, pavement conditions are at a risk of declining 31 percent between 2022 and 2028. Evers stated the toll increase is a small step, a needed and essential one to a capital plan to protect the System and those using it. Inflation since 2010 including spikes in steel and other materials decreases the project scope due to cost. The TRIP Report stated that current needs cannot be met by the proposed tolls. Each year that passes with fewer projects scheduled due to lack of funds increases the cost of repair and eventual replacement. Evers submitted that the toll increase is a partial step toward upgrading the conditions of the Thruway and a direct step toward funding the 2022 – 2026 capital plan to address the critical needs of the nation’s most important transportation system.

Response: I(a); I(b); II(a)

(i) David Brass and Walter Pacholczak, Associated General Contractors (AGC):

Walter Pacholczak, VP of Government affairs testified during the virtual hearing that AGC represents nearly 600 contractors, subcontractors, and related firms that deliver quality projects that are the lifeblood of our communities. Since 2010, construction material costs have dramatically increased due to inflation and billions for unbudgeted projects such as the GMMCB and cashless tolling have decimated the Thruway’s finances. The combination of depressed tolls and increasing debt on unbudgeted projects has resulted in significant declines in road and bridge conditions. AGC NYS supports the proposed modest toll adjustment and it is a necessary first step toward meeting the long-term needs of this aging system. AGC submitted that the increase is nowhere near sufficient to fully meet the needs to reconstruct the Thruway. AGC believes the Authority should be seeking to index its tolls.

Response: I(a); I(b); II(a)

III. Legislative/Elected Officials' Comments:

(a) Senator Serino:

Senator Serino requested the Authority refrain from advancing the proposed toll rate increase because of the record high inflation, high gas prices and basic necessities becoming unaffordable for many families and the impact it would have on families to make ends meet.

Response: I(a); I(b)

(b) Senator Griffo:

Senator Griffo requested rejecting the toll hikes because of inflation, high energy costs and other financial difficulties for New Yorkers and their families especially during recovery from the coronavirus pandemic.

Response: I(a); I(b)

(c) Senator Weber (Michael Rydelek read Senator Weber's letter at the West Nyack hearing):

Senator Weber submitted comments that Rockland deserves a greater discount than Westchester because there is no train option and requested a 25 percent discount for Rockland instead of a 20 percent discount. Senator Weber also suggested that the E-ZPass commuter discount be increased.

Response: III(a) The Authority offers commuter plans for frequent Thruway users that use one or more barrier toll stations. For the controlled system, an annual permit may be purchased that allows for the first 30 miles of each trip to be free of tolls.

Also See: I(a); I(b)

During the public comment process, the Authority received twenty-one comments that referenced the GMMCB or “Tappan Zee” bridge, and/or Rockland, Westchester and/or Orange Counties.

(d) Senators Mayer and Harckham:

The Senators submitted comments that the proposed toll increase comes at a time of great uncertainty for many New Yorkers as they experience high inflation, including gas prices and tremendous employment insecurity. Any toll increases should only be enacted after careful consideration and preserve the discount for GMMCB commuters. The Senators requested the commuter discounted rate of 40 percent off the NY E-ZPass rate for those who opt into the commuter program be maintained. The Senators also stated the Authority must do more to identify, bill, and collect tolls that are due, increase transparency and provide a more thorough accounting of its costs and losses prior to presenting/imposing a toll increase. The Senators submitted that the GMMCB construction left a large unfunded capital expenditure which is creating pressure to raise tolls and cashless tolling and TBM highlight the need for greater transparency while noting continued challenges with implementation, savings not realized, customers burdened with confusing and expensive bills, and the Authority is owed hundreds of millions of unpaid tolls. The Senators requested the Authority pause any toll increase until the potential revenue, including federal revenue, and losses from transition to cashless tolling, TBM and a full accounting of capital costs are assessed and presented.

Response: III(b). Since cashless tolling went live on the Thruway’s ticketed system in November 2020, more than one billion transactions have been successfully recorded. Over the last several years, the Authority has made numerous improvements to the billing

system, which include enhancements to the TBM website, newly designed toll bills and envelopes to emphasize ways to avoid fees and to help customers better understand the tolls incurred and added more signage leading up to and after cashless tolling gantries. The Authority will be launching a new and improved website to streamline the payment process and give customers the ability to resolve issues online related to their E-ZPass account or TBM. There is also the Office of the Toll Payer Advocate to assist customers who are unable to resolve their concerns through the NY Customer Service Center. The Authority recently implemented a new option for non-E-ZPass customers to sign up for text alerts notifying them when their tolls are available to pay without having to wait for a toll bill to be mailed. There is also a TollsNY mobile app for customers to search and pay for tolls.

Also See: I(a); I(b); I(b)-1; III(a)

During the public comment process, the Authority received thirteen comments referencing issues with their E-ZPass account, cashless tolling and/or customer service.

(e) Senator Rolison:

Senator Rolison requested that the Authority delay any increases until a comprehensive financial audit can be completed and for consideration of providing Orange County residents with an additional share of the commuter discount due to longer commute times for residents west of the Hudson River traveling to New York City. Senator Rolison noted the Stantec report prepared for the Authority and the state Comptroller's report and the need for the improvement of collection methods prior to moving forward with toll increases. The Senator suggested that while the phenomenon of toll avoidance among out-of-state drivers is completely unacceptable, it is currently

impossible to understand exactly what percentage of the Authority's overall revenue losses are attributable to these drivers without a more comprehensive audit than that which is presently available. The Senator urged the Thruway Board of Directors to revisit the discounts available to E-ZPass holders enrolled in the commuter program and submitted that Orange County commuters deserve an additional discount because of the lack of dedicated rail.

Response: I(a); I(b); I(b)-1; III(a)

During the public comment process, the Authority received seven comments referencing the lack of available public transit or transportation options.

(f) Assemblymember Hunter (Matt Jones presented testimony at the Syracuse hearing on behalf of the Assemblymember):

The Assemblymember disagrees with the disproportionately large burden that will be shouldered by the unbanked via TBM and suggested the Authority seek to reduce the burden on the poor.

Response: III(c): The Authority utilizes all available tools to fairly and effectively collect tolls and fees due for use of the Thruway System. The costs associated with processing transactions through the TBM program are higher than the costs for E-ZPass customers, and the higher tolls are to incentivize more customers to sign up for an E-ZPass account. Almost all cashless tolling facilities throughout the country charge TBM premiums or a combination of premiums and administrative per-bill surcharges to offset additional printing and mailing costs. The alternative of not imposing the higher toll is inconsistent with the other cashless tolling facilities, does not allow the Authority to recover the increased costs for TBM and would eliminate that incentive for customers to

obtain E-ZPass. Everyone, regardless of where they live, can sign up for a NY E-ZPass and pay the lowest toll rates. It is anticipated that Thruway users who pay tolls using a NY E-ZPass would see smaller toll increases than those who pay tolls with a non-NY E-ZPass or via TBM. It is also anticipated that most Thruway users who currently pay toll with non-NY E-ZPass or via TBM would see a reduction in overall toll costs by acquiring a NY E-ZPass. To make NY E-ZPass accounts more accessible, potential barriers to opening an NY E-ZPass account, such as automatic account replenishment, credit card, or bank account requirements, were eliminated several years ago. For Thruway users with passenger vehicles, “Pay per Trip” E-ZPass toll payment plans are available, which link a customer’s E-ZPass account to their checking account and pays E-ZPass tolls once per day directly from the bank account only on days when tolls are posted to their E-ZPass account. Additionally, a prepaid E-ZPass account balance or a credit card is not required for this type of account. It is also possible for Thruway users who do not have bank accounts to acquire a NY E-ZPass account. Thruway users may purchase a prepaid credit card at any retailer that offers them and use the card to replenish their NY E-ZPass account. Alternatively, a Thruway user may purchase a pre-packaged NY E-ZPass tag at participating retail locations using cash and replenish their account using cash at any VanillaDirect™ retailer. Non-E-ZPass Thruway users who receive toll bills can also pay with cash at any VanillaDirect™ retailer.

Also See: I(a); I(b)

During the public comment process, the Authority received seventeen comments opposing or expressing concern about the increase for users without E-ZPass, infrequent users and/or the unbanked.

(g) Edwin Day, Rockland County Executive

County Executive Day submitted written comments in opposition to toll increases on the New York State Thruway, including on the “Tappan Zee Bridge” referencing that families are already struggling with record-breaking inflation and skyrocketing gas prices and the Bridge pricing is higher than the Bear Mountain Bridge. Day also urged the Board to bring the Rockland resident discount in line with the 40 percent commuter discount for the Bridge and lower the rate for Rockland registered commercial vehicles and Rockland county employers registered commercial vehicles; requested reducing the 20 trip per month minimum for the commuter discount noting other Hudson River crossings require 17 trips; asked the Board to consider the lower rates of other Hudson River crossing bridges; suggested the cost of the new Bridge should be shared across the Thruway system and TZ Bridge revenues plugged financial holes rather than being preserved for a new bridge; requested creation of a Transit fund with a portion of Bridge revenues to fund transit capital improvements between Rockland and Westchester; and requested that if tolls increase, the Bridge revenue be dedicated to the Bridge.

Response: See: I(a); I(b); III(a)

(h) Rockland County elected officials including: Legislators Rockland County (2); Council Members Town of Ramapo (3); Mayors and Deputy Mayors Villages of Airmont, New Hempstead, Pomona, and Wesley Hills (5); Trustees Villages of Airmont, Chestnut Ridge, New Hempstead, Pomona, Spring Valley and Wesley Hills (13).

Letter in opposition to the toll increases on the Thruway, including on the “Tappan Zee Bridge” and the impact on Rockland County families struggling with record high inflation and skyrocketing gas prices.

Response: See: I(a); I(b)

(i) Legislature of Erie County Resolution (submitted by the Minority caucus – Legislators Mills, Greene, Todara and Malczweski):

Resolution calling on the Authority to increase transparency, improve its operations, and maximize its non-toll revenues, such as leasing fiber and cell tower spaces to third parties; and opposing any rate hike in tolls before all other options are examined.

Response: See: I(a); I(b)

(i) Ken Bush, County Legislator (Syracuse hearing):

County Legislator Bush expressed his appreciation for the rebuilding of the Canton Street Bridge. County Legislator Bush noted the Thruway cut off a lot of communities and there needs to be more access to the Thruway for commuters but noted the Authority made a good case for a toll increase.

Response: See: I(a); I(b)

IV. Farming/Dairy Interests:

(a) Paul Harvey, Northeast Dairy Foods Association (at Syracuse hearing):

Paul Harvey testified that a toll increase is a detriment to the Association's member businesses because many transport across the State and the increased cost will impact competitiveness for school and nursing home contracts as well as impact consumers. It is important to keep local economies going and be able to feed our State and address food insecurity. The Association suggested the Authority look into other revenue sources to fund the infrastructure needed to keep the Thruway safe. Harvey also presented that out of state will see an increase and that impacts tourism to New York State including for the dairy industry and Upstate. It was also submitted by the

Association that E-ZPass was supposed to be a user-friendly system for in-state and out-of-state travel and it was to create a competitive advantage for those still willing to use car travel and efficiently pay tolls.

Response: See: I(a); I(a)-1; I(b); III(b)

(b) David Fisher, President New York Farm Bureau (NYFB):

David Fisher submitted comments on behalf of the NYFB, the state's largest agricultural advocacy organization. Fisher stated that while it is important to increase the safety and reliability of the state's transportation infrastructure, it is also imperative that New York farmers can affordably transport food. New York farms play an essential role in combatting food insecurity, especially in urban areas, such as New York City. The increase in tolls will impact the transport of farm products across the state and farmers using the GMMCB transporting New York grown food to New York City. Increasing tolls will create more unreasonable barriers for New York agriculture and financially impact a farmer's ability to transport essential food to people who need it the most. NYFB encourages establishment of a farm specific E-ZPass category for agricultural vehicles transporting farm products on the Thruway to obtain a reduced toll-rate or a tax credit for farmers to help defray costs.

Response: See: I(a); I(b)

While there are no specific discounts for agricultural vehicles, the Authority offers a Special Commercial Discount ("S-Discount") for non-tandem commercial vehicles that are less than or equal to 48 feet in length which are commonly agricultural vehicles. This discount requires a NY E-ZPass account. In addition, a NY E-ZPass

Commercial Volume Discount offers discounts between 10 and 20 percent based on the volume of monthly toll charges.

V. Private Citizens:

(a) Paula Martin (email, Cheektowaga and virtual hearings):

Paula Martin does not support getting an E-ZPass and the 75 percent increase because of a preference to pay by mail. Martin testified that she is retired on a permanent fixed income and as an infrequent user should not be penalized for choosing not to get an E-ZPass and everyone should have the same increase.

Response: See: I(a)-1; III(c)

(b) Charles Dickinson (Cheektowaga hearing):

Charles Dickinson expressed his concern about the 75 percent increase for people without E-ZPass.

Response: See: III(c)

(c) Scott Seeland (Syracuse hearing):

Scott Seeland asked where is the Thruway spending money? He acknowledged the need to raise tolls but stated that tearing down perfectly good rest stops and putting up unattractive replacement with less seating; no longer paying toll booth workers; more costly to have gantries across roadway than at the entrances/exits.

Response: V(a): In July of 2021, the Authority announced a plan to redevelop all 27 Service areas on its system and provide a new travel experience for drivers through modernized buildings and amenities. The redevelopment is funded through a public-private partnership and no toll dollars or state taxes are being used for construction of the project. Ten service areas closed during the first phase of the project with the remaining

17 areas scheduled for reconstruction through 2025. Fuel services remain available at all locations during construction. New food concepts with more healthy options and enhanced services will be available at the newly constructed service areas as well as additional amenities for commercial truck drivers at select locations.

Also See: I(a); I(b)

During the public comment period, the Authority received thirteen comments that referenced replacing the service areas.

(d) Ed Stronski (Syracuse and virtual hearings):

Ed Stronski testified that tolls were supposed to be stopped in 1996; other roads have been improved with no tolls; it is inconvenient to not pay with cash or go to pay cash at locations or money orders. Stronski stated he doesn't want to try the new system and doesn't have time to deal with delay. Stronski asked why functional facilities were gutted and now there are cost overruns with the rebuilding. Stronski submitted that paying more without E-ZPass is discrimination and a gross inequity. Stronski stated he had problems previous times trying to pay his bill and the system should work 99.99 percent of the time, if it doesn't, put pay stations at places on the Thruway and open up an office in Syracuse for payment or put the toll booths back.

Response: V(b): In 1989 (Chapter 634), the Thruway Authority Transition Advisory Council was created and charged with the responsibility to "make recommendations concerning the future of the Thruway and the Thruway Authority after the scheduled retirement of the Authority's bondable debt in the year 1996..." The Advisory Council, required by law to have a diverse group of interests represented (including business, trucking and other highway users, state and local government, labor

and highway planners), issued its report on September 30, 1991. The Advisory Council stated that while the Thruway could be made toll free, it could not be made free.

Fundamentally, the State's choice in financing the Thruway after retirement of the bonds used to finance construction of the system was between tolls and taxes. The Advisory Council concluded that tolls were the preferable choice because it was more appropriate for users of the Thruway to pay for its maintenance and upkeep rather than New York taxpayers generally. Therefore, the Advisory Council recommended to the Legislature and the Governor that the tolls be maintained and that the Authority with its bonding ability, be retained to meet the transportation needs along the Thruway corridor. To eliminate the tolls, the Legislature would have had to enact legislation to remove the Authority's power to impose tolls and to issue debt secured by tolls once the original bonds were retired. Instead, in 1992, the Governor and the State Legislature enacted legislation to further expand the Authority's responsibilities and authorized additional indebtedness secured by toll revenues to assist with the financing and new responsibility.

Also See: III(b); III(c)

During the public comment process, the Authority received twenty-nine comments that the tolls were supposed to be removed.

(e) Ilan Schulein (West Nyack hearing):

Ilan Schulein testified that he has lived in Rockland County for 43 years, is retired, his wife's cemetery is in Queens and the cost of bridges is high but there is no public transportation option. Schulein stated costs have increased phenomenally in the past few years for everything, but he uses E-ZPass with a discount and requests a senior discount for people on a fixed income.

Response: See: I(a); I(b); III(a)

During the public comment process, the Authority received five comments opposing an increase or expressing concern about an increase on lower income and/or retired/senior citizens.

(f) David Fleischmann (West Nyack Hearing):

David Fleischmann testified as a resident of Rockland and suggested the Authority should provide some discounts to reciprocal states so New York residents can get discounts there. Fleischmann also referenced Rockland is a transit desert.

Response: See I(b)-1

(g) Kabir Javaid (West Nyack Hearing):

Kabir Javaid testified as a resident of Long Island and being involved in small business real estate. Javaid submitted it is a terrible idea to increase the toll for Long Islanders because Long Island has reached its capacity on many levels; there needs to be a good transportation connection and it is very essential to have connectivity. Javaid suggested tolls should be abolished. New York residents paying tolls and taxes in NYS should get a tax credit/refund.

Response: V(c): There are two types of funding sources for roads - tolls or taxes. The Thruway receives no dedicated federal, state or local tax dollars and relies on toll dollars to fund its capital projects and operations for a system that will soon be turning 70 years old. Thruway toll rates are some of the lowest in the nation.

Also See: I(a); I(b); V(b)

(h) Nicholas DeSocio (virtual hearing):

Nicholas DeSocio asked if there was a way to close the gap with collecting tolls from New Jersey and Connecticut and referenced a reciprocal agreement with them. DeSocio testified it is a tough situation with inflation running rampant but noted that the Authority is “doing what you’ve gotta do.” DeSocio indicated never having any problems with how the Thruway Authority kept the Thruway, especially in the winter.

Response: See: I(a); I(b); I(b)-1

(i) Arthur Thayer (virtual hearing):

Arthur Thayer testified about experiencing issues with E-ZPass charges and not getting assistance or follow up when calling about E-ZPass issues. Thayer referenced wasting money tearing down the Thruway service areas to put up smaller ones.

Response: See: III(b); V(a)

(j) Maria Tisby (email and virtual hearing):

Maria Tisby submitted comments that the toll increases are grossly unfair. Grand Island residents pay 9 cents, everyone else pays \$1.24. Tisby suggested there is a disparity/different treatment because some residents are being excused from fines and tolls. Tisby submitted that over 60,000 western New York taxpayers were overbilled and there were no consequences to the Authority. Tisby submitted if paying cash it is penalized or forced to get E-ZPass and there is no local office to pay a bill. Tisby testified that inflation has hit us in every aspect of our life, our homeowners, our groceries, etc., and the 75 percent increase is unlawful. Tisby submitted not being interested in subsidizing another state (New Jersey) that you can't pursue when they are past due. Tisby asked not to be forced to have an E-ZPass when want to pay cash.

Response: See: I(a); I(b); I(b)-1; III(b); III(c)

(k) Virginia Madore (virtual hearing):

Virginia Madore testified to not having an E-ZPass and being bothered paying for people from out of state who have not been paying and there are no repercussions.

Response: See: I(b)-1; III(c)

(l) Jim Dydyk (virtual hearing):

Jim Dydyk asked: how is penalizing people that pay their toll either through E-ZPass or by mail going to solve people from out of state not paying theirs and is there is a plan for that; since not paying toll booth workers any longer, where did that money go; and can the Thruway get infrastructure money to make the budget better?

Response: See: I(b); I(b)-1

(m) Kenneth Phelan (virtual hearing):

Kenneth Phelan testified that trying to raise the fees but not giving a sustainable Thruway, specifically from Albany to New York City because slower traffic is in the right lane and sometimes motorists stay in the left lane and it prevents passing. If want to raise tolls, should widen the Thruway to at least three lanes.

Response: See: I(a); I(b)

VI. Additional Public Input:

The Authority received twenty-eight questions or suggestions as well as six requests for various discount programs; seven comments that indicated some aspect of the toll adjustment proposal being discriminatory, unconstitutional and/or unlawful; four comments that referenced the Canal System; one comment requesting a policy for the disabled; and two submissions that were not a comment on the toll adjustment. Some comments received may have multiple issues and were included in each of the relevant

categories noted within this Assessment. In addition, the Authority's toll adjustment proposal webpage (<http://www.thruway.ny.gov/news/adjustment/index.html>) received 15,967 unique hits since December 5, 2022.

Response: During the public comment process there were no suggestions within the Authority's control that raised suitable alternatives to the proposed toll adjustment.