



Office of the
New York City Comptroller
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FAST Fees!

An Analysis of E-Z Pass Fees at Rental Car Companies in NYC

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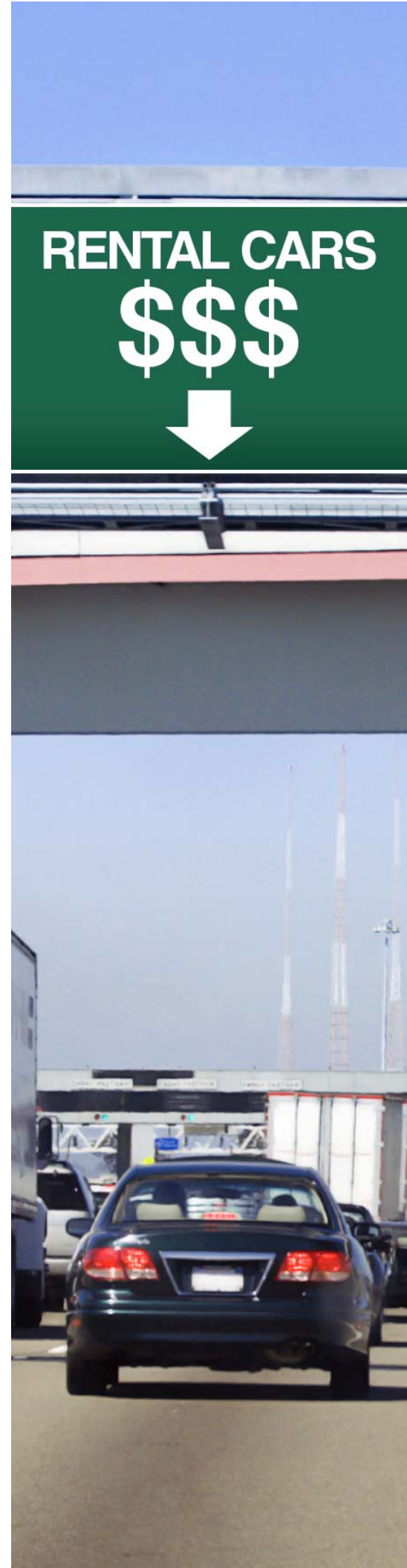


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I. Executive Summary

Over the past two decades, one of the key policies that has helped to reduce congestion and its effects in New York City and beyond has been the introduction of electronic tolling, or E-Z Pass, at the region's bridges, tunnels, and turnpikes. Studies have shown how increased use of e-tolling has greatly reduced congestion and emissions while improving public health.

This is an important development, given that congestion is estimated to cost the New York City metro area 628 million man hours, 297 million gallons of gas, and over \$14.7 billion in lost productivity and other costs in 2015 alone.

However, despite the strong demand for E-Z Pass and its profound effect on congestion and public health, individuals who rent cars in New York City are saddled with significant costs when choosing to use E-Z Pass. This leaves consumers with two unenviable options:

1. Enjoy the convenience of E-Z Pass for a cost far exceeding the actual tolls; or
2. Choose to forego E-Z Pass, clogging our roadways in the cash lane and contributing to pollution that has led some New York City neighborhoods to have the highest asthma rates in the nation.¹

This report, by Comptroller Scott M. Stringer, analyzes E-Z Pass fees charged by the 10 rental car companies operating at LaGuardia and John F. Kennedy Airports, as well as a new entry to the New York City rental car market, Silvercar. We found the following:

- 10 of the 11 companies charge a daily “convenience fee” ranging from \$3.95 to \$21.49 to use E-Z Pass.² This fee is assessed each day the vehicle is rented, even if the E-Z Pass transponder is used just once in the course of a weeklong rental.
- 8 of the 11 companies charge tolls to customers at the higher *cash* rate, despite the fact that E-Z Pass, which provides a discount on tolls, is used.
- 5 of the 11 companies saddle consumers with significant penalties—up to \$25 *per toll*—for using E-Z Pass without signing up for their costly programs.
- Silvercar provides an E-Z Pass transponder at no cost, though consumers still have to pay for the cost of tolls.
- There is no rental car industry standard with respect to e-tolling and some policies are not clearly and conspicuously disclosed to consumers until the point of sale. In certain cases, phone calls to customer service representatives yielded conflicting answers, while in other cases, fees that varied by location/duration of rental were not disclosed online.

The net effect of these charges, as detailed below, is that New York City rental car users can pay *double or even triple* the cost of tolls when using a rental car's E-Z Pass. For example:

- A three-day trip from Brooklyn to Schenectady, New York costs a regular E-Z Pass user \$22.77 in tolls, while an Avis or Budget customer would pay \$41.40 in fees/tolls using the rental car's E-Z Pass transponder—an 82 percent premium.
- Likewise, a four-day trip from New York City to Washington D.C. costs a regular E-Z Pass user \$48.45 in tolls, while a Dollar or Thrifty rent-a-car customer would pay \$85.96 in fees using the rental car's E-Z Pass transponder—a 77 percent premium.

In addition, penalties are often extremely high if consumers use the rental car's E-Z Pass device without signing up for an e-toll plan. For instance, customers at Alamo/Enterprise/National who used E-Z Pass on the George Washington Bridge without signing up for the "TollPass" program would pay \$39 (the \$14 cash toll plus a \$25 penalty)—more than triple the cost of the E-Z Pass toll (\$11.75).

These exorbitant fees are a problem across the country.³ However, they are particularly concerning in New York City, where over 1.7 million households (55 percent of the total) do not own a car.⁴

As a result, many New Yorkers rely on rental car companies to take trips out of town, go on grocery runs, or pick up a new sofa, especially in neighborhoods where public transportation options are either unavailable or inconvenient. Millions more rely on rental car companies when they visit New York City and the surrounding area.⁵

Given the clear public interest in encouraging electronic tolling, the State of New York and other tolling authorities within the Tri-State region (including MTA and the Port Authority of New York and New Jersey) should work with rental car companies to reduce excessive E-Z Pass fees and provide consumers with a fair, affordable way to use electronic tolls when they rent a car.

In lieu of such action, the State of New York should introduce legislation to:

- Mandate that any tolls billed to the renter are billed at the E-Z pass rate;
- Cap the "convenience" fees that rental car companies in the Empire State are permitted to charge; and
- Require rental car companies to state—prior to the point of sale and in plain language—what their e-toll fees/penalties are and whether or not the e-toll program is optional.

II. The Costs of Congestion and the Promise of E-Tolling

Congestion imposes major costs on New York City—from public health and the environment to delays and quality of life concerns. In 2015 alone, congestion will cost the metro area 628 million man-hours, 297 million gallons of gas, and \$14.7 billion in costs.⁶

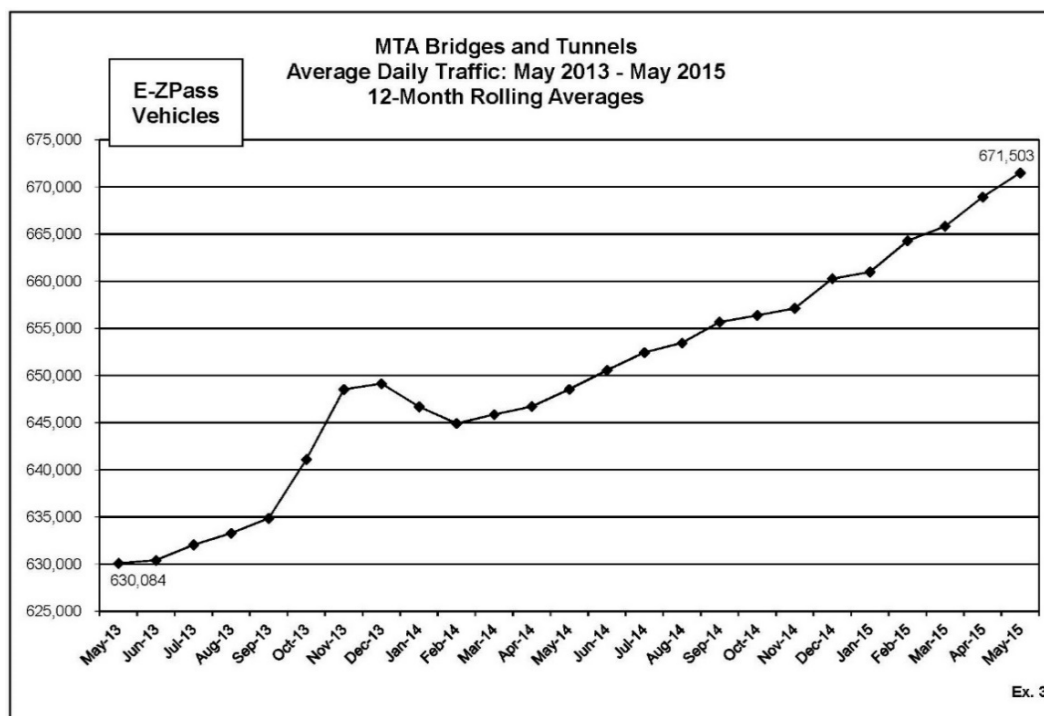
There are many policies that affect congestion and its effects—from federal fuel economy standards⁷ and congestion pricing⁸ to investments in mass transit⁹ and integrating technology into urban parking in order to reduce the volume of cars searching for a spot.¹⁰

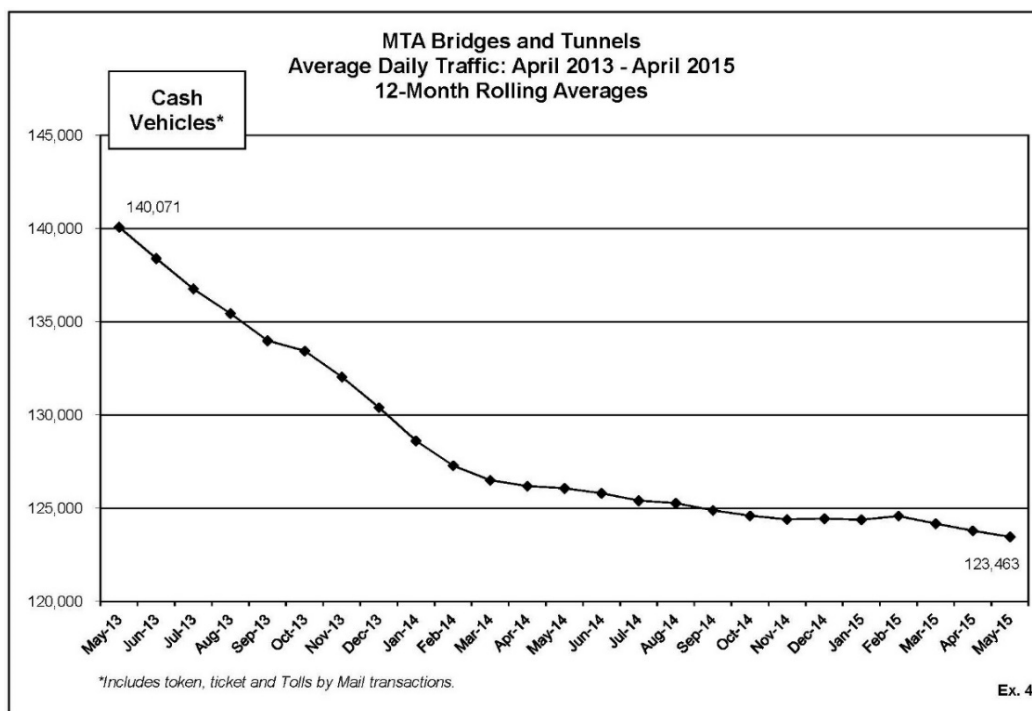
One major effort that has helped reduce congestion is the introduction of electronic (“cashless”) tolling, such as E-Z Pass, which was phased in between October 1995 and December 1996.¹¹

According to the New York State Department of Health, between 1997 and 2008, the annual market share of E-Z Pass for all vehicles rose from 44 percent to 74 percent. The total market share of all paid traffic using E-Z Pass rose from 42 percent to 88 percent, and the total passenger vehicle E-Z Pass share rose from 45 percent to 73 percent.¹²

In 2014, over 70 percent of trips on the New York State Thruway—including 85 percent of commercial trips—used E-Z Pass, accounting for 76 percent of the Thruway’s toll revenue.¹³

As of May 2015, 84 percent of trips on MTA crossings used E-Z Pass—2 percent higher than May 2013 and up from 72 percent in 2003.¹⁴ As shown in the charts below, even when you include the Henry Hudson Bridge’s “toll by mail” system as a “cash” toll, the number of vehicles paying with cash at MTA crossings has continued to fall in direct contrast to the rise in E-Z Pass.





Port Authority bridges and tunnels have seen similar increases in E-Z Pass use. From January to August 2015, over 82 percent of crossings were paid with E-Z Pass, up from 76.9 percent in 2011.¹⁵

In short, e-tolling is poised to be the default toll payment throughout the NYC metro region. The New NY Bridge, which will replace the Tappan Zee Bridge linking Rockland and Westchester counties, is slated to have a cashless tolling system when it is completed by mid-2018. Patrick Foye, executive director of the Port Authority of New York and New Jersey, has stated that the Port Authority is committed to all-electronic tolling on its interstate crossings.¹⁶

As Neil Gray, director of government affairs for the International Bridge, Tunnel and Turnpike Association, has said “Cash is effectively being phased out.”¹⁷

And with good reason: The beneficial effects of e-tolling include increased speeds, decreased congestion/emissions, and improvements in public health.

A recent study by Professor Janet Currie of Princeton University and Professor Reed Walker of the University of California at Berkeley found that among families living within 2 kilometers of expressway toll booths, premature births fell by between 6.7 percent and 9.2 percent after the installation of E-Z Pass tolling systems and the incidence of low birth weight fell by between 8.5 percent and 11.3 percent.¹⁸

Further study of the effects in New Jersey found that total delay at toll plazas dropped by 85 percent after the implementation of E-Z Pass, saving 1.8 million hours of car-time, and 231,000 hours of truck-time in the 7 years after adoption.¹⁹

The effects of cashless tolling are also being felt here in New York. A study by the New York State Department of Health found that increasing automation of toll collection through E-Z Pass and automatic tolling is expected to “reduce the exposure of toll booth collectors to air pollutants by reducing the number of on-site toll collectors and by speeding the flow of traffic through the toll plazas.”²⁰

Lastly, before the MTA removed its toll-lane gates Henry Hudson Bridge, 90 percent of the cars crossing it traveled at 30 miles an hour or faster.²¹ That figure rose to 94 percent when the gates were eliminated in January 2011, and 99 percent when the bridge did away with the cash-toll option completely in November 2012.

III. E-Toll Fees Charged by Rental Car Companies in NYC

Despite the clear public benefits associated with E-Z Pass and other forms of electronic tolling, car rental companies in New York City and across the country impose significant fees for the use of such transponders.²² These fees—which are often many times the cost of actual tolls—create an incentive for consumers to avoid the use of electronic toll mechanisms, which could lead to increased congestion and pollution in the NYC-metro area.

Below is an analysis of rental car e-toll fees conducted by the New York City Comptroller’s Office in November 2015. The companies analyzed in our survey include the ten rental car companies located at LaGuardia and John F. Kennedy Airports,²³ as well as a new entry to the car rental business in New York City, Silvercar.

As detailed below, the fees are not only high, but they also vary by company. As Sharon Faulkner, the executive director of the American Car Rental Association—a trade organization made up of rental car companies based in Long Lake, New York—has stated, “We wish there was an industry standard. It’s a mess.”²⁴

Fees are based on published information by each rental car company. Where written policies were not available, the Comptroller’s Office called the companies to confirm the accuracy of their fee structure.

However, in certain cases, phone calls to customer service representatives yielded conflicting answers, while in other cases, fees that varied by location/duration of rental were not disclosed online. For instance, charges for Dollar/Thrifty’s “All Inclusive” plan vary by location and duration of rental. However, there is no information online that allows consumers to determine those costs for their particular city.

When the Comptroller’s Office sought to clarify the cost of Dollar/Thrifty service in New York City, several customer service representatives were either unable to provide comprehensive answers to questions or provided conflicting answers to questions over the phone. In fact, the Comptroller’s Office was told that fees could range from \$9.99 to \$92.49 depending on the location and duration of the rental. Given this uncertainty, Comptroller’s staff went in-person to Dollar’s

Battery Park City location, where we were informed that the charge in New York for a rental of four days or fewer was \$21.49.

The chart provides a summary of charges, with additional details broken down by rental car company in the Appendix.

“Daily Fee” is a fee charged by the company for the “convenience” of using the E-Z Pass transponder in the vehicle. Daily fees are charged for each day of the rental (up to the maximum fee, below), regardless of whether the E-Z Pass transponder was used on a particular day. This fee does *not* cover the cost of tolls, with the exception of Dollar/Thrifty’s plan, as detailed below.

“Max Fee Per Rental” represents the ceiling of “daily fees” that are charged by each company. This figure *does not* include the cost of actual tolls or penalties.

“Toll Charged” represents the charge passed along from the rental car company to the consumer for the cost of tolls incurred. As noted, most companies charge consumers the higher cash rate, even though the consumer uses an E-Z Pass device.

“Enrollment” refers to how consumers sign up for the program. In most cases, consumers must opt-in to the program to avoid penalties. However, in certain circumstances, enrollment automatically kicks in if/when a consumer uses certain toll roads.

“Penalty” refers to charges imposed by rental car companies when consumers do *not* opt-in to their e-toll plan, but use the transponder anyway. These fees are in addition to the tolls incurred.

	Daily Fee*	Max Fee Per Rental	Toll Charged	Enrollment	Penalty
Advantage	\$4.95	\$24.75	Yes, Cash Rate	Opt-in/Automatic**	No penalty
Alamo	\$3.95	\$19.75	Yes, Cash Rate	Opt-In	Yes, \$25 per toll
Avis	\$3.95	\$16.95	Yes, Cash Rate	Opt-in/Automatic**	No penalty
Budget	\$3.95	\$16.75	Yes, Cash Rate	Opt-in/Automatic**	No penalty
Dollar	\$21.49****	None	Included in Daily Fee	Opt-in	Yes, \$15 per toll***
Enterprise	\$3.95	\$19.75	Yes, Cash Rate	Opt-in	Yes, \$25 per toll
Hertz	\$4.95	\$24.75	Yes, Cash Rate	Automatic	No penalty

National	\$3.95	\$19.75	Yes, Cash Rate	Opt-in	Yes, \$25 per toll
Payless	\$3.95	\$16.75	Yes, Cash Rate	Automatic	No penalty
Thrifty	\$21.49****	None	Included in Daily Fee	Opt-in	Yes, \$15 per toll***
Silvercar	FREE	N/A	Yes, Actual Rate	Automatic	No

* Daily fees apply to all days of a rental, regardless of whether the E-Z Pass is used on a particular day.

** Automatic enrollment occurs when drivers use cashless toll roads (i.e. pay by plate only)

*** Maximum total penalty charge is \$105 per rental

**** Dollar and Thrifty's "All-Inclusive Tolling" package is a daily or weekly fee paid by the consumer that covers all tolls during the rental period. Because tolls vary significantly from state to state, the cost for consumers may vary. The daily fee quoted here—\$21.49—is for a NYC rental of up to four days. For "weekly" rentals (5-7 days), the cost is \$107 *total*.

IV. Case Studies of E-Z Pass Fees

A few examples of common trips show how these fees can really add up for consumers.

Note that rental car daily rates are based on 24-hour periods rather than calendar days. As a result, a rental from Wednesday at 8 PM to Saturday at 8 PM constitutes a three day rental, whereas a rental from Wednesday at 2 PM to Saturday at 8 PM constitutes a four day rental.

Case Study #1: Brooklyn to Schenectady

- You are heading from Brooklyn to Schenectady to visit Grandma for Thanksgiving. You decide to rent a car from *Avis/Budget*,²⁵ leaving Brooklyn on Wednesday afternoon and returning on Saturday night (4 day rental). Turkey Day traffic is notoriously brutal, so you decide to sign up for **Avis' "E-Toll" plan**. Here's what you would be charged:
 - o \$3.95 daily fee for four days = \$15.80.
 - o All tolls at the cash rate:
 - \$5.80 each way for NYS Thruway tolls.²⁶
 - \$14.00 toll to cross the George Washington Bridge on the way back to Brooklyn.
 - o **TOTAL FOR AVIS/BUDGET CUSTOMER WITH "E-TOLL" PLAN: \$41.40 in toll charges/fees.**

By comparison, individuals with E-Z Pass on their own car would pay:

- \$5.51 each way for NYS Thruway tolls.
- \$11.75 toll to cross the George Washington Bridge on the way back to Brooklyn.

o **TOTAL FOR STANDARD E-Z PASS USER: \$22.77 in toll charges.**



As a result, you would pay **82 percent more** than a customer using his/her own car and E-Z Pass device—simply for the convenience of using Avis/Budget’s e-toll plan.

Case Study #2: Manhattan to Washington D.C.

- It is spring break—what better time to take an educational family trip from the Nation’s first capital City to the Nation’s current capital, Washington D.C., to check out the monuments and see the cherry blossoms!

You skip town as soon as the last school bell rings on Friday night and return to Gotham the following Tuesday night (4 day rental). Your vehicle of choice is a station wagon from Dollar/Thrifty rental car.

When you arrive at the counter, the customer service representative asks if you want to sign up for **Dollar/Thrifty “PlatePass All-Inclusive Tolling” program, which covers all tolls that you will face each way for a daily fee of \$21.49.**²⁷

You haven’t driven to D.C. since your parents took you as a child during the Johnson administration. As a result, you have no idea what tolls you will encounter after leaving New York City and therefore no way of really knowing whether the “All-Inclusive” plan is a good deal.

However, you are itching to get going and the only way to use the E-Z Pass transponder (and avoid the long lines for cash tolls) is to sign up for the program, so you roll the dice and sign up.

You leave Manhattan via the Lincoln Tunnel and head to D.C. via the New Jersey and Delaware Turnpikes.²⁸ Here are the tolls you encounter:

NJ Turnpike (off-peak): \$9.35 each way
 Delaware Memorial Bridge (southbound): \$4.00

Delaware Turnpike: \$4.00 each way
Baltimore Harbor Tunnel: \$4.00 each way
Lincoln Tunnel (eastbound, off-peak): \$9.75

TOTAL TOLLS: \$48.45

TOTAL FOR DOLLAR/THRIFTY CUSTOMER USING PLATEPASS ALL-INCLUSIVE TOLLING (4 days from NYC): \$85.96

TOTAL FOR DOLLAR/THRIFTY CUSTOMER WITH ALL-INCLUSIVE TOLLING:

\$85.96



TOTAL FOR STANDARD E-Z PASS USER:

\$48.45



As a result, you paid **77 percent more** than a customer using his/her own car and E-Z Pass device—simply for the convenience of using Dollar’s “All-Inclusive” plan.

Case Study #3: The Bronx to Atlantic City

- This Thanksgiving, you decide to take the family on a trip from the Bronx to Atlantic City. You rent a car from *Alamo/National/Enterprise*, leaving the Bronx on Wednesday morning and returning on Sunday afternoon (5 day rental).²⁹ You want to save every dollar for the boardwalk, so you decide to forego the “TollPass” program (which would have cost \$19.75 *plus* tolls) and pay cash at the tollbooths instead.

However, on the way back, you encounter an unbelievable traffic backup in Fort Lee approaching the George Washington Bridge. Desperate to get home to watch the Jets, you take the E-Z Pass lane, which usually costs \$11.75.

Weeks later, you get a **\$39 bill on your credit card for that toll**—the \$14 cash rate *plus* a \$25 penalty—**nearly triple the cost of the cash toll**.

TOTAL FOR ALAMO/NATIONAL/ENTERPRISE CUSTOMER:

\$39



\$14 CASH RATE + \$25 PENALTY

CASH TOLL RATE (GW BRIDGE):

\$14



V. Recommendations

Many rental car companies have changed their electronic toll policies in response to a series of lawsuits—including a class action filed in New York in 2012.³⁰ However, as detailed above, the rates charged to consumers remain exorbitant, and threaten to undermine New York’s effort to combat congestion and improve public health by encouraging electronic tolling.

While individuals can apply for an E-Z Pass transponder even without owning a car, the application process takes considerable time and the transponder comes with a series of recurring fees, including a \$1/month Port Authority service fee and a \$25 tag retention fee.³¹ E-Z Pass and the entities providing E-Z Pass services also reserve the right to assess additional fees. Furthermore, even if an individual secured an E-Z Pass transponder, it would not be of use on toll roads that use pay-by-plate technology as opposed to E-Z Pass.

As a result, many New Yorkers do not have E-Z Pass transponders and remain at the mercy of their rental car company when they hit the region’s roads.

Tolling entities in the Tri-State area, including the State of New York, the MTA, and the Port Authority should curtail this predatory behavior by embracing the following recommendations.

1. Work with Rental Car Companies and Toll Operators to Provide Low-Cost Alternative

Given the public’s significant interest in reducing the costs of congestion—including traffic, emissions, and public health effects—the State of New York, the MTA, and the Port Authority should follow the lead of the Golden Gate Bridge Highway and Transportation District (GGBHTD) and work with rental car companies to allow consumers to pay tolls directly to the tolling agency, without incurring “convenience” fees charged by rental car companies.

The GGBHTD allows consumers to opt-out of costly toll plans offered by rental car companies by offering a one-time payment option that allows consumers to pay online, over the phone, or at one of 130 cash-payment kiosks spread across the Bay Area and into nearby parts of the Central Valley.³² Individuals who choose the one-time payment option are instructed to pay the toll within two days of crossing the bridge by inputting the license plate information from their rental car.

The Toll Roads—a private company that operates many of Southern California’s cashless toll roads—also provides a “One-Time-Toll” option that allows rental car consumers to avoid costly fees.³³

As Dana Fehler, a spokesperson for the GGBHTD said, “We don’t want people to feel that they’re being gouged by the extra fees they’re paying to rental-car companies.”³⁴

2. Amend New York State Law To Ensure Rental Car E-Toll Fees are Reasonable and Transparent

If the rental car companies are unwilling to work with tolling authorities to allow for consumers to avoid fees, then the State of New York should introduce legislation to:

- Mandate that any tolls billed to the renter are billed at the E-Z pass rate;
- Cap the “convenience” fees that rental car companies in the Empire State are permitted to charge; and
- Require that rental car companies to state—up front and in plain language—what their e-toll fees/penalties are and whether or not the e-toll program is optional.

Rental cars are already regulated by state law.³⁵ In fact, state law not only caps the amount rental car companies may charge for “operational vehicle protection,”³⁶ but also requires that rental car companies “state conspicuously, in plain language” the daily rate of the protection, the fact that purchase of such protection is optional, and that prospective renters should examine their credit card protections and automobile insurance policies for rental vehicle coverage.³⁷

In the rental car context, consumers are left with little choice other than to pay exorbitant “convenience” fees to use electronic tolls or impose those costs on the broader community by clogging our highways and polluting our air in cash-only lanes. As a result, the State has a clear interest in ensuring that consumers are incentivized to use E-Z Pass whenever possible and to protect captive consumers from excessive e-toll fees.

VI. Acknowledgements

Comptroller Scott M. Stringer thanks Andrew L. Kalloch, Deputy Policy Director, the lead writer of this report, and James Ha, Policy Analyst, who conducted data analysis.

Comptroller Stringer also recognizes the important contributions to this report made by: David Saltonstall, Assistant Comptroller for Policy; Alaina Gilligo, First Deputy Comptroller; Sascha Owen, Chief of Staff; Kathryn Diaz, General Counsel; Nicole Jacoby, Counsel to the General Counsel; Camille Joseph, Deputy Comptroller for Public Affairs; John McKay, Director of Communications; Eric Sumberg, Deputy Communications Director and Press Secretary; Archer Hutchinson, Creative Lead and Web Developer; and Angela Chen, Senior Web Developer and Graphic Designer.

VII. Appendix

The material below is based on published information by each rental car company on their websites. Where policies were unclear, the Comptroller's Office called the companies in an effort to confirm the accuracy of the charges. Note that fees can vary based on where the vehicle is rented, especially for Dollar/Thrifty, which offer an "all-inclusive" toll plan.

The Comptroller's Office encourages New York consumers to request a detailed description of toll "convenience" fees prior to renting a vehicle.

Advantage³⁸

"PlatePass"

- Customers pay a \$4.95 service fee for each day of the rental, including any days on which PlatePass is not used, up to a maximum of \$24.75 per rental
- This fee is in addition to the cost of all tolls, which are billed at the "cash toll rate or highest undiscounted toll rate," and which are billed separately to the credit/debit card on file.
- All vehicles are "pre-enrolled" and no advanced commitment or contract is required to use PlatePass.

Alamo³⁹

"TollPass Program"

- Customers pay a daily service fee of \$3.95 per rental day to a maximum of \$19.75 per rental period.
- This fee is in addition to the cost of all tolls incurred which will be billed separately to the credit/debit card on file.
- Customers can add the toll pass device when making a reservation or at time of rental.
- Penalties of \$25 per toll are assessed when consumers use E-Z Pass without registering for the program.

Avis⁴⁰

"e-Toll Program"

- When a customer passes through an electronic toll, a convenience fee of \$3.95 for each day of the entire rental period, including any days on which e-Toll is not used, up to a maximum of \$16.95 per rental month.
- This fee is in addition to the cost of all tolls, which are billed at the "maximum prevailing rates posted by the toll authority," and which are billed separately to the credit/debit card on file.

Budget⁴¹

“e-Toll Program”

- When a customer passes through an electronic toll, a convenience fee of \$3.95 for each day of the entire rental period, including any days on which e-Toll is not used, up to a maximum of \$16.75 per rental month.
- This fee is in addition to the cost of all tolls, which are billed at the cash rate and which are billed separately to the credit/debit card on file
- Consumers opt-in to using Budget e-Toll when they swing open the transponder box and expose the actual transponder when traveling on toll roads.

Dollar⁴²

“PlatePass All-Inclusive Tolling Program”

- PlatePass All-Inclusive Tolling provides unlimited 24-hour toll usage for a daily fee of \$21.49 in New York State for a rental of fewer than five days. Unlike other plans, this fee *includes* the cost of all tolls incurred.
- Because tolls vary, the price for PlatePass All-Inclusive Tolling varies by location and duration of rental.
- If customers incur tolls while driving the rental vehicle and do not opt in to PlatePass, they are charged the cost of the toll, plus a \$15 administrative fee for each “toll event” up to a maximum of \$105.
- If consumers do not opt into PlatePass at the beginning of the rental, but drive in cashless tolling lanes (in video tolling regions only), consumers must tell the counter or lot agent that they wish to add PlatePass to their rental agreement upon returning the vehicle.

Enterprise⁴³

“TollPass Program”

- Customers pay a daily service fee of \$3.95 per rental day to a maximum of \$19.75 per rental period.
- This fee is in addition to the cost of all tolls incurred which will be billed separately to the credit/debit card on file.
- Customers can add the toll pass device when making a reservation or at time of rental.
- Penalties of \$25 per toll are assessed when consumers use E-Z Pass without registering for the program.

Hertz⁴⁴

“PlatePass”

- Consumers who opt-in to PlatePass are charged a \$4.95 service fee for each day of the rental including any days on which PlatePass is not used, up to a maximum of \$24.75 per rental.
- This fee is in addition to the cost of all tolls, which are billed at the “cash toll rate or highest undiscounted toll rate” and which are billed separately to the credit/debit card on file.

National⁴⁵

“TollPass Program”

- Customers pay a daily service fee of \$3.95 per rental day to a maximum of \$19.75 per rental period.
- This fee is in addition to the cost of all tolls incurred which will be billed separately to the credit/debit card on file.
- Penalties of \$25 per toll are assessed when consumers use E-Z Pass without registering for the program.

Pavless⁴⁶

“e-Toll Program”

- Charges a Convenience Fee of \$3.95 per rental day up to a maximum of \$16.75 per rental.
- This fee is in addition to the cost of “published toll fee(s) at the time you incur the toll” which will be billed separately to the credit/debit card on file.

Thrifty⁴⁷

“PlatePass All-Inclusive Tolling Program”

- PlatePass All-Inclusive Tolling provides unlimited 24-hour toll usage for a daily fee of \$21.49 in New York State for a rental of fewer than five days. Unlike other plans, this fee *includes* the cost of all tolls incurred.
- Because tolls vary, the price for PlatePass All-Inclusive Tolling varies by location and duration of rental.
- If customers incur tolls while driving the rental vehicle and do not opt in to PlatePass, they are charged the cost of the toll, plus a \$15 administrative fee for each “toll event” up to a maximum of \$105.
- If consumers do not opt into PlatePass at the beginning of the rental, but drive in cashless tolling lanes (in video tolling regions only), consumers must tell the counter or lot agent that they wish to add PlatePass to their rental agreement upon returning the vehicle.

Silvercar⁴⁸

“Fair Toll Tracking”

- No extra fees. Consumers only pay the toll costs.

VIII. Endnotes

- ¹ <http://www.gothamgazette.com/index.php/government/5111-while-improving-quiet-crisis-air-quality-persists-new-york-city-asthma-air-pollution>.
- ² The \$21.49 daily fee is charged by Dollar/Thrifty for their “PlatePass All-Inclusive” plan which *includes* all toll charges. Other companies charge tolls to customers, often at the cash rate.
- ³ <http://www.usatoday.com/story/travel/columnist/2014/12/14/electronic-toll-collection-rental-cars/19801135/>; <http://www.bloomberg.com/bw/articles/2014-08-29/when-does-a-5-toll-cost-30-when-youre-driving-a-rental-car>.
- ⁴ U.S. Census Bureau, 2014 American Community Survey, B08201.
- ⁵ <https://www.e-zpassny.com/en/faq/account.shtml>; https://www.e-zpassny.com/en/about/terms_ind.shtml; <http://www.consumerreports.org/cro/news/2011/08/avoid-rental-car-e-toll-tag-fees/index.htm>; While individuals can apply for an E-Z Pass transponder without owning a car, the application process takes considerable time and the transponder comes with a series of recurring fees, including a \$1/month Port Authority service fee and a \$25 tag retention fee.
- ⁶ <http://d2dtl5nnlpfr0r.cloudfront.net/tti.tamu.edu/documents/mobility-scorecard-2015.pdf>.
- ⁷ <http://www.nhtsa.gov/fuel-economy>.
- ⁸ http://www.theicct.org/sites/default/files/publications/congestion_apr10.pdf.
- ⁹ <https://www.nber.org/papers/w18757>.
- ¹⁰ <http://shoup.bol.ucla.edu/CruisingForParkingAccess.pdf>.
- ¹¹ www.travelersunited.org/i4a/doclibrary/getfile.cfm?doc_id=148; “Of the 5,300 miles of toll roads in the USA, roughly 200 miles are all-electronic, with nearly 100 new miles being added every year, according to the International Bridge, Tunnel and Turnpike Association.”
- ¹² https://www.health.ny.gov/environmental/investigations/toll_plaza/docs/index.pdf;
- ¹³ <http://www.thruway.ny.gov/about/financial/monthly/2014/vtm/dec2014vtm.pdf>.
- ¹⁴ http://web.mta.info/mta/news/books/pdf/150720_1200_B&T.pdf;
- ¹⁵ http://web.mta.info/mta/investor/pdf/2005/Moodys_TBTA_Report_5-3-05.pdf;
- ¹⁶ <http://www.panynj.gov/bridges-tunnels/pdf/traffic-e-zpass-usage-2015.pdf>; <http://www.panynj.gov/bridges-tunnels/pdf/traffic-e-zpass-usage-2011.pdf>.
- ¹⁷ <http://www.wsj.com/articles/all-electronic-tolls-inch-forward-in-new-york-city-1420512727?alg=y>.
- ¹⁸ <http://www.bloomberg.com/bw/articles/2014-08-29/when-does-a-5-toll-cost-30-when-youre-driving-a-rental-car>;
- ¹⁹ [http://www.princeton.edu/~jcurrie/publications/Traffic%20Congestion%20and%20Infant%20health%20E-ZPassUpdate2012_4_6%20\(2\).pdf](http://www.princeton.edu/~jcurrie/publications/Traffic%20Congestion%20and%20Infant%20health%20E-ZPassUpdate2012_4_6%20(2).pdf).
- ²⁰ <http://www.itscosts.its.dot.gov/its/benecost.nsf/ID/F679D6F9FD047AA68525733A006D53DC?OpenDocument&Query=BApp>.
- ²¹ https://www.health.ny.gov/environmental/investigations/toll_plaza/docs/index.pdf; the report was drafted by the Task Force on Health Effects of Toll Plaza Air Quality in New York City.
- ²² <http://www.wsj.com/articles/all-electronic-tolls-inch-forward-in-new-york-city-1420512727?alg=y>.
- ²³ <http://thepointsguy.com/2015/03/how-to-avoid-excess-toll-road-charges-for-rental-cars/>;
- ²⁴ <http://www.panynj.gov/airports/jfk-car-rental.html>; <http://www.panynj.gov/airports/lga-car-rental.html>; These companies are: Advantage, Alamo, Avis, Budget, Dollar, Enterprise, Hertz, National, Payless, and Thrifty.
- ²⁵ <http://www.sfgate.com/bayarea/article/Golden-Gate-Bridge-tolls-broadside-tourists-who-6304954.php>;
- ²⁶ <http://www.avisbudgetgroup.com/>; Avis and Budget are owned by the same parent company, Avis Budget Group. Avis Budget Group also owns Zipcar.
- ²⁷ This routing assumes that the driver takes the George Washington Bridge and gets on the New York State Thruway in Suffern, New York via New Jersey Route 17 and I-287. There are many ways to travel to Grandma’s house in Schenectady and the tolls vary depending on route.
- ²⁸ Dollar and Thrifty are owned by the same parent company, the Dollar Thrifty Automotive Group.
- ²⁹ As noted above, there are many ways to travel from New York to Washington D.C. and tolls will vary depending on your chosen route.
- ³⁰ <http://www.enterpriseholdings.com/>; Alamo, National, and Enterprise are owned by the same parent company, Enterprise Holdings. Enterprise Holdings also owns Enterprise Carshare.

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- ³⁰ <http://www.creditcards.com/credit-card-news/cashless-toll-roads-rental-car-6-tips-1273.php>; <http://www.law360.com/articles/539470/dollar-thrifty-accused-of-inflating-toll-fees-for-rental-cars>; *Readick v. Avis Budget Group, Inc.*, 2013 U.S. Dist. LEXIS 94611 (S.D.N.Y. 2013).
- ³¹ <https://www.e-zpassny.com/en/faq/account.shtml>; https://www.e-zpassny.com/en/about/terms_ind.shtml; <http://www.consumerreports.org/cro/news/2011/08/avoid-rental-car-e-toll-tag-fees/index.htm>; The North Texas Tollway Authority allows users to set up a temporary Zip-Pass account with a minimum \$20 credit card deposit, with unused deposits refunded when the account lapses. The Florida Department of Transportation also sells temporary SunPass mini stickers designed to work the same way.
- ³² <http://goldengate.org/tolls/rentalvehicles.php>.
- ³³ <https://www.thetollroads.com/violation/oneTimeToll.do>.
- ³⁴ <http://www.sfgate.com/bayarea/article/Golden-Gate-Bridge-tolls-broadside-tourists-who-6304954.php>.
- ³⁵ N.Y. Gen. Bus. Law § 396-z.
- ³⁶ N.Y. Gen. Bus. Law § 396-z (2)(a); charges are capped at no more than \$9/day if the manufacturer's suggested retail price (MSRP) of the car is \$30,000 or less, and no more than \$12/day if the MSRP is greater than \$30,000.
- ³⁷ N.Y. Gen. Bus. Law § 396-z (4)(a); Note that neither of these provisions provides a private right of action. See *Han v. Hertz Corp.*, 784 N.Y.S.2d 106 (1st Dep't 2004); *Sigall v. Zipcar, Inc.*, 582 Fed. Appx. 18, 19 (2d Cir. 2014).
- ³⁸ <https://platepass.com/locations/faq/renting-with-advantage/>.
- ³⁹ https://alamo.custhelp.com/app/answers/detail/a_id/5779.
- ⁴⁰ http://www.avis.com/car-rental/content/display.ac?contentId=etoll-service-US_en-001366&MID=avis.com_etoll.
- ⁴¹ <http://www.budget.com/budgetWeb/html/en/smartservices/etollfaq.html>.
- ⁴² <https://platepass.com/dollar/>; <https://www.dollar.com/Express/Enroll/TermsAndConditions.aspx>.
- ⁴³ https://enterprise.custhelp.com/app/answers/detail/a_id/4856.
- ⁴⁴ <https://www.hertz.com/rentacar/productservice/index.jsp?targetPage=USplatepass.jsp>.
- ⁴⁵ https://www.nationalcar.com/en_US/car-rental/loyalty/faqs.html; <http://www.htallc.com/BrandedPages/Policy.aspx?nationalcar>.
- ⁴⁶ <https://www.paylesscar.com/faq/#37>.
- ⁴⁷ <https://platepass.com/thrifty/>.
- ⁴⁸ <https://www.silvercar.com/#/>.





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