

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

METROPOLITAN TRANSPORTATION AUTHORITY  
and TRIBOROUGH BRIDGE AND TUNNEL  
AUTHORITY,

*Plaintiffs,*

and

NEW YORK STATE DEPARTMENT OF  
TRANSPORTATION, RIDERS ALLIANCE, SIERRA  
CLUB, and NEW YORK CITY DEPARTMENT OF  
TRANSPORTATION,

*Intervenor-Plaintiffs,*

v.

SEAN DUFFY, in his official capacity as Secretary of  
the United States Department of Transportation,  
GLORIA M. SHEPHERD, in her official capacity as  
Executive Director of the Federal Highway  
Administration, UNITED STATES DEPARTMENT  
OF TRANSPORTATION, and FEDERAL HIGHWAY  
ADMINISTRATION,

*Defendants.*

Case No. 25 Civ. 1413 (LJL)

**NOTICE OF MOTION FOR  
PARTIAL SUMMARY  
JUDGMENT BY THE  
METROPOLITAN  
TRANSPORTATION  
AUTHORITY, TRIBOROUGH  
BRIDGE AND TUNNEL  
AUTHORITY, AND NEW  
YORK CITY DEPARTMENT  
OF TRANSPORTATION**

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law in Support of Plaintiffs the Metropolitan Transportation Authority (“MTA”) and Triborough Bridge and Tunnel Authority (“TBTA”) and Intervenor-Plaintiff New York City Department of Transportation’s (“NYCDOT”; together with the MTA and TBTA, “Plaintiffs”) Motion for Partial Summary Judgment dated June 27, 2025, the Declaration of D. Brandon Trice dated June 27, 2025, the Administrative Record lodged by Defendants on May 27, 2025, ECF 130, and all prior papers, pleadings, and proceedings herein, Plaintiffs will move this Court, before the Honorable Lewis J.

Liman, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an order pursuant to Rules 56, 57, and 65 of the Federal Rules of Civil Procedure, the Administrative Procedure Act, 5 U.S.C. § 706, and the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*:

1. Granting summary judgment to Plaintiffs on Counts I-IV and VII of Plaintiffs' Second Amended Complaint, ECF 96;
2. Vacating the February 19, 2025 letter from Defendant Duffy to Governor Hochul purporting to terminate the November 21, 2024 agreement between TBTA, NYCDOT, and the New York State Department of Transportation (the "Project Sponsors") and Defendant Federal Highway Administration (the "VPPP Agreement") and rescind federal approval for the Central Business District Tolling Program (the "Program") (the "February 19 Letter");
3. Vacating the April 21, 2025 letter from Defendant Duffy to Governor Hochul purporting to direct Plaintiff-Intervenor New York State Department of Transportation to "show cause" why certain "compliance measures" detailed in the letter should not be implemented ("April 21 Letter");
4. Vacating the February 20 and March 20, 2025 letters from Defendant Shepherd to the Project Sponsors directing that tolling operations under the Program should cease (the "Shepherd Letters");
5. Converting the preliminary injunction entered by the Court on May 28, 2025 (ECF 132) into a permanent injunction;

6. Permanently enjoining Defendants, as well as all persons identified under Federal Rule of Civil Procedure 65(d)(2), from terminating the VPPP Agreement or rescinding federal approval for the Program unless the Project Sponsors agree or Defendants demonstrate, pursuant to applicable law, that the Project Sponsors failed to comply with the VPPP Agreement's terms and conditions; and
7. Issuing a declaratory judgment that: (a) Defendants lack the authority to terminate the VPPP Agreement or rescind federal approval for the Program unless the Project Sponsors agree or Defendants demonstrate, pursuant to applicable law, that the Project Sponsors failed to comply with the VPPP Agreement's terms and conditions; (b) the February 19 Letter, the April 21 Letter, and the Shepherd Letters are each null, void, and of no effect; and (c) any efforts to enforce the February 19 Letter, including but not limited to the "compliance measures" detailed in the April 21 Letter, are unlawful, and are null, void, and of no effect.

**PLEASE TAKE FURTHER NOTICE** that per the parties' schedule, "So-Ordered" by the Court on June 6, 2025 (ECF 139), opposition to the motion, if any, is due no later than July 18, 2025, unless otherwise agreed to by the parties or ordered by the Court.

Dated: June 27, 2025  
New York, New York

Respectfully submitted,

/s/ Roberta A. Kaplan

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