

19. Section 4(f) Evaluation

19.1 INTRODUCTION

Section 4(f) of the Department of Transportation Act of 1966 (now 49 United States Code [USC] Section 303 and 23 USC Section 138; U.S. Department of Transportation [USDOT] Act) applies to the use of publicly or privately owned historic sites determined eligible for or listed on the National Register of Historic Places (NRHP); and publicly owned parks¹, recreation areas, and wildlife and waterfowl refuges (collectively, Section 4(f) properties). The requirements of Section 4(f) apply to FHWA and other agencies of USDOT.

19.2 REGULATORY FRAMEWORK

Section 4(f) of the USDOT Act stipulates that FHWA and other USDOT operating administrations may not approve the use of Section 4(f) properties unless they have determined that the following conditions apply:

- There is no feasible and prudent alternative that would avoid the use of the Section 4(f) property; and
- The Project includes all possible planning to minimize harm to that property resulting from such use (23 Code of Federal Regulations [CFR] Section 774.3(a)); or
- The use of the Section 4(f) property, including any measures(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) will have a *de minimis* impact, as defined in 23 CFR Section 774.17, on the property.

Pursuant to 23 CFR Section 774.17, a project uses a Section 4(f) property when:

- Land from the Section 4(f) property is permanently incorporated into a transportation facility;
- There is a temporary occupancy of land that is adverse in terms of the statute's preservation purpose, as determined by the criteria in 23 CFR Section 774.13(d) (e.g., when all or part of the Section 4(f) property is required for a project's construction-related activities); or
- There is a "constructive" use of a Section 4(f) property, as determined by the criteria defined in 23 CFR Section 774.15(a).

The permanent incorporation of land in a transportation facility occurs when land from a Section 4(f) property is purchased outright as transportation right-of-way, or when a project acquires a property interest that allows permanent access onto a property, such as a permanent easement for maintenance.

Temporary occupancy results when a Section 4(f) property is required for a project's construction activities and the land is not permanently incorporated into a transportation facility upon the completion of

¹ There are plazas adjacent to commercial and residential buildings in the local study area that are privately owned but are designated as publicly accessible open space. These plazas are considered Section 4(f) properties for this analysis.

construction, but the activities are considered adverse in terms of the protected features of the property. As outlined in 23 CFR Section 774.13(d), when the following five conditions are met, a temporary occupancy is not considered a “use” for the purposes of Section 4(f):

1. Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land;
2. Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal; When there is a constructive use of a Section 4(f) property as determined by the criteria in 23 CFR § 774.15;
3. There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
4. The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project; and
5. There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

Constructive use occurs when there is no permanent incorporation or temporary occupancy of land, but the proximity impacts (e.g., visual and noise) of a project are so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired.

A *de minimis* impact involves the use of Section 4(f) property that is generally minor in nature. A *de minimis* impact is one that—after considering avoidance, minimization, mitigation, and enhancement measures that are committed to by the applicant—results in no adverse effect to a historic site and no adverse effect to the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f). As set forth in the Section 4(f) regulations (23 CFR Part 774), once FHWA determines that a transportation use of Section 4(f) property results in a *de minimis* impact, an analysis of avoidance alternatives is not required, and the Section 4(f) evaluation process is complete.

As defined in the Section 4(f) regulations, FHWA may make a finding of *de minimis* impact on a historic site when the following have occurred:

1. FHWA has considered the views of any consulting parties participating in the Section 106 consultation process, as established by the National Historic Preservation Act and its implementing regulation (36 CFR Part 800).
2. The Section 106 process results in a determination of no adverse effect with the written concurrence of the State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation (AChP) if that agency is participating in the Section 106 consultation.²

² NPS has oversight of National Historic Landmarks, and therefore, it is an official with jurisdiction over Central Park. The Advisory Council on Historic Preservation did not participate in the Section 106 consultation process for the CBD Tolling Program.

3. The SHPO, and the ACHP if participating in the Section 106 consultation, are informed of FHWA's intent to make a *de minimis* impact finding based on their written concurrence in the Section 106 determination of no adverse effect.

FHWA may determine that the impacts of a transportation project on a publicly owned park, recreation area, and wildlife or waterfowl refuge that qualifies for Section 4(f) protection may be *de minimis* if:

1. The transportation use of the Section 4(f) property, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, or attributes that qualify the resource for protection under Section 4(f);
2. The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, or attributes of the Section 4(f) property; and
3. The official(s) with jurisdiction over the property are informed of FHWA's intent to make the *de minimis* impact finding and concur in writing that the project will not adversely affect the activities, features, or attributes that qualify the property for protection under Section 4(f).

Section 4(f) regulations identify exceptions to the requirement of Section 4(f) approval. The exception to the requirement of Section 4(f) approval for the use of historic transportation facilities identified in 23 CFR Section 774.13(a)(3) is relevant to the potential effects of the CBD Tolling Alternative, and states:

Maintenance, preservation, rehabilitation, operation, modernization, reconstruction, or replacement of historic transportation facilities, if the Administration concludes, as a result of the consultation under 36 CFR 800.5, that:

- (i) Such work will not adversely affect the historic qualities of the facility that caused it to be on or eligible for the National Register, or this work achieves compliance with Section 106 through a program alternative under 36 CFR 800.14; and
- (ii) The official(s) with jurisdiction over the Section 4(f) resource have not objected to the Administration conclusion that the proposed work does not adversely affect the historic qualities of the facility that caused it to be on or eligible for the National Register, or the Administration concludes this work achieves compliance with 54 U.S.C. 306108 (Section 106) through a program alternative under 36 CFR 800.14.

The following sections identify the CBD Tolling Alternative's potential to use Section 4(f) properties in accordance with Section 4(f) regulations.

19.3 DESCRIPTION OF THE PROPOSED ACTION

The purpose of the Project is to reduce traffic congestion in the Manhattan CBD in a manner that will generate revenue for future transportation improvements, pursuant to acceptance into the FHWA's Value Pricing Pilot Program.

The Project would address the following needs:

- Reduce vehicle congestion in the Manhattan CBD.
- Create a new local, recurring funding source for MTA capital projects.

FHWA in cooperation with TBTA—an affiliate of MTA—NYSDOT, and NYCDOT (collectively the Project Sponsors) have established the following objectives to further refine the Project purpose:

- Reduce daily vehicle-miles traveled within the Manhattan CBD.
- Reduce the number of vehicles entering the Manhattan CBD daily.
- Create a funding source for capital improvements and generate sufficient annual net revenues to fund \$15 billion for capital projects for the MTA Capital Program.
- Establish a tolling program consistent with the purposes underlying the New York State legislation entitled the MTA Reform and Traffic Mobility Act.

19.4 PROJECT ALTERNATIVES

FHWA and the Project Sponsors are evaluating two alternatives for the Project:

- The No Action Alternative, in which a vehicular tolling program to reduce traffic congestion in the Manhattan CBD would not be implemented. With the No Action Alternative, existing tolls at bridges and tunnels connecting to Manhattan—which are managed and collected by TBTA and the Port Authority of New York and New Jersey (PANYNJ)—would remain in effect, and the other East River and Harlem River bridges connecting to Manhattan would remain untolled. With the No Action Alternative, MTA will implement its 2020–2024 Capital Program and subsequent capital programs, to the extent practical, using available sources to fund projects. However, without a new stream of revenue, MTA would have to delay or forgo important transit and commuter railroad projects and improvements in its capital plan.
- The CBD Tolling Alternative would implement a vehicular tolling program to reduce traffic congestion in the Manhattan CBD consistent with the Traffic Mobility Act. The CBD Tolling Alternative would place tolling system equipment (including signage) on existing infrastructure or new infrastructure with a similar appearance to existing streetlight poles, signal poles, sign poles, mast arms, or overhead structures on city streets and sidewalks. **Chapter 2, “Project Alternatives,”** provides more information on the proposed tolling infrastructure and tolling system equipment.

19.5 HISTORIC SITES

As set forth in the Section 4(f) regulations (23 CFR Section 774.11(e)), Section 4(f) applies to the use of historic sites (i.e., any prehistoric or historic district, site, building, structure, or object) that are listed on or eligible for listing on the NRHP, unless one of the exceptions defined in the regulations (23 CFR Section 774.13) applies. Section 4(f) historic sites are identified through the consultation process

established under Section 106 of the National Historic Preservation Act and its implementing regulation (36 CFR Part 800). **Chapter 8, “Historic and Cultural Resources,”** documents the Section 106 consultation process for the Project. **Table 19-1** lists the Section 4(f) historic sites that have been identified in the Section 106 Area of Potential Effects (APE). These sites are mapped in **Figure 19-1 through Figure 19-7**. The historic sites qualify as Section 4(f) resources because they are either listed on the NRHP or have been determined eligible for listing on the NRHP.

There are 41 historic sites that are listed on or eligible for listing on the NRHP in the Area of Potential Effects (APE) for historic resources. The CBD Tolling Alternative would not result in the use of 40 of these Section 4(f) properties for the following reasons:

- At 30 sites, the Project would have no effect on the historic site pursuant to Section 106 of the National Historic Preservation Act. Therefore, in accordance with Section 4(f) regulations, there would be no use of these Section 4(f) properties, and no further review of these properties under Section 4(f) is required.
- Four sites are historic transportation facilities, and the exception to the requirement of Section 4(f) approval for use of these properties to install tolling infrastructure and tolling system equipment applies in accordance with 23 CFR Section 774.13(a)(3).
- At six sites, the Project Sponsors would install new tolling infrastructure and tolling system equipment within the public right-of-way without the need for an easement, access agreement, or other transfer of property to the Project Sponsors. Therefore, there would be no Section 4(f) use of these properties.

The Project Sponsors would replace four poles at three locations in Central Park, which is listed on the NRHP and is also a National Historic Landmark. FHWA intends on finding that the CBD Tolling Alternative would have a *de minimis* impact on Central Park in accordance with the criteria described in **Section 19.2**.

- Through the Section 106 process, FHWA and the Project Sponsors consulted with National Park Service (NPS), SHPO, New York City Department of Parks and Recreation (NYC Parks), and other consulting parties regarding the potential effects of the CBD Tolling Alternative, including the replacement of four poles in Central Park, on the historic attributes and features of Central Park. The new tolling infrastructure and tolling system equipment would be of a design similar to existing streetlights, signs, and other equipment within Central Park, and to the extent feasible, equipment would match the color of other infrastructure within the park.
- With the above measures incorporated into the Project, FHWA found that the CBD Tolling Alternative would not have an adverse effect on Central Park. SHPO concurred with FHWA’s finding. (Refer to **Appendix 8, “Historic and Cultural Resources: Section 106 Finding Documentation.”**)
- NPS, SHPO, and NYC Parks are the agencies with jurisdiction over Central Park with respect to its historic designation. FHWA informed NPS, SHPO, and NYC Parks of its intent to make a *de minimis* effect finding for the CBD Tolling Alternative. These agencies concurred with the Section 106 determination and the proposed *de minimis* impact finding. (Refer to **Appendix 8, “Historic and Cultural Resources: Section 106 Finding Documentation”** and **Appendix 19, “Section 4(f) Correspondence.”**)

Table 19-1. Section 4(f) Historic Sites

| FIGURES 19-2 TO 19-7 MAP NO. | ADDRESS/NAME | PROJECT CHANGE | SECTION 106 EFFECT FINDING | SECTION 4(f) USE |
|------------------------------------|--|---|-------------------------------|---|
| 1 | Ed Koch Queensboro Bridge | Minor changes – installation of tolling equipment on bridge structure | No adverse effect | Exception from Section 4(f) approval in accordance with 23 CFR Section 774.13 |
| 2 | Manhattan Bridge | Minor changes – installation of steel girder with tolling equipment | No adverse effect | Exception from Section 4(f) approval in accordance with 23 CFR Section 774.13 |
| 3 | South Street Seaport Historic District and Extension | <ul style="list-style-type: none"> ▪ Minor changes – installation of a pole with equipment cabinet in a parking lot within the public right-of-way without the need for an easement, access agreement, or other transfer of property to the Project Sponsors ▪ Minor change to setting | No adverse effect | No use |
| 4 | Holland Tunnel | <ul style="list-style-type: none"> ▪ No physical changes to tunnel structure ▪ Minor change to setting | No effect | No use |
| 5 | Tribeca North Historic District | <ul style="list-style-type: none"> ▪ Minor changes – installation of one new pole with mast arm with tolling equipment in location of existing sidewalk light pole within the public right-of-way without the need for an easement, access agreement, or other transfer of property to the Project Sponsors ▪ Minor change to setting | No adverse effect | No use |
| 6 | Tribeca West Historic District | No physical changes or changes to immediate setting | No effect | No use |
| 7 | American Thread Building | No physical changes or changes to immediate setting | No effect | No use |
| 8 | Gansevoort Market Historic District | <ul style="list-style-type: none"> ▪ Minor changes – installation of one new pole with equipment cabinet on sidewalk within the public right-of-way without the need for an easement, access agreement, or other transfer of property to the Project Sponsors ▪ Minor change to setting | No adverse effect | No Use |
| 9 | Whitehall Building | <ul style="list-style-type: none"> ▪ No physical changes ▪ Minor change to setting – new pole with mast arm with tolling equipment on adjacent sidewalk | No effect | No use |
| 10 | Public Baths | <ul style="list-style-type: none"> ▪ No physical changes ▪ Minor change to setting – new pole with mast arm with tolling equipment on adjacent sidewalk | No effect | No use |
| 11 | 21 West Street | <ul style="list-style-type: none"> ▪ No physical changes ▪ Minor change to setting – new pole with mast arm with tolling equipment on sidewalk on same block | No effect | No use |

| FIGURES 19-2 TO 19-7 MAP NO. | ADDRESS/NAME | PROJECT CHANGE | SECTION 106 EFFECT FINDING | SECTION 4(f) USE |
|------------------------------------|--|---|-------------------------------|------------------|
| 12 | U.S. Post Office – Morgan General Mail Facility | <ul style="list-style-type: none"> ▪ No physical changes ▪ Minor change in setting – new pole with mast arm with tolling equipment on adjacent sidewalks | No effect | No use |
| 13 | 406-426 West 31st Street ³ | <ul style="list-style-type: none"> ▪ No physical changes ▪ Minor change to setting – new pole with mast arm with tolling equipment on sidewalk on adjacent sidewalk | No effect | No use |
| 14 | U.S. General Post Office | No physical changes or changes to immediate setting | No effect | No use |
| 15 | Pennsylvania Railroad North River Tunnel (used by Amtrak and NJ TRANSIT) | No physical changes or changes to immediate setting | No effect | No use |
| 16 | St. Michael's Roman Catholic Church Complex ³ | <ul style="list-style-type: none"> ▪ No physical changes ▪ Minor change to setting – new pole with mast arm with tolling equipment on adjacent sidewalk | No effect | No use |
| 17 | Master Printers Building ³ | <ul style="list-style-type: none"> ▪ No physical changes ▪ Minor change to setting – new pole with mast arm with tolling equipment on sidewalk on same block | No effect | No use |
| 18 | Webster Apartments ³ | <ul style="list-style-type: none"> ▪ No physical changes ▪ Minor change to setting – new pole with mast arm with tolling equipment on adjacent sidewalk | No effect | No use |
| 19 | Harding Building/Garment Center Historic District ¹ | No physical changes or changes to immediate setting | No effect | No use |
| 20 | Paddy's Market Historic District | <ul style="list-style-type: none"> ▪ Minor changes – installation of two new poles with mast arms with tolling equipment on sidewalk within the public right-of-way without the need for an easement, access agreement, or other transfer of property to the Project Sponsors ▪ Minor change to setting | No adverse effect | No Use |
| 21 | Former Pinehill Crystal Water Company ³ | No physical changes or changes to immediate setting | No effect | No use |
| 22 | Hill Building ³ | No physical changes or changes to immediate setting | No effect | No use |
| 23 | 500 West 37th Street ³ | No physical changes or changes to immediate setting | No effect | No use |
| 24 | Underhill Building ³ | No physical changes or changes to immediate setting | No effect | No use |

| FIGURES 19-2 TO 19-7 MAP NO. | ADDRESS/NAME | PROJECT CHANGE | SECTION 106 EFFECT FINDING | SECTION 4(f) USE |
|------------------------------------|---|---|-------------------------------|---|
| 25 | 408 West 39th Street | <ul style="list-style-type: none"> ▪ No physical changes ▪ Minor change to setting – new pole with mast arm with tolling equipment on adjacent sidewalk within the public right-of-way without the need for an easement, access agreement, or other transfer of property to the Project Sponsors | No effect | No use |
| 26 | 523-539 Ninth Avenue | <ul style="list-style-type: none"> ▪ No physical changes ▪ Minor change to setting – new pole with mast arm with tolling equipment on same block within the public right-of-way without the need for an easement, access agreement, or other transfer of property to the Project Sponsors | No effect | No use |
| 27 | Lincoln Tunnel | Minor changes – installation of tolling equipment at the three portals of the tunnel within right-of-way controlled by the PANYNJ | No adverse effect | Exception from Section 4(f) approval in accordance with 23 CFR Section 774.13 |
| 28 | St. Raphael Roman Catholic Church and Rectory | <ul style="list-style-type: none"> ▪ No physical changes ▪ Minor change to setting – new pole with mast arm with tolling equipment on sidewalk on same block within the public right-of-way without the need for an easement, access agreement, or other transfer of property to the Project Sponsors | No effect | No use |
| 29 | 500-506 West 42nd Street ³ | <ul style="list-style-type: none"> ▪ No physical changes ▪ Minor change to setting – new pole with mast arm with tolling equipment on adjacent sidewalk within the public right-of-way without the need for an easement, access agreement, or other transfer of property to the Project Sponsors | No effect | No use |
| 30 | McGraw-Hill Publishing Company Building | No physical changes or changes to immediate setting | No effect | No use |
| 31 | The High Line | Minor changes – installation of tolling equipment on underside of viaduct structure within the public right-of-way without the need for an easement or transfer of property, but requires an access agreement for future maintenance | No adverse effect | Exception from Section 4(f) approval in accordance with 23 CFR Section 774.13 |
| 32 | Former French Hospital | <ul style="list-style-type: none"> ▪ No physical changes ▪ Minor change to setting – new pole with mast arm with tolling equipment on sidewalk on same block within the public right-of-way without the need for an easement, access agreement, or other transfer of property to the Project Sponsors | No effect | No use |

| FIGURES 19-2 TO 19-7 MAP NO. | ADDRESS/NAME | PROJECT CHANGE | SECTION 106 EFFECT FINDING | SECTION 4(f) USE |
|------------------------------------|--|--|-------------------------------|--------------------------|
| 33 | Lithuanian Alliance of America | <ul style="list-style-type: none"> ▪ No physical changes ▪ Minor change to setting – new pole with mast arm with tolling equipment on sidewalk on same block within the public right-of-way without the need for an easement, access agreement, or other transfer of property to the Project Sponsors | No effect | No use |
| 34 | Hotel Irwin | <ul style="list-style-type: none"> ▪ No physical changes. ▪ Minor change to setting – new pole with mast arm with tolling equipment on sidewalk on same block within the public right-of-way without the need for an easement, access agreement, or other transfer of property to the Project Sponsors | No effect | No use |
| 35 | Engine Co. 34 Firehouse | No physical changes or changes to immediate setting | No effect | No use |
| 36 | P.S. 191 Hudson Honors School | <ul style="list-style-type: none"> ▪ No physical changes ▪ Minor change to setting – new pole with mast arm with tolling equipment on adjacent sidewalk within the public right-of-way without the need for an easement, access agreement, or other transfer of property to the Project Sponsors | No effect | No use |
| 37 | Cova Building | <ul style="list-style-type: none"> ▪ No physical changes ▪ Minor change to setting – 2 new poles with mast arm with tolling equipment on sidewalks on same block within the public right-of-way without the need for an easement, access agreement, or other transfer of property to the Project Sponsors | No effect | No use |
| 38 | 59th Street-Columbus Circle Subway Station | No physical changes or changes to setting | No effect | No use |
| 39 | Central Park ² | <ul style="list-style-type: none"> ▪ Minor changes <ul style="list-style-type: none"> ○ Replacement of four existing poles at three detection locations with new poles with tolling equipment along the interior park roads ○ Replacement of existing light pole with new pole with tolling equipment on Fifth Avenue sidewalk ○ Installation of a new pole with mast arm on Central Park West sidewalk within the public right-of-way without the need for an easement, access agreement, or other transfer of property to the Project Sponsors ▪ No easement or transfer of property, but requires access agreement for future maintenance ▪ Minor changes to setting | No adverse effect | <i>De minimis</i> impact |

| FIGURES 19-2 TO 19-7 MAP NO. | ADDRESS/NAME | PROJECT CHANGE | SECTION 106 EFFECT FINDING | SECTION 4(f) USE |
|------------------------------------|--|--|-------------------------------|------------------|
| 40 | Upper East Side Historic District | <ul style="list-style-type: none"> ▪ Minor changes – installation of one new pole with mast arm with tolling equipment on sidewalk within the public right-of-way without the need for an easement, access agreement, or other transfer of property to the Project Sponsors ▪ Minor changes to setting | No adverse effect | No use |
| 41 | Upper East Side Historic District Boundary Increase and Additional Documentation | <ul style="list-style-type: none"> ▪ Minor changes – installation of one new pole with mast arm with tolling equipment on sidewalk within the public right-of-way without the need for an easement, access agreement, or other transfer of property to the Project Sponsors ▪ Minor changes to setting | No adverse effect | No use |

Source: Cultural Resource Information System at <https://cris.parks.ny.gov>

NYC Landmarks Preservation Commission “Discover NYC Landmarks” at <https://www1.nyc.gov/site/lpc/index.page>

Notes: Refer to the Section 106 Finding Documentation in **Appendix 8, “Historic and Cultural Resources: Section 106 Finding Documentation,”** for more information about the potential changes associated with the CBD Tolling Alternative.

¹ The Harding Building is the only building in the Garment Center Historic District (NRHP-Listed) that is in the Area of Potential Effect.

² The NRHP and New York City Landmark boundaries differ for Central Park at the location of the corner of the park at Central Park South (59th Street) and Fifth Avenue; this corner is included as part of the Grand Army Plaza Scenic Landmark (Resource No. 43) but excluded from the New York City Scenic Landmark boundaries (Resource No. 39a on **Figure 19-6**). Grand Army Plaza is included within the Central Park NRHP and National Historic Landmark boundaries (Resource No. 39b on **Figure 19-6**).

Figure 19-1. Key Map of Section 4(f) Historic Sites



Sources: NYC Open Data, NYC Planimetrics, <https://data.cityofnewyork.us/Transportation/NYC-Planimetrics/wt4d-p43d>; New York City Department of City Planning (NYCDCP), BYTES of the BIG APPLE, <https://www1.nyc.gov/site/planning/data-maps/open-data.page>; ArcGIS Online, <https://www.arcgis.com/index.html>.

Figure 19-2. Section 4(f) Historic Sites – Ed Koch Queensboro Bridge and Manhattan Bridge



Ed Koch Queensboro Bridge

0 100 200 300 FEET

- Proposed Location of Tolling Infrastructure and Tolling System Equipment (each circle represents a detection location, which may include one or more new poles or new tolling system equipment mounted on existing infrastructure in that general location)

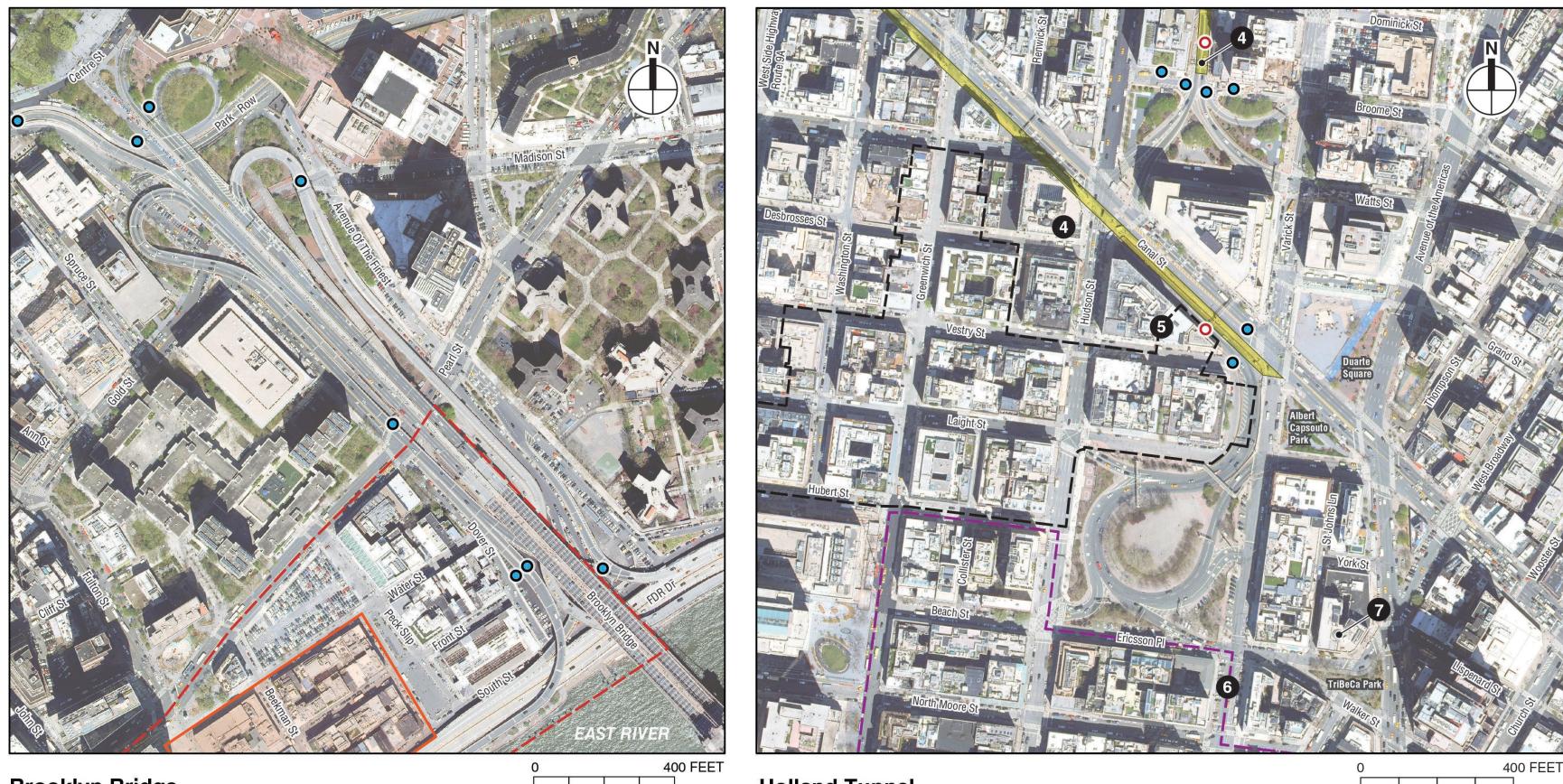
- 1** Historic Resource (corresponds to Table 19-1)

NR-listed/NR-eligible Tunnel and Bridge Boundaries (approximate)

Note: NYCL Boundary for the Ed Koch Queensboro Bridge
Includes Queensboro Bridge Plaza as shown

Sources: TBTA. October 2021. New York State, NYS Interactive Mapping Gateway: New York Statewide Digital Orthoimagery Program (NYSDOP) High Resolution Imagery 2000 – 2018. <http://gis.ny.gov/gateway/mg/index.html>.

Figure 19-3. Section 4(f) Historic Sites – Brooklyn Bridge and Holland Tunnel



- Proposed Location of Tolling Infrastructure and Tolling System Equipment (each circle represents a detection location, which may include one or more new poles or new tolling system equipment mounted on existing infrastructure in that general location)
- Potential Location of Tolling Infrastructure and Tolling System Equipment on PANYNJ Property In Place of All Other Detection Points at and Near the Holland Tunnel

- 3 Historic Resource (corresponds to Table 19-1)
- | |
|---|
| Historic Resource Tax Lot (as applicable) |
|---|
- NR-listed/NR-eligible Tunnel and Bridge Boundaries (approximate)

Historic Districts

- | |
|--|
| South Street Seaport Historic District (NR-listed) |
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- | |
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| South Street Seaport Historic District Extension (NR-listed) |
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- | |
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| Tribeca North Historic District (NR-eligible) |
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- | |
|---|
| Tribeca West Historic District (NYCHD, NR-eligible) |
|---|

Sources: TBTA. October 2021. New York State, NYS Interactive Mapping Gateway: NYSDOP High Resolution Imagery 2000 – 2018. <http://gis.ny.gov/gateway/mg/index.html>.

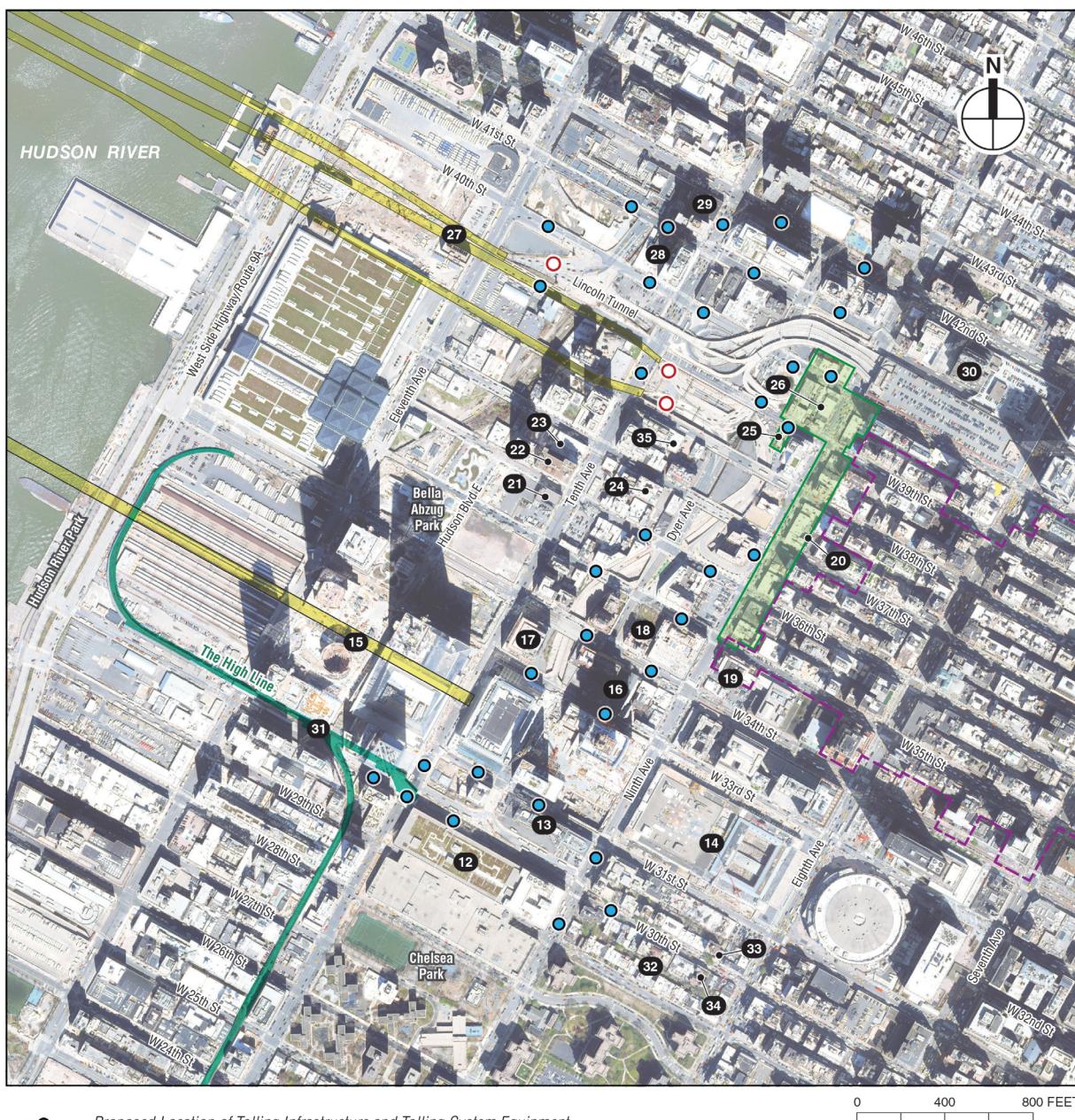
Figure 19-4. Section 4(f) Historic Sites – Battery Park Underpass and Hugh L. Carey Tunnel



- Proposed Location of Tolling Infrastructure and Tolling System Equipment
(each circle represents a detection location, which may include one or more new poles or new tolling system equipment mounted on existing infrastructure in that general location – existing open road tolling infrastructure would be used for the Hugh L. Carey Tunnel)
- 9 Historic Resource (corresponds to Table 19-1)

Sources: TBTA. October 2021. New York State, NYS Interactive Mapping Gateway: NYSDOP High Resolution Imagery 2000 – 2018. <http://gis.ny.gov/gateway/mg/index.html>.

Figure 19-5. Section 4(f) Historic Sites – Lincoln Tunnel



- Proposed Location of Tolling Infrastructure and Tolling System Equipment (each circle represents a detection location, which may include one or more new poles or new tolling system equipment mounted on existing infrastructure in that general location)

- Potential Location of Tolling Infrastructure and Tolling System Equipment on PANYNJ Property In Place of All Other Detection Points at and Near the Lincoln Tunnel

- 12 Historic Resource (corresponds to Table 19-1)

 NR-listed/NR-eligible Tunnel and Bridge Boundaries (approximate)

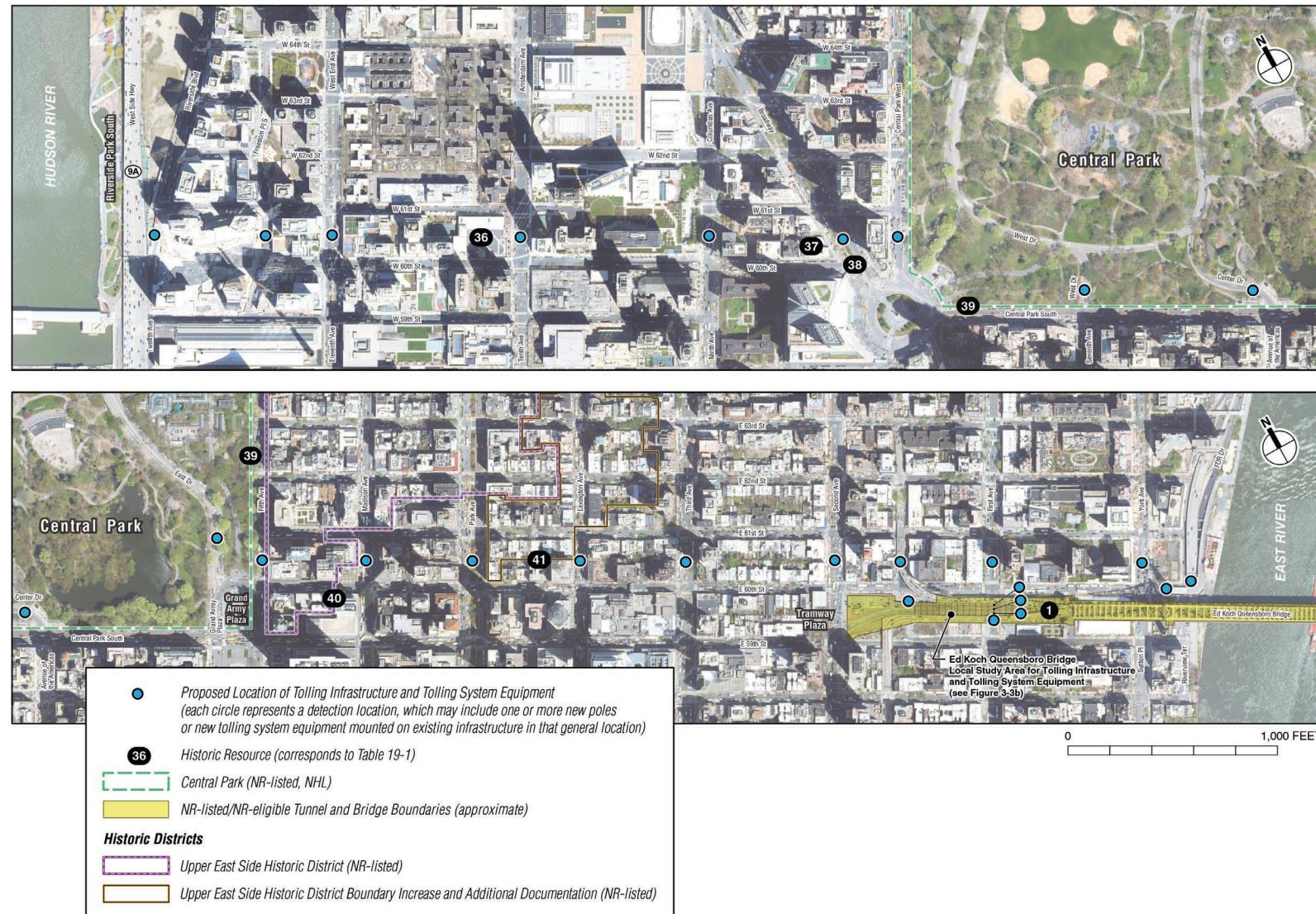
 High Line

Historic Districts

 Garment Center Historic District
 Paddy's Market Historic District

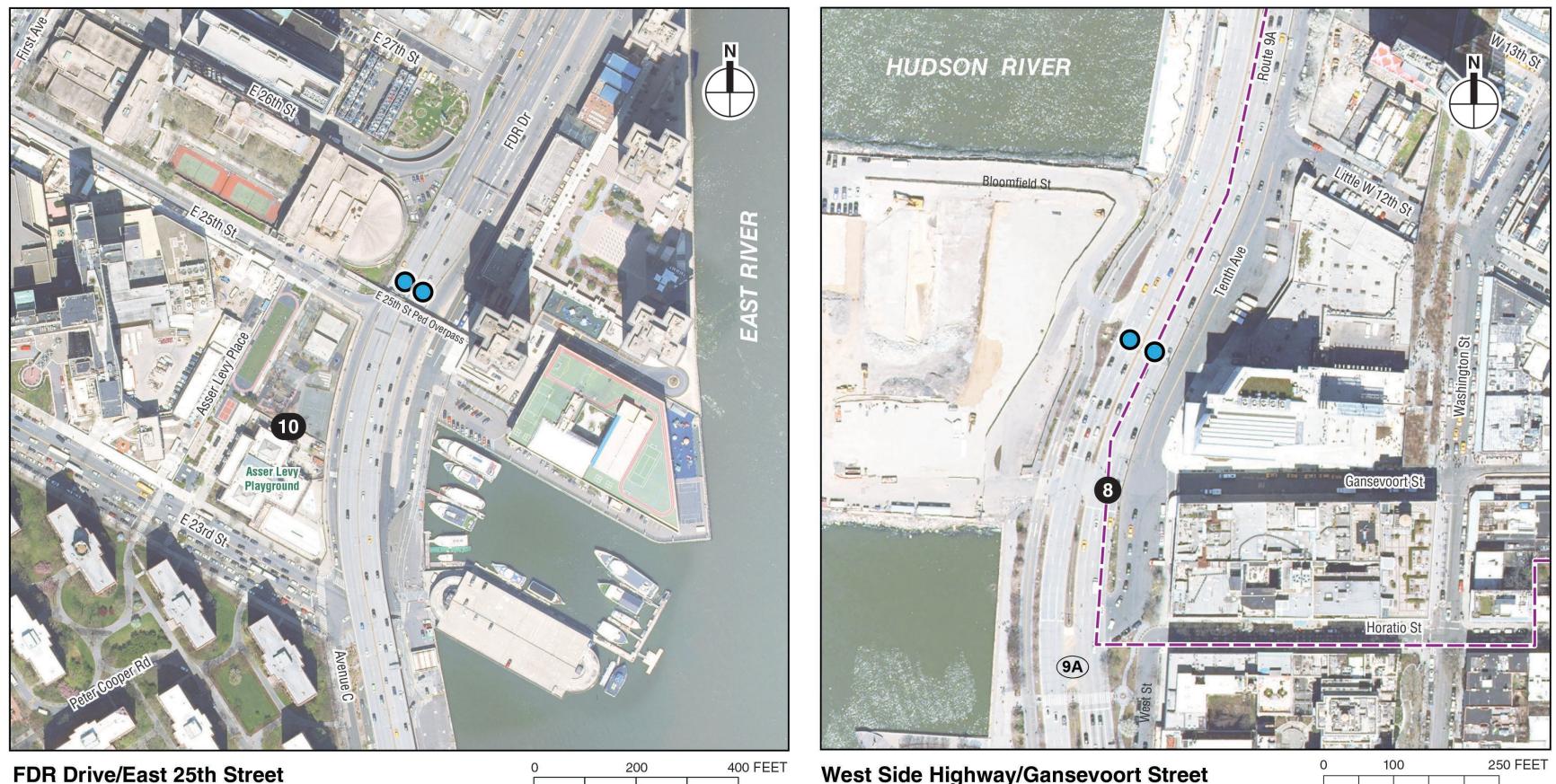
Sources: TBTA. October 2021. New York State, NYS Interactive Mapping Gateway: NYSDOP High Resolution Imagery 2000 – 2018. <http://gis.ny.gov/gateway/mg/index.html>.

Figure 19-6. Section 4(f) Historic Sites – 60th Street and Central Park



Sources: TBTA. October 2021. New York State, NYS Interactive Mapping Gateway: NYSDOP High Resolution Imagery 2000 – 2018. <http://gis.ny.gov/gateway/mg/index.html>.

Figure 19-7. Section 4(f) Historic Sites – FDR Drive at East 25th Street and West Side Highway/Route 9A at Gansevoort Street



- Proposed Location of Tolling Infrastructure and Tolling System Equipment
(each circle represents a detection location, which may include one or more new poles or new tolling system equipment mounted on existing infrastructure in that general location – existing open road tolling infrastructure would be used for the Hugh L. Carey Tunnel)

- Historic Resource (corresponds to Table 19-1)

[] Gansevoort Market Historic District (NR-listed)

Sources: TBTA. October 2021. New York State, NYS Interactive Mapping Gateway: NYSDOP High Resolution Imagery 2000 – 2018. <http://gis.ny.gov/gateway/mg/index.html>.

19.6 USE OF PUBLICLY OWNED PARKS, RECREATION AREAS, AND WILDLIFE AND WATERFOWL REFUGES

19.6.1 Recreation Areas and Wildlife and Waterfowl Refuges

No designated recreation areas or wildlife and waterfowl refuges are within or adjacent to the Manhattan CBD, which is the area where tolling infrastructure and tolling system equipment, including new signage, would be located. Therefore, the CBD Tolling Alternative would not result in the use of any such resources.

19.6.2 Publicly Owned Parks

There are 82 parks (defined here as including publicly accessible plazas) adjacent to or near locations where tolling infrastructure and tolling system equipment would be located. **Figure 19-8** provides a map of these parks and plazas, and **Table 19-2** provides information on each park or plaza, the potential change resulting from implementation of the CBD Tolling Alternative, and the proposed conclusion regarding the Section 4(f) use of the property. **Table 19-2** includes parks and plazas owned by NYC Parks, the New York City Economic Development Corporation, New York City Department of Education, Hudson River Park Trust, and private property owners. All these parks and plazas are publicly accessible, and therefore, they are considered Section 4(f) properties.

Except for the installation of tolling infrastructure and tolling system equipment on the underside of the High Line and within and adjacent to Central Park, the CBD Tolling Alternative would not place tolling infrastructure or tolling system equipment within parks and plazas in the local study area. Tolling infrastructure and tolling system equipment would be within the street, sidewalk, or immediately adjacent areas of these other parks, and would not require a change in ownership or restrict the access to or use of the property. The presence of the tolling infrastructure and tolling system equipment—which would be similar in nature and character to existing infrastructure already present along streets and sidewalks throughout New York City—would not substantially impair the protected activities, features, or attributes that qualify these resources for protection under Section 4(f) (i.e., constructive use).³

³ Chapter 7, “Parks and Recreational Resources,” provides information on why the CBD Tolling Alternative would not adversely affect activities in parks near proposed tolling infrastructure and tolling system equipment.

Figure 19-8. Section 4(f) Parks



Table 19-2. Section 4(f) Parks

| FIGURE 19-8, MAP NO. | OPEN SPACE | LOCATION | PROJECT CHANGE | SECTION 4(f) USE |
|---------------------------------|---------------------------------|--|---|-----------------------------|
| 1 | Riverside Park South | Riverside Boulevard between West 59th Street and West 72nd Street | New tolling infrastructure and tolling system equipment on the adjacent block at the southern portion of the park and outside the park boundary | No use |
| 2 | Waterline Square | West 60th Street between Freedom Place South and Riverside Boulevard | New tolling infrastructure and tolling system equipment on the same block outside of the park boundary | No use |
| 3 | P.S. 452 playground | 210 West 61st Street | New tolling infrastructure and tolling system equipment on the same block outside of the park boundary | No use |
| 4 | The Regent Plaza | 45 West 60th Street | New tolling infrastructure and tolling system equipment on the same block outside of the park boundary | No use |
| 5 | Broadway Malls | Broadway from West 59th Street to West 168th Street | New tolling infrastructure and tolling system equipment on the same block outside of the park boundary | No use |
| 6 | Trump International Hotel Plaza | 1 Central Park West | New tolling infrastructure and tolling system equipment on the same block outside of the park boundary | No use |
| 7 | Columbus Circle | Broadway and Central Park South | New tolling infrastructure and tolling system equipment on the same block outside of the park boundary | No use |
| 8 | Central Park | Fifth Avenue to Eighth Avenue, 59th Street to 110th Street | <ul style="list-style-type: none"> ▪ Four existing poles replaced with new poles with tolling equipment at three detection locations on the interior park roads ▪ Existing light pole replaced with new pole with tolling equipment on Fifth Avenue sidewalk ▪ New pole installed with mast arm on Central Park West sidewalk ▪ No easement or transfer of property, but requires access agreement for future maintenance | <i>De minimis</i> impact |
| 9 | Grand Army Plaza | Fifth Avenue and Central Park South | New tolling infrastructure and tolling system equipment on the same block outside of the park boundary | No use |
| 10 | Savoy Plaza | 200 East 61st Street | New tolling infrastructure and tolling system equipment on the same block outside of the park boundary | No use |
| 11 | Tramway Plaza | Second Avenue between East 59th Street and East 60th Street | New tolling infrastructure and tolling system equipment on the adjacent block outside of the park boundary | No use |
| 12 | Evansview Plaza | 303 East 60th Street | New tolling infrastructure and tolling system equipment on the same and adjacent blocks outside of the park boundary | No use |

| FIGURE 19-8, MAP NO. | OPEN SPACE | LOCATION | PROJECT CHANGE | SECTION 4(f) USE |
|-------------------------|--------------------------------------|---|--|---------------------|
| 13 | Landmark Plaza | 300 East 59th Street | New tolling infrastructure and tolling system equipment on the adjacent block outside of the park boundary | No use |
| 14 | Honey Locust Park | 1130 Second Avenue | New tolling infrastructure and tolling system equipment on the same and adjacent blocks outside of the park boundary | No use |
| 15 | Bridge Tower Place Plaza | First Avenue and East 60th Street | New tolling infrastructure and tolling system equipment on the same and adjacent blocks outside of the park boundary | No use |
| 16 | Bridgemarket Public Plaza | East 59th Street between First and York Avenues | New tolling infrastructure and tolling system equipment on the same and adjacent blocks outside of the park boundary | No use |
| 17 | Queensboro Oval | York Avenue between East 59th and East 60th Streets | New tolling infrastructure and tolling system equipment on the same and adjacent blocks outside of the park boundary | No use |
| 18 | Twenty-Four Sycamores Park | 501 East 60th Street | New tolling infrastructure and tolling system equipment on the same and adjacent blocks outside of the park boundary | No use |
| 19 | Andrew Haswell Green Park | FDR Drive and East 60th Street | New tolling infrastructure and tolling system equipment on the adjacent block outside of the park boundary | No use |
| 20 | Sutton Place Park | East 57th Street and Sutton Place | New tolling infrastructure and tolling system equipment on the same block outside of the park boundary | No use |
| 21 | Sutton Parks | 25 Sutton Place South | New tolling infrastructure and tolling system equipment on the same block outside of the park boundary | No use |
| 22 | Peter Detmold Park | 454 East 51st Street | New tolling system equipment on the adjacent FDR Drive outside of the park boundary | No use |
| 23 | MacArthur Playground | 436 East 49th Street | New tolling system equipment on the adjacent FDR Drive outside of the park boundary | No use |
| 24 | Robert Moses Playground | East 42nd Street and First Avenue | New tolling system equipment on the adjacent FDR Drive outside of the park boundary | No use |
| 25 | East River Esplanade-Midtown Section | East River and East 37th Street | New tolling system equipment on the adjacent FDR Drive outside of the park boundary | No use |
| 26 | The Corinthian Plaza | 330 East 38th Street | New tolling infrastructure and tolling system equipment on the adjacent block outside of the park boundary | No use |
| 27 | St. Vartan Park | 613 First Avenue | New tolling infrastructure and tolling system equipment on the adjacent block outside of the park boundary | No use |
| 28 | Manhattan Place plaza | 630 First Avenue | New tolling infrastructure and tolling system equipment on the adjacent block outside of the park boundary | No use |
| 29 | American Copper Buildings plaza | 626 First Avenue | New tolling system equipment on the adjacent FDR Drive outside of the park boundary | No use |

| FIGURE 19-8, MAP NO. | OPEN SPACE | LOCATION | PROJECT CHANGE | SECTION 4(f) USE |
|-------------------------|--|--|--|---------------------|
| 30 | Alexandria Science Center plaza | 450 East 29th Street | New tolling system equipment on the adjacent FDR Drive outside of the park boundary | No use |
| 31 | Bellevue Sobriety Garden | East 26th Street and FDR Drive | New tolling infrastructure and tolling system equipment on the same block outside of the park boundary | No use |
| 32 | Asser Levy Playground | 501 East 23rd Street | New tolling infrastructure and tolling system equipment on the same block outside of the park boundary | No use |
| 33 | Stuyvesant Cove Park | East River waterfront, from East 18th Street to East 23rd Street | New tolling system equipment on the adjacent FDR Drive outside of the park boundary | No use |
| 34 | Murphy Brothers Playground | 292 Avenue C | New tolling system equipment on the adjacent FDR Drive outside of the park boundary | No use |
| 35 | Captain Patrick J. Brown Walk | East River waterfront, from East 13th Street to East 18th Street | New tolling system equipment on the adjacent FDR Drive outside of the park boundary | No use |
| 36 | John V. Lindsay East River Park | East River waterfront, from Jackson Street to East 13th Street | New tolling system equipment on the adjacent FDR Drive outside of the park boundary | No use |
| 37 | P.S. 142 playground | 100 Attorney Street | New tolling infrastructure and tolling system equipment on the adjacent block outside of the park boundary | No use |
| 38 | Luther Gulick Park | 21 Columbia Street | None | No use |
| 39 | Corlears Hook Park | 397 FDR Drive | New tolling system equipment on the adjacent FDR Drive outside of the park boundary | No use |
| 40 | Pier 42 | East River waterfront at Jackson Street | New tolling system equipment on the adjacent FDR Drive outside of the park boundary | No use |
| 41 | P.S. 184m playground | 327 Cherry Street | New tolling system equipment on the adjacent FDR Drive outside of the park boundary | No use |
| 42 | East River Esplanade-Lower Manhattan Section | East River waterfront between Broad and Jefferson Streets | New tolling system equipment on the adjacent FDR Drive outside of the park boundary | No use |
| 43 | Forsyth Plaza | Forsyth Street and Canal Street | New tolling infrastructure and tolling system equipment on the adjacent block outside of the park boundary | No use |
| 44 | Sophie Irene Loeb Playground | 10 Market Street | None | No use |
| 45 | Coleman Playground | Intersection of Cherry Street, Pike Street, and Monroe Street | None | No use |
| 46 | Murray Bergtraum softball field | Market Slip between Cherry and South Streets | New tolling system equipment on the adjacent FDR Drive outside of the park boundary | No use |

| FIGURE 19-8, MAP NO. | OPEN SPACE | LOCATION | PROJECT CHANGE | SECTION 4(f) USE |
|-------------------------|---|--|---|---------------------|
| 47 | Catherine Slip Malls | Catherine Slip between Cherry and South Streets | New tolling system equipment on the adjacent FDR Drive outside of the park boundary | No use |
| 48 | City Hall Park | Broadway, Chambers Street, Centre Street, and Park Row | New tolling infrastructure and tolling system equipment on the adjacent block outside of the park boundary | No use |
| 49 | Drumgoole Plaza | Frankfort Street and Gold Street | New tolling infrastructure and tolling system equipment on the adjacent block outside of the park boundary | No use |
| 50 | Verizon Building plaza | 375 Pearl Street | New tolling infrastructure and tolling system equipment on the adjacent block outside of the park boundary | No use |
| 51 | Fishbridge Park Garden and Dog Run | Pearl Street and Dover Street | New tolling infrastructure and tolling system equipment on the adjacent block outside of the park boundary | No use |
| 52 | Peck Slip Plaza | Peck Slip and FDR Drive | New tolling system equipment on the adjacent FDR Drive outside of the park boundary | No use |
| 53 | Imagination Playground | 89 South Street | New tolling system equipment on the adjacent FDR Drive outside of the park boundary | No use |
| 54 | Mannahatta Park | Wall Street between Front and South Streets | New tolling system equipment on the adjacent FDR Drive outside of the park boundary | No use |
| 55 | Financial Square plaza | South Street between Old Slip and Gouverneur Lane | New tolling system equipment on the adjacent FDR Drive outside of the park boundary | No use |
| 56 | 55 Water Street plaza | 55 Water Street | New tolling system equipment on the adjacent FDR Drive outside of the park boundary | No use |
| 57 | Vietnam Veterans Plaza | 24 South Street | New tolling system equipment on the adjacent FDR Drive outside of the park boundary | No use |
| 58 | 125 Broad Street plaza | 125 Broad Street | New tolling system equipment on the adjacent FDR Drive outside of the park boundary | No use |
| 59 | Battery Park (also known as "Battery" or "The Battery") | State Street and Battery Place | New tolling infrastructure and tolling system equipment on the same and adjacent blocks outside of the park boundary | No use |
| 60 | 17 Battery Place Plaza | 17 Battery Place | New tolling infrastructure and tolling system equipment on the same and adjacent blocks outside of the park boundary | No use |
| 61 | Elizabeth H. Berger Plaza | Edgar Street, Greenwich Street and Trinity Place | New tolling infrastructure and tolling system equipment on the same block outside of the park boundary | No use |
| 62 | Battery Park City parks | Throughout Battery Park City neighborhood | New tolling system equipment on the adjacent block and the adjacent West Side Highway/Route 9A outside of the park boundary | No use |

| FIGURE 19-8, MAP NO. | OPEN SPACE | LOCATION | PROJECT CHANGE | SECTION 4(f) USE |
|-------------------------|----------------------------|--|---|---------------------|
| 63 | 50 West Street plaza | 50 West Street | New tolling system equipment on the adjacent block and the adjacent West Side Highway/Route 9A outside of the park boundary | No use |
| 64 | Liberty Park | Liberty, West, Cedar, and Greenwich Streets | New tolling system equipment on the adjacent West Side Highway/Route 9A outside of the park boundary | No use |
| 65 | 9/11 Memorial | West, Liberty, Greenwich, and Fulton Streets | New tolling system equipment on the adjacent West Side Highway/Route 9A outside of the park boundary | No use |
| 66 | 101 Barclay Street plaza | 101 Barclay Street | New tolling system equipment on the adjacent West Side Highway/Route 9A outside of the park boundary | No use |
| 67 | One Eleven Murray plaza | 111 Murray Street | New tolling system equipment on the adjacent West Side Highway/Route 9A outside of the park boundary | No use |
| 68 | Washington Market Park | 199 Chambers Street | New tolling infrastructure and tolling system equipment on the same block outside of the park boundary | No use |
| 69 | Salomon Smith Barney plaza | 388 Greenwich Street | New tolling system equipment on the adjacent West Side Highway/Route 9A outside of the park boundary | No use |
| 70 | Tribeca Park | 8 Beach Street | None | No use |
| 71 | Albert Capsouto Park | 68 Varick Street | New tolling infrastructure and tolling system equipment on the adjacent block outside of the park boundary, depending on whether tolling system equipment would be located on PANYNJ property | No use |
| 72 | Freeman Plaza | Hudson Street, Broome Street, Varick Street, Watts Street, Holland Tunnel Entrance Ramps | New tolling infrastructure and tolling system equipment on the same or adjacent block outside of the park boundary, depending on whether tolling system equipment would be located on PANYNJ property | No use |
| 73 | Canal Park | Canal Street between West Street and Washington Street | New tolling system equipment on the adjacent West Side Highway/Route 9A outside of the park boundary | No use |
| 74 | Hudson River Park | Areas of waterfront and Hudson River west of West Side Highway/Route 9A from Battery Place to West 59th Street | New tolling system equipment on the adjacent West Side Highway/Route 9A outside of the park boundary | No use |
| 75 | 14th Street Park | Eleventh and Twelfth Avenues, West 22nd to West 24th Streets | New tolling system equipment on the adjacent West Side Highway/Route 9A outside of the park boundary | No use |
| 76 | Chelsea Waterside Park | Tenth and Eleventh Avenues, West 14th and West 15th Streets | New tolling system equipment on the adjacent West Side Highway/Route 9A outside of the park boundary | No use |

| FIGURE 19-8, MAP NO. | OPEN SPACE | LOCATION | PROJECT CHANGE | SECTION 4(f) USE |
|-------------------------|-------------------------------------|--|--|--------------------------|
| 77 | The High Line | Elevated linear alignment from Gansevoort Street to West 34th Street, paralleling Washington Street, Tenth Avenue, West 30th Street, Twelfth Avenue/Route 9A, and West 34th Street | <ul style="list-style-type: none"> ▪ Installation of tolling system equipment on the underside of the viaduct structure ▪ No tolling infrastructure or tolling system equipment within the publicly accessible park ▪ No easement or transfer of property, but requires access agreement for future maintenance | <i>De minimis</i> impact |
| 78 | 500 West 30th Street plaza | 500 West 30th Street | New tolling infrastructure and tolling system equipment on the same and adjacent block outside of the park boundary | No use |
| 79 | Hudson Yards Eastern Railyard plaza | Hudson Boulevard between Eleventh Avenue and 33rd Street | New tolling infrastructure and tolling system equipment on the adjacent block outside of the park boundary | No use |
| 80 | 450 West 33rd Street plaza | 450 West 33rd Street | New tolling infrastructure and tolling system equipment on the same and adjacent block outside of the park boundary | No use |
| 81 | Manhattan West plaza | Ninth and Dyer Avenues, West 31st and West 33rd Streets | New tolling infrastructure and tolling system equipment on the same and adjacent block outside of the park boundary | No use |
| 82 | DeWitt Clinton Park | Between West Side Highway/Route 9A and Eleventh Avenue from West 52nd Street to West 54th Street | New tolling system equipment on the adjacent West Side Highway/Route 9A outside of the park boundary | No Use |

The following sections describe the proposed installation of tolling infrastructure and tolling system equipment on the underside of the High Line and within and adjacent to Central Park.

19.6.2.1 High Line

The CBD Tolling Alternative would attach tolling system equipment to the High Line, a publicly owned park under the jurisdiction of NYC Parks. The High Line is a former railroad viaduct, and the top of the structure was converted to a park. The Project Sponsors would attach tolling system equipment on the underside of the High Line structure. It would be mounted to a metal pipe that would be bolted to the existing girders of the viaduct. The construction of this equipment would take place outside the publicly accessible parkland. Therefore, there would be no temporary occupancy of the Section 4(f) property.

Because the Project Sponsors require permanent access to the tolling equipment attached to the underside of the High Line, there would be use of this Section 4(f) property for the CBD Tolling Alternative. However, FHWA intends to make a finding that the CBD Tolling Alternative would result in a *de minimis* impact on the High Line in accordance with criteria described in **Section 19.2**:

- Access to the tolling infrastructure or tolling system equipment would not require access to the parkland that is atop the High Line. The tolling system equipment attached to the High Line structure would not be visible from the park nor would it alter any characteristics of the park or activities of park users; therefore, the CBD Tolling Alternative would not impair the protected activities, features, or attributes of the publicly accessible parkland that qualify it for protection under Section 4(f).
- FHWA will consider the views of the public regarding its intention to find a *de minimis* impact on the High Line. The public will be afforded the opportunity to comment on the proposed finding concurrent with the public review period for this EA. Refer to **Chapter 18, “Public Participation,”** for more information about how the public may provide comments during the public review period.
- NYC Parks is the official with jurisdiction over the High Line. FHWA and NYSDOT notified NYC Parks that FHWA intends on making a finding that the CBD Tolling Program would have a *de minimis* impact on the High Line. NYC Parks concurred in writing with this proposed finding, stating that the CBD Tolling Alternative would not affect the activities, features, or attributes that qualify the property for protection under Section 4(f). (Refer to **Appendix 19, “Section 4(f) Correspondence”** for copies of these letters.)

19.6.2.2 Central Park

Central Park is at the northern boundary of the Manhattan CBD where the CBD Tolling Alternative would be implemented. Central Park is protected under Section 4(f) as a publicly owned park and a historic site. Central Park is listed on the NRHP and is a National Historic Landmark, and as described in **Section 19.5**, FHWA intends to find that the CBD Tolling Alternative would have a *de minimis* impact on the historic attributes of Central Park. This section describes the potential use of Central Park as a publicly owned park and considers the permanent use, constructive use, and temporary occupancy of Central Park.

Potential for Permanent Use

Tolling system equipment is proposed on four replacement poles at three detection locations just inside Central Park near 59th Street. The equipment would prevent authorized vehicles from using the park to enter the Manhattan CBD without paying the CBD toll. Pole-mounted tolling system equipment is also proposed at two locations on sidewalks outside the park's wall to detect vehicles entering the Manhattan CBD on Central Park West and Fifth Avenue. **Figure 19-9** shows the proposed location of tolling infrastructure and tolling system equipment within and adjacent to Central Park.

Equipment that is similar in appearance is already mounted on other poles in Central Park, and the proposed equipment would be visually consistent with the existing streetlight poles found throughout Central Park, including matching the existing color scheme (refer to **Figures 7-3a through Figure 7-3d** and **Figure 7-4 through Figure 7-6** in Chapter 7, “Parks and Recreational Resources”). Because the equipment would be mounted on replacement poles in the same locations as existing poles, the amount of park space would not be reduced. However, the Project Sponsors must have continued access to the poles for maintenance.

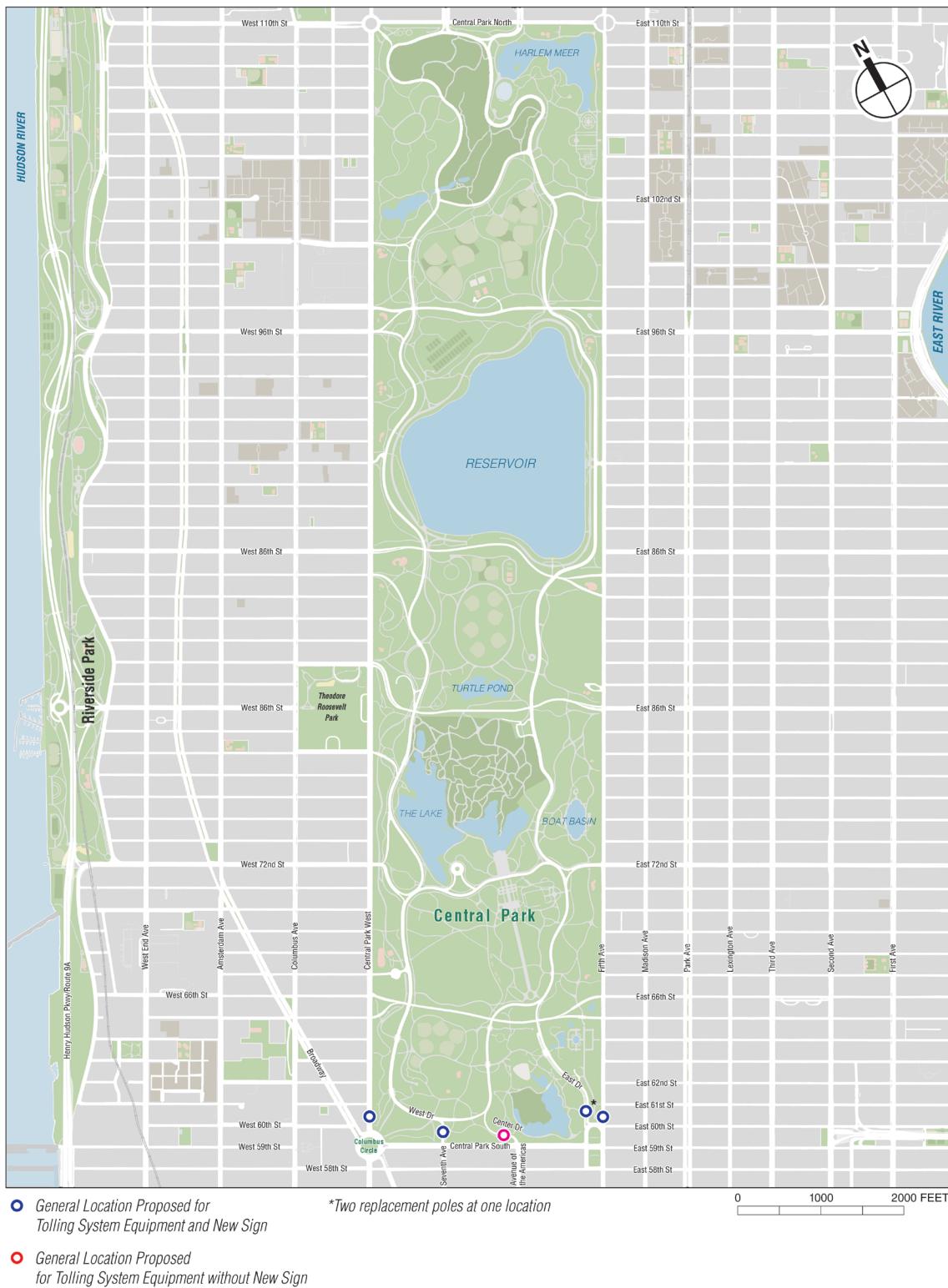
In addition, the CBD Tolling Alternative would place signs on the replacement streetlight poles in Central Park to warn authorized drivers using the park roadway system that exiting to Central Park South/59th Street via West Drive (at Seventh Avenue) or East Drive (at Grand Army Plaza) would incur a toll. Signs would be attached to the replacement pole on West Drive and to one of the poles on East Drive. The new signs would be similar to other signs in the park and would not affect any recreational areas of the park. Signs would also be attached to existing poles at locations along Central Park West and Fifth Avenue.

The Project Sponsors have coordinated with NYC Parks and the Central Park Conservancy regarding the installation of tolling infrastructure and tolling system equipment within and adjacent to Central Park. The Project Sponsors would continue to coordinate with NYC Parks and the Central Park Conservancy in the final design of the tolling infrastructure and tolling system equipment in Central Park.

Because the Project Sponsors would require permanent access to the tolling infrastructure and tolling system equipment proposed on four replacement poles at three locations within Central Park, there would be use of this Section 4(f) property for the CBD Tolling Alternative. However, FHWA intends to make a finding that the CBD Tolling Alternative would result in a *de minimis* impact on Central Park in accordance with criteria described in **Section 19.2**.

- The installation of tolling infrastructure and tolling system equipment on four replacement poles within Central Park would not alter the recreational features of the park, reduce the amount of usable parkland, or change access to the park. The tolling infrastructure and tolling system equipment would not alter any characteristics of the park's amenities and features. Therefore, the CBD Tolling Alternative would not impair the protected activities, features, or attributes of the publicly accessible parkland that qualify it for protection under Section 4(f).

Figure 19-9. General Locations of Proposed Tolling Equipment and New Signs in Central Park



Sources: NYC Open Data, NYC Planimetrics, <https://data.cityofnewyork.us/Transportation/NYC-Planimetrics/wt4d-p43d>; NYCDCP, BYTES of the BIG APPLE, <https://www1.nyc.gov/site/planning/data-maps/open-data.page>; ArcGIS Online, <https://www.arcgis.com/index.html>.

- FHWA will consider the views of the public regarding its intention to find a *de minimis* impact on Central Park. The public will be afforded the opportunity to comment on the proposed finding concurrent with the public review period for this EA. Refer to **Chapter 18, “Public Participation,”** for more information about how the public may provide comments during the public review period.
- NYC Parks is the official with jurisdiction over the Central Park. FHWA and NYSDOT notified NYC Parks that FHWA intends on making a finding that the CBD Tolling Program would have a *de minimis* impact on the Central Park. NYC Parks concurred in writing with this proposed finding, stating that the CBD Tolling Alternative would not affect the activities, features, or attributes that qualify the property for protection under Section 4(f). (Refer to **Appendix 19, “Section 4(f) Correspondence”** for copies of these letters.)

Potential for Constructive Use

The installation of tolling infrastructure and tolling system equipment within and adjacent to Central Park would not alter the recreational features of the park, reduce the amount of usable parkland, or change access to the park. As described in **Chapter 4B, “Transportation: Highways and Local Intersections,”** based on the results of the traffic modeling conducted for the Project, the CBD Tolling Alternative under all tolling scenarios analyzed in this EA would reduce the traffic volumes adjacent to Central Park on Fifth Avenue and Central Park West as well as the traffic volumes crossing the park using the park’s sunken transverse roads.⁴ Therefore, changes in traffic resulting from the CBD Tolling Alternative would not adversely affect the character of Central Park. The CBD Tolling Alternative would also not result in adverse air quality or noise effects (see **Chapter 10, “Air Quality”** and **Chapter 12, “Noise”**). Overall, the CBD Tolling Alternative would not impair the protected activities, features, or attributes that qualify Central Park for protection under Section 4(f); therefore, it would not result in constructive use of Central Park.

Potential for Temporary Occupancy

The construction of tolling system infrastructure and tolling system equipment within Central Park would result in temporary occupancy of the park. However, consistent with criteria set forth in 23 CFR Section 774.13(d), the temporary occupancy of Central Park would not be a use of this Section 4(f) property for the following reasons:

- In each location, the total amount of time required for construction for the CBD Tolling Program would be less than a month, which is less than the one-year duration for construction of the entire Project, and there would be no change in the ownership of the land.
- The Project involves only minor construction activities, including limited excavation to replace the poles and connect with existing utilities, installation of new poles, and restoration of the ground surface within very limited areas of the 840-acre park (see **Figure 19-9**).
- Once complete, the permanent infrastructure would be similar in appearance to existing streetlight poles and signs within the park, and there would be no permanent effect on park uses.

⁴ See **Chapter 2, “Project Alternatives,”** for more information on the tolling scenarios evaluated in this EA.

- The utility trenches would be covered and restored to their current condition (i.e., fill or pavement). If landscaping is removed, it would be restored or replaced.
- TBTA will coordinate work with NYC Parks and will require the contractor to implement measures to avoid, minimize, or mitigate construction effects on the park and park users to the extent feasible (refer to **Chapter 15, “Construction Effects”** for a listing of these measures). The Project Sponsors have and will continue to coordinate with NYC Parks and the Central Park Conservancy regarding the construction of tolling infrastructure and tolling system equipment within Central Park.

NYC Parks, the official with jurisdiction over Central Park, has concurred that the temporary occupancy of Central Park for the construction of the CBD Tolling Alternative would not impair the protected activities, features, or attributes that qualify Central Park for protection under Section 4(f); therefore, the temporary occupancy of Central Park is not a use of this Section 4(f) property. (Refer to **Appendix 19, “Section 4(f) Correspondence”** for a copy of the NYC Parks letter.)

19.7 PUBLIC INVOLVEMENT AND SECTION 4(f) COORDINATION

Before FHWA can make a *de minimis* impact finding for a park protected by Section 4(f), in addition to the coordination with officials with jurisdiction for the park, public notice and an opportunity for public review and comment concerning the effects on the protected activities, features, or attributes of the property must be provided. This requirement can be satisfied in conjunction with other public involvement procedures, such as a comment period provided on a National Environmental Policy Act document. For this Project, an opportunity for public review and comment on FHWA’s proposed *de minimis* impact finding for the potential use of the High Line and Central Park will occur concurrent with public review and comment period for this EA (see **Chapter 18, “Public Participation”**).

19.8 CONCLUSION

There are 41 historic sites and 82 parks and plazas in the local study area. The CBD Tolling Alternative would not use these Section 4(f) properties except for the High Line and Central Park. FHWA intends on finding that the CBD Tolling Alternative would result in a *de minimis* impact on Central Park and the High Line, and the officials with jurisdiction over these resources have concurred with this finding. FHWA will consider any public input on its proposed finding during the public review period for this EA. FHWA also intends on finding that the temporary occupancy of Central Park for construction of the CBD Tolling Alternative would not impair the protected activities, features, or attributes that qualify Central Park for protection under Section 4(f); therefore, the temporary occupancy of Central Park is not a use of this Section 4(f) property.