

CENTRAL BUSINESS DISTRICT (CBD) TOLLING PROGRAM

Appendix 13, Natural Resources

2023

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13A, Natural Resources Correspondence



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Long Island Ecological Services Field Office
340 Smith Road
Shirley, NY 11967-2258
Phone: (631) 286-0485 Fax: (631) 286-4003



In Reply Refer To:

May 24, 2022

Project Code: 2022-0046568

Project Name: Central Business District Tolling Program

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Long Island Ecological Services Field Office

340 Smith Road

Shirley, NY 11967-2258

(631) 286-0485

Project Summary

Project Code: 2022-0046568

Event Code: None

Project Name: Central Business District Tolling Program

Project Type: Road/Hwy - Maintenance/Modification

Project Description: The Project purpose is to reduce traffic congestion in the Manhattan CBD in a manner that will generate revenue for future transportation improvements, pursuant to acceptance into FHWA's VPPP. The Manhattan CBD consists of the geographic area of Manhattan south of and inclusive of 60th Street to the extent practicable but does not include the Franklin D. Roosevelt (FDR) Drive and the West Side Highway/Route 9A, including the Battery Park underpass and any surface roadway portion of the Hugh L. Carey Tunnel that connects to West Street (the West Side Highway/Route 9A).

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@40.738039,-73.99135179419619,14z>



Counties: New York County, New York

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

IPaC User Contact Information

Agency: New York State Department of Transportation
Name: Daniel Nierenberg
Address: 50 Wolf Road
Address Line 2: POD 4-1
City: Albany
State: NY
Zip: 12232
Email: daniel.nierenberg@dot.ny.gov
Phone: 5184735089

Lead Agency Contact Information

Lead Agency: Federal Highway Administration

EFH Mapper Report

EFH Data Notice

Essential Fish Habitat (EFH) is defined by textual descriptions contained in the fishery management plans developed by the regional fishery management councils. In most cases mapping data can not fully represent the complexity of the habitats that make up EFH. This report should be used for general interest queries only and should not be interpreted as a definitive evaluation of EFH at this location. A location-specific evaluation of EFH for any official purposes must be performed by a regional expert. Please refer to the following links for the appropriate regional resources.

[Greater Atlantic Regional Office](#)
[Atlantic Highly Migratory Species Management Division](#)

Query Results













Degrees, Minutes, Seconds: Latitude = 40° 43' 50" N, Longitude = 74° 1' 56" W
 Decimal Degrees: Latitude = 40.731, Longitude = -73.968

The query location intersects with spatial data representing EFH and/or HAPCs for the following species/management units.

***** WARNING *****

Please note under "Life Stage(s) Found at Location" the category "ALL" indicates that all life stages of that species share the same map and are designated at the queried location.

EFH



Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
		Winter Flounder	Eggs Juvenile Larvae/Adult	New England	Amendment 14 to the Northeast Multispecies FMP
		Little Skate	Juvenile Adult	New England	Amendment 2 to the Northeast Skate Complex FMP
		Atlantic Herring	Juvenile Adult Larvae	New England	Amendment 3 to the Atlantic Herring FMP
		Red Hake	Adult Eggs/Larvae/Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP
		Windowpane Flounder	Adult Larvae Eggs Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP
		Winter Skate	Adult Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP

Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
		Clearnose Skate	Adult Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP
		Longfin Inshore Squid	Eggs	Mid-Atlantic	Atlantic Mackerel, Squid,& Butterfish Amendment 11
		Bluefish	Adult Juvenile	Mid-Atlantic	Bluefish
		Atlantic Butterfish	Larvae	Mid-Atlantic	Atlantic Mackerel, Squid,& Butterfish Amendment 11
		Summer Flounder	Larvae Juvenile Adult	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass

Salmon EFH

No Pacific Salmon Essential Fish Habitat (EFH) were identified at the report location.

HAPCs

Link	Data Caveats	HAPC Name	Management Council
		Summer Flounder	Mid-Atlantic

EFH Areas Protected from Fishing

No EFH Areas Protected from Fishing (EFHA) were identified at the report location.

Spatial data does not currently exist for all the managed species in this area. The following is a list of species or management units for which there is no spatial data.

****For links to all EFH text descriptions see the complete data inventory: [open data inventory -->](#)**

All spatial data is currently available for the Mid-Atlantic and New England councils,

Secretarial EFH,

Bigeye Sand Tiger Shark,
Bigeye Sixgill Shark,
Caribbean Sharpnose Shark,
Galapagos Shark,
Narrowtooth Shark,
Sevengill Shark,
Sixgill Shark,
Smooth Hammerhead Shark,
Smalltail Shark

EFH Mapper Report

EFH Data Notice

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[Greater Atlantic Regional Office](#)
[Atlantic Highly Migratory Species Management Division](#)

Query Results













Degrees, Minutes, Seconds: Latitude = 40° 44' 5" N, Longitude = 75° 59' 1" W
 Decimal Degrees: Latitude = 40.735, Longitude = -74.017

The query location intersects with spatial data representing EFH and/or HAPCs for the following species/management units.

*** WARNING ***

Please note under "Life Stage(s) Found at Location" the category "ALL" indicates that all life stages of that species share the same map and are designated at the queried location.

EFH



Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
		Winter Flounder	Eggs Juvenile Larvae/Adult	New England	Amendment 14 to the Northeast Multispecies FMP
		Little Skate	Juvenile Adult	New England	Amendment 2 to the Northeast Skate Complex FMP
		Atlantic Herring	Juvenile Adult Larvae	New England	Amendment 3 to the Atlantic Herring FMP
		Red Hake	Adult Eggs/Larvae/Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP
		Windowpane Flounder	Adult Larvae Eggs Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP
		Winter Skate	Adult Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP

Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
		Clearnose Skate	Adult Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP
		Longfin Inshore Squid	Eggs	Mid-Atlantic	Atlantic Mackerel, Squid,& Butterfish Amendment 11
		Bluefish	Adult Juvenile	Mid-Atlantic	Bluefish
		Atlantic Butterfish	Larvae	Mid-Atlantic	Atlantic Mackerel, Squid,& Butterfish Amendment 11
		Summer Flounder	Larvae Juvenile Adult	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass

Salmon EFH

No Pacific Salmon Essential Fish Habitat (EFH) were identified at the report location.

HAPCs

Link	Data Caveats	HAPC Name	Management Council
		Summer Flounder	Mid-Atlantic

EFH Areas Protected from Fishing

No EFH Areas Protected from Fishing (EFHA) were identified at the report location.

Spatial data does not currently exist for all the managed species in this area. The following is a list of species or management units for which there is no spatial data.

****For links to all EFH text descriptions see the complete data inventory: [open data inventory -->](#)**

All spatial data is currently available for the Mid-Atlantic and New England councils,

Secretarial EFH,

- Bigeye Sand Tiger Shark,
- Bigeye Sixgill Shark,
- Caribbean Sharpnose Shark,
- Galapagos Shark,
- Narrowtooth Shark,
- Sevengill Shark,
- Sixgill Shark,
- Smooth Hammerhead Shark,
- Smalltail Shark



Drawn Action Area & Overlapping S7 Consultation Areas

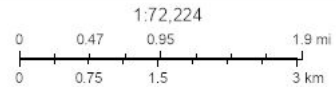
Area of Interest (AOI) Information

Area : 10,544.7 acres

May 24 2022 13:30:36 Eastern Daylight Time



-  Atlantic Sturgeon
-  Shortnose Sturgeon
-  Sea Turtles
-  In or Near Critical Habitat



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community. Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Central Business District Tolling Program - The Project purpose is to reduce traffic congestion in the Manhattan CBD in a manner that will generate revenue for future transportation improvements, pursuant to acceptance into FHWA's VPPP. The Manhattan CBD consists of the geographic area of Manhattan south of and inclusive of 60th Street to the extent practicable but does not include the Franklin D. Roosevelt (FDR) Drive and the West Side Highway/Route 9A, including the Battery Park underpass and any surface roadway portion of the Hugh L. Carey Tunnel that connects to West Street (the West Side Highway/Route 9A).

Summary

Name	Count	Area(acres)	Length(mi)
Atlantic Sturgeon	7	8,873.46	N/A
Shortnose Sturgeon	5	7,047.19	N/A
Atlantic Salmon	0	0	N/A
Sea Turtles	4	8,571.67	N/A
Atlantic Large Whales	0	0	N/A
In or Near Critical Habitat	1	1,736.97	N/A

Atlantic Sturgeon

#	Feature ID	Species	Life Stage	Behavior	Zone
1	ANS_C50_ADU_MAF	Atlantic sturgeon	Adult	Migrating & Foraging	N/A
2	ANS_C50_SUB_MAF	Atlantic sturgeon	Subadult	Migrating & Foraging	N/A
3	ANS_EAS_SUB_MAF	Atlantic sturgeon	Subadult	Migrating & Foraging	East River
4	ANS_EAS_ADU_MAF	Atlantic sturgeon	Adult	Migrating & Foraging	East River
5	ANS_HUD_JUV_MAF	Atlantic sturgeon	Juvenile	Migrating & Foraging	Hudson River
6	ANS_HUD_SUB_MAF	Atlantic sturgeon	Subadult	Migrating & Foraging	Hudson River
7	ANS_HUD_ADU_MAF	Atlantic sturgeon	Adult	Migrating & Foraging	Hudson River

#	From	Until	From (2)	Until (2)	Area(acres)
1	01/01	12/31	N/A	N/A	179.43
2	01/01	12/31	N/A	N/A	179.43
3	01/01	12/31	N/A	N/A	1,646.82
4	01/01	12/31	N/A	N/A	1,646.82
5	1/1	12/31	N/A	N/A	1,740.32
6	4/1	11/30	N/A	N/A	1,740.32
7	4/1	11/30	N/A	N/A	1,740.32

Shortnose Sturgeon

#	Feature ID	Species	Life Stage	Behavior	Zone
1	SNS_C50_ADU_MAF	Shortnose sturgeon	Adult	Migrating & Foraging	N/A
2	SNS_EAS_ADU_MAF	Shortnose sturgeon	Adult	Migrating & Foraging	East River
3	SNS_HUD_JUV_MAF	Shortnose sturgeon	Juvenile	Migrating & Foraging	Hudson River
4	SNS_HUD_JUV_WIN	Shortnose sturgeon	Juvenile	Overwintering	Hudson River
5	SNS_HUD_ADU_MAF	Shortnose sturgeon	Adult	Migrating & Foraging	Hudson River

#	From	Until	From (2)	Until (2)	Area(acres)
1	04/01	11/30	N/A	N/A	179.41
2	04/01	11/30	N/A	N/A	1,646.82
3	01/01	12/31	N/A	N/A	1,740.32
4	09/1	03/31	N/A	N/A	1,740.32
5	01/01	12/31	N/A	N/A	1,740.32

Sea Turtles

#	Feature ID	Species	Life Stage	Behavior	Zone
1	GRN_STS_AJV_MAF	Green sea turtle	Adults and juveniles	Migrating & Foraging	Massachusetts (S of Cape Cod) through Virginia
2	KMP_STS_AJV_MAF	Kemp's ridley sea turtle	Adults and juveniles	Migrating & Foraging	Massachusetts (S of Cape Cod) through Virginia
3	LTR_STS_AJV_MAF	Leatherback sea turtle	Adults and juveniles	Migrating & Foraging	Massachusetts (S of Cape Cod) through Virginia
4	LOG_STS_AJV_MAF	Loggerhead sea turtle	Adults and juveniles	Migrating & Foraging	Massachusetts (S of Cape Cod) through Virginia

#	From	Until	From (2)	Until (2)	Area(acres)
1	5/1	11/30	No Data	No Data	2,142.92
2	5/1	11/30	No Data	No Data	2,142.92
3	5/1	11/30	No Data	No Data	2,142.92
4	5/1	11/30	No Data	No Data	2,142.92

In or Near Critical Habitat

#	Species	In or Near Critical Habitat Unit	Area(acres)
1	Atlantic Sturgeon	New York Bight Unit 3: Hudson River	1,736.97

DISCLAIMER: Use of this App does NOT replace the Endangered Species Act (ESA) Section 7 consultation process; it is a first step in determining if a proposed Federal action overlaps with listed species or critical habitat presence. Because the data provided through this App are updated regularly, reporting results must include the date they were generated. The report outputs (map/tables) depend on the options picked by the user, including the shape and size of the action area drawn, the layers marked as visible or selectable, and the buffer distance specified when using the "Draw your Action Area" function. Area calculations represent the size of overlap between the user-drawn Area of Interest (with buffer) and the specified S7 Consultation Area. Summary table areas represent the sum of these overlapping areas for each species group.

13B, Coastal Zone Consistency Assessments

NEW YORK STATE COASTAL ASSESSMENT FORM

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Coastal Assessment Form

A. INSTRUCTIONS (Please print or type all answers)

1. State agencies shall complete this CAF for proposed actions which are subject to Part 600 of Title 19 of the NYCRR. This assessment is intended to supplement other information used by a state agency in making a determination of significance pursuant to the State Environmental Quality Review Act (see 6 NYCRR, Part 617). If it is determined that a proposed action will not have a significant effect on the environment, this assessment is intended to assist a state agency in complying with the certification requirements of 19 NYCRR Section 600.4.
2. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the coastal policies contained in Article 42 of the Executive Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to either (a) making a certification of consistency pursuant to 19 NYCRR Part 600 or, (b) making the findings required under SEQR, 6 NYCRR, Section 617.11, if the action is one for which an environmental impact statement is being prepared. If an action cannot be certified as consistent with the coastal policies, it shall not be undertaken.
3. Before answering the questions in Section C, the preparer of this form should review the coastal policies contained in 19 NYCRR Section 600.5. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

B. DESCRIPTION OF PROPOSED ACTION

1. Type of state agency action (check appropriate response):
 - (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) X
 - (b) Financial assistance (e.g. grant, loan, subsidy) _____
 - (c) Permit, license, certification _____
2. Describe nature and extent of action: The proposed action is a program to toll vehicles entering or remaining in the Manhattan Central Business District (CBD); generally defined as the geographic area south and inclusive of 60th Street and exclusive of the West Side Highway/Route 9A and Franklin D. Roosevelt (FDR) Drive. The proposed action would require limited construction to install tolling infrastructure and supporting utilities. See Section E Additional Information.
3. Location of action:

New York	New York	Multiple locations, see Section E
County	City, Town or Village	Street or Site Description
4. If an application for the proposed action has been filed with the state agency, the following information shall be provided:
 - (a) Name of applicant: Metropolitan Transportation Authority, Allison L. C. de Cerreño, Ph.D., Deputy Chief Operating Officer
 - (b) Mailing address: 2 Broadway, 23rd floor, New York, NY 10004
 - (c) Telephone Number: Area Code (646) 252-7750
 - (d) State agency application number: _____
5. Will the action be directly undertaken, require funding, or approval by a federal agency?
 Yes X No _____ If yes, which federal agency? Federal Highway Administration

C. COASTAL ASSESSMENT (Check either "YES" or "NO" for each of the following questions)

- | | <u>YES</u> | <u>NO</u> |
|--|------------|-----------|
| 1. Will the proposed activity be <u>located</u> in, or contiguous to, or have a <u>significant effect</u> upon any of the resource areas identified on the coastal area map: | | |
| (a) Significant fish or wildlife habitats? | <u>X</u> | _____ |
| (b) Scenic resources of statewide significance? | _____ | <u>X</u> |
| (c) Important agricultural lands? | _____ | <u>X</u> |
| 2. Will the proposed activity have a <u>significant effect</u> upon: | | |
| (a) Commercial or recreational use of fish and wildlife resources? | _____ | <u>X</u> |
| (b) Scenic quality of the coastal environment? | _____ | <u>X</u> |
| (c) Development of future, or existing water dependent uses? | _____ | <u>X</u> |
| (d) Operation of the State's major ports? | _____ | <u>X</u> |
| (e) Land and water uses within the State's small harbors? | _____ | <u>X</u> |
| (f) Existing or potential public recreation opportunities? | _____ | <u>X</u> |
| (g) Structures, sites or districts of historic, archeological or cultural significance to the State or nation? | _____ | <u>X</u> |

3. Will the proposed activity involve or result in any of the following:

- (a) Physical alteration of two (2) acres or more of land along the shoreline, land under water or coastal waters? X
- (b) Physical alteration of five (5) acres or more of land located elsewhere in the coastal area? X
- (c) Expansion of existing public services of infrastructure in undeveloped or low density areas of the coastal area? X
- (d) Energy facility not subject to Article VII or VIII of the Public Service Law? X
- (e) Mining, excavation, filling or dredging in coastal waters? X
- (f) Reduction of existing or potential public access to or along the shore? X
- (g) Sale or change in use of state-owned lands located on the shoreline or under water? X
- (h) Development within a designated flood or erosion hazard area? X
- (i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion? X

4. Will the proposed action be located in or have a significant effect upon an area included in an approved Local Waterfront Revitalization Program? X

D. SUBMISSION REQUIREMENTS

If any question in Section C is answered "Yes", AND either of the following two conditions is met:

Section B.1(a) or B.1(b) is checked; or
 Section B.1(c) is checked AND B.5 is answered "Yes",

THEN a copy of this completed Coastal Assessment Form shall be submitted to:

New York State Department of State
 Office of Coastal, Local Government and Community Sustainability
 One Commerce Plaza
 99 Washington Avenue, Suite 1010
 Albany, New York 12231-0001

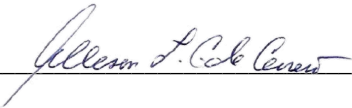
If assistance or further information is needed to complete this form, please call the Department of State at (518) 474-6000.

The proposed activity, the Central Business District (CBD) Tolling Program (the Project) is a program to toll vehicles entering or remaining in the Manhattan CBD in New York, NY. The Manhattan CBD is generally defined as the geographic area of Manhattan south and inclusive of 60th Street and exclusive of the West Side Highway/Route 9A and Franklin D. Roosevelt (FDR) Drive; see Figure 1. The Triborough Bridge and Tunnel Authority (TBTA) would collect tolls from vehicles entering the Manhattan CBD via a cashless tolling system. The CBD Tolling Program would require limited construction to install tolling infrastructure, tolling system equipment, and supporting utilities. The proposed tolling infrastructure and tolling system equipment, including signage, would be placed on existing infrastructure or infrastructure comparable in form to existing streetlight poles, signal poles, sign poles, or overhead sign structures on city streets and sidewalks.

The Project would affect an area adjacent to a New York State-designated significant coastal fish and wildlife habitat, the Lower Hudson Reach; however, the Project would not encroach on or otherwise affect the Lower Hudson Reach. Project elements would be located within existing roadways and sidewalks close to the Lower Hudson Reach, and construction of the proposed project would take place entirely within those roadways and sidewalks, and would not require disturbance of the Lower Hudson Reach significant coastal fish and wildlife habitat.

The Project would involve development within the 100-year flood zone; see Figure 2. However, the proposed activity would not create new buildings and is limited to installing tolling infrastructure and tolling system equipment.

The Project would be located in an area included in an approved Local Waterfront Revitalization Program (LWRP), the New York City Waterfront Revitalization Program. As discussed in the attached New York City Waterfront Revitalization Program Consistency Assessment Form, the Project would not adversely affect the economic, environmental, and cultural characteristics of New York City's waterfront. Coastal areas adjacent to the locations where tolling infrastructure and tolling system equipment are proposed are developed, urban areas, where similar infrastructure is already present and is typical of neighborhood character. Therefore, the Project would be consistent with the New York City Waterfront Revitalization Program.

Preparer's Name: Allison L. C. de Cerreño, Ph.D. 
 (Please print)

Title: Deputy Chief Operating Officer Agency: Metropolitan Transportation Authority

Telephone Number: (646) 252-7750 Date: July 29, 2022

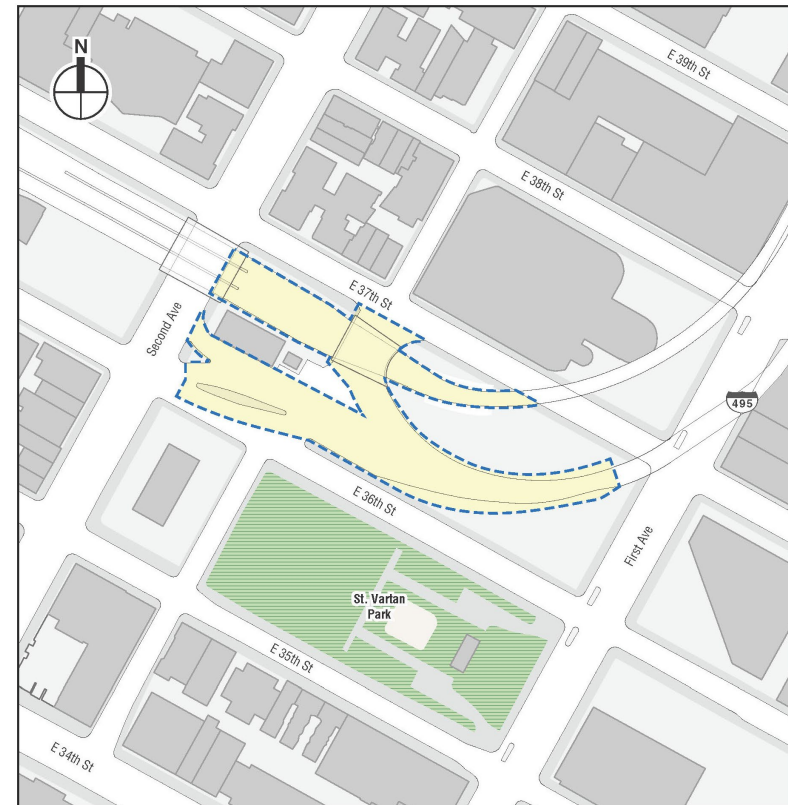
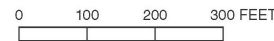
Figure 1a. Local Study Areas for Tolling Infrastructure and Tolling system Equipment



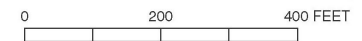
Figure 1b. Local Study Area for Tolling Infrastructure and Tolling System Equipment: Ed Koch Queensboro Bridge and Queens-Midtown Tunnel



Ed Koch Queensboro Bridge



Queens-Midtown Tunnel





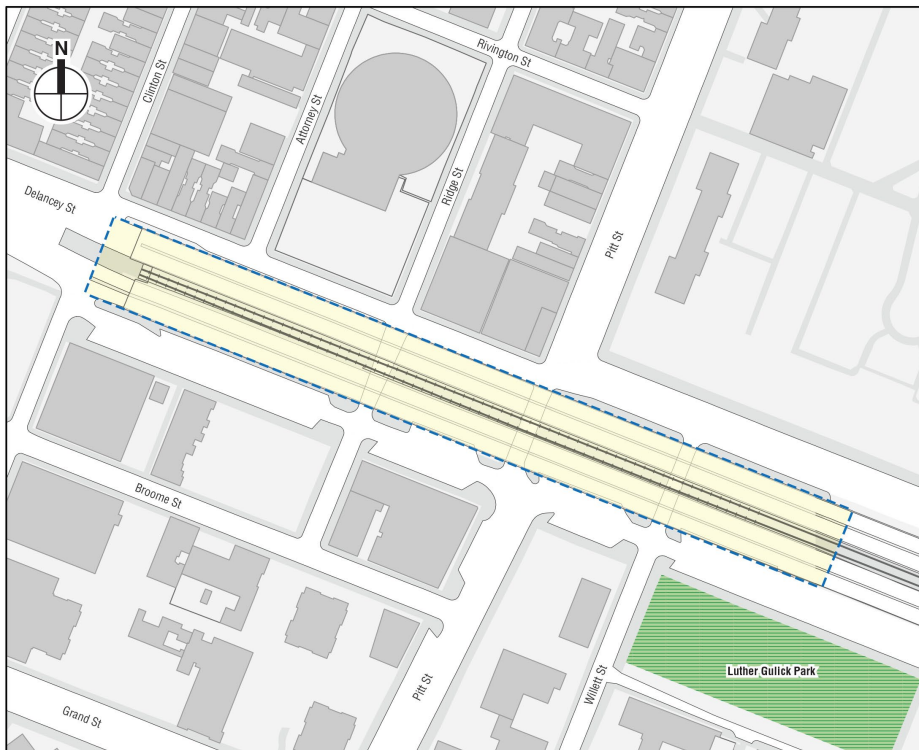
-  Local Study Area for Tolling Infrastructure and Tolling System Equipment
-  Park or Recreational Resource in Vicinity of Local Study Area

Figure 1c. Local Study Area for Tolling Infrastructure and Tolling System Equipment: Williamsburg Bridge and Manhattan Bridge



Williamsburg Bridge

0 100 200 300 FEET

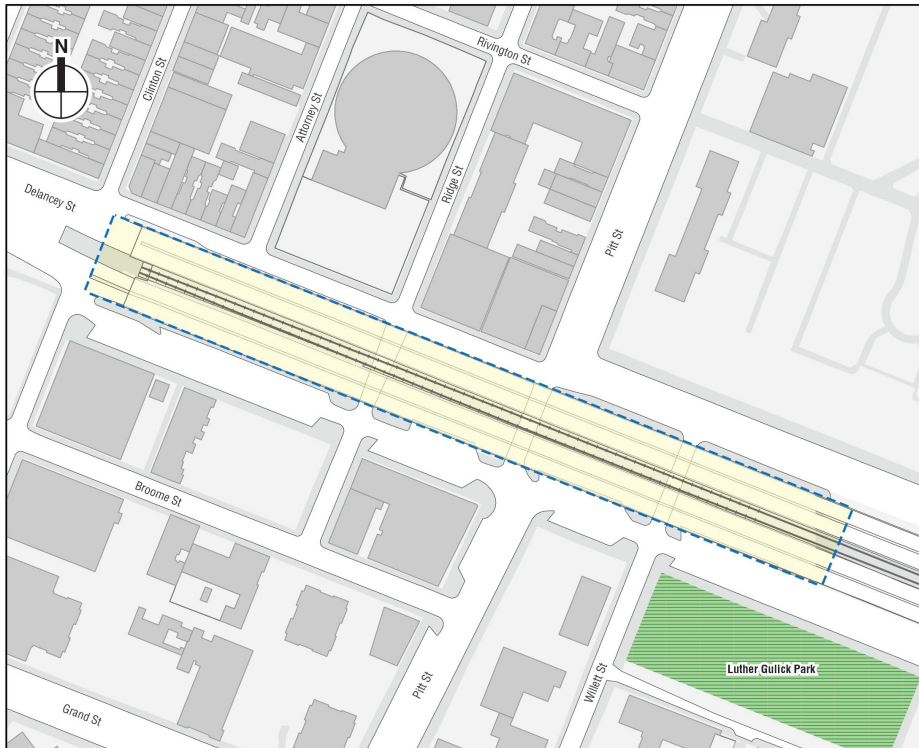


Manhattan Bridge

0 200 500 FEET

- Local Study Area for Tolling Infrastructure and Tolling System Equipment
- Park or Recreational Resource in Vicinity of Local Study Area

Figure 1d. Local Study Area for Tolling Infrastructure and Tolling System Equipment: Brooklyn Bridge and Holland Tunnel



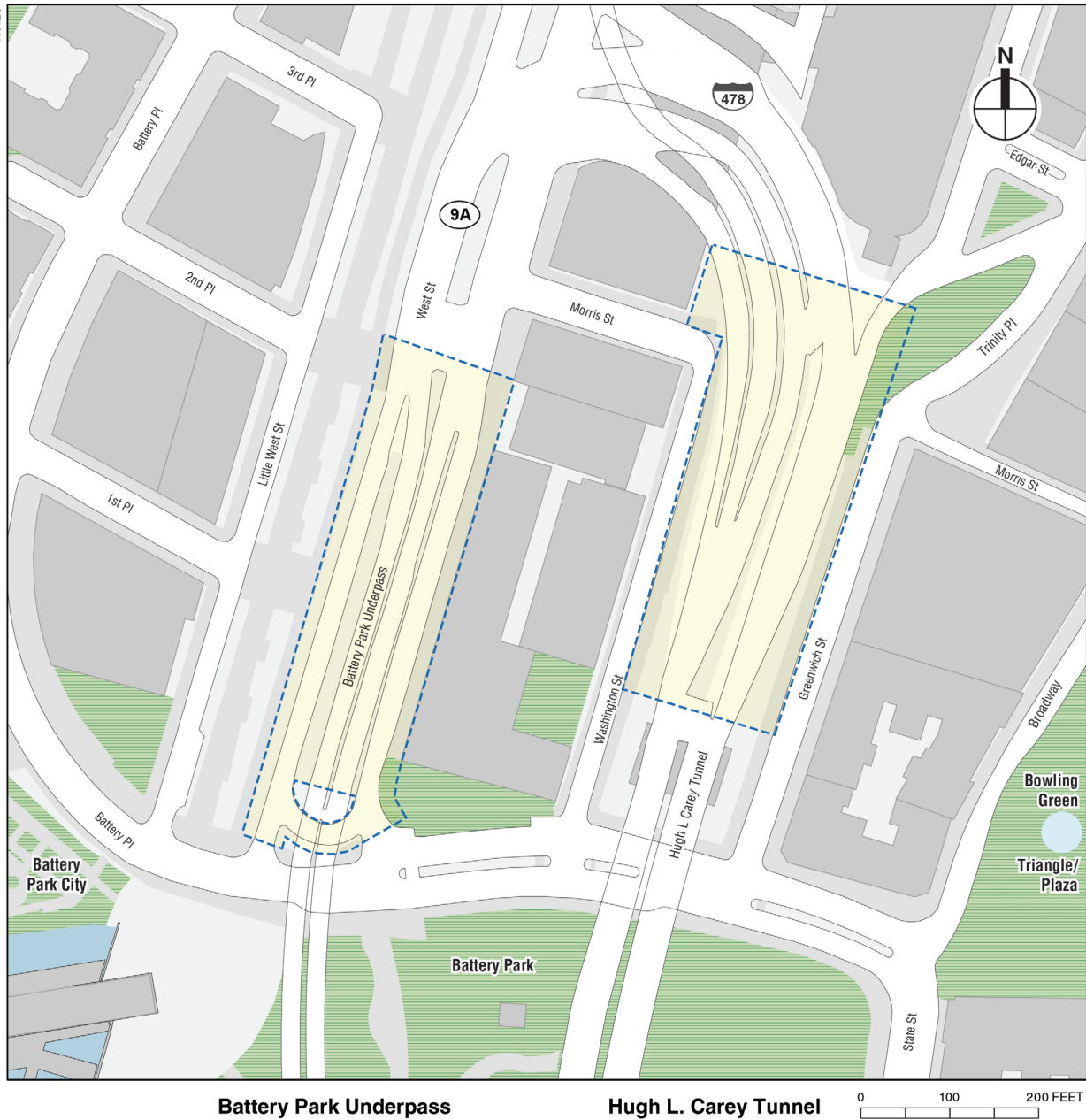
Williamsburg Bridge



Manhattan Bridge

- Local Study Area for Tolling Infrastructure and Tolling System Equipment
- Park or Recreational Resource in Vicinity of Local Study Area

Figure 1e. Local Study Area for Tolling Infrastructure and Tolling System Equipment: Battery Park Underpass and Hugh L. Carey Tunnel



-  Local Study Area for Tolling Infrastructure and Tolling System Equipment
-  Park or Recreational Resource in Vicinity of Local Study Area

Figure 1f. Local Study Area for Tolling Infrastructure and Tolling System Equipment: Lincoln Tunnel

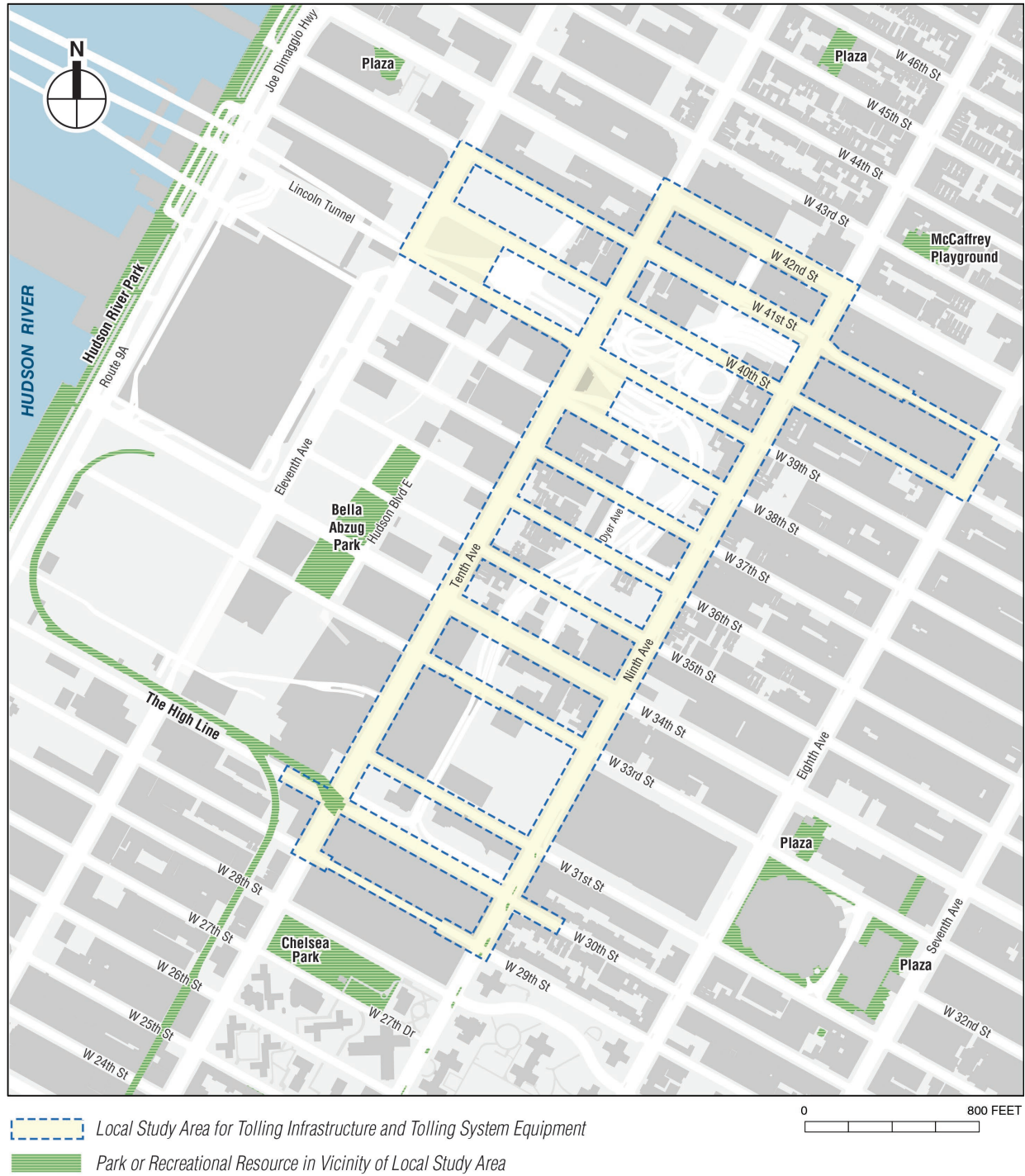
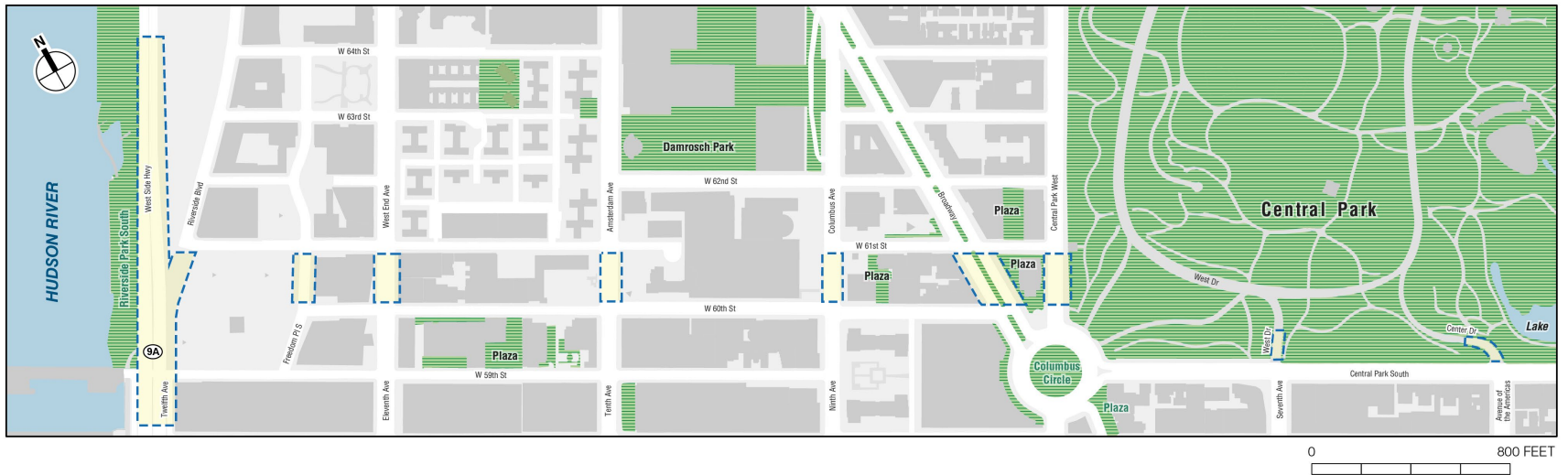


Figure 1g. Local Study Area for Tolling Infrastructure and Tolling System Equipment: 60th Street

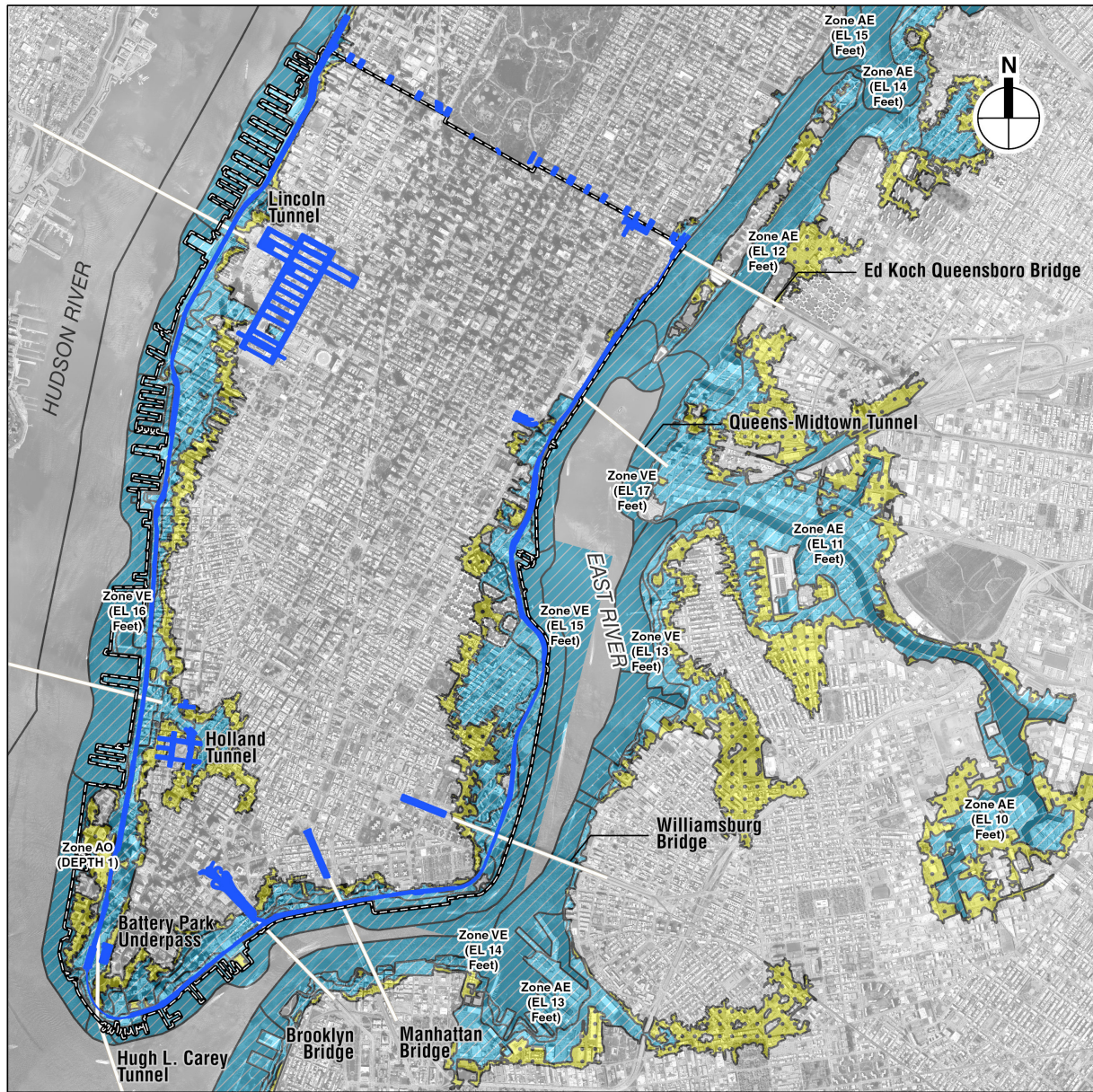






60th Street - Eastern Portion



- Local Study Area for Tolling Infrastructure and Tolling System Equipment
- Park or Recreational Resource in Vicinity of Local Study Area

Figure 2. Federal Emergency Management Agency 2015 Preliminary Flood Insurance Risk Map



-  Manhattan CBD (as defined by the MTA Reform and Traffic Mobility Act)
-  Local Study Area for Tolling Infrastructure and Tolling System Equipment
-  Area with 1% Annual Chance of Flooding
-  Area with 0.2% Annual Chance of Flooding

Note: An audio description of this figure is available at the following location:
https://www.youtube.com/watch?v=Z83lsA96etY&list=PLZHkn788ZQJPEY5zv-dr2gkzMQFMgb_2&index=18.

**NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
CONSISTENCY ASSESSMENT FORM**

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the [New York City Waterfront Revitalization Program](#) (WRP) which has been approved as part of the State's Coastal Management Program.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, the New York City Department of City Planning, or other city or state agencies in their review of the applicant's certification of consistency.

A. APPLICANT INFORMATION

Name of Applicant: Metropolitan Transportation Authority

Name of Applicant Representative: Allison L. C. de Cerreño, Ph.D., Deputy Chief Operating Officer

Address: 2 Broadway, 23rd Floor, New York, NY 10004

Telephone: (646) 252-7750 Email: allison.cdecerreño@mtahq.org

Project site owner (if different than above): NYCDOT, TBTA, NYC Parks

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

1. Brief description of activity

The Central Business District (CBD) Tolling Program (the Project) is a program to toll vehicles entering or remaining in the Manhattan CBD. The Manhattan CBD is generally defined as the geographic area south of and inclusive of 60th Street and exclusive of the West Side Highway/Route 9A and the Franklin D. Roosevelt (FDR) Drive. The Triborough Bridge and Tunnel Authority (TBTA) would collect tolls from vehicles entering the Manhattan CBD via a cashless tolling system. The Project would require limited construction to install tolling infrastructure, tolling system equipment, and supporting utilities. The proposed tolling infrastructure and tolling system equipment, including signage, would be placed on existing infrastructure or infrastructure comparable in form to existing streetlight poles, signal poles, sign poles, or overhead sign structures on city streets and sidewalks.

2. Purpose of activity

The Project purpose 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 Federal Highway Administration's Value Pricing Pilot Program (VPPP).

C. PROJECT LOCATION

Borough: Manhattan Tax Block/Lot(s): Multiple locations; see Figure 1

Street Address: Multiple locations; see Figure 1

Name of water body (if located on the waterfront): New York Harbor, East River, Hudson River

D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

City Actions/Approvals/Funding

City Planning Commission

Yes No

- City Map Amendment
 - Zoning Map Amendment
 - Zoning Text Amendment
 - Site Selection – Public Facility
 - Housing Plan & Project
 - Special Permit
 - Zoning Certification
 - Zoning Authorizations
 - Acquisition – Real Property
 - Disposition – Real Property
 - Other, explain: _____
 - Concession
 - UDAAP
 - Revocable Consent
 - Franchise
- (if appropriate, specify type: Modification Renewal other) Expiration Date: _____

Board of Standards and Appeals

Yes No

- Variance (use)
 - Variance (bulk)
 - Special Permit
- (if appropriate, specify type: Modification Renewal other) Expiration Date: _____

Other City Approvals

- Legislation
- Rulemaking
- Construction of Public Facilities
- 384 (b) (4) Approval
- Other, explain: NYCDOT OCMC permits; NYC Parks permits for work adjacent to street trees
- Funding for Construction, specify: _____
- Policy or Plan, specify: _____
- Funding of Program, specify: _____
- Permits, specify: _____

State Actions/Approvals/Funding

- State permit or license, specify Agency: _____ Permit type and number: _____
- Funding for Construction, specify: _____
- Funding of a Program, specify: _____
- Other, explain: Compliance with New York State MTA Reform and Traffic Mobility Act

Federal Actions/Approvals/Funding

- Federal permit or license, specify Agency: FHWA Permit type and number: _____
- Funding for Construction, specify: _____
- Funding of a Program, specify: _____
- Other, explain: Approval of tolling program as part of the Variable Pricing Pilot Program

Is this being reviewed in conjunction with a [Joint Application for Permits?](#) Yes No

E. LOCATION QUESTIONS

1. Does the project require a waterfront site? Yes No
2. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters? Yes No
3. Is the project located on publicly owned land or receiving public assistance? Yes No
4. Is the project located within a FEMA 1% annual chance floodplain? (6.2) Yes No
5. Is the project located within a FEMA 0.2% annual chance floodplain? (6.2) Yes No
6. Is the project located adjacent to or within a special area designation? See [Maps – Part III](#) of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).
 - Significant Maritime and Industrial Area (SMIA) (2.1)
 - Special Natural Waterfront Area (SNWA) (4.1)
 - Priority Maritime Activity Zone (PMAZ) (3.5)
 - Recognized Ecological Complex (REC) (4.4)
 - West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (2.2, 4.2)

F. WRP POLICY ASSESSMENT

Review the project or action for consistency with the WRP policies. For each policy, check Promote, Hinder or Not Applicable (N/A). For more information about consistency review process and determination, see **Part I** of the [NYC Waterfront Revitalization Program](#). When assessing each policy, review the full policy language, including all sub-policies, contained within **Part II** of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).

For those policies checked Promote or Hinder, provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.

		Promote	Hinder	N/A
I	Support and facilitate commercial and residential redevelopment in areas well-suited to such development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.4	In areas adjacent to SMIA's, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Promote	Hinder	N/A
2	Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.1.	Support and encourage in-water recreational activities in suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.3	Minimize conflicts between recreational boating and commercial ship operations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	Protect and restore the quality and function of ecological systems within the New York City coastal area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.5	Protect and restore tidal and freshwater wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.8	Maintain and protect living aquatic resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Promote	Hinder	N/A
5	Protect and improve water quality in the New York City coastal area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.1	Manage direct or indirect discharges to waterbodies.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.1	Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in <i>New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms</i>) into the planning and design of projects in the city's Coastal Zone.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7	Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.1	Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.2	Prevent and remediate discharge of petroleum products.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.3	Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Provide public access to, from, and along New York City's coastal waters.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.3	Provide visual access to the waterfront where physically practical.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Promote	Hinder	N/A
8.5	Preserve the public interest in and use of lands and waters held in public trust by the State and City.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Protect scenic resources that contribute to the visual quality of the New York City coastal area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.2	Protect and enhance scenic values associated with natural resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.2	Protect and preserve archaeological resources and artifacts.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

G. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

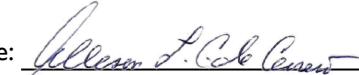
"The proposed activity complies with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Metropolitan Transportation Authority, Allison L. C. de Cerreño, Ph.D., Deputy Chief Operating Officer

Address: 2 Broadway, 23rd floor, New York, NY 10004

Telephone: (646) 252-7750

Email: allison.cdecerreno@mtahq.org

Applicant/Agent's Signature: 

Date: July 29, 2022

Submission Requirements

For all actions requiring City Planning Commission approval, materials should be submitted to the Department of City Planning.

For local actions not requiring City Planning Commission review, the applicant or agent shall submit materials to the Lead Agency responsible for environmental review. A copy should also be sent to the Department of City Planning.

For State actions or funding, the Lead Agency responsible for environmental review should transmit its WRP consistency assessment to the Department of City Planning.

For Federal direct actions, funding, or permits applications, including Joint Applicants for Permits, the applicant or agent shall also submit a copy of this completed form along with his/her application to the [NYS Department of State Office of Planning and Development](#) and other relevant state and federal agencies. A copy of the application should be provided to the NYC Department of City Planning.

The Department of City Planning is also available for consultation and advisement regarding WRP consistency procedural matters.

New York City Department of City Planning
Waterfront and Open Space Division
120 Broadway, 31st Floor
New York, New York 10271
212-720-3696
wrp@planning.nyc.gov
www.nyc.gov/wrp

New York State Department of State
Office of Planning and Development
Suite 1010
One Commerce Place, 99 Washington Avenue
Albany, New York 12231-0001
518-474-6000
www.dos.ny.gov/opd/programs/consistency

Applicant Checklist

- Copy of original signed NYC Consistency Assessment Form
- Attachment with consistency assessment statements for all relevant policies
- For Joint Applications for Permits, one (1) copy of the complete application package
- Environmental Review documents
- Drawings (plans, sections, elevations), surveys, photographs, maps, or other information or materials which would support the certification of consistency and are not included in other documents submitted. All drawings should be clearly labeled and at a scale that is legible.
- Policy 6.2 Flood Elevation worksheet, if applicable. For guidance on applicability, refer to the WRP Policy 6.2 Guidance document available at www.nyc.gov/wrp

**NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
CONSISTENCY ASSESSMENT FORM:
Supporting Information**

NYC WRP Consistency Assessment Form: Supporting Information

Policy 3: Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.

Policy 3.5: In Priority Maritime Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.

The Central Business District (CBD) Tolling Program (the Project) would affect the Manhattan CBD, defined as the geographic area of Manhattan south and inclusive of 60th Street, but not including Franklin D. Roosevelt (FDR) Drive, West Side Highway/Route 9A, the Battery Park underpass, and any surface roadway portion of the Hugh L. Carey Tunnel connecting to West Street (the West Side Highway/Route 9A). The CBD is adjacent to Priority Maritime Activity Zones (PMAZs) at piers along the shoreline of the Manhattan CBD; however, the PMAZs would not be affected by construction or operation of the Project. The Project's construction would consist of installing tolling infrastructure and tolling system equipment in existing roadways adjacent to PMAZs. Therefore, Policy 3 is not applicable to the Project, including Policy 3.5.

Policy 4: Protect and restore the quality and function of ecological systems within the New York City coastal area.

Policy 4.4: Identify, remediate and restore ecological functions within Recognized Ecological Complexes.

The Project would affect an area adjacent to the Recognized Ecological Complex (REC) at Stuyvesant Cove; however, the REC would not be affected by construction or operation of the Project. The Project would consist of installing tolling infrastructure and tolling system equipment in existing roadways adjacent to the REC. Therefore, Policy 4 is not applicable to the Project, including Policy 4.4.

Policy 6: Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.

Policy 6.1: Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.

As discussed below for Policy 6.2, some of the locations where tolling infrastructure and tolling system equipment would be installed are within the current 1 percent annual chance floodplain and would continue to be within the floodplain in the future. The Project must be located within the floodplain so that the tolling infrastructure and tolling system equipment can be installed on existing roadways that are located there. However, the new tolling infrastructure and tolling system equipment would be installed using new and existing infrastructure such as streetlight poles, traffic signal poles, signposts, and overhead sign structures and pedestrian bridges and other than the poles themselves would be elevated above both the current and projected base flood elevation (BFE). The Project would not introduce new vulnerable, critical, or hazardous features that could pose a risk to the surrounding areas during flood events. No grading or site elevation

changes would be completed as part of the Project, and the Project would not result in increased coastal flooding. Therefore, the Project would promote this policy.

Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms) into the planning and design of projects in the city's Coastal Zone.

Step 1(a): Assess the project area's exposure to current and future flood risk.

Within the Manhattan CBD, the tolling infrastructure and tolling system equipment would be installed in specific places so as to allow vehicles entering the CBD to be tolled. These areas where infrastructure and equipment would be installed are collectively considered the local study area for the Project (see **Figure 1**). Much of the local study area at the outer edges of Manhattan, which generally follows the West Side Highway/Route 9A and the FDR Drive, is within the current 1 percent annual chance floodplain (Zone AE) with base flood elevations ranging from +11 to +13 NAVD88 (**Figure 2**).¹ At the southernmost point of Lower Manhattan, a portion of the local study area is within the limit of moderate wave action (LiMWA), which indicates the potential for coastal hazards such as those associated with waves, debris, and high velocity flow. Between the Brooklyn Bridge and Manhattan Bridge, the FDR Drive is within Zone VE with a BFE of +14 feet NAVD88. Farther inland, the local study area is currently outside of both the 1 percent and 0.2 percent annual chance floodplains, and would not be located within the 90th percentile projected floodplain through 2100.

Some of the locations proposed for tolling infrastructure and tolling system equipment are within the existing and projected 1 percent annual chance floodplain. Certain upland areas of the local study area would be within the 1 percent annual chance floodplain by the 2050s under the 90th percentile projected conditions (**Figure 3**). However, in all cases, the tolling system equipment would be elevated such that it is higher than the BFE under both current and projected conditions throughout its design life.

Step 1(b): Identify if the project or action would facilitate the development of any vulnerable, critical, or potentially hazardous features...within areas exposed to flooding from Mean Higher High Water or 1% Annual Chance Flood by the 2050s under the 90th percentile of sea level rise projections.

While some of the new tolling infrastructure and tolling system equipment would be installed at locations within the current and projected 1 percent annual chance floodplain, this would not facilitate the development of any vulnerable, critical, or potentially hazardous features.

Step 2: Assess how applicable codes and regulations, planned flood damage reduction elements and adaptive measures, or likely future infrastructure investments (beyond the scope of the proposed project), would or would not reduce potential flood damage for any proposed vulnerable, critical, or potentially hazardous features.

The Project would install tolling infrastructure and tolling system equipment along existing roadways in the Manhattan CBD. Since the infrastructure and equipment must be on existing roadways, it must be in the floodplain. However, the tolling system equipment would be mounted

¹ NYC Flood Hazard Mapper, available at www1.nyc.gov/site/planning/data-maps/flood-hazard-mapper.page

at heights above the level of the current and projected BFE. It would also be designed to be water resistant since it would be located outdoors.

Step 3: Assess policy consistency.

The Project involves the installation of tolling infrastructure and tolling system equipment throughout the local study area. While portions of the study area are located within the current 1 percent annual chance floodplain in both Zones AE and VE, the Project would not introduce any vulnerable, critical, or potentially hazardous features. The tolling system equipment would be elevated above the flood elevations on existing infrastructure and new infrastructure similar in form to existing streetlight poles, traffic signal poles, signposts, and overhead sign structures and pedestrian bridges and would remain above the projected flood elevations throughout its design life, based on NPCC 90th percentile projections. Therefore, the Project would promote this policy.

Policy 7: Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environmental and public health and safety.

Policy 7.1: Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.

Policy 7.3: Transport solid waste and hazardous materials and site solid hazardous waste facilities in a manner that minimized degradation of coastal resources.

Well-established procedures address the contaminated materials that could be encountered during construction for the CBD Tolling Program.

The Triborough Bridge and Tunnel Authority (TBTA) will require the contractor for construction of the Project to implement specific plans and adhere to specific protocols, developed to be consistent with applicable Federal, State of New York, and City of New York regulations and requirements. Prior to starting the work, TBTA will require the contractor to develop a Waste Handling Plan, an Emergency Response Plan, and a Contingency Plan detailing procedures to be followed in the event of an accident, emergency situation, or release or spill of hazardous wastes. TBTA will oversee the contractor's compliance with these plans. TBTA will require the contractor to sample any paint to be disturbed by construction work for lead and other heavy metals, or presume that the paint is lead-based paint, and to remove lead-based paint in accordance with applicable standards and the contract requirements. TBTA will require the contractor to perform an asbestos survey of any suspect asbestos-containing materials to be disturbed by the construction activities in accordance with applicable requirements, and to perform asbestos abatement and waste disposal in accordance with applicable safety and health codes and all applicable Federal and State of New York regulations. TBTA will oversee the contractor's compliance with lead paint sampling and abatement and asbestos testing and abatement.

With these measures in place, Project construction would not result in adverse effects associated with hazardous waste and contaminated materials. Once operational, there would be no human exposure pathways to any residual hazardous materials, so operation of the CBD Tolling Program would also not result in adverse effects related to contaminated or hazardous materials. Therefore, the Project would promote Policy 7, including Policy 7.1 and Policy 7.3.

CBD Tolling Program

Policy 9: Protect scenic resources that contribute to the visual quality of the New York City coastal area.

Policy 9.1: Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.

The Project would place new tolling infrastructure and tolling system equipment within existing roadways adjacent to coastal waters. The surrounding areas are densely developed urban areas, and the new tolling infrastructure and tolling system equipment would be typical of infrastructure found throughout waterfront areas of New York City. The tolling infrastructure and tolling system equipment would therefore be consistent with the existing visual character of the waterfront, and the Project would promote Policy 9, including Policy 9.1.

Policy 10: Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.

Policy 10.1: Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.

Policy 10.2: Protect and preserve archaeological resources and artifacts.

The Project's potential effects on historic and archaeological resources were evaluated as part of its environmental review, in consultation with the New York State Historic Preservation Office (SHPO). The review was conducted in accordance with Section 106 of the National Historic Preservation Act in consultation with consulting parties. In consultation with SHPO and consulting parties, the Federal Highway Administration (FHWA) determined that the Project would result in no adverse effect on historic properties. Therefore, the Project would promote Policy 10, including Policy 10.1 and Policy 10.2.

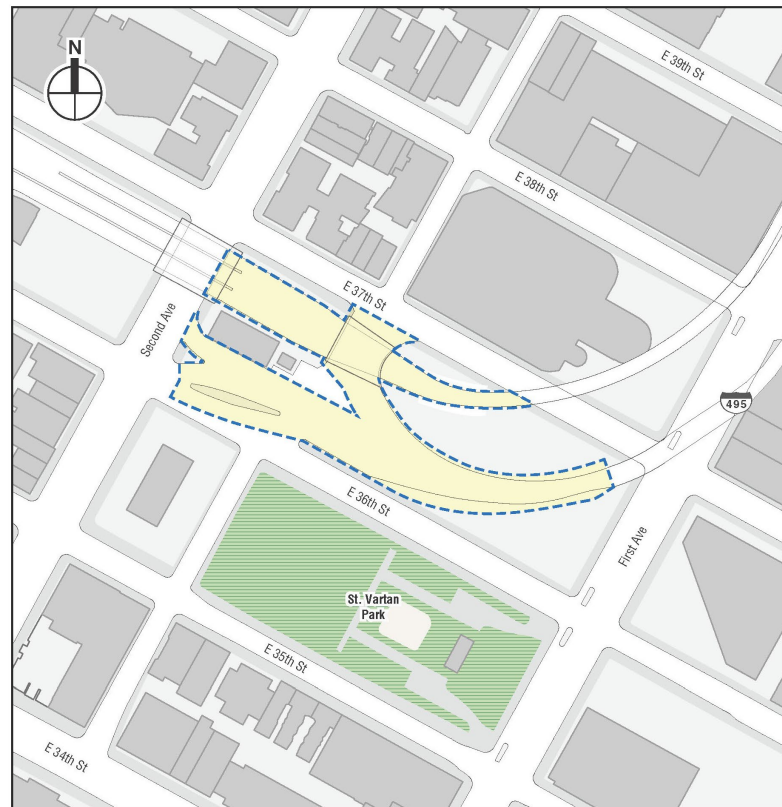
Figure 1a Local Study Areas for Tolling Infrastructure and Tolling System Equipment



Figure 1b Local Study Area for Tolling Infrastructure and Tolling System Equipment: Ed Koch Queensboro Bridge and Queens-Midtown Tunnel



Ed Koch Queensboro Bridge



Queens-Midtown Tunnel


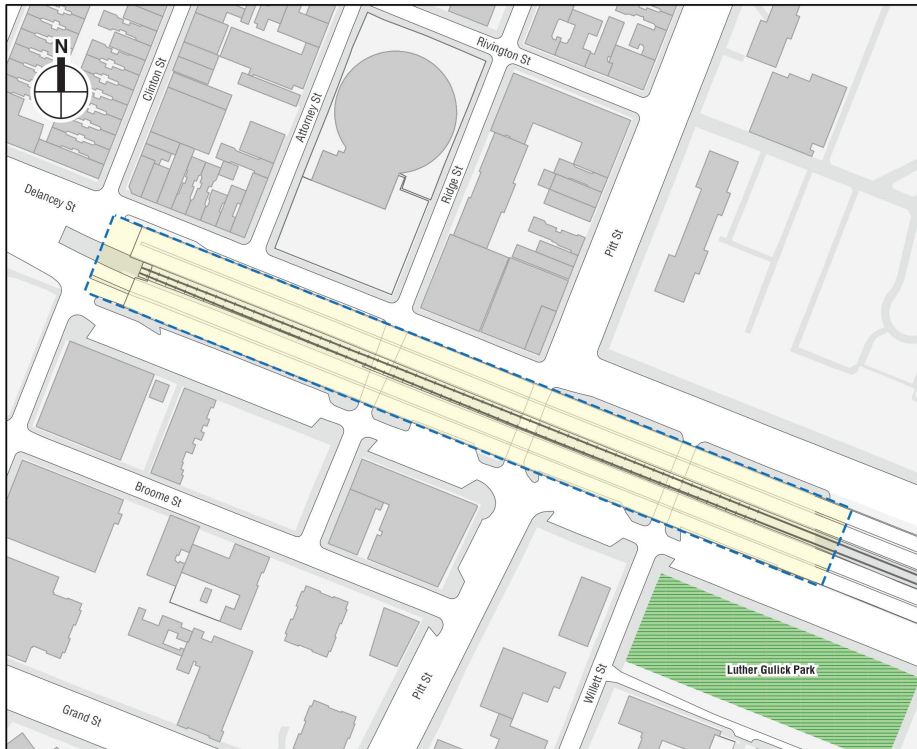
-  Local Study Area for Tolling Infrastructure and Tolling System Equipment
-  Park or Recreational Resource in Vicinity of Local Study Area

Figure 1c Local Study Area for Tolling Infrastructure and Tolling System Equipment: Williamsburg Bridge and Manhattan Bridge



Williamsburg Bridge



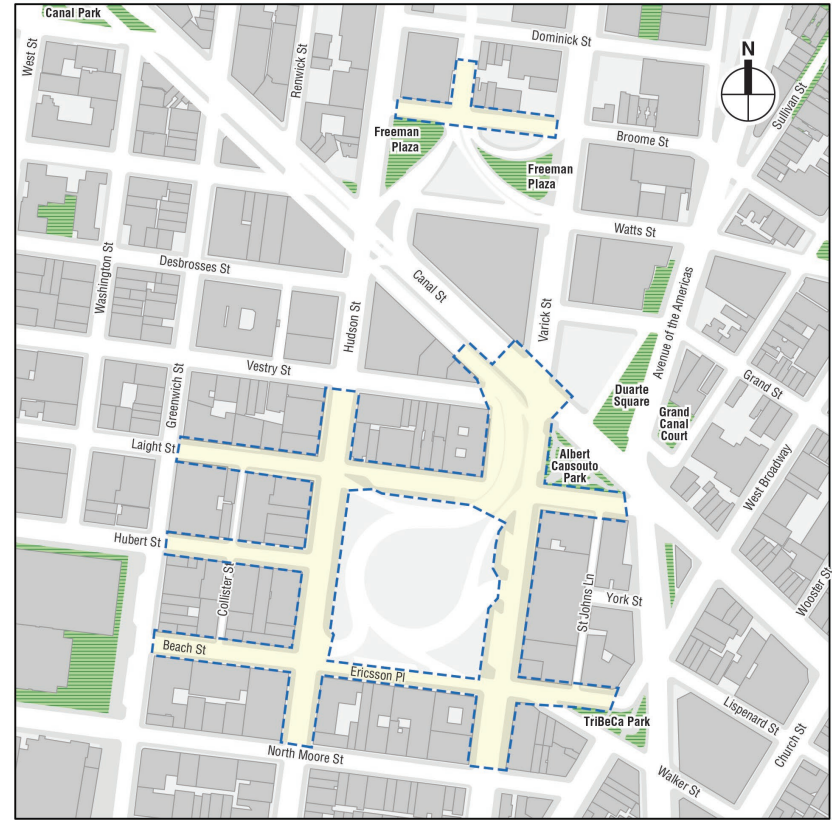
Manhattan Bridge

-  Local Study Area for Tolling Infrastructure and Tolling System Equipment
-  Park or Recreational Resource in Vicinity of Local Study Area

Figure 1d Local Study Area for Tolling Infrastructure and Tolling System Equipment: Brooklyn Bridge and Holland Tunnel



Brooklyn Bridge



Holland Tunnel



 Local Study Area for Tolling Infrastructure and Tolling System Equipment

 Park or Recreational Resource in Vicinity of Local Study Area

Figure 1e. Local Study Area for Tolling Infrastructure and Tolling System Equipment: Battery Park Underpass and Hugh L. Carey Tunnel

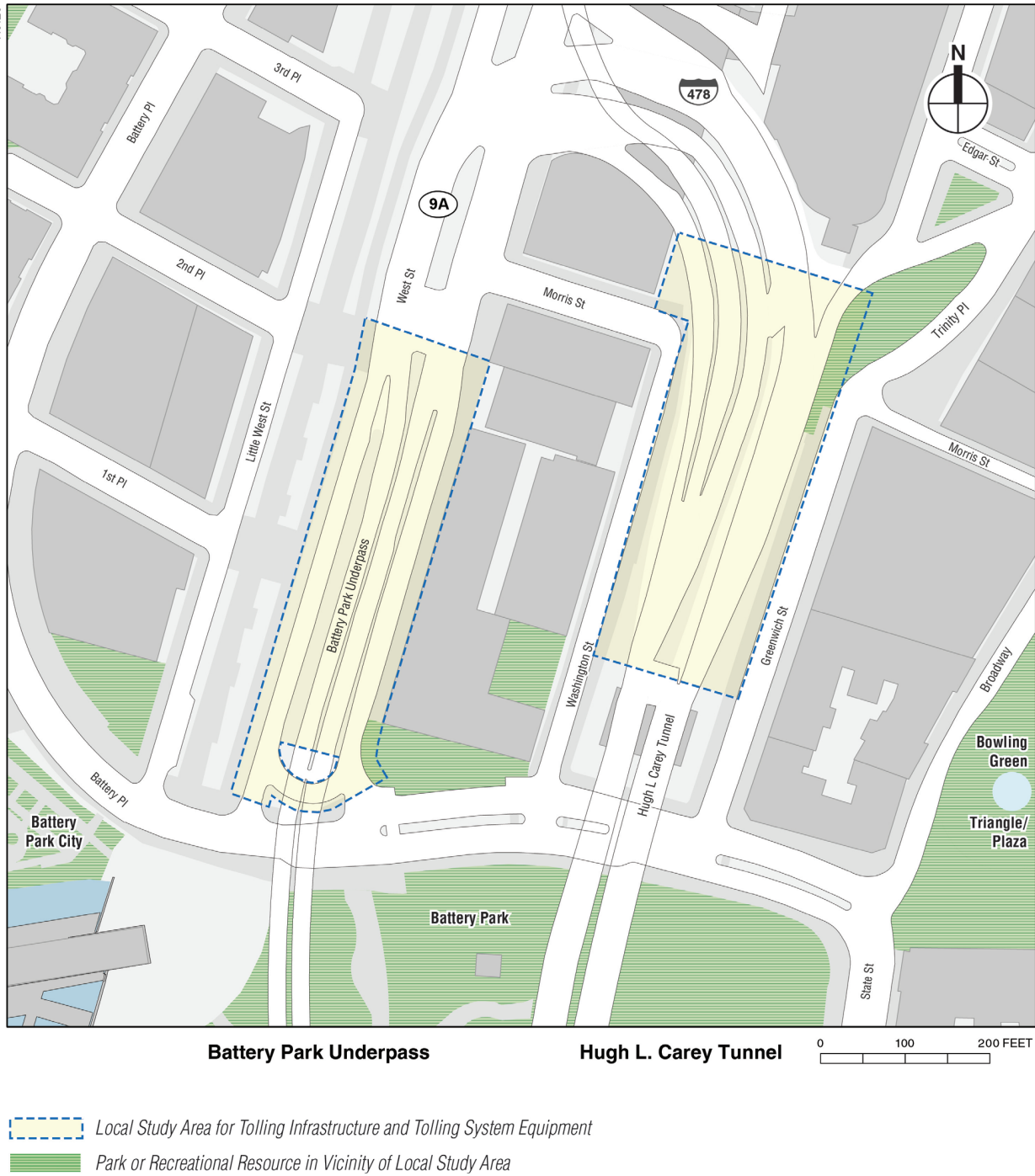


Figure 1f. Local Study Area for Tolling Infrastructure and Tolling System Equipment: Lincoln Tunnel

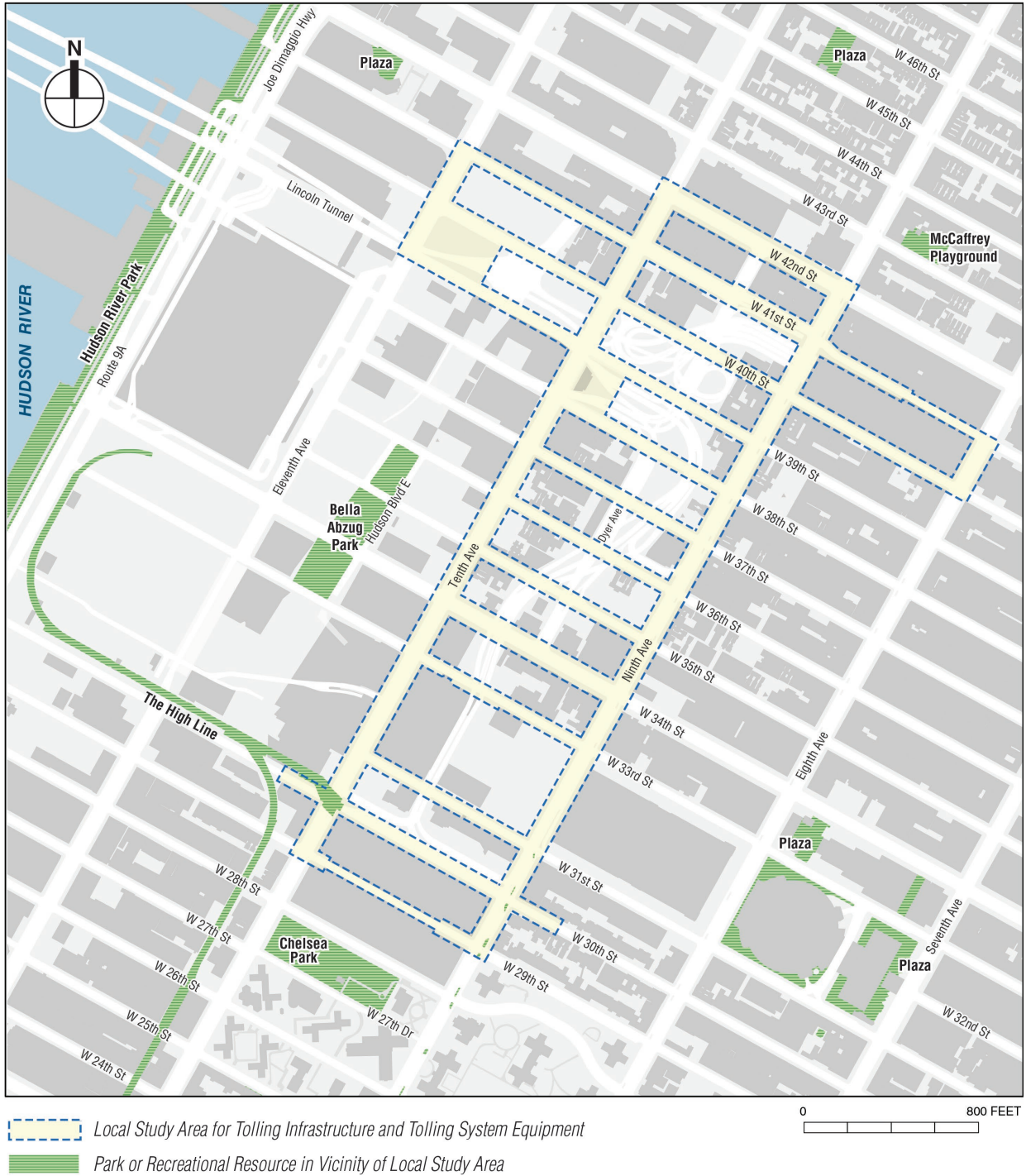


Figure 1g. Local Study Area for Tolling Infrastructure and Tolling System Equipment: 60th Street

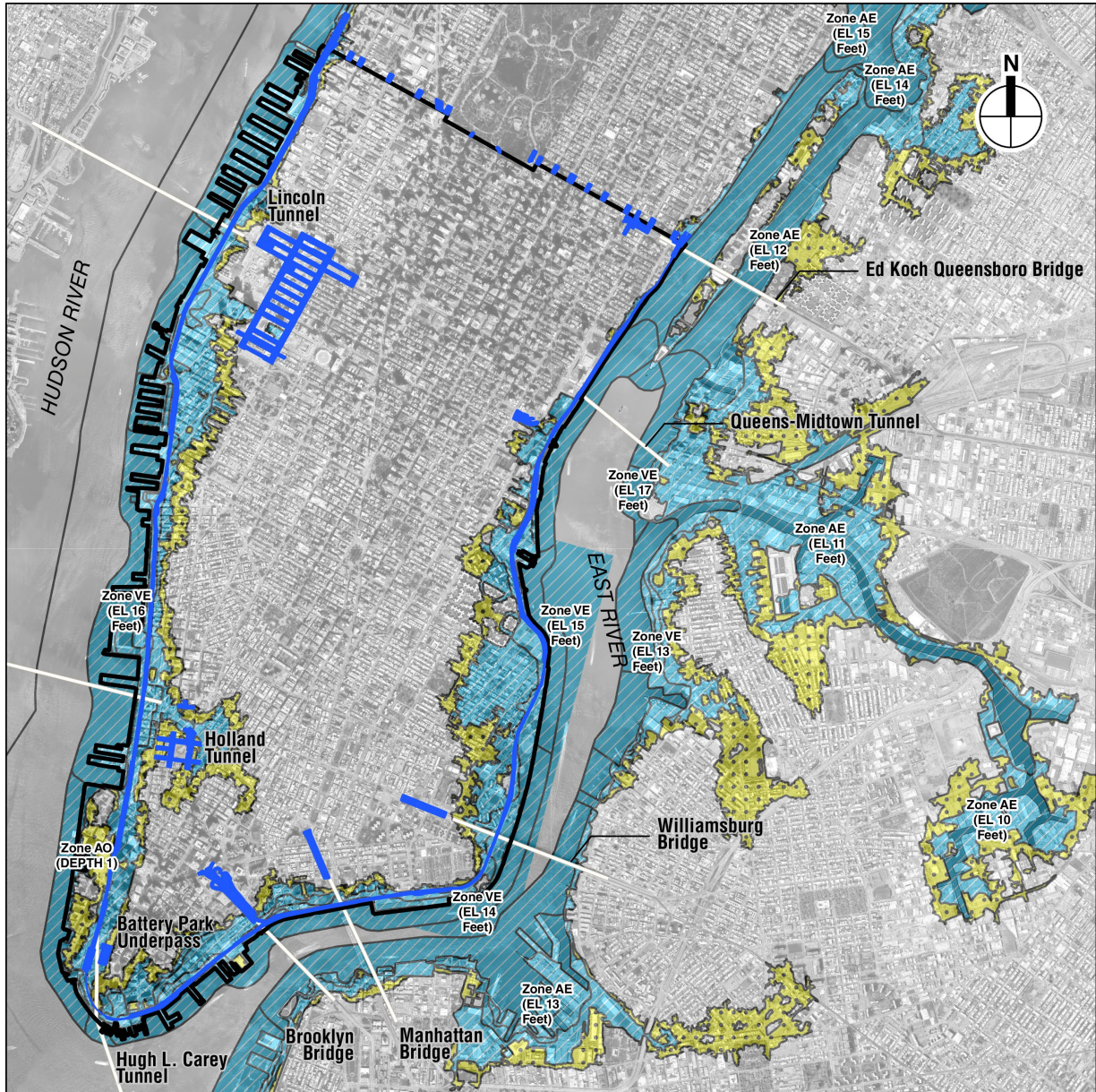






60th Street - Eastern Portion



-  Local Study Area for Tolling Infrastructure and Tolling System Equipment
-  Park or Recreational Resource in Vicinity of Local Study Area

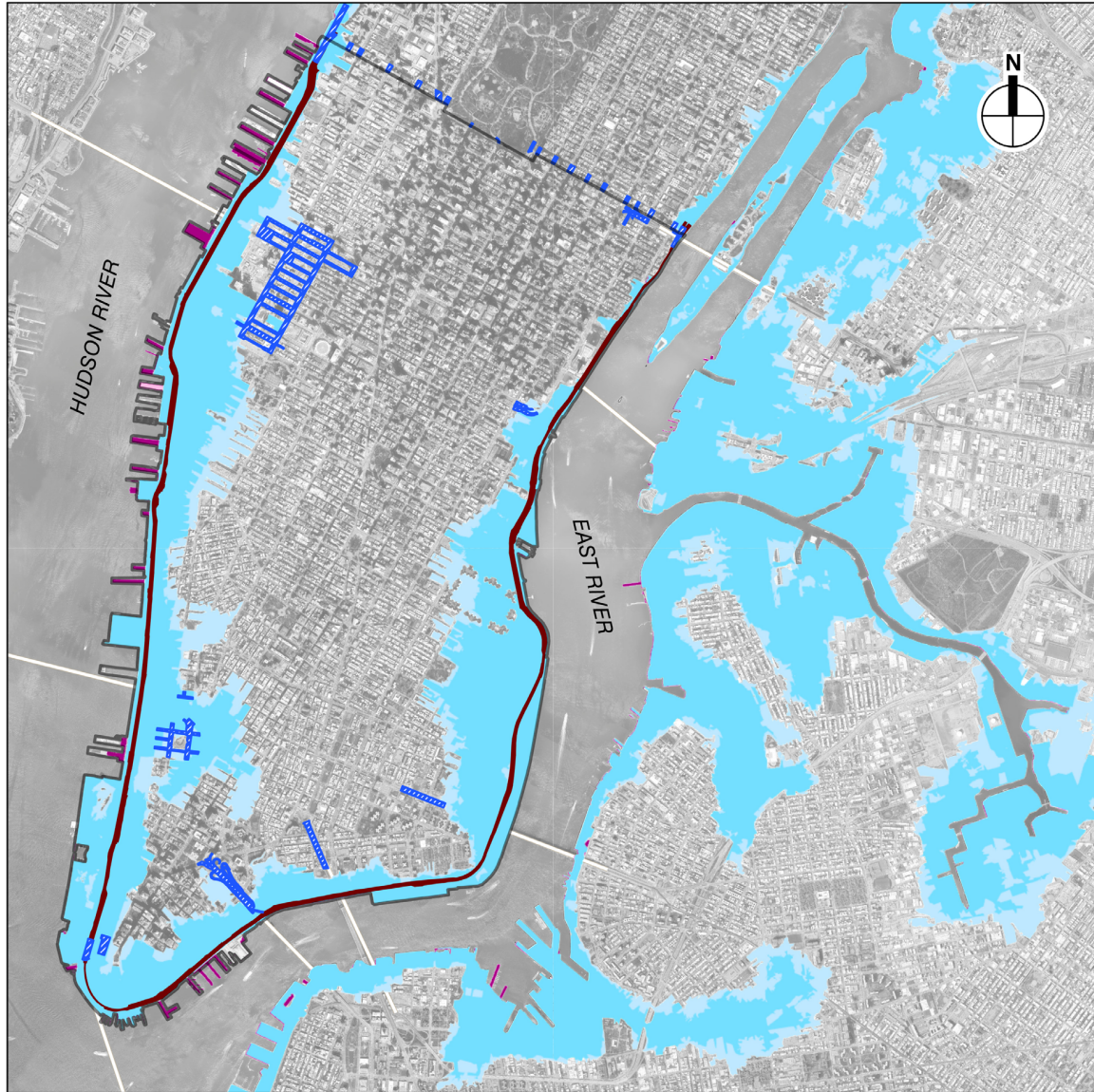
Figure 2. Federal Emergency Management Agency 2015 Preliminary Flood Insurance Rate Map





-  Manhattan CBD (as defined by the MTA Reform and Traffic Mobility Act)
-  Local Study Area for Tolling Infrastructure and Tolling System Equipment
-  Area with 1% Annual Chance of Flooding
-  Area with 0.2% Annual Chance of Flooding








Note: An audio description of this figure is available at the following location:
https://www.youtube.com/watch?v=sBwf_6D4tmA&list=PLZHkn788ZQJPEY5zv-dr2gzkMQFMgb_2&index=19.

Figure 3. Future Floodplain and MHHW - 2050s



 Manhattan CBD (as defined by the MTA Reform and Traffic Mobility Act)
 Local Study Area for Tolling Infrastructure and Tolling System Equipment

0 5,000 FEET

Future Floodplain in 2050s	High Tide 2050s
 1% Annual Chance Floodplain	 Low Estimate (8 inches SLR)
 0.2% Annual Chance Floodplain	 Low-Mid Estimate (11 inches SLR)
	 Middle Estimate (16 inches SLR)
	 Mid-High Estimate (21 inches SLR)
	 High Estimate (30 inches SLR)

Note: An audio description of this figure is available at the following location:
https://www.youtube.com/watch?v=Hqrto1B7Vuk&list=PLZHkn788ZQJPEY5zv-dr2gkzMqFMgb_2&index=20.