

11. Department of Transportation Act, Section 4(f)

11.1 INTRODUCTION

This document has been prepared pursuant to the requirements of Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966. This document discusses the identification of Section 4(f) properties within the study area – 33 publicly -owned parkland and recreational areas, one wildlife refuge, and 10 historic architectural resources – and describes the effect of the Penn Station Access (PSA) Project (“Proposed Project”) on those properties. Based on this Section 4(f) Evaluation, the Federal Transit Administration (FTA) proposes to make a *de minimis* finding for the use of Starlight Park and Pelham Bay and Split Rock Golf Courses, and a permanent use finding for the Pelham Lane Pathway Bridge, as part of the Proposed Project.

11.2 REGULATORY CONTEXT AND METHODOLOGY

Section 4(f) of the USDOT Act of 1966, as amended (23 CFR Part § 774, codified in 49 U.S.C. 303 and generally referred to as “Section 4(f)”) prohibits the Secretary of Transportation from approving any program or project that requires the “use” of the following:

- Any publicly owned parkland, recreation area, or wildlife and waterfowl refuge of national, state, or local significance; or
- Any land from a historic site of national, state, or local significance (collectively, “Section 4(f) properties”), unless there is no feasible and prudent alternative to the use of such land and such program or project includes all possible planning to minimize harm to the Section 4(f) properties.

A historic site is a property that is listed on, or eligible for listing on, the National Register of Historic Places (NRHP). As set forth in the Section 4(f) regulations, archaeological resources are protected under Section 4(f) only when their importance is derived from their preservation in place.

A project use of a Section 4(f) property occurs when it:

- Permanently incorporates land from the property into a transportation facility;
- Temporarily occupies land in a manner that is adverse in terms of the statute’s preservation purpose; or
- Comprises a constructive use of land, which per 23 CFR Part 774.15(a) occurs “when the transportation project does not incorporate land from a Section 4(f) property, but the proximity impacts are so severe that the protected activities, features, or attributes that qualify property for protection under Section 4(f) are substantially impaired.”

In some cases, even if there is a use of a Section 4(f) property, the FTA may determine that a use is *de minimis*. A *de minimis* impact determination under 23 CFR Part 774.3(b) subsumes the requirement for all possible planning to minimize harm by reducing the impacts on the Section 4(f) property to a *de minimis* level. As

summarized from 49 U.S.C. 303(d)(2), FTA may make a *de minimis* determination on a historic site only if, pursuant to the Section 106 consultation process:

- The transportation program or project will have no adverse effect on the historic site, or there will be no historic properties affected by the transportation program or project;
- FTA's finding has received written concurrence from the applicable State historic preservation officer or tribal historic preservation officer (and from the Advisory Council on Historic Preservation if the Council is participating in the consultation process); and
- FTA has developed its finding with consulting parties as part of the Section 106 consultation process.

With respect to parks, recreation areas, or wildlife or waterfowl refuges, as summarized from 49 U.S.C. 303(d)(3), FTA may make a finding of *de minimis* impact only if:

- After public notice and opportunity for public review and comment, FTA finds that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and
- The finding has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.

An individual Section 4(f) evaluation must be completed when approving a project that requires the use of Section 4(f) property if the use results in a greater than *de minimis* impact and a programmatic Section 4(f) evaluation cannot be applied to the situation (23 CFR 774.3). The individual Section 4(f) evaluation documents the evaluation of the proposed use of Section 4(f) properties in the project area of all alternatives. The individual Section 4(f) evaluation requires two findings:

- That there is no feasible and prudent alternative that completely avoids the use of Section 4(f) property; and
- That the project includes all possible planning to minimize harm to the Section 4(f) property resulting from the transportation use (23 CFR 774.3(a)(1) and (2)).

11.2.1 Feasible and Prudent Avoidance Alternative and Least Overall Harm

A feasible and prudent avoidance alternative would avoid using Section 4(f) property and does not cause other severe problems of a magnitude that substantially outweighs the importance of protecting the Section 4(f) property. An alternative is not feasible if it cannot be built as a matter of sound engineering judgment. An alternative is not prudent if:

1. It compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need.
2. It results in unacceptable safety or operational problems.
3. After reasonable mitigation, it still causes severe social, economic, or environmental impacts; severe disruption to established communities; severe disproportionate impacts to minority or low-income populations; or severe impacts to environmental resources protected under other Federal statutes.
4. It results in additional construction, maintenance, or operational costs of an extraordinary magnitude.

5. It causes other unique problems or unusual factors.
6. It involves multiple factors of the above, that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.

If there is no feasible and prudent avoidance alternative, FTA may approve only the alternative that causes the least overall harm in light of Section 4(f)'s preservation purpose. In accordance with 23 CFR Part 774.3 (c)(1), "least overall harm" is determined by balancing the following list of factors:

1. The ability to mitigate adverse impacts to each Section 4(f) property (including any measures that result in benefits to the property).
2. The relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualify each Section 4(f) property for protection.
3. The relative significance of each Section 4(f) property.
4. The views of the official(s) with jurisdiction over each Section 4(f) property.
5. The degree to which each alternative meets the purpose and need for the project.
6. After reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f).
7. Substantial differences in costs among the alternatives.

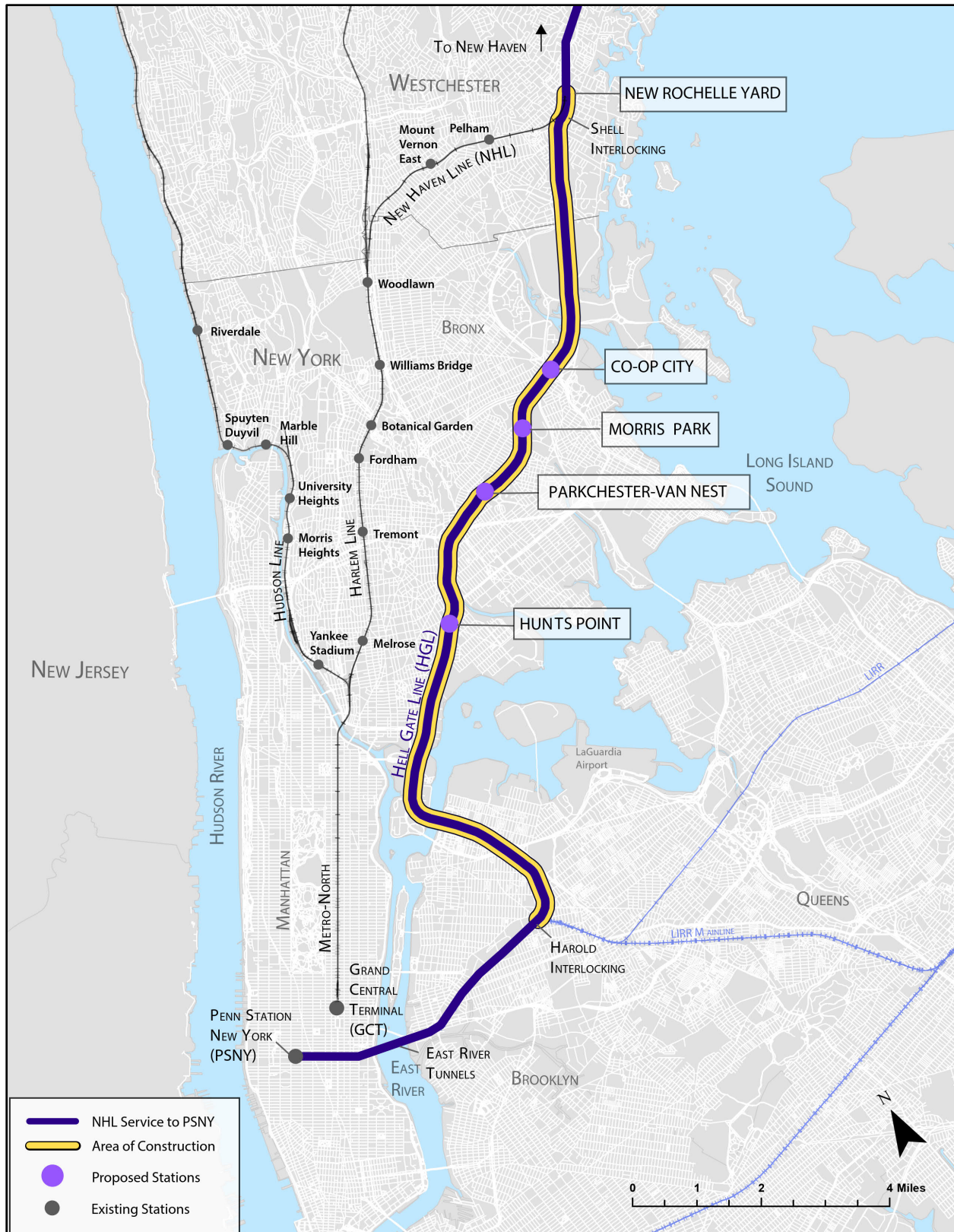
11.3 PROJECT DESCRIPTION

The Metropolitan Transportation Authority (MTA) is proposing the Penn Station Access Project to provide one-seat passenger rail service to Penn Station New York (PSNY) on Manhattan's west side for MTA Metro-North Railroad's (Metro-North) New Haven Line (NHL) customers (Proposed Project). MTA is responsible for the planning, design, and construction of the Proposed Project and related public outreach, and Metro-North would operate and maintain the service. The Proposed Project would provide new rail service from New Haven, Connecticut (CT) to PSNY in Manhattan by utilizing Amtrak's Hell Gate Line (HGL) through the eastern Bronx and western Queens. The Proposed Project would make infrastructure improvements on the HGL beginning in southeastern Westchester County, where NHL trains would divert onto the HGL at Shell Interlocking, and extending to Harold Interlocking¹ in Queens, joining MTA Long Island Rail Road (LIRR) Main line. As part of the Proposed Project, MTA would construct four new Metro-North stations in the eastern Bronx at Hunts Point, Parkchester-Van Nest, Morris Park, and Co-op City. Figure 11-1 depicts the Proposed Project's construction area and service area, and shows the relationship between the HGL, Metro-North, and LIRR systems.

¹ An interlocking is an arrangement of track and signals that enables the switching of trains between tracks. The interlocking tracks and signals are interconnected so that conflicting train movements through the interlocking are prevented by making it impossible to signal a train to proceed unless the route to be used by the train through the interlocking is proven to be safe. Harold Interlocking connects the HGL to the LIRR Main line tracks in Queens.



Figure 11-1. Proposed Project



Source: WSP, 2021

The proposed Metro-North service to PSNY would begin operations after the LIRR East Side Access (ESA) project's service to Grand Central Terminal (GCT) is initiated. The Amended Full Funding Grant Agreement (August 2016) between MTA and FTA projects ESA service to begin December 2023. MTA is taking steps to accelerate the schedule and is planning for ESA service to begin in 2022. The ESA project will result in the availability of approximately 102 station slots per day vacated by LIRR and available for Metro-North use at PSNY. In addition, the ESA project will address a long-recognized operational constraint at Harold Interlocking. Currently, access to and from Amtrak's HGL requires routings through Harold Interlocking that necessitate merging and diverging from routes that are also used by LIRR train traffic. The ESA project will eliminate this constraint by providing grade-separated routes for Amtrak and Metro-North traffic on the HGL, better accommodating all train movements, including Metro-North NHL service into PSNY. MTA (which includes Metro-North and LIRR) is committed to accommodating Metro-North service in PSNY as outlined in an executed Memorandum of Understanding (MOU), dated February 11, 2019, between Amtrak, MTA, and Metro-North (see Appendix E of the EA, "Agency Correspondence and Public Involvement").

The HGL Corridor consists of the existing right-of-way, extending 15.4 miles from Harold Interlocking in Sunnyside, Queens, to Shell Interlocking in New Rochelle, Westchester County, NY. For purposes of simplifying the presentation and analysis of the alignment conditions, the HGL Corridor was divided into the following four corridor segments (Figure 11-2).

Each segment consists of a portion of the HGL Corridor, while Segments 2 and 3 also include proposed station areas. MTA chose the following segment limits so that each segment exhibits similar characteristic levels of project construction through its full length:

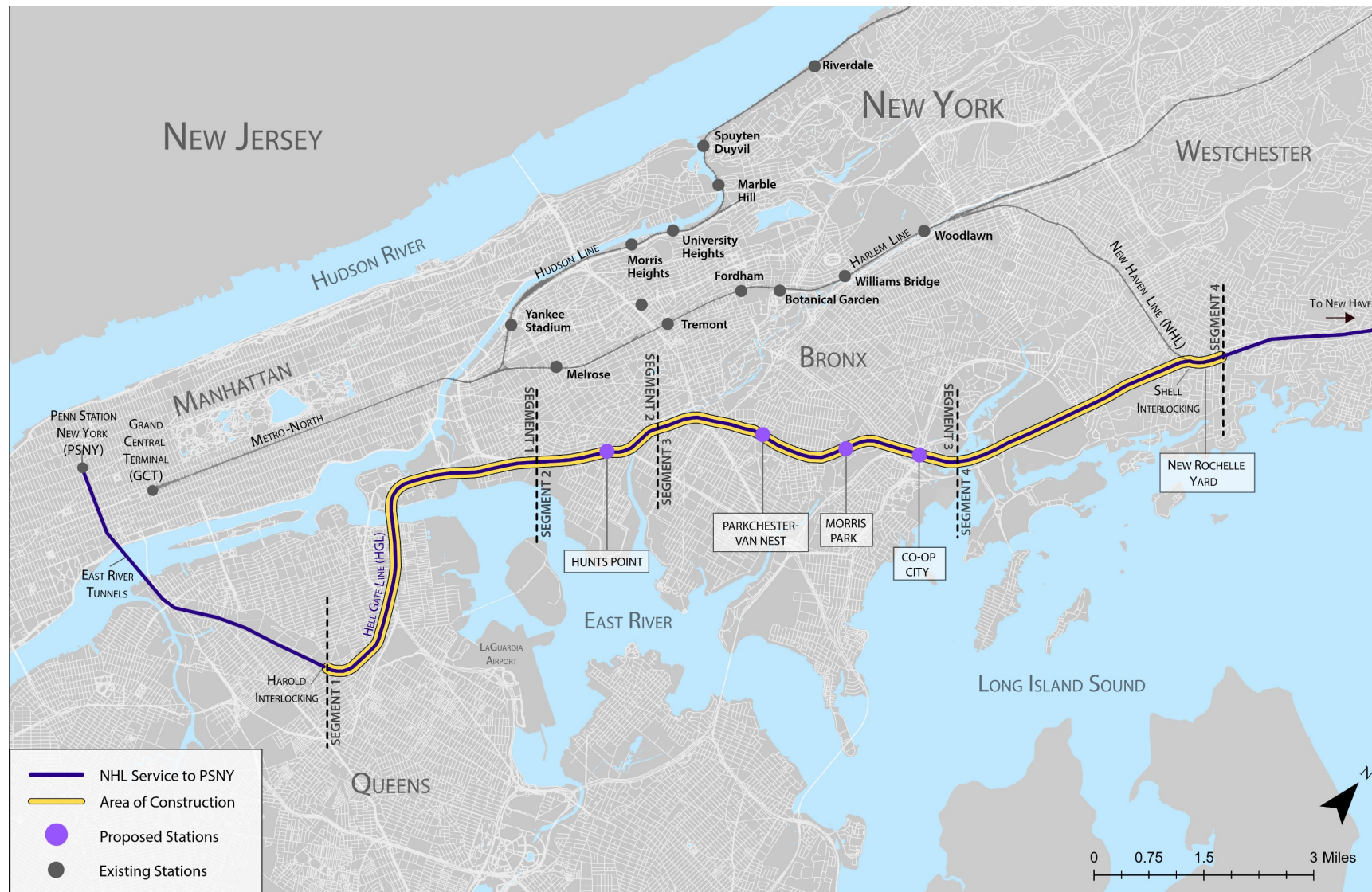
- **Segment 1** extends 5.9 miles from Harold Interlocking (which connects the HGL to the LIRR Main line tracks in Queens) to just west of CSX's Oak Point Yard (Bronx); there are no proposed stations in this segment.
- **Segment 2** extends 1.8 miles from Oak Point Yard to just east of the Bronx River Bridge and includes the Hunts Point Station.
- **Segment 3** extends 4.3 miles from just east of the Bronx River Bridge to just west of the Pelham Bay Bridge and includes Parkchester-Van Nest, Morris Park, and Co-op City Stations.
- **Segment 4** extends 3.4 miles from just west of the Pelham Bay Bridge, through the connection with Metro-North's NHL just west of New Rochelle Station, to just east of Metro-North's New Rochelle Yard; there are no proposed stations in this segment.

MTA would construct four proposed new Bronx stations at the following locations:

- **Hunts Point Station** would be below street level, parallel to Bruckner Boulevard and the elevated Bruckner Expressway, with station access from street level at Hunts Point Avenue.
- **Parkchester-Van Nest Station** would be at street level, along East Tremont Avenue east of White Plains Road, with station access at a location approximately across from Dogwood Drive.
- **Morris Park Station** would be at street level along Bassett Avenue, with station access from both sides of the tracks at Morris Park Avenue.
- **Co-op City Station** would be at street level along Erskine Place, with station access at De Reimer Avenue.



Figure 11-2. Proposed Project Corridor Segments



Source: WSP, 2021

11.4 PURPOSE AND NEED

The Proposed Project’s purpose is to provide improved rail access between PSNY and Manhattan’s west side and southern Connecticut, Westchester County, New York and the eastern Bronx, New York, and to support economic development in those communities.

The Proposed Project is needed to:

- Substantially reduce travel times to and from Manhattan’s West Side by providing direct service to NHL customers; and
- Introduce convenient, direct rail service to communities in the eastern Bronx currently underserved by mass transit.

11.5 USE OF SECTION 4(f) PROPERTIES

11.5.1 Publicly Owned Parkland and Recreational Areas

As discussed in Chapter 7, “Public Open Space and Recreation” of the EA, the study area includes several parks and open space resources that are considered Section 4(f) properties. Under the Proposed Project, MTA would construct infrastructure improvements within the existing railroad right-of-way, to the extent feasible. In some cases, the space within the existing railroad right-of-way is not sufficient to accommodate the additional rail track(s), stations, and signal and power traction equipment. In those cases, MTA made efforts to first use other transportation-related land (owned by Amtrak, New York City Department of Transportation, or New York State Department of Transportation), then non-New York City Department of Park and Recreation (NYCDPR)-owned city land, followed by private commercial property. The following section evaluates whether the Proposed Project’s effects to Starlight Park, Pelham Bay Park, and Pelham Bay and Split Rock Golf Courses constitute a “use” or a *de minimis* use. Tables 11-1 through 11-4 list the publicly owned parkland and recreational areas within the study area, describe the potential effects from the Proposed Project for each property, and determine whether the Proposed Project would result in the use of each Section 4(f) property. See Figures 11-3 through 11-6 for the locations of each of these Section 4(f) properties.

11.5.1.1 Starlight Park

Located in Segment 3, Starlight Park is an NYCDPR-owned waterfront park along the Sheridan Expressway and the Bronx River, between East 174th Street and Westchester Avenue. Phase II of Starlight Park will include the expansion of the existing park to the west side of the Bronx River, on both sides of the HGL. Construction is expected to be completed in the Summer of 2022. The expanded park will be located both to the north and south of the existing Bronx River Bridge and provide connections to existing and proposed bike trails and pedestrian bridges over the HGL. This approximately 14-acre park features both passive and active amenities, including a synthetic turf multi-purpose field, picnic area, playgrounds, basketball courts, multi-use pathways, and floating docks. Underutilized portions of Starlight Park are undergoing construction, as described in Chapter 3, “Land Use, Zoning, and Public Policy” of the EA, to allow for more than three-quarters of a mile of new greenway that will connect Starlight Park with Bronx Park to the north and Concrete Plant Park, Hunts Point Riverside Park, and Barretto Point Park to the south. The expansion of the park will include three pedestrian bridges across the Bronx River.

Permanent easements for two small areas (approximately 2,800 square feet) would be required immediately adjacent to railroad right-of-way for signal equipment and retaining walls.¹ These small areas are not a part of the planned amenities for Starlight Park, and the permanent easements would not affect the activities, features, or attributes of the existing or planned publicly -accessible portions of Starlight Park. The Proposed Project would require a non-exclusive easement to use a shared path that is planned as part of Phase II of Starlight Park for limited vehicular access for maintenance of the signal equipment. Since this vehicular use is anticipated to be limited and of short duration, this non-exclusive easement would not adversely change the activities, features, or properties of the resource.

The increase in rail operations on the HGL as part of the Proposed Project would result in a minimal change in vibration and air quality and would not adversely affect enjoyment of the park resources. As shown in Chapter 16, “Noise and Vibration” of the EA, MTA placed noise receptors in open space or recreational resources along the HGL Corridor, including Starlight Park, Pelham Bay Park, and Pelham Bay/Split Rock Golf Courses. Ambient noise levels at Starlight Park would rise only one (1) decibel along the HGL Corridor following the implementation of the Proposed Project, which would be barely perceptible. MTA identified no impacts at any of the park receptors. Therefore, the Proposed Project would not create an adverse noise impact to open space resources in the HGL Corridor. Finally, because the Proposed Project would result in a continuation of the existing rail transportation use, and the proposed signal infrastructure would be minor and consistent with the existing railroad infrastructure within the right-of-way, MTA anticipates no visual impacts to or from open space and recreational resources. Therefore, there would be no constructive use of Starlight Park from the Proposed Project. The permanent easement and non-exclusive easement within Starlight Park, and the operation of the Proposed Project, would not adversely affect the activities, features, or attributes qualifying this property for protection under Section 4(f).

FTA proposes to make a *de minimis* finding for the use of this portion of Starlight Park. As described above, a determination of *de minimis* impact on a park may be made when:

- The transportation use of the Section 4(f) resource does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f).
- The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource.
- The official(s) with jurisdiction over the property are informed of FTA’s intent to make the *de minimis* impact determination based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).

MTA sent correspondence to the NYCDPR on August 25, 2020, seeking concurrence on this determination (see Appendix E, “Agency Correspondence and Public Involvement”) and consulted with the Department through the spring of 2021. Pending concurrence from the NYCDPR and completion of the public and agency review period, FTA will make a final determination.

11.5.1.2 Pelham Bay Park

Pelham Bay Park is the largest open space resource in Segment 3 and the largest park in New York City. The approximately 2,770-acre park is under the jurisdiction of the NYCDPR and provides numerous facilities for

¹ To be confirmed after final design and consultation with the NYCDPR.

active and passive recreation, such as barbecuing areas, basketball and handball courts, football and baseball fields, and hiking trails. Pelham Bay Park is bisected by the Hell Gate Line.

The Proposed Project requires a non-exclusive easement for access to substation and signal equipment in a portion of Pelham Bay Park; however, this easement would be on an existing access road. This road is inaccessible to the public and does not serve as a park amenity. The road is currently used for Amtrak maintenance access and bus access to a bus storage parking lot. Therefore, this portion of land does not function as a public park and would continue to function as it does today with the Proposed Project. The Proposed Project would use the road for limited vehicular access to the substation and signal equipment. The non-exclusive easement would not affect the activities, features, or attributes of the publicly accessible portions of Pelham Bay Park. The increase in rail operations on the HGL as part of the Proposed Project would result in a minimal change in vibration and air quality and would not adversely affect enjoyment of the park resources. A noise analysis demonstrated that ambient noise levels at Pelham Bay Park would rise only one (1) decibel along the HGL Corridor following the implementation of the Proposed Project, which would be barely perceptible. Therefore, there would be no noise impacts at any of the park receptors. In addition, because the Proposed Project would result in a continuation of the existing rail transportation use, and the proposed substation and signal infrastructure would be consistent with the existing railroad infrastructure within the right-of-way, MTA anticipates no visual impacts to or from Pelham Bay Park. Therefore, there would be no constructive use of Pelham Bay Park from the Proposed Project. Overall, the non-exclusive easement is not considered a Section 4(f) use, the operation of the Proposed Project would not result in a constructive use, and no further analysis is warranted.

11.5.1.3 Pelham Bay and Split Rock Golf Courses

Pelham Bay and Split Rock Golf Courses include a public golf facility that comprises two 18-hole courses. The two golf courses are north and south of the railroad right-of-way and the Pelham Lane Pathway Bridge. The Pelham Lane Pathway Bridge carries two railroad tracks over a golf cart path and a bridle path.

The Pelham Lane Pathway Bridge must be replaced or rehabilitated as part of the Proposed Project in order to accommodate the proposed Bronx Interlocking. In addition, the design-builder would assess the bridge for carrying the increased operations from the proposed Metro-North service during final design to determine if additional structural repairs are necessary. The SHPO determined that the Pelham Lane Pathway Bridge is eligible for listing in the NRHP in November 2020; therefore, it is addressed as a historic architectural resource in Section 11.5.3.

The construction on the bridge would require permanent easements for two small areas (200 square feet and 1,750 square feet) immediately to the east and west of the Amtrak right-of-way for the Pelham Lane Pathway Bridge to accommodate parts of the proposed wing walls for the bridge. These small areas are part of the golf cart path and bridle path, which would both be realigned underneath the bridge as part of the project. Access under the bridge would be maintained for golfers and horseback riders within the park in both temporary and permanent conditions. The increase in rail operations on the HGL as part of the Proposed Project would result in a minimal change in vibration and air quality and would not adversely affect enjoyment of the park resources. The noise analysis demonstrated that ambient noise levels at Pelham Bay and Split Rock Golf Courses would rise only three (3) decibels along the HGL Corridor following the implementation of the Proposed Project, which would be barely perceptible. There would be no noise impacts at a park receptors at the Pelham Bay and Split Rock Golf Courses. Because the Proposed Project would result in a continuation of the existing rail transportation use, and the proposed interlocking and rehabilitated or replaced Pelham Lane Pathway Bridge

would be consistent with the existing railroad infrastructure within the right-of-way, MTA anticipates no visual impacts to or from the recreational resources. Therefore, there would be no constructive use of the golf courses from the Proposed Project. Thus, the permanent easements and the operation of the Proposed Project would not affect the activities, features, or attributes of the existing publicly accessible portions of Pelham Bay Park and the two golf courses. Therefore, FTA proposes to make a *de minimis* finding for the use of this portion of Pelham Bay and Split Rock Golf Courses. As described above, a determination of *de minimis* impact on a park may be made when:

- The transportation use of the Section 4(f) property does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f);
- The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) property; and
- The official(s) with jurisdiction over the property are informed of FTA's intent to make the *de minimis* impact determination based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).

While the bridge construction would temporarily (no more than 12 months) affect the pathways under the bridge within the existing Amtrak right-of-way, one path under the Pelham Lane Pathway Bridge would be maintained throughout construction for use by the public. Therefore, golfers would continue to be able to access Split Rock Golf Course throughout the duration of construction.

Temporary occupancy is not a Section 4(f) use if all of the following conditions exist:

- The land use is of short duration (defined as less than the time needed for the construction of the project).
- There is no change in ownership of the land; the scope of the work must be minor.
- There are no temporary or permanent adverse changes to the activities, features, or attributes of the property.
- The land must be fully restored to a condition at least as good as prior to the project.
- There must be documented agreement from the official(s) with jurisdiction over the property with the above conditions.

Since construction of the bridge would be temporary (approximately 12 months), there would be no change in ownership—and the work would be minor and would not result in adverse changes to the activities, features, or attributes of the property—FTA intends to determine this is not a use of a Section 4(f) resource. MTA sent correspondence to the NYCDPR on August 25, 2020, seeking concurrence on this determination and consulted with the Department through the spring of 2021 (see Appendix E, “Agency Correspondence and Public Involvement”).

Overall, the Proposed Project would not result in a Section 4(f) “use” of any of these parks or open space resources, and no further analysis is warranted.

**Table 11-1. Section 4(f) Properties - Publicly -Owned Parkland and Recreational Areas in Segment 1**

Map ID	Name	Location	Proposed Project Effects on Section 4(f) Property	Section 4(f) Use
1	Greenstreet	Northern Boulevard and Broadway	No temporary construction or permanent use	No Use
2	Greenstreet	33rd Street, between Ditmars Boulevard and 23rd Avenue	No temporary construction or permanent use	No Use
3	Ralph Demarco Park	Shore Boulevard, between Ditmars Boulevard and 20th Avenue	No temporary construction or permanent use	No Use
4	Astoria Park	19th Street, between Astoria Park South and Ditmars Boulevard	No temporary construction or permanent use	No Use
5	Wards Island Park	East River and Hell Gate	No temporary construction or permanent use	No Use
6	Randall's Island Park	East River and Harlem River	No temporary construction or permanent use	No Use

Source New York City Department of Parks and Recreation, 2019.

Notes: Map ID references Figure 11-3.

Table 11-2. Section 4(f) Properties – Publicly -Owned Parkland and Recreational Areas in Segment 2

Map ID	Name	Location	Proposed Project Effects on Section 4(f) Property	Section 4(f) Use
1	Martin Luther King Triangle	Austin Place at East 149th Street	No temporary construction or permanent use	No Use
2	Daniel Boone Playground	Boone Avenue, between West Farms Road and Freeman Street	No temporary construction or permanent use	No Use
3	Concrete Plant Park	Bronx River, between Westchester Avenue and Bruckner Boulevard	No temporary construction or permanent use	No Use
4	Longfellow Garden	Longfellow Avenue, Lowell Street, and East 165th Street	No temporary construction or permanent use	No Use
5	Lyons Square Playground	Aldus Street to Bruckner Boulevard, between Bryant and Longfellow Avenues	No temporary construction or permanent use	No Use
6	Monsignor Raul Del Valle Square	Hunts Point Avenue, Bruckner Boulevard, and East 163rd Street	No temporary construction or permanent use	No Use
7	Julio Carballo Fields	Manida Street, between Spofford and Lafayette Avenues	No temporary construction or permanent use	No Use
8	Mildred T. Rhodebeck Garden (Garden of Eden)	927 Faile Street	No temporary construction or permanent use	No Use
9	Hoe Garden	Hoe Avenue, between Aldus Street and Bruckner Boulevard	No temporary construction or permanent use	No Use
10	Printer's Park	Hoe Avenue, between Aldus Street and Westchester Avenue	No temporary construction or permanent use	No Use
11	Bryant Hill Garden	Bryant Avenue, between Seneca and Garrison Avenues	No temporary construction or permanent use	No Use
12	Greenstreet	Lafayette Avenue, Tiffany Street, and Barry Street	No temporary construction or permanent use	No Use

Source: New York City Department of Parks and Recreation, 2019; Metropolitan Transportation Authority, 2020.
 Notes: Map ID references Figure 11-4.



Table 11-3. Section 4(f) Properties – Publicly Owned Parkland and Recreational Areas in Segment 3

Map ID	Name	Location	Proposed Project Effects on Section 4(f) Property	Section 4(f) Use
1	Bronx River Parkway	Bronx River Parkway	No temporary construction or permanent use	No Use
2	Young Park	Van Nest Avenue, East 180th Street, and East Tremont Avenue	No temporary construction or permanent use	No Use
3	Starlight Park	Sheridan Expressway, between East 174th Street, East 172nd Street, and Jennings Street	An existing fence separates the publicly accessible portion of Starlight Park from the railroad right-of-way. Permanent easements for two small areas (a total of 2,800 square feet) for signal equipment and retaining walls would not affect the activities, features, or attributes of the existing or planned publicly - accessible portions of Starlight Park. Non-exclusive easement for access to equipment would not adversely change the activities, features or properties of the resource. There would be no constructive use of the park resource from operation of the Proposed Project.	<i>De Minimis</i> Impact
4	Pelham Bay Parkway	Pelham Bay Parkway	No temporary construction or permanent use	No Use
5	Noble Playground	Noble Avenue, between Bronx River Avenue and East 177th Street	No temporary construction or permanent use	No Use
6	Greenstreet	Between Unionport Road and Metropolitan Oval	No temporary construction or permanent use	No Use
7	Greenstreet	Van Nest Avenue, between Unionport Road and Victoria Street	No temporary construction or permanent use	No Use
8	Van Nest Park	White Plains Road, Van Nest Avenue, and Unionport Road	No temporary construction or permanent use	No Use
9	Metropolitan Oval	Metropolitan Oval at Unionport Road and Metropolitan Avenue	No temporary construction or permanent use	No Use
10	Greenstreet	Sackett Avenue and Eastchester Road North	No temporary construction or permanent use	No Use
11	Hutchinson River Parkway	Whitestone Bridge Approach to the NYC-Westchester County Line	No temporary construction or permanent use	No Use
12	Pelham Bay Park	Hutchinson River, Long Island Sound, between Bronx County Line and Middletown Road, and Watt Avenue	Non-exclusive easement for access to substation and signal equipment in a portion of Pelham Bay Park; however, this easement would be on an existing access road. This road is inaccessible to the public and does not serve as a park amenity. The non-exclusive easement would not affect the activities, features, or attributes of the publicly accessible portions of Pelham Bay Park. The non-exclusive easement is not considered a Section 4(f) use and there would be no constructive use of the park resource from operation of the Proposed Project; no further analysis is warranted.	No Use

Sources: New York City Department of Parks and Recreation, 2019; Metropolitan Transportation Authority, 2020.

Notes: Map ID references Figure 11-5.

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Table 11-4. Section 4(f) Properties – Publicly Owned Parkland and Recreational Areas in Segment 4

Map ID	Name	Location	Proposed Project Effects on Section 4(f) Property	Section 4(f) Use
1	Pelham Bay and Split Rock Golf Courses/Pelham Bay Park	New England Thruway and Shore Road	Replacement or rehabilitation of the Pelham Lane Pathway Bridge within railroad right-of-way and realignment of golf and bridle paths under the bridge would require permanent easements for two small areas adjacent to the Amtrak right-of-way to accommodate parts of the proposed wing walls for the bridge. The permanent easements would not affect the activities, features, or attributes of the existing publicly-accessible portions of Pelham Bay Park and the two golf courses. There would be no constructive use of the park resource from operation of the Proposed Project. While the bridge construction would temporarily affect (approximately 12 months) the pathways under the bridge, one path under the Pelham Lane Pathway Bridge would be maintained for use by the public throughout construction. Since construction of the bridge would be temporary (approximately 12 months), there would be no change in ownership, the work would be minor and would not result in adverse changes to the activities, features, or attributes of the property, FTA intends to determine this is not a use of a Section 4(f) resource.	<i>De Minimis</i> Impact
2	Liberty Green	Huguenot Street and Lawton Street	No temporary construction or permanent use	No Use
3	Sycamore Park	83 Kings Highway	No temporary construction or permanent use	No Use

Sources: New York City Department of Park and Recreation and Westchester County, 2019.

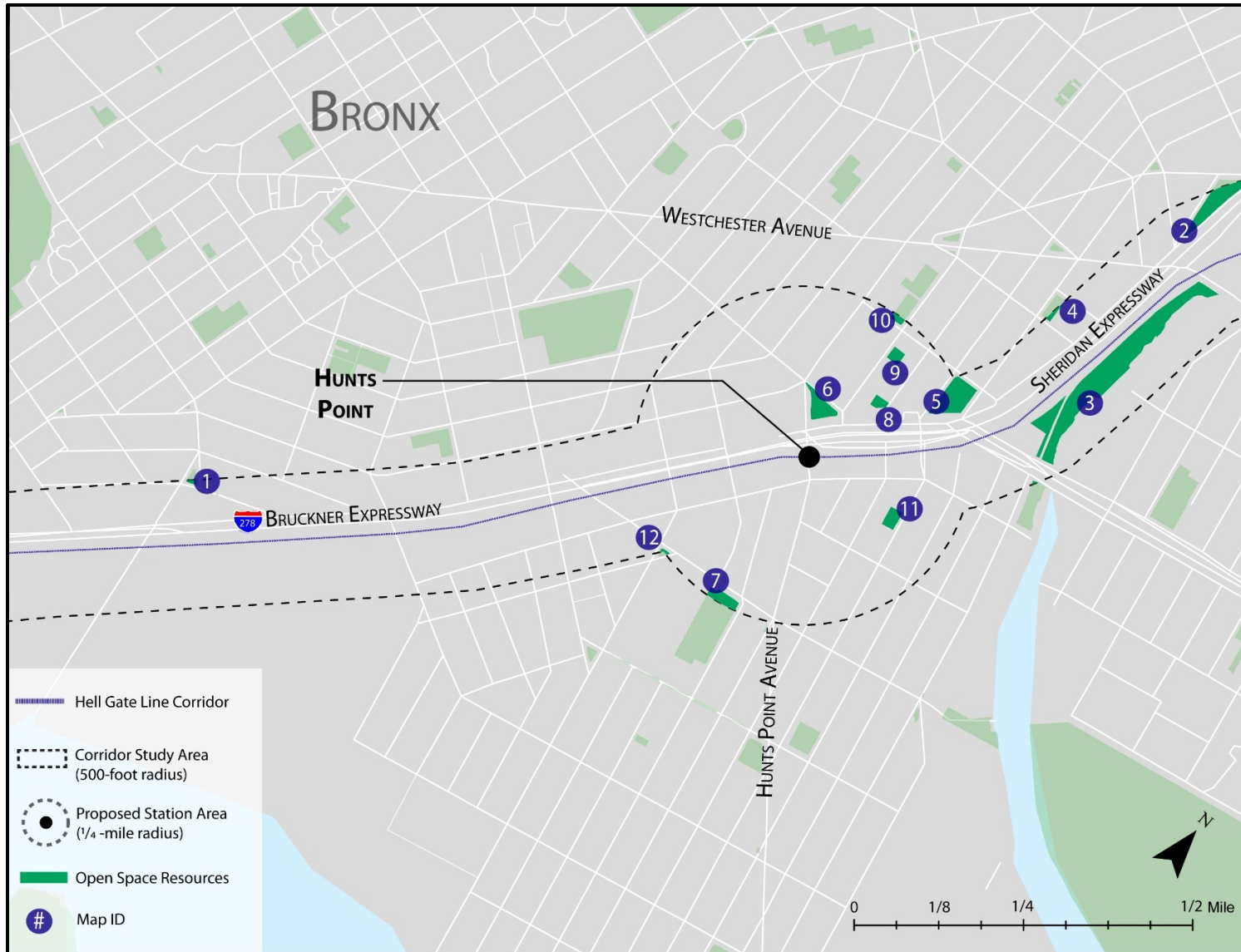
Notes: Map ID references Figure 11-6.

Figure 11-3. Open Space (Existing): Segment 1 (Corridor)



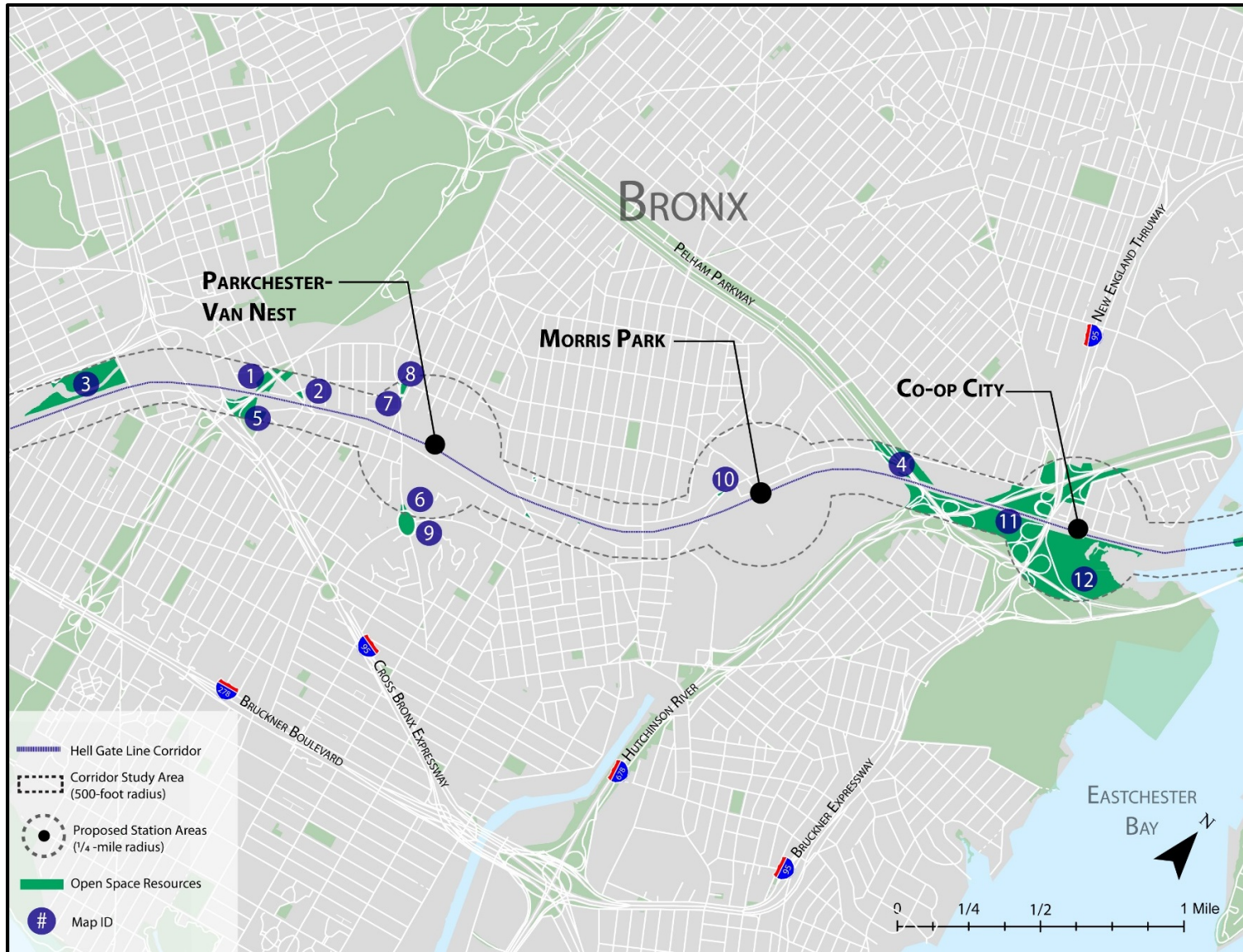
Sources: New York City Department of City Planning; New York City Department of Parks and Recreation; and WSP, 2019

Figure 11-4. Open Space (Existing): Segment 2 (Corridor and Hunts Point Station Area)



Sources: New York City Department of City Planning; New York City Department of Parks and Recreation; and WSP, 2019

Figure 11-5. Open Space (Existing): Segment 3 (Corridor and Parkchester-Van Nest, Morris Park, and Co-op City Station Areas)



Sources: New York City Department of City Planning; New York City Department of Parks and Recreation; and WSP, 2019

Figure 11-6. Open Space (Existing): Segment 4 (Corridor)



Sources: New York City Department of Parks and Recreation; Westchester County; and WSP, 2019

11.5.2 Wildlife or Waterfowl Refuge Areas

No national wildlife or waterfowl refuge areas are within the Proposed Project study area. The Pelham Bay Park Thomas Pell Wildlife Refuge, designated by the NYCDPR, is along the Segment 4 Corridor; however, work in this area would remain within the railroad right-of-way, and there would be no direct impact to habitat and areas immediately adjacent to the right-of-way.

In addition, since wildlife has co-existed with this active rail line for over 100 years, the Proposed Project would not be expected to indirectly affect the Pelham Bay Park Thomas Pell Wildlife Refuge. As described in Chapter 16, “Noise and Vibration,” the operation of the Proposed Project would not result in noise impacts to the Thomas Pell Wildlife Refuge, which borders the existing rail lines. Operation of the Proposed Project would not increase noise levels to the extent that there would be alterations in species assemblages or otherwise negative changes to wildlife communities in the surrounding area. MTA also anticipates that changes in vibration and air quality as a result of the increased operations along the HGL Corridor would be minimal and would not adversely affect the refuge. Finally, because the Proposed Project would result in a continuation of the existing rail transportation use, and the proposed infrastructure improvements would be minor and consistent with the existing railroad infrastructure within the right-of-way, MTA anticipates no visual impacts to or from the resource. Therefore, there would be no constructive use of the Pelham Bay Park Thomas Pell Wildlife Refuge from the Proposed Project.

Overall, the Proposed Project would not result in the Section 4(f) use of wildlife or waterfowl refuge areas and no further analysis is warranted.

11.5.3 Historic Architectural Resources

Based on the information provided in Chapter 9, “Historic Resources,” the “Section 106 Effects Assessment for the PSA Project”, the “Supplemental Section 106 Review for a New Railroad Bridge on the Amtrak Hell Gate Line over the Bronx River at MP 11.40”, and the “Supplemental Section 106 Review for the Expansion of the New Rochelle Yard on the Metro-North New Haven Line” (provided in Appendix G, “Historic, Archaeological, and Cultural Resources”), MTA has identified several historic architectural resources that are considered Section 4(f) properties in the Proposed Project’s area of potential effect (APE) or station APES. These include National Historic Landmarks, resources listed on the National or State Registers of Historic Places, or resources that have been designated as New York City Landmarks. Table 11-5 and Table 11-6 list the historic architectural resources within the study area, describe the potential effects from the Proposed Project for each property, and determine whether the Proposed Project would result in the use of each Section 4(f) property. See Figure 11-7 and Figure 11-8 for the locations of each of these Section 4(f) properties.

**Table 11-5. Section 4(f) Properties – Historic Architectural Resources Segments 1 and 2**

Name	Location	Proposed Project Effects on Section 4(f) Property	Section 4(f) Use
Segment 1 – No Historic Resources Were Identified			
Segment 2			
Lafayette Avenue Bridge	Crosses over the HGL between the elevated Bruckner Expressway and Garrison Avenue in the Hunts Point section of the Bronx	No temporary construction or permanent use; No adverse effect under Section 106.	No Use
IRT No. 6 Subway Truss Bridge	Crosses over Westchester Avenue, Amtrak HGL, and the Bronx River	No temporary construction or permanent use; No adverse effect under Section 106.	No Use
Amtrak HGL Bascule Bridge	Crosses over the Bronx River, north of Westchester Avenue	Bridge to be rehabilitated: No adverse effect under Section 106. ¹ Permanent effects of new two-span bridge to Bronx River Bridge would have no adverse effect under Section 106.	No Use

Source Lynn Drobbin Associates, 2020

Notes: See Figure 11-7.

¹ The bridge rehabilitation would be conducted in accordance with the Secretary of the Interior's Standards for Rehabilitation. The New York State Historic Preservation Office (SHPO) would review and approve 30%, 60%, 90%, and 100% design drawings and specifications. MTA would implement a construction monitoring plan, which SHPO would review and approve.



Table 11-6. Section 4(f) Properties – Historic Architectural Resources Segments 3 and 4

Name	Location	Proposed Project Effects on Section 4(f) Property	Section 4(f) Use
Segment 3			
New York Westchester & Boston Railway Anchor Bridge	Situating in Starlight Park, north of East 174th Street and west of the Amtrak HGL	No temporary construction or permanent use; No adverse effect under Section 106.	No Use
Cross Bronx Expressway (I-95) Corridor	Crosses over the Sheridan Expressway (I-895), Bronx River, and Amtrak HGL	No temporary construction or permanent use; No adverse effect under Section 106.	No Use
Parkchester Apartment Complex	Bounded by East Tremont Avenue and the HGL right-of-way to the north, Castle Hill Avenue on the east, McGraw Avenue to the south, and White Plains Road to the west	No temporary construction or permanent use; No adverse effect under Section 106. ¹	No Use
Amtrak HGL Bascule Bridge	Crosses over Pelham Bay and Hutchinson River	No temporary construction or permanent use; No adverse effect under Section 106.	No Use
Segment 4			
Pelham Bay Park Historic District	Hutchinson River, Long Island Sound between Bronx County Line and Middletown Road, and Watt Avenue	Replacement or rehabilitation of the Pelham Lane Pathway Bridge within railroad right-of-way, temporary closure and realignment of golf and bridle paths under the bridge would have no adverse effect under Section 106.	No Use
Pelham Lane Pathway Bridge	Crosses over a golf cart path and bridle path connecting Pelham Bay and Split Rock Golf Courses within Pelham Bay Park	Replacement or rehabilitation of the bridge would result in a permanent use; Demolition of the bridge would be an adverse effect under Section 106.	Use
Kaufman Building	Located south of New Rochelle Yard at 271 North Avenue	No temporary construction or permanent use; No adverse effect under Section 106. ²	No Use

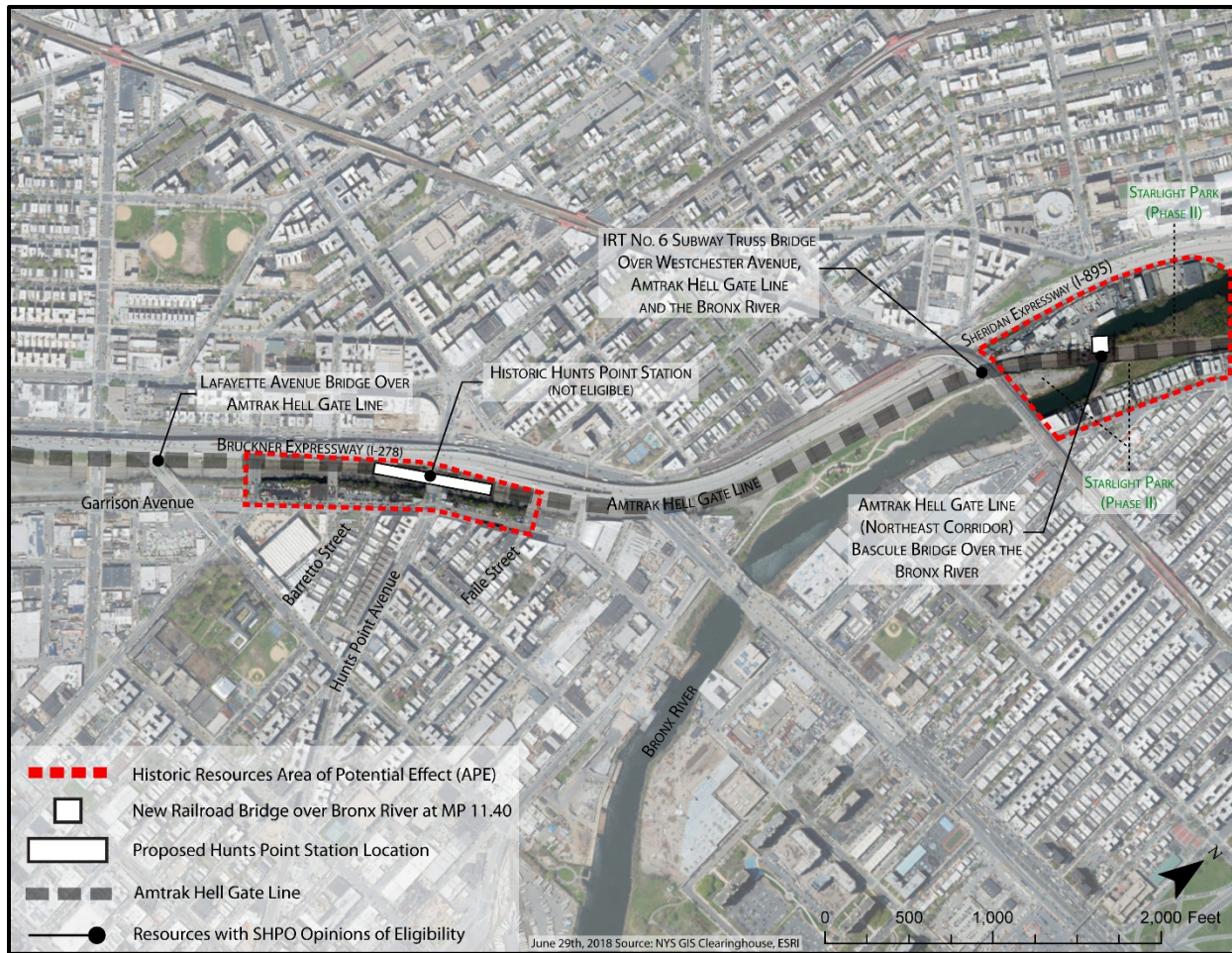
Source: Lynn Drobbin Associates, 2020

Notes: See Figure 11-8 and Figure 11-9.

¹ All new construction at the Parkchester-Van Nest Station would be conducted in accordance with the Secretary of the Interior’s Standards. The new construction would be compatible in design and materials to the complex, as appropriate, to minimize the effects of the new station. MTA’s Arts & Design program will commission site-specific permanent artwork that responds to the community’s character defining features and history. 30%, 60%, 90%, and 100% design drawings of the new station facility would be submitted to SHPO for review and approval. A construction monitoring plan would be implemented.

² The Kaufman Building would be protected during construction of the yard site by a construction management plan.

Figure 11-7. Historic Resource Area of Potential Effect and State Historic Preservation Office Opinions of Eligibility: Segment 2



Source: WSP, 2019

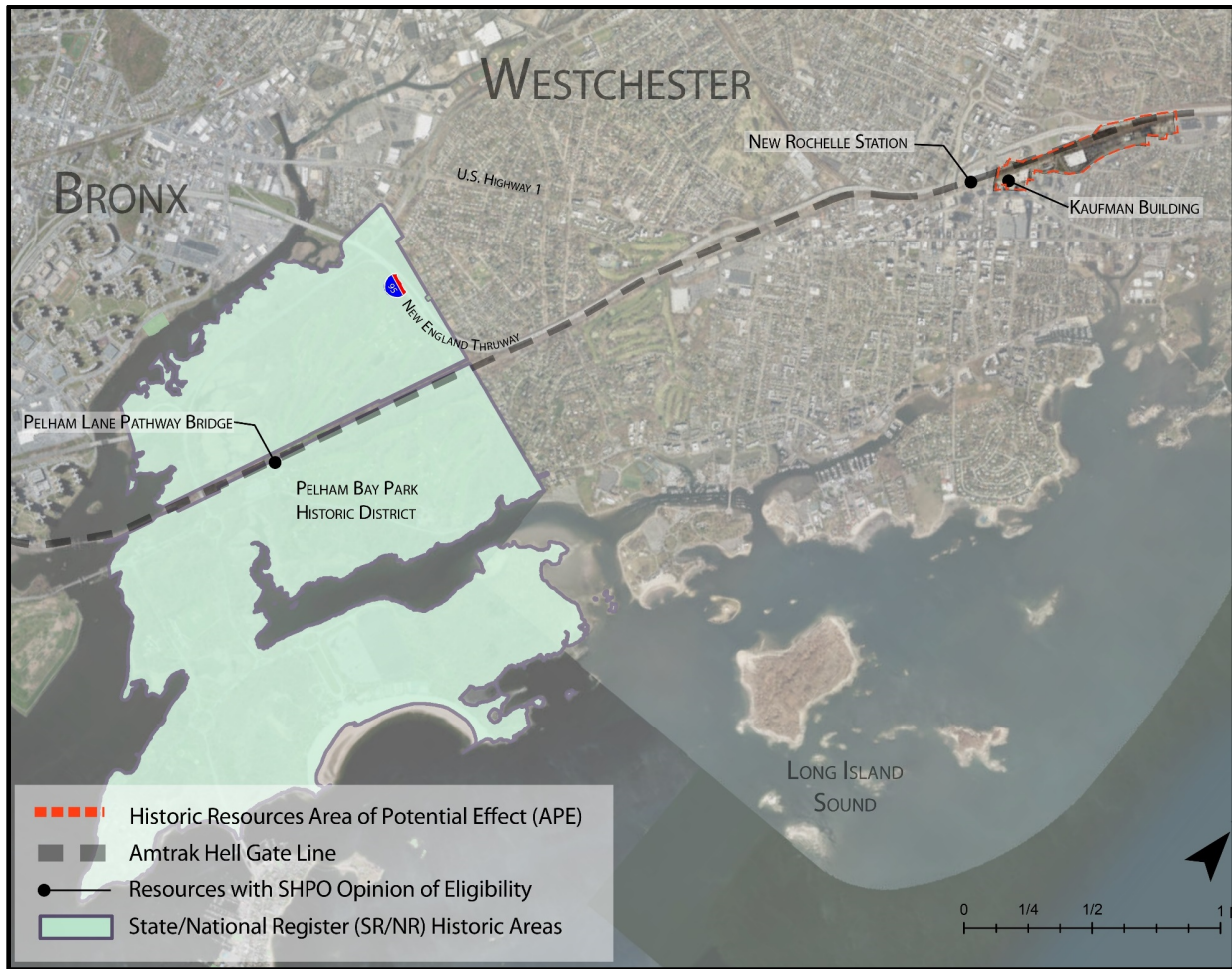
Figure 11-8. Historic Resource Area of Potential Effect and State Historic Preservation Office Opinions of Eligibility: Amtrak Hell Gate Line Bascule Bridge over the Bronx River and Proposed New Railroad Bridge over Bronx River at MP 11.40



Source: WSP, 2020



Figure 11-9. Historic Resource Area of Potential Effect and State Historic Preservation Office Opinions of Eligibility: Segment 4



Source: WSP, 2021

MTA submitted the *Section 106 Effects Assessment for the PSA Project* (July 2019) to SHPO on July 18, 2019 (included in Appendix G) that concluded that the Proposed Project would not result in any adverse effects to the following historic architectural resources: Lafayette Avenue Bridge, IRT No. 6 Subway Truss Bridge, New York Westchester & Boston Railway Anchor Bridge, Cross Bronx Expressway (I-95) Corridor, Parkchester Apartment Complex, and Amtrak HGL Bascule Bridge of Pelham Bay and Hutchinson River. In correspondence dated July 30, 2019, the New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP) agreed with the conclusions of the Section 106 Effects Assessment Report. A Supplemental Section 106 Review that addressed the new railroad bridge at MP 11.40, north of the Amtrak HGL (Northeast Corridor) bascule bridge over the Bronx River, determined that the new bridge would not destroy or alter the significant character-defining features of the bascule bridge. In correspondence dated May 5, 2020, NYSOPRHP concurred with this conclusion. Therefore, the Proposed Project would have *No Adverse Effect* on the bridge. A Supplemental Section 106 Review that addressed the linear expansion of New Rochelle Yard determined that the work would have *No Adverse Effect* on the Kaufman Building or other resources in the vicinity of the yard. In correspondence dated October 29, 2020, NYSOPRHP concurred with this conclusion.

On December 31, 2018, a SHPO Finding of Eligibility was accepted for the Pelham Bay Park Historic District. The railroad tracks and the Pelham Lane Pathway Bridge that are part of the HGL that runs through the Pelham Bay Park were not identified as contributing elements to the historic district. As described in Section 11.5.1.2, the non-exclusive easement at the southwestern end of Pelham Bay Park, near Co-op City, is not considered a Section 4(f) use, and the operation of the Proposed Project would not result in a constructive use; therefore, no further analysis is warranted. In addition, the proposed station and substation in that area of the park would have no impact on contributing elements to the Pelham Bay Historic District. As described in Section 11.5.1.3, the permanent easements and the operation of the Proposed Project would not affect the activities, features, or attributes of the existing publicly -accessible portions of Pelham Bay Park and the Pelham Bay and Split Rock Golf Courses. In addition, the Proposed Project would not destroy or alter any character-defining features or contributing elements to the Pelham Bay Historic District. While the construction on the Pelham Lane Pathway Bridge would temporarily (no more than 12 months) affect the pathways under the bridge within the existing Amtrak right-of-way, one path under the bridge would be maintained throughout construction for use by the public. Therefore, golfers would continue to be able to access Split Rock Golf Course throughout the duration of construction.

The Proposed Project is not expected to permanently incorporate any of these Section 4(f) properties into a transportation facility or result in the temporary occupancy of Section 4(f) land that is adverse in terms of the statute's preservation purpose. The Proposed Project would also not result in proximity impacts so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) would be substantially impaired. Therefore, the Proposed Project would not result in the Section 4(f) use of these historic architectural resources.

On November 13, 2020, SHPO issued a Finding of Eligibility for the Pelham Lane Pathway Bridge. According to SHPO, the bridge appears to meet "Criterion C" as an example of a steel thru-plate girder bridge in the Bronx.¹ The three-span, through girder structure, with transverse troughs supported on stone masonry abutments and steel piers, carries two tracks on the HGL, through Pelham Bay Park. Although drawings

¹ Criterion C: Embodies the distinctive characteristics of a type, period, or method of construction; or represents the work of a master; or possesses high artistic values; or represents a significant and distinguishable entity whose component may lack individual distinction.

indicate the bridge was constructed in 1907, portions of the bridge may have been constructed earlier as part of a freight line when the Harlem River Branch opened in 1868. The bridge retains the original decorative steel piers and ornamental steel girders; however, alterations include the removal of the two southern girders and troughs spanning between the girders (see photographs in Figure 11-10).

Figure 11-10. Photographs of Pelham Lane Pathway Bridge



View of decorative steel piers and ornamental steel girders on north side of bridge



View of altered south side of the bridge

Source: HNTB, 2019

As part of the Proposed Project, the Pelham Lane Pathway Bridge would be rehabilitated or replaced to accommodate the new Bronx Interlocking, which is needed to increase operational flexibility in Segment 4. During final design, the design-builder would assess the bridge for carrying the additional Metro-North trains to determine if additional structural repairs are necessary. The determination regarding rehabilitation or replacement will be made by MTA and Amtrak. In a letter dated November 23, 2020, SHPO stated that the proposed demolition of the bridge would have an Adverse Effect on the bridge. Although SHPO has not made

a determination regarding the effect from rehabilitation of the bridge, it is assumed that either rehabilitation or replacement of the bridge would result in a Section 4(f) use.

11.5.3.1 Feasible and Prudent Avoidance Alternatives

MTA evaluated alternatives to avoid the use of the Pelham Lane Pathway Bridge. Four total alternatives, in addition to the No Action Alternative, were developed and are discussed below. They were analyzed per the definition of *feasible and prudent* found in 23 CFR 774.17.

1. No Action Alternative – Under the No Action Alternative, the Proposed Project will not be implemented. The alternative will avoid the use of the Pelham Lane Pathway Bridge; however, the No Action Alternative will not meet the purpose and need because it will not:
 - Substantially reduce travel times to and from Manhattan’s West Side by providing direct service to NHL customers.
 - Introduce convenient, direct rail service to communities in the eastern Bronx that are currently underserved by mass transit.

While the No Action Alternative will not result in a Section 4(f) use, it is not prudent because it will be unreasonable to proceed with the No Action Alternative in light of the Proposed Project’s stated purpose and need.

2. No Improvements to Pelham Lane Pathway Bridge – Under this alternative, the Proposed Project would be implemented, including the addition of Metro-North service on the HGL; however, there would be no repairs or structural improvements to the Pelham Lane Pathway Bridge. A bridge inspection performed in June 2019 found the bridge to be in overall fair condition, with certain critical elements in poor condition. The inspection report indicated deteriorated steel, spalled concrete (*i.e.*, flaky, cracked, and pitted) and visible water leaks. Considering the bridge was built in 1907, it is nearing the end of its useful service life. The addition of 102 daily trains over a bridge in poor condition would pose unacceptable safety problems and would not be a long-term, viable alternative. In addition, this alternative would prevent the construction of the new Bronx Interlocking, which would limit the operational flexibility in Segment 4 with implementation of the Proposed Project. The No Improvements Alternative and would not result in a Section 4(f) use and would meet the purpose and need, but would not be prudent due to safety concerns.
3. Alternative Alignment – Under this alternative, the alignment of tracks serving the proposed Metro-North service would be diverted to avoid the Pelham Lane Pathway Bridge. Although there are many potential alignment alternatives, which would avoid impacts to the N/SR-eligible bridge, none would be prudent. Constructing a bridge adjacent to the existing structure would require a significant modification to the current track alignment. The alignment would need to shift a minimum of 15 to 20 feet, which would require significant realigning of the tracks. This track shift would also require the replacement of existing overhead OCS structures and the relocation of wayside signal and communication equipment to make way for the realigned tracks. This alternative would result in additional construction costs of extraordinary magnitude. In addition, an alignment adjacent to the existing HGL through Pelham Bay Park would result in an impact to the N/SR-eligible historic district, as well as a locally significant park resource. Based on very preliminary engineering analysis, the Alternative Alignment is feasible and would meet the purpose and need, but would not be prudent due to high costs and impacts to other Section 4(f) resources.

4. Rehabilitation of the Pelham Lane Pathway Bridge – Under this alternative, elements of the Pelham Lane Pathway Bridge would be rehabilitated, as needed, to accommodate the new Bronx Interlocking and the additional Metro-North service that are part of the Proposed Project. The 2019 bridge inspection report indicated heavy steel deterioration, with rivet loss between 50 and 100 percent, section loss on the steel piers that support the thru girders, and spalling on the concrete foundations. The continual water leaks through the troughs perpetuate the deterioration of the structure. The arrangement of the troughs and rivet loss make any repair very difficult; however, the design-builder would fully assess the bridge during final design to determine if rehabilitation of the bridge is possible, while still maintaining safe operations following implementation of the Proposed Project. Further design may indicate that rehabilitation would result in unacceptable schedule delays and disruptions to existing service on the HGL. It is expected that rehabilitation of the bridge would maintain acceptable conditions for only 20 to 30 years, before additional repairs would be required. If it is determined to be feasible, the design-builder would prepare the final design for the rehabilitated bridge, meeting any requirements identified by SHPO following the stipulations in the Draft Programmatic Agreement. While the Rehabilitation Alternative would meet the project purpose and need, and is likely to be feasible and prudent (pending further design), it would result in a Section 4(f) use.
5. Replacement of the Pelham Lane Pathway Bridge – Under this alternative the entire structure of the bridge would be demolished and replaced with a new bridge. As described earlier, the bridge is nearing the end of its useful life. A complete replacement of the bridge would ensure the structure can safely accommodate the increased operations from the Proposed Project, with a 100-year design goal. However, the alternative would result in an Adverse Effect under Section 106 and a permanent use under Section 4(f). The design-builder would prepare the final design for the replacement bridge, meeting any requirements identified by SHPO following the stipulations in the Draft Programmatic Agreement. While the Replacement Alternative would meet the project purpose and need, and is feasible and prudent, it would result in a Section 4(f) use.

Based on the analysis of alternatives, there is no avoidance alternatives that are feasible and prudent. Rehabilitation or replacement of the Pelham Lane Pathway Bridge are the only two alternatives that are feasible and prudent, and that would meet the project purpose and need.

11.5.3.2 *Alternative with Least Overall Harm*

The evaluation of avoidance alternatives resulted in a determination that there is no feasible and prudent avoidance alternative to the use of the Section 4(f) resource. Therefore, pursuant to 23 CFR 774.3(c), only the alternative that causes the least overall harm to the Section 4(f) resource may be approved. To determine which of the alternatives would cause the least overall harm, FTA must compare the following seven factors set forth in 23 CFR 774.3(c)(1) concerning the alternatives under consideration:

- The ability to mitigate adverse impacts to each Section 4(f) property (including any measures that result in benefits to the property);
- The relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualify each Section 4(f) property for protection;
- The relative significance of each Section 4(f) property;
- The views of the officials with jurisdiction over each Section 4(f) property;

- The degree to which each alternative meets the purpose and need for the project;
- After reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f); and
- Substantial differences in costs among the alternatives.

Based on the current level of design, and pending further consultation with SHPO, both the Rehabilitation and Replacement Alternatives should be carried forward as alternatives that would cause the least overall harm.²

All possible planning to minimize harm, defined in 23 CFR 774.17, means that all reasonable measures identified in the Section 4(f) evaluation to minimize harm or mitigate for adverse impacts and effects must be included in the project. Minimization of harm may entail both alternative design modifications that reduce the amount of Section 4(f) property used and mitigation measures that compensate for residual impacts. Minimization and mitigation measures should be determined through consultation with the official(s) with jurisdiction, which includes SHPO for the Pelham Lane Pathway Bridge.

As outlined in the Draft Programmatic Agreement, MTA will follow the process for resolution of adverse effects. MTA will consult with SHPO regarding minimization or mitigation measures with regard to the rehabilitation or replacement of the Pelham Lane Pathway Bridge.

11.5.3.3 Public Comment/Coordination

This Draft Section 4(f) Evaluation will be circulated with the EA for public review and comment and submitted to the U.S. Department of the Interior for review. Comments on the Draft Section 4(f) Evaluation will be addressed and incorporated in the Final Section 4(f) Evaluation.

11.5.4 Archaeological Resources

Based on the information provided in Chapter 10, “Archaeological Resources” and Appendix G, “Historic, Archaeological, and Cultural Resources” of the EA, portions of the archaeological APEs are potentially sensitive for precontact resources. The archaeological evaluation determined that the Proposed Project could disturb potentially sensitive areas along the HGL corridor and near Co-op City Station and Morris Park Station. Further geotechnical studies of the two station sites clarified subsurface conditions and archaeological potential. The Co-op City Station area has moderate archaeological sensitivity and the Morris Park Station area has low archaeological sensitivity. However, based on the evaluation, the types of archaeological resources that may exist in these locations and may be disturbed do not derive their importance from preservation in place and are therefore not protected under Section 4(f).

The site of the proposed two-span bridge over the Bronx River was extensively disturbed, both vertically and horizontally, resulting in the site’s lack of potential for both precontact and historic archaeological resources. In correspondence dated May 4, 2020, NYSOPRHP concurred that due to extensive prior disturbance, the construction of the new Bronx River Bridge has no potential to affect archaeological resources and that no further archaeological investigation is needed.

² Pursuant to substantial case law, if the assessment of overall harm finds that two or more alternatives are substantially equal, the lead agency can approve any of those alternatives. Section 4(f) Policy Paper, FHWA, Office of Planning, Environment and Realty (July 20, 2012)

The area for the proposed New Rochelle Yard expansion was extensively disturbed, both vertically and horizontally; therefore, there is no potential for precontact or historic archaeological resources. In correspondence dated October 5, 2020, NYSOPRHP concurred that due to extensive prior disturbance, the proposed New Rochelle Yard expansion has no potential to affect archaeological resources and that no further archaeological investigation is needed. Therefore, the Proposed Project would not result in the Section 4(f) use of any archaeological resources.

11.6 CONCLUSION

As described previously, this document has been prepared pursuant to the requirements of Section 4(f) of the Department of Transportation Act of 1966. Because the permanent easements and non-exclusive easement within Starlight Park and the permanent easements within the Pelham Bay and Split Rock Golf Courses would not adversely change the activities, features, or properties of the Section 4(f)-protected resources, FTA proposes to make a *de minimis* finding for the Proposed Project's uses of those portions of the parks. Pending concurrence from the NYCDPR and completion of the public and agency review period, FTA will make a final determination.

The rehabilitation or replacement of the Pelham Lane Pathway Bridge are the alternatives that meet the Proposed Project's purpose and need, and would cause the least overall harm. The No Action Alternative and other avoidance alternatives that were examined will not affect the N/SR-eligible bridge, but could affect another N/SR-eligible resource, and will not meet the Proposed Project's purpose and need, and thus were dismissed. Therefore, no feasible and prudent alternative to the use of the Section 4(f) resource and the Proposed Project, including adherence to the stipulations in the Section 106 Draft Programmatic Agreement, includes all possible planning to minimize harm to the resource resulting from such use.

Agencies and the public will be afforded an opportunity to review and comment on the effects of the Proposed Project on the Section 4(f) resources as part of the public comment period for this EA and Section 4(f) Evaluation. MTA is consulting with the NYCDPR (the official agency with jurisdiction over Starlight Park) and SHPO (regarding the historic Pelham Lane Pathway Bridge).