

CENTRAL BUSINESS DISTRICT (CBD) TOLLING PROGRAM

Appendix 7, Parks and Recreational Resources: Documentation Related to Section 6(f) of the Land and Water Conservation Fund Act

August 2022

April 23, 2020

Diana Carter
Director of Planning
Alternate State Liaison Officer
New York State Office of Parks, Recreation and Historic Preservation
625 Broadway
Albany, NY 12207

RE: **Section 6(f) of the Land and Water Conservation Fund (LWCF) Act**
Manhattan Central Business District (CBD) Tolling Program
New York County, New York
Central Park LWCF Grants: 36-00427 (Wollman Ice Rink Improvement); 36-00830
(Central Park Pond Rehabilitation); 36-01015 (Rehabilitation of Rumsey Playground)

Dear Ms. Carter:

The Triborough Bridge and Tunnel Authority (TBTA), an affiliate of the Metropolitan Transportation Authority (MTA), together with the New York State Department of Transportation (NYSDOT) and the New York City Department of Transportation (NYC DOT) (collectively the Project Sponsors), are progressing a program of variable tolls for vehicles entering or remaining in the Manhattan Central Business District (CBD) in New York, New York, known as the CBD Tolling Program (the Project). The Project purpose is to implement a vehicular tolling program to reduce traffic congestion in the Manhattan CBD.

In April 2019, the New York State Legislature passed the MTA Reform and Traffic Mobility Act to implement the CBD Tolling Program. As established in the legislation, the Project would allow TBTA to toll vehicles that enter or remain in the Manhattan CBD, which the legislation generally defines as the area of Manhattan south and inclusive of 60th Street and exclusive of the West Side Highway/Route 9A and Franklin D. Roosevelt (FDR) Drive. After covering TBTA's Project-related capital and operating expenses, the revenue collected would fund projects in the MTA 2020–2024 Capital Program.

Central Park is at the northern boundary of the Manhattan CBD where the Project would be implemented. The City of New York has received funding through the Land and Water Conservation Fund Act (LWCF Act) for Central Park; thus, the park is a Section 6(f) resource.

Enclosed is documentation describing the proposed activities in Central Park that would be implemented under the Project. As stated, small pole-mounted tolling system equipment is proposed at three locations just inside Central Park near 59th Street and at two locations on the sidewalks abutting the park. Based on the information provided, the Project Sponsors recommend that the proposed infrastructure and equipment, as well as associated construction activities within Central Park would not result in a conversion of parkland. We respectfully request concurrence by the New York State Office of Parks, Recreation and Historic Preservation that the proposed work within Central Park does not constitute a Section 6(f) conversion.

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Thank you for your assistance. Please contact Catherine Leslie at 518-485-9449 if you have any questions or need additional information.

Sincerely,

Angelo Trichilo

Angelo Trichilo, PE 4-23-2020
Deputy Chief Engineer
Acting Director, Office of Environment

AT/cl/bb

Encl: CBD Tolling Program Section 6(f) Project Information

cc: R. Epstein, NYSDOT
W. Albert, NYSDOT
A. de Cerreño, TBTA
I. Benjamin, NYSOPRHP
W. Carry, NYCDOT

May 6, 2020

VIA EMAIL AND REGULAR MAIL

New York State Department of Transportation
c/o Angelo Trichilo, PE, Acting Director, Office of Environment
50 Wolf Road
Albany, NY 12232

Re: Manhattan Central Business District (CBD) Tolling Program
New York County, New York
Central Park LWCF Grants: 36-00427 (Wollman Ice Rink Improvement); 36-00830 (Central
Park Pond Rehabilitation); 36-01015 (Rehabilitation of Rumsey Playground)

Dear Angelo Trichilo,

The NYS Office of Parks, Recreation, and Historic Preservation is in receipt of the April 23rd, 2020 letter from the NYS Department of Transportation (NYS DOT) requesting review of the Manhattan Central Business District Tolling Program for compliance with the provisions of the Land and Water Conservation Fund Act under 54 U.S.C. 200305 (*formerly* Section 6(f) of the LWCF Act of 1965).

OPRHP is the State agency designated by the Governor as liaison to the National Park Service (NPS), within the Department of the Interior (DOI), for purposes of administration and compliance with the LWCF Act, as amended. This Act provides that lands developed with LWCF assistance shall be maintained in public outdoor recreation use in perpetuity, and shall not be converted to other than public outdoor recreation use (known as an "LWCF conversion"), except with approval of the Secretary of the Interior, delegated to the Director of the NPS.

The City of New York received the above-referenced LWCF grants for development of recreation facilities at Central Park in Manhattan. As such, the boundaries of Central Park as defined at the time of original grant constitute an LWCF recreation area, subject to the compliance requirements of that Act.

It is the understanding of this office that CBD Tolling Project activities within Central Park are intended to prevent the vehicles using the park from entering the Manhattan CBD without paying the CBD toll. Our office has reviewed the activities proposed in the documentation dated April 23rd and has provided determinations concerning the below:

- installation of pole-mounted tolling system equipment at three locations inside Central Park and at two locations on sidewalks abutting the Park;
- utility and communications connections to poles via conduits laid in trenches dug to the nearest utility access point; and,
- potential impacts to access by the public to outdoor recreation facilities within Central Park.

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It is the opinion of this office that the pole-mounted equipment would not remove any part of the LWCF recreation area from outdoor recreation use or impede recreational activities and, therefore, does not constitute an LWCF conversion as defined in LWCF State Assistance Program Federal Financial Assistance Manual, Volume 69 ("LWCF Manual") Chapter 8-E, pursuant to 36 CFR 59.3.

It is the opinion of this office that the construction activities for the trenching and laying of conduits are permissible under LWCF Manual Chapter 8-E(2)(a). So long as these activities are completed within six months, and the lands impacted are returned to original surface condition, they will not trigger a conversion pursuant to LWCF Manual Chapter 8-E.

Lastly, it is the opinion of this office that the implementation of the CBD Tolling Program is intended to collect tolls from vehicles exiting the park and entering the tolling district that lies south of Central Park. Tolls will not be collected from vehicles entering Central Park from the tolling district and will not impede access by the public to the outdoor recreation facilities offered within the LWCF protected area.

Therefore, this office concludes that the project as presented and reviewed will not adversely affect LWCF protected lands within New York City's Central Park.

Sincerely,



Diana Carter

LWCF Alternate State Liaison Officer
Division of Environmental Stewardship and Planning

cc:

W. Albert, NYS DOT
I. Benjamin, NYS OPRHP
W. Carry, NYC DOT
A. de Cerreño, TBTA
R. Epstein, NYS DOT
C. Leslie, NYS DOT
J. Schneider, TBTA
L. Wright, NYS OPRHP