

## 19. Section 4(f) Evaluation

### 19.1 INTRODUCTION

Section 4(f) of the Department of Transportation Act of 1966 (now 49 United States Code [USC] Section 303 and 23 USC Section 138; U.S. Department of Transportation [USDOT] Act) applies to the use of publicly or privately owned historic sites determined eligible for or listed on the National Register of Historic Places (NRHP); and publicly owned parks<sup>1</sup>, recreation areas, and wildlife and waterfowl refuges (collectively, Section 4(f) properties). The requirements of Section 4(f) apply to FHWA and other agencies of USDOT.

### 19.2 REGULATORY FRAMEWORK

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Such work will not adversely affect the historic qualities of the facility that caused it to be on or eligible for the National Register, or this work achieves compliance with Section 106 through a program alternative under 36 CFR 800.14; and

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

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

### 19.3 DESCRIPTION OF THE PROPOSED ACTION

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

The Project would address the following needs:

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

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

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

## 19.4 PROJECT ALTERNATIVES

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

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

## 19.5 HISTORIC SITES

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

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

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

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

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

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

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

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

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

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



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

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

Source: Cultural Resource Information System at <https://cris.parks.ny.gov>  
 NYC Landmarks Preservation Commission “Discover NYC Landmarks” at <https://www1.nyc.gov/site/lpc/index.page>

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

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

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

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



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

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



**Ed Koch Queensboro Bridge**

0 100 200 300 FEET



**Manhattan Bridge**

0 500 FEET

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

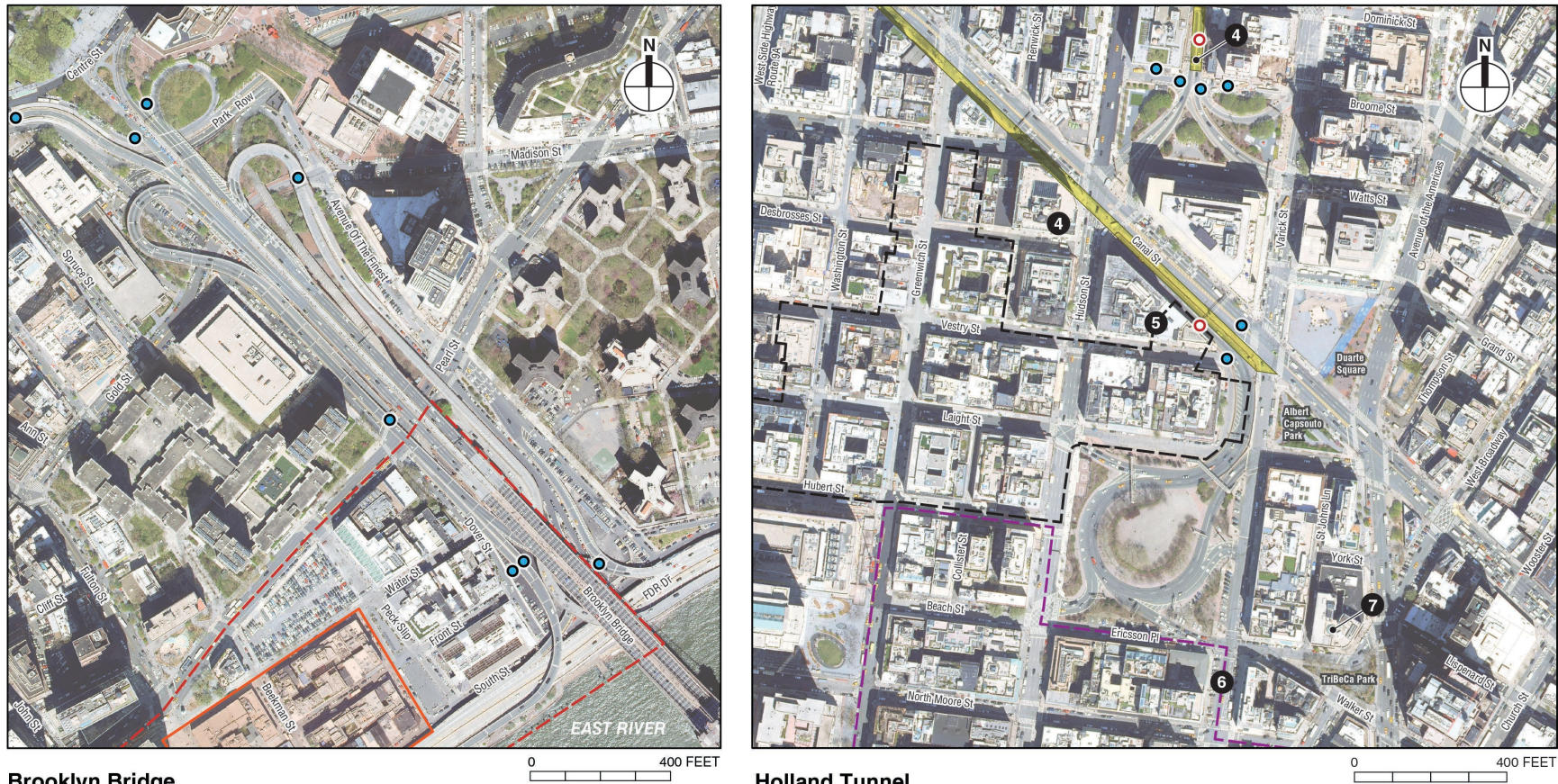
① Historic Resource (corresponds to Table 19-1)

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

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

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

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



**Brooklyn Bridge**

**Holland Tunnel**

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

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

- Historic Districts**
- ▭ South Street Seaport Historic District (NR-listed)
  - ▭ South Street Seaport Historic District Extention (NR-listed)
  - ▭ Tribeca North Historic District (NR-eligible)
  - ▭ Tribeca West Historic District (NYCHD, NR-eligible)

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

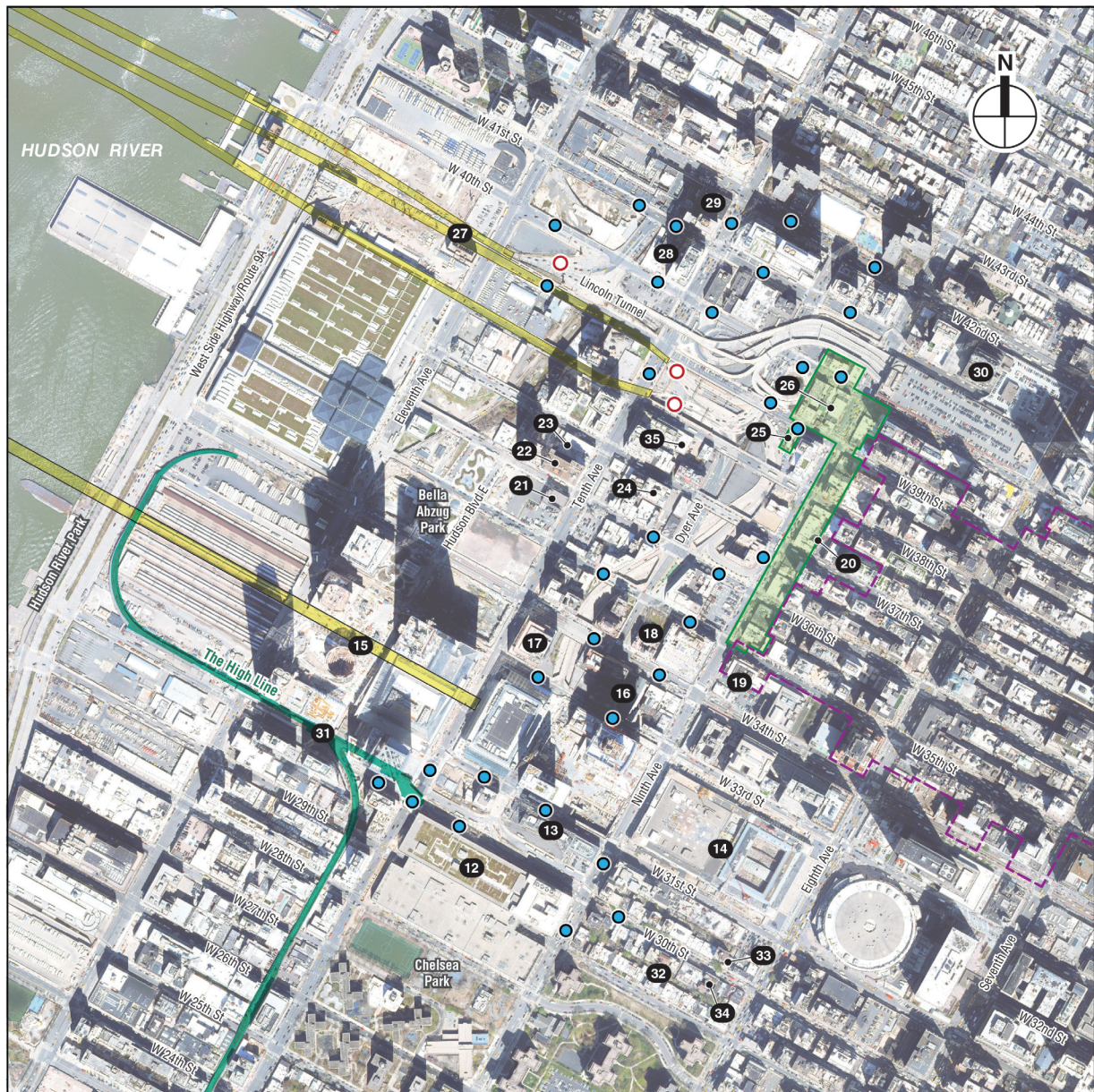
Figure 19-4. Section 4(f) Historic Sites – Battery Park Underpass and Hugh L. Carey Tunnel



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

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

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

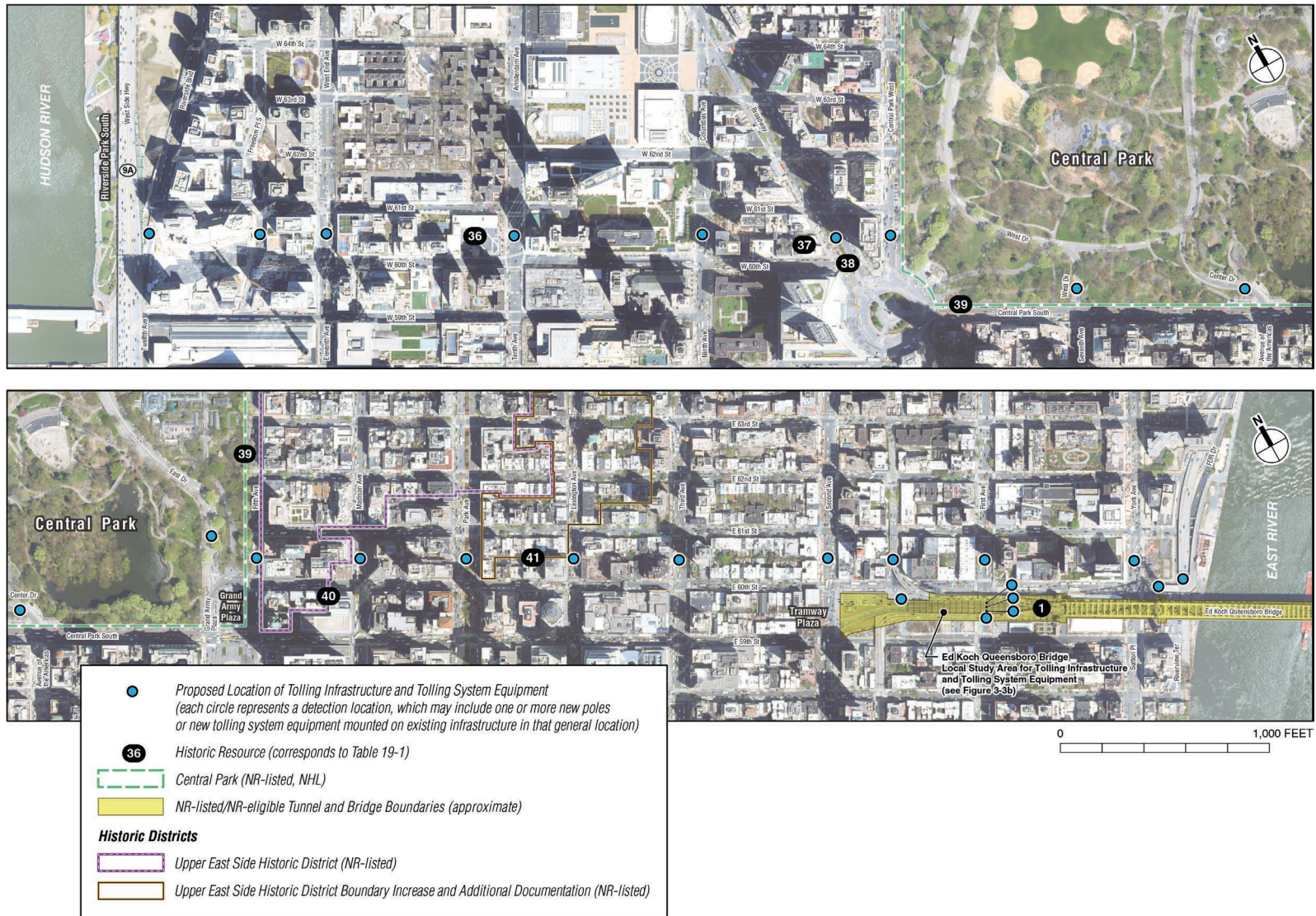


- Proposed Location of Tolling Infrastructure and Tolling System Equipment (each circle represents a detection location, which may include one or more new poles or new tolling system equipment mounted on existing infrastructure in that general location)
  - Potential Location of Tolling Infrastructure and Tolling System Equipment on PANYNJ Property In Place of All Other Detection Points at and Near the Lincoln Tunnel
  - 12 Historic Resource (corresponds to Table 19-1)
  - NR-listed/NR-eligible Tunnel and Bridge Boundaries (approximate)
  - High Line
- Historic Districts**
- Garment Center Historic District
  - Paddy's Market Historic District

0 400 800 FEET

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

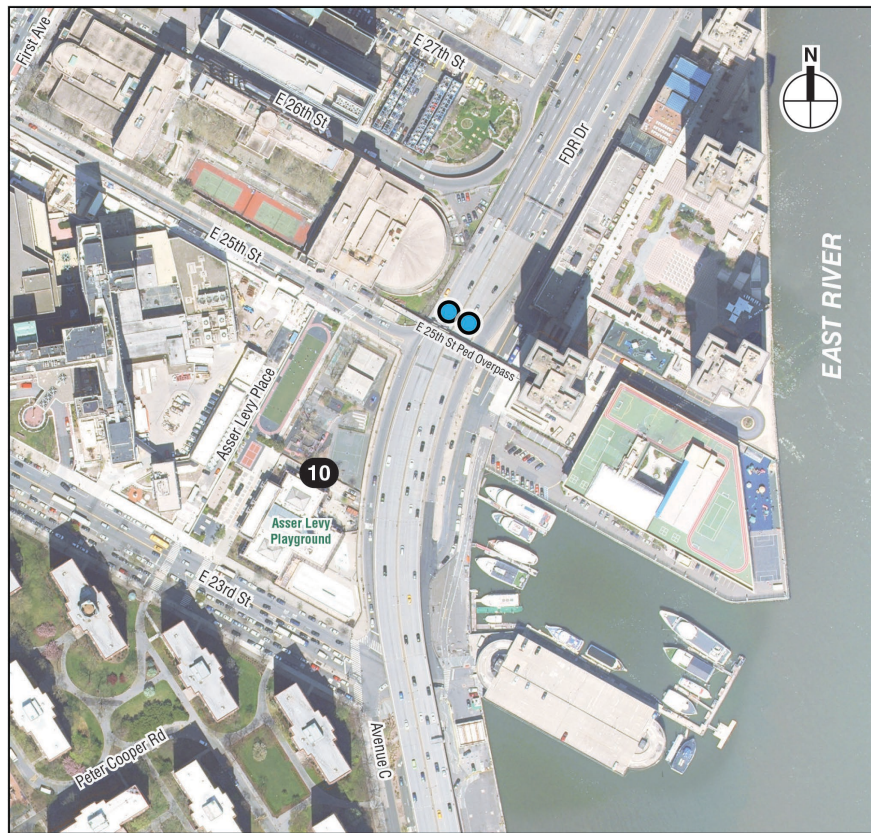
Figure 19-6. Section 4(f) Historic Sites – 60th Street and Central Park



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



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



FDR Drive/East 25th Street

0 200 400 FEET



West Side Highway/Gansevoort Street

0 100 250 FEET

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

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

— Gansevoort Market Historic District (NR-listed)

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

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

### 19.6.1 Recreation Areas and Wildlife and Waterfowl Refuges

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

### 19.6.2 Publicly Owned Parks

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

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

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

Figure 19-8. Section 4(f) Parks



- Manhattan CBD  
(as defined by the MTA Reform and Traffic Mobility Act)
- Local Study Area for Tolling Infrastructure and Tolling System Equipment
- 1 Park or Recreational Resource in Vicinity of Local Study Area  
(see Table 19-2 for reference)

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

Table 19-2. Section 4(f) Parks

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

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

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

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

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



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

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

### 19.6.2.1 High Line

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

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

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

### 19.6.2.2 Central Park

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

### Potential for Permanent Use

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

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

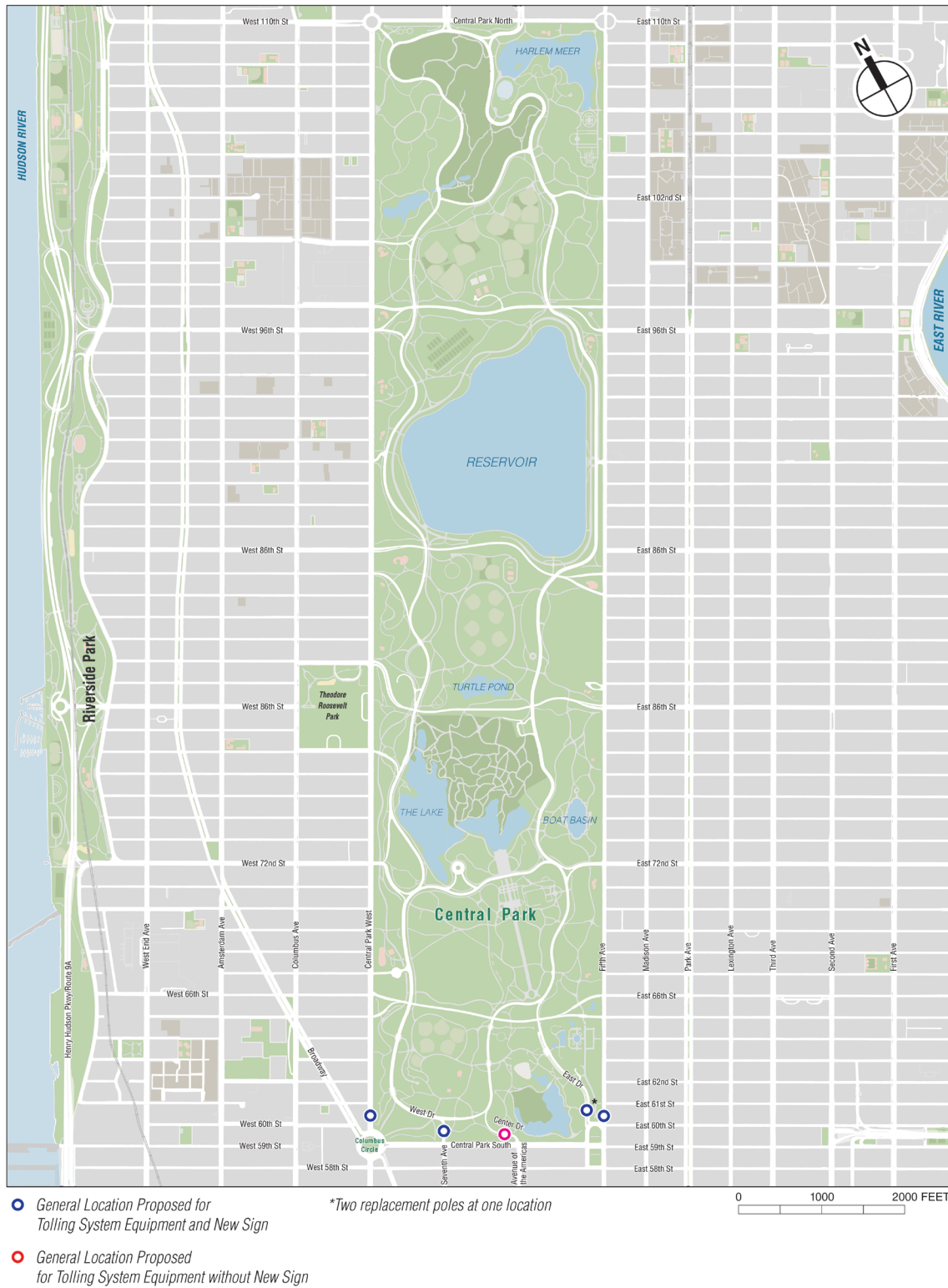
In addition, the CBD Tolling Alternative would place signs on the replacement streetlight poles in Central Park to warn authorized drivers using the park roadway system that exiting to Central Park South/59th Street via West Drive (at Seventh Avenue) or East Drive (at Grand Army Plaza) would incur a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

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

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

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

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



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

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

### **Potential for Constructive Use**

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

### **Potential for Temporary Occupancy**

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

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

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

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

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

## 19.7 PUBLIC INVOLVEMENT AND SECTION 4(f) COORDINATION

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

## 19.8 CONCLUSION

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