

Chapter 10: Parks and Recreation Areas

10.1 INTRODUCTION

This chapter presents the analysis FRA conducted of the potential effects of the No Action Alternative and the Preferred Alternative on parks, open spaces, and recreation areas in the Study Area. FRA has also identified Section 4(f) resources in this chapter, which informs the evaluation of Section 4(f) resources discussed in Chapter 21, “Draft Section 4(f) Evaluation.” There are no wildlife and waterfowl refuges or conservation areas within the Study Area; therefore, potential impacts to such resources are not addressed in this chapter.

10.2 REGULATORY CONTEXT

FRA followed 23 CFR part 771 and relevant CEQR guidelines for the analysis of the project’s potential to impact sites devoted to recreational activities, including impacts to non-site-specific activities, such as bicycling, and impacts on non-activity-specific sites, such as designated “open space.”¹ For details on the regulatory context for this resource category, please refer to **Appendix B**, Chapter 7, “Parks and Recreation Areas.” The analysis also followed Section 4(f) of the USDOT Act of 1966. More details on the Section 4(f) methodology are described in **Appendix B**, “Methodology Report,” Chapter 19, “Section 4(f) Evaluation,” and in Chapter 21 of the EIS.

10.3 ANALYSIS METHODOLOGY

In the absence of FRA-specific guidance for assessment of parks and recreation areas, the analysis was prepared in accordance with the methodology outlined in the *CEQR Technical Manual*. FRA’s analysis methodology included defining a study area appropriate to this resource, conducting an inventory of all public parks and recreation areas and privately owned public space within that study area, identifying any expected changes in future open space with the Preferred Alternative, and potential impacts to parks and recreation facilities due to the alternatives considered in this EIS. Please see Analysis Methodology in Chapter 7 of **Appendix B** for a complete description of the analysis methodology for this resource category.

The general Study Area for effects on parks and recreation areas is a radius of ½-mile from the Project Site, generally bounded by West 43rd Street to the north, Eighth Avenue to the east, West 20th Street to the south, and the Hudson River to the west (see **Figure 10-1** for the exact Study Area boundaries). The Study Area for this resource category includes the Project Site and extends outward to include routes for travel of construction workers, materials, and services, and represents the distance that, based on *CEQR Technical Manual* guidelines, defines the area in which the construction and operation of the Preferred Alternative could cause impacts. The Study Area is consistent with study areas for the environmental analysis of similar projects in New York City.

¹ The *CEQR Technical Manual* defines open space as “publicly or privately owned land that is publicly accessible for leisure, play, or sport, or serves to protect or enhance the natural environment.” (2014 *CEQR Technical Manual*, Chapter 7, page 7-1).



- Project Site (Western Rail Yard)
- Study Area (1/2-mile perimeter)
- 99 Census Tract
- 1 Open Space Resource

0 1,000 FEET

Parks and Open Space Resources
Figure 10-1

Given the access restrictions to some resources and atypical usage patterns due to the COVID-19 public health emergency, FRA is not able to verify current conditions and gather accurate use information at all locations. Instead, FRA has collected reported conditions and use information from recent studies conducted in the area, which provides context.

As detailed in Chapter 7, Section 100, of the *CEQR Technical Manual* analysis methodology guidelines, a direct effect occurs when a project physically changes, diminishes, or eliminates a public open space resource. This could include the physical loss of a resource because of encroachment onto the space or displacement of the space; changes to the use of the resource so that it no longer serves the same user population; limitations on public access to the resource; or increased noise or air pollutant emissions or odors that affect the usefulness of the resource, whether on a permanent or temporary basis. Parks and recreation areas may also experience short-term (temporary) effects during construction of a proposed project, from activities that would impede the operation of the park or open space (or its uses) due to construction-related activities, including construction access or staging.

10.4 AFFECTED ENVIRONMENT

There are 13 parks and recreational areas in the Study Area (see **Figure 10-1** and **Table 10-1**). The key resources for this analysis are defined as those on and facing the Project Site: the High Line, Hudson River Park, and the Hudson Yards/Public Square and Garden, which are described in detail below. The additional ten resource areas are identified in **Table 10-1**.

The High Line is a 1.45-mile-long, 6.73-acre linear park on the viaduct structure of the former rail freight line originally constructed by the New York Central Railroad in 1934 that runs between and through existing buildings and around the MTA LIRR John D. Caemmerer West Side Yard. The High Line opened as a park in phases, starting in 2009, and is owned by the City of New York and maintained, operated, and programmed by a non-profit conservancy, Friends of the High Line, in partnership with NYC Parks. The High Line consists predominantly of a paved walking area lined with landscaped areas of native plantings evocative of the plants that grew on the abandoned freight right-of-way before it was converted into a park. The northern segment of the High Line, on the Project Site, is predominantly paved, with limited plantings and some seating areas; an adjacent area of former railroad tracks and volunteer vegetation between the tracks is intentionally preserved beside the walkway.

Hudson River Park is an approximately 4-mile long, 550-acre linear waterfront park along New York City's Hudson River waterfront.² Hudson River Park extends from just north of Chambers Street in Lower Manhattan to West 59th Street, where it connects to Riverside Park South. The park occupies the area from the pierhead line to the western boundary of Manhattan's waterfront arterial, Route 9A (also known as Twelfth Avenue near the Project Site).³ The park includes a waterfront esplanade that runs the length of the park. Adjacent to the park is a bikeway that is under the jurisdiction of NYSDOT as part of the adjacent Route 9A roadway, but is maintained by the Hudson River Park Trust (HRPT). Closer to the water, the park's waterside esplanade provides a safe, segregated alternative for pedestrians and runners, who are not intended users of the bikeway. In places where the permanent walkway has not yet been constructed, an interim walkway provides public access to the waterfront. HRPT a public benefit corporation created by the New York State legislature with the mandate to design, construct, and maintain the park, is undertaking construction of the park incrementally, as funding becomes available. The area of the park between West 30th and 33rd Street, opposite the Project Site, is not yet completed. The Route 9A bikeway, is generally a 16-foot-wide paved route that provides space for non-motorized vehicles (i.e., bicycles, rollerblades, and skateboards). The primary purpose of the Route 9A bikeway is as a north-south transportation corridor. Lane markings clearly separate northbound and southbound users. The bikeway is heavily used during weekdays and weekends by recreational riders and commuters, both during the day and at night. Today, this section of the park consists of an interim walkway adjacent to the Route 9A bikeway, and a privately operated commercial heliport, the West 30th Street Heliport, that occupies the area west of the walkway to the water's edge within the boundaries of the park. HRPT leases the heliport site to the private operator to generate revenue for the park. The heliport is a private commercial operation that is not open to the public for recreation. An amendment to the Hudson River Park Act calls for the relocation of the heliport to a floating structure between West 29th and West 32nd Streets, but the timing of such a relocation is unknown.⁴

The Hudson Yards/Public Square and Garden is a privately owned public space on the block bounded by West 31st and 33rd Streets and Tenth and Eleventh Avenues. It is approximately 4.52 acres in size and includes seating, landscaped areas, and the Vessel, a public art installation designed by Heatherwick Studio that is meant to be climbed and explored.

As shown on **Figure 10-1**, two of these parks—the High Line and Hudson River Park—are linear resources that continue well beyond the Study Area. The High Line and Hudson River Park are additionally Section 4(f) resources, which were analyzed and described in detail in Chapter 21.

² Acreage includes approximately 400 acres of lands under water.

³ The Hudson River Park Act (HRPA) was passed by the New York State legislature in June 1998 and signed into law in September 1998 (New York State Legislature, "Hudson River Park Act," 1998 Sess. NY Legis Ch. 592 (S. 7845), Amended 2005, 2008, 2013, 2018, and 2020). The HRPA establishes the eastern boundary of the park as the western boundary of West Street/Eleventh Avenue/Twelfth Avenue, and when Route 9A is complete, as certified by the commission of NYSDOT, the eastern boundary of the park will be the western boundary of Route 9A. Hudson River Park is being developed in conjunction with the reconstruction of Route 9A into a landscaped urban boulevard, also a long-term project that began construction in 1994. At this time, the commissioner of NYSDOT has not yet certified the long-term reconstruction of Route 9A as complete and therefore the exact location of the boundary between the park and the roadway has not yet been established.

⁴ 2013 Amendment to Hudson River Park Act (Chapter 517 of the Laws of 2013), Section 3(m)(v).

**Table 10-1
Parks and Recreational Areas in Study Area**

No.	Park Name	Location	Jurisdiction	Description	Approximate Size	Distance from Project Site
1	High Line	Between Gansevoort and West 34th Streets west of Tenth Avenue*	NYC Parks, operated by non-profit Friends of the High Line	1.45-mile-long walkway and landscaped area on elevated former rail line	Approx. 4.14 acres in Study Area	Portion of resource at Project Site
2	Hudson River Park	Hudson River waterfront, between roughly Chambers Street and West 59th Street	Hudson River Park Trust, a New York State public benefit corporation	4-mile-long waterfront park, walkway/esplanade, carousel, skate park, seating, boathouse	550 acres total; Approx. 18.90 acres in Study Area	Approx. 132 feet
3	Bella Abzug Park	Hudson Boulevard between West 33rd and 36th Streets	NYC Parks	Seating, restrooms, landscaped areas, playground, fountain	2.15 acres	Approx. 292 feet
4	Hudson Yards/Public Square and Garden (POPS)	West 31st to 33rd Streets, between Tenth and Eleventh Avenues	Hudson Yards	Seating, landscaped areas, seating, Vessel climbing sculpture	Approx. 4.52 acres	Approx. 41 feet
5	River Place Plaza (POPS)	640 West 42nd Street Plaza	River Place I LLC	Seating, landscaping, dog run, play area	0.74 acres	Approx. 0.43 miles
6	Farley Building Steps	Eighth Avenue, West 33rd to 34th Streets	United States Postal Service / ESD (Empire State Development Corporation)	Eighth Avenue steps	0.33 acres	Approx. 0.44 miles
7	Chelsea Park	West 28th Street between Ninth and Tenth Avenues	NYC Parks	Basketball and handball courts, turf field, track, playground, statue, seating, landscaped areas	3.91 acres	Approx. 0.22 miles
8	Penn South Playground	West 26th Street, Eighth to Ninth Avenue	NYC Parks	Basketball courts, playground	0.60 acres	Approx. 0.46 miles
9	Chelsea Recreation Center	430 West 25th Street	NYC Parks	Pool, gymnasium, volleyball court, active fitness rooms	0.39 acres	Approx. 0.34 miles
10	Chelsea Waterside Park	Eleventh Avenue, between West 22nd and 24th Streets	Hudson River Park Trust	Playground, ball field, basketball court, dog run	2.24 acres	Approx. 0.31 miles
11	Clement Clarke Moore Park	West 22nd Street and Tenth Avenue	NYC Parks	Playground, spray showers	0.49 acres	Approx. 0.45 miles
12	Public School (P.S.) 33 Playground	281 Ninth Avenue	DOE	Playground	0.23 acres	Approx. 0.35 miles
13	Elliot/Chelsea/Chelsea Addition Houses	West 25th to 27th Streets, Ninth to Tenth Ave	NYCHA	Playgrounds, benches, landscaping	0.67 acres	Approx. 0.28 miles
Total					39.31 acres	

The Study Area also contains open space areas surrounding the residential buildings at the NYCHA Elliott/Chelsea/Chelsea Addition Houses. These NYCHA developments contain ancillary open space and recreational facilities for residents such as such as basketball courts, landscaped grounds between buildings, passive seating areas, playgrounds, and small parks that are maintained for public use by NYC Parks. These resources are intended for use by NYCHA residents rather than the general public, but they are publicly owned and maintained.

In summary, the Study Area's open spaces include a wide variety of open spaces appropriate for children, teenagers, adults, and seniors, including play equipment, biking and walking trails, benches and other seating, and recreation for handball, basketball, and other active sports. No wildlife or waterfowl refuges are located within the Study Area.⁵

In addition to the resources noted in **Table 10-1**, recreational boaters use the portion of the Hudson River within the Study Area as a recreational resource. It is part of the Hudson River Greenway Water Trail, which includes 256 miles of the Hudson River and its tributaries and was developed by the Greenway Conservancy. The water trail extends from Lake Champlain to Battery Park City in Manhattan. Within the Study Area, the water trail has a boat access point at Pier 66 (26th Street) as part of New York's Hudson River Park.

The portion of the Hudson River from the shoreline at the Manhattan bulkhead to the pierhead line (approximately 550 feet west of the bulkhead) is also part of Hudson River Park (item 2 in **Table 10-1**). This area is designated as an estuarine sanctuary. Management of the sanctuary is governed in accordance with the policies and guidance established in the *Hudson River Park Estuarine Sanctuary Management Plan*, which identifies management policies related to resource protection and preservation, public access and recreation, education, and research activities.

10.5 ENVIRONMENTAL CONSEQUENCES

10.5.1 NO ACTION ALTERNATIVE

With the No Action Alternative, the Project Site would remain unchanged. The No Action Alternative would not result in any changes at or near parks and recreation areas in the Study Area; therefore, the No Action Alternative would not result in any impacts to parks and recreation areas.

⁵ Open space ratios for residents and workers in the Study Area that were identified consistent with the *CEQR Technical Manual* open space analysis methodology are provided for informational purposes in **Appendix G**.

10.5.2 IMPACTS OF THE PREFERRED ALTERNATIVE

Construction and operation of the Preferred Alternative would not eliminate or diminish any parks, open spaces, or recreation areas, or change the use of any resource so that it no longer serves the same user population. Upon completion of construction, the Preferred Alternative would include one permanent below-grade structure (the Tunnel Encasement) and one new above-grade structure (the Platform) on the Project Site. As described in Chapter 3, “Alternatives,” the Tunnel Encasement would be a buried structure, and its presence would not be visible from parks in the Study Area, including the key resources identified above. The Platform would be minimally visible above-grade separate from the Overbuild, which would be constructed above it.⁶ Twelfth Avenue also provides visual separation between Hudson River Park and the Project Site. The Platform’s western edge would be set back from the edge of the High Line by approximately five feet, and thus may also be minimally visible in elevated views from adjacent portions of the High Line. Therefore, the Platform would not notably change the visual context of the Study Area’s parks and recreation areas. Furthermore, as described in detail in Chapter 5, “Land Use, Land Planning, and Property,” the area around the Project Site and the High Line is currently undergoing substantial redevelopment, and by the completion of the Preferred Alternative, many high-rise buildings will be present within this area, changing the visual context of the Study Area’s parks and recreation areas. Construction for the Preferred Alternative would not affect any areas of the Hudson River or limit boating activities in any other portion of the river. The completed Tunnel Encasement and Platform would not result in air quality or noise impacts on parks and recreation areas in the Study Area.

FRA is consulting with NYC Parks to determine the appropriate steps to protect the agency’s ability to maintain the High Line. FRA proposes the Project Sponsor would consult with NYC Parks regarding those aspects of the Platform design that relate to the High Line. Design plans for the Platform would be submitted at the preliminary and pre-final design stages. If NYC Parks identifies substantive concerns with maintenance and operation access, the Project Sponsor would continue coordination with NYC Parks to mitigate those concerns.

In New York State, temporary or long-term use of publicly owned parkland under the jurisdiction of a municipality (i.e., city, county, town, or village) for non-park purposes constitutes alienation, and requires the approval of the New York State Legislature. Parkland “alienation” occurs when a municipality wishes to sell, lease, or discontinue municipal parkland, including subsurface easements beneath parkland. The Preferred Alternative would not require any sale, lease, or discontinuance of publicly owned parkland under the jurisdiction of the local municipality (i.e., parkland controlled by the City of New York) that would constitute parkland alienation.

Temporary construction activities for the Preferred Alternative would occur in close proximity to the High Line and could be visible from the park, but construction of the Preferred Alternative would not be staged from, result in physical alterations to, or result in occupation of this park. Construction activities for the Preferred Alternative would include temporary underpinning of a segment of the High Line, where the Tunnel Encasement alignment would cross beneath the portion of the High Line that runs along West 30th Street between Eleventh and Twelfth Avenues. To ensure that potential construction-related effects to the High Line are not adverse, FRA would require the Project Sponsor to develop a CPP for the construction of the Platform and Tunnel Encasement.

⁶ The Overbuild and its potential effects are considered potential indirect and cumulative impacts of the Preferred Alternative and are considered in Chapter 20, “Indirect, Cumulative, and Other Impacts.”

The existing concrete wall surrounding the Project Site along Twelfth Avenue would remain with the Preferred Alternative; this wall, as well as the traffic and trees in the landscaped median along the avenue, would limit views from Hudson River Park to construction activities within the Project Site. As detailed in Chapter 4, "Analysis Framework," in the period while the Preferred Alternative would be under construction, extensive construction would also be occurring in the surrounding area for other projects, temporarily changing the visual context of parks, open spaces, and recreational areas in the Study Area.

The construction activities would be noticeable to people on nearby portions of the High Line and could be temporarily disruptive. As detailed in Chapter 8, "Noise and Vibration," worst-case noise levels at the High Line resulting from construction of the Preferred Alternative would be up to 94 dB(A) during construction for the Tunnel Encasement and up to 82 dB(A) during Platform construction. The maximum noise level increment, 23 dB(A), would occur during hoe ram use periods for the first 20 consecutive months of excavation for the Tunnel Encasement.

During non-hoe ram use periods and the remaining 14 months of Tunnel Encasement construction, maximum predicted noise level increments at this receptor would be up to 18 dB(A) resulting from drill rig use.

During the remaining 18 months of Platform construction (which includes evening hours and Saturdays), after the Tunnel Encasement is completed, the maximum predicted noise level increment would range between 3 and 14 dB(A), depending on the equipment used and the location of construction activity relative to the receptor. These projections would be limited to the portion of the High Line north of West 30th Street and would not extend throughout the full 1.45-mile length of the High Line, the majority of which would be substantially distanced from the construction work areas associated with the Preferred Alternative. Furthermore, the highest predicted noise levels are associated with Tunnel Encasement construction, which is not anticipated to occur on weekends, leaving the High Line available for use without the effects of Tunnel Encasement construction noise during weekends. Nevertheless, the High Line would experience periods of noise resulting from construction of the Preferred Alternative that would exceed nuisance levels, as defined by the *CEQR Technical Manual*, and may interfere with speech while construction equipment is in use. While the High Line would not experience construction noise levels exceeding FTA construction noise impact thresholds for commercial/industrial areas, the construction noise levels at the High Line would result in noise level increments exceeding the *CEQR Technical Manual* noise threshold of 3 dB(A) over an extended period and would constitute an adverse noise impact under *CEQR Technical Manual* guidelines. FRA has coordinated with NYC Parks to determine appropriate minimization measures to address impacts to the High Line. These are described in detail in Chapter 8.

Elevated noise levels resulting from the construction activities described above and detailed in Chapter 8, would also be expected at the portions of Hudson River Park and the Hudson Yards/Public Square and Garden facing the Project Site. These resources are more distant from the Project Site than the High Line, and noise levels would be lessened by distance and would be shielded by intervening buildings. As detailed in Chapter 8, worst-case noise levels at receptors 2a and 2c nearby the Hudson Yards/Public Square and Garden resulting from construction of the Preferred Alternative would be up to 77 dB(A) during construction for the Tunnel Encasement and up to 74 dB(A) during Platform construction. *CEQR Technical Manual* guidelines⁷ note that, these outdoor noise levels would generally exceed the ‘nuisance’ level threshold and would cause speech interference. However, construction noise also would affect only a small portion of the 4-mile long Hudson River Park, which would remain accessible in spite of the increased noise from construction; the majority of this linear park would remain available for recreation without increased noise. Furthermore, the area of Hudson River Park between West 30th and 33rd Street, opposite the Project Site, is not yet completed. As detailed above, this section of the park consists of an interim walkway adjacent to the Route 9A bikeway that is under the jurisdiction of NYSDOT, and the privately operated West 30th Street Heliport, which contributes to existing noise levels in the surrounding area.

Neither the High Line, Hudson River Park, nor the Hudson Yards/Public Square and Garden have been identified as a publicly accessible outdoor area requiring serenity and quiet.⁸ In addition, the High Line and Hudson River Park both have active recreational uses such as running and biking, which are not noise-sensitive, and therefore the increase in noise would not substantially affect the use of these resources for active recreation during the period when the increased noise from construction would occur. Other parks and recreation areas located farther from the Project Site would not be affected by visual changes or increases in noise during construction of the Preferred Alternative.

As noted above, the Preferred Alternative would not require any sale, lease, or discontinuance of publicly owned parkland under the jurisdiction of the local municipality (i.e., parkland controlled by the City of New York) that would constitute parkland alienation.

⁷ See *CEQR Technical Manual*, Chapter 19, “Noise,” Section 410, “Impact Thresholds.”

⁸ The *CEQR Technical Manual* identifies “outdoor areas requiring serenity and quiet” as a receptor type for noise exposure guidelines. “Outdoor areas requiring serenity and quiet” are further defined as “Tracts of land where serenity and quiet are extraordinarily important and serve as important public need, and where the preservation of these qualities is essential for the area to serve its intended purpose. Such areas could include amphitheaters, particular parks or portions of parks, or open spaces dedicated to or recognized by appropriate local officials for activities requiring special qualities of serenity and quiet. Examples are grounds for ambulatory hospital patients and patients and residents of sanitariums and nursing homes.” (2014 *CEQR Technical Manual*, Chapter 19, Table 19-2)

10.6 AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES

To ensure that potential construction-related effects to the High Line are not adverse, FRA would include conditions as part of its environmental decision regarding the Preferred Alternative, i.e., in the ROD for the EIS in accordance with NEPA. These conditions include requiring the Project Sponsor to develop a CEPP for the construction of the Platform and Tunnel Encasement in order to protect the High Line (see Chapter 22, “Mitigation Measures and Project Commitments,” for a description of the CEPP). FRA is coordinating with NYC Parks to determine appropriate minimization measures to address impacts to the High Line. Design plans for the Platform would be submitted at the preliminary and pre-final design stages. If NYC Parks identifies substantive concerns with maintenance and operation access, the Project Sponsor would continue coordination with NYC Parks to mitigate those concerns. The practices that would be used to reduce noise and vibration levels associated with construction of the Preferred Alternative, to the extent feasible and practicable, are detailed in Chapter 8. *