

NEW JERSEY DEPARTMENT OF TRANSPORTATION

MEMORANDUM

TO: Program Managers
E-Team Leaders
Cultural Resources Professionals

FROM: Andras Fekete 
Manager, Bureau of Environmental Services

DATE: January 8, 1997

PHONE: 5-2824

SUBJECT: Revisions to No Effect List

BES staff have been working with the FHWA and SHPO for some time to expand the list of Undertakings Which Have Limited or No Effect on Cultural Resources in New Jersey. In recent correspondence (copy attached), the SHPO has agreed that, as an interim measure, the revised list may be used immediately with the exception of four items (#s 11,21,43,50) which require further negotiations. This will facilitate completion of the environmental process for a number of simple projects which we are trying to advance. In using the list, please remember that there are three conditions which qualify its use. The most critical of these is the second one which states *Any undertaking which may cause or which has resulted in public controversy relative to historic preservation shall be submitted to the NJ Historic Preservation Office prior to project execution.*

A copy of the revised list is attached. For ease in use, modifications to the original list appear in bold typeface. We will provide you with a completely revised list once we have resolved the issues for items 11,21,43 and 50. If you have any questions or need further information about the modifications you may contact Lauralee Rappleye-Marsett directly.

Attachments

cc: T. McGough
R. Schroeder
V. Martinez
B. Goslin

A. Maiocchi
F. Brady
B. Werkmeister
J. Snyder

G. Toth
T. Sabidussi
J. Oroszvary
L. Rappleye-Marsett



HPO-197-163

State of New Jersey

DEPARTMENT OF TRANSPORTATION
1035 Parkway Avenue
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Trenton, New Jersey 08625-0600

CHRISTINE TODD WHITMAN
Governor

JOHN J. HALEY JR.
Commissioner

December 22, 1997

Dorothy Guzzo, Administrator
NJ Department of Environmental Protection
Historic Preservation Office
P.O. Box 404
Trenton, NJ 08625-0404

Re: Revisions to List of Undertakings
Which Have No Effect

Dear Ms. Guzzo:

I appreciate receiving your letter of December 18 which provided suggestions for modifying the list of projects which have no effect on resources in New Jersey. Lauralce Rappleye-Marsett will call you shortly to finalize those revisions. In the interim, we would like to implement those changes which you found acceptable, subject to the same conditions which qualified the original agreement. This would facilitate completion of the environmental process for a number of simple projects which the Department would like to move to construction. I would appreciate your concurrence with this course of action as soon as possible and have provided a concurrence line below to expedite the process.

As always, I appreciate your cooperation in facilitating consultation between our agencies.

Very truly yours.

Andras Fekete
Manager, Bureau of
Environmental Services

Enclosure

cc: V. Martinez, FHWA
R. Schroeder, FHWA
T. McGough, NJDOT
L. Rappleye-Marsett, NJDOT

No Effects
Page 2

I concur, as an interim measure, the revised list of projects which will have no effects on cultural resources in New Jersey (copy attached) may be utilized immediately with the exception of items 11, 21, 43 and 50.

I do not concur for the following reasons:

Dorothy P. Guzzo
Dorothy P. Guzzo

Deputy State Historic Preservation Officer

12.23.97

Date

1/7/98

REVISED

Undertakings Which Have Limited or No Effect on Cultural Resources in New Jersey

Note: Outstanding issues remain on items 11, 21, 43 and 50. Until those issues are satisfactorily resolved, those projects must still be subjected to review by the SHPO. Changes in wording and additions to the list are in bold typeface.

The following undertakings will have very limited or no effect on Cultural Resources in New Jersey subject to the following stipulations and any specific qualifications included in the listing below:

1. By January 30, 1998, the New Jersey Historic Preservation Office and the Federal Highway Administration and the NJ Department of Transportation will re-evaluate the attached list of undertakings for possible new inclusions and/or deletions relative to their effect on cultural resources.
2. Any undertaking which may cause or which has resulted in public controversy relative to historic preservation shall be submitted to the NJ Historic Preservation Office prior to project execution.
3. This agreement is in effect for Section 106 consultation only, and will not preclude the provisions of the New Jersey State Register Act, N.J.S.A. 13:1B-15.128 et.seq., Subchapter 7, Section 7:4-7.1 Application procedure for encroachment authorization.

NOT INVOLVING CONSTRUCTION

1. Activities which do not involve or lead directly to construction, such as planning and technical studies grants for training and research programs; research activities as defined in 23 U.S.C. 307; approval of a unified work program and any findings required in the process pursuant to 23 U.S.C. 134; approval of statewide programs under 23 CFR Part 630; approval of project concepts under 23 CFR 476; engineering to define the elements of a proposed action or alternatives so that social, economic and environmental effects can be assessed; and Federal-aid system revisions which establish classes of highways on the Federal-aid highway system.
2. Activities included in the State's "highway safety plan" under 23 U.S.C. 402.
3. Determination of payback under 23 CFR Part 480 for property previously acquired with Federal-aid participation.
4. Ridesharing activities.
5. Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet route changes in demand.
6. The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a

CE.

7. Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
8. Promulgation of rules, regulations and directives.
9. Transfer of federal lands under 23 U.S.C. 317 when the subsequent action is not an FHWA action.
10. Acquisition of scenic easements.
11. Bus or rail car rehabilitation **See Note above**

INVOLVING CONSTRUCTION:

Pavement Related

12. Pavement milling and resurfacing that does not include regrading of berms or slopes.
13. Milling and in kind resurfacing of bridge decks; maintenance deck patching.
14. Pavement repair that does not involving regrading berms and slopes (including upgrading pavement section to accommodate the widening of lanes without increasing total pavement width).
15. Joint repair or replacement
16. Pavement markings, including raised pavement markings.
17. Channelizing, divisional and refuge islands without increasing the total pavement width.
18. In kind replacement of curb.
19. In kind replacement of sidewalks and other street furniture.
20. Minor amounts of pavement installation within ROW at toll plazas.
- 21. Extension of acceleration/deceleration lanes within existing right-of-way on a controlled access highway See Note above**
- 22. Pavement or installation of depressed curb at existing driveways**
- 23. Conversion of existing paved medians to turning lanes**

Signing Related

24. Installation and replacement of signs, including overhead signs
25. Installation and replacement of electronic, variable message signs and traffic sensors.

Electrical Related

26. Upgrade existing traffic signals and railroad warning devices.
27. Restoration of highmast and offset lighting systems.
28. Restoration/replacement/upgrading of lighting systems (includes under-deck, conventional, highmast and offset lighting systems).
29. Installation of closed circuit television cameras and highway advisory radio systems, including remote controlled flashing signs support structures and variable message signs.
30. Installation of ramp metering systems.
31. Installation of computer links to monitor and control traffic volumes throughout the roadway system.
32. Installation of electronic toll taking equipment at toll plazas.

Roadside Safety Related

33. Rock fall mitigation.
34. Repair, replace, reset, or upgrade existing beam guide rail.
35. Install new or replace existing impact attenuators.
36. Replacement of median barriers on existing locations.

Miscellaneous

37. Emergency repairs under 23 U.S.C. 125.
38. Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
39. **Installation of utilities (including fiber optic cables) along or across a transportation facility and granting approvals for such installations.**
40. Jacking of concrete slabs.
41. Bridge painting.
42. **Landscaping, including weeding, thinning, in-kind replacement of existing specimens; shallow bed preparation in areas previously landscaped by NJDOT**
43. **In kind repairs to bridges See Note above**
44. **Graffiti removal**
45. **Cleaning and in-kind replacement of existing drainage systems elements, plugging pipe**
46. **Negotiation of maintenance or other access easements when all work will be done within existing right-of-way.**
47. **Highway safety improvements including installation of pole countermeasures (reflectors, breakaway devices, shielding systems, etc.), installation of panel mounted reflective object markers, installation of reflective object markers not mounted on panels and removal of fixed objects (utility poles, non break away signs, pipes headwalls, etc. Note: removal of trees is not included in this list.)**
48. **Railroad safety improvements including reconstruction and refurbishing of at-grade highway/rail crossings**
49. **Category I wireless communications facilities (including both antenna and associated equipment), i.e. antennas attached to an existing structure (including, but not limited to, water towers, bridges, sign structures, communication towers, light poles, high mast lighting towers, CCTV poles, etc.**
50. **Category II wireless communications facilities (including both antenna and associated equipment), i.e. antennas attached to replacement communication towers, light poles, high mast lighting towers, CCTV poles, etc. where the height of the new equipment does not exceed the overall height of the existing facility. See Note above**
51. **Bridge scour countermeasures which do not require modifications to the bridge structure. Such measures would include installation of stone riprap, rock-and-wire (gabion) mattress, and concrete slab in the waterways.**