

NO EFFECTS LIST

5/6/09

REVISED

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

NJDOT has initiated consultation with the Federal Highway Administration and the New Jersey State Historic Preservation Officer to identify projects which routinely result in a finding of No Effect to Historic Properties in accordance with the provisions of 36CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation act of 1966. 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. Periodically, 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 compliance with 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.

Project comprised entirely of work included on the "No Effect" list will not require any additional consultation in order to satisfy the requirements of Section 106. Projects that include work components that are on the "No Effect" list, and also work that is not on the "No Effect" list will require further Section 106 consultation. In that case, project documentation should clearly identify those elements which are included in the "No Effect" list.

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 or conservation easements.
11. Bus, rail car or ferry boat rehabilitation [when rail cars are less than 50 years in age].
12. Enforcement, education or encouragement programs funded under the federal-aid Safe Routes to School or equivalent program.

INVOLVING CONSTRUCTION:

Pavement Related

12. Pavement milling and resurfacing that does not include regrading of berms or slopes and does not involve expansion of the wearing surface.
13. Pavement repair that does not extend beyond the existing pavement box or involve regrading berms and slopes. Pavement repair may include but not be limited to upgrading pavement section to accommodate the widening of lanes without increasing total pavement width, correcting any cross slopes which are substandard, reconstruction of existing shoulders, turf repair, and crack sealing.
14. Joint repair or replacement.
15. Pavement markings, including raised pavement markings; colored, stamped textured, brick or paver block crosswalks; rumble strips; stop bars; and markings used to delineate pedestrian crosswalks or bicycle lanes.
16. Channelizing, divisional and refuge islands or delineators without increasing the total pavement width or removal of same. Removal of existing vegetated "boulevard" type medians will not be undertaken without consultation with the SHPO.
17. In-kind replacement of curb to meet current design requirements [including increases in curb height]. "In-kind" generally refers to same size, color, and materials.
18. In-kind replacement of sidewalks and other street furniture.
19. Minor amounts of pavement installation within ROW at toll plazas that are not located in listed or eligible historic districts.
20. Pavement or installation of depressed curb at existing driveways.
21. Conversion of existing paved medians to turning lanes.
22. In-kind replacement of drainage inlets to accommodate current stormwater and bicycle safety requirements. Addition of inlets or other inlet modifications within the pavement area/box to address safety issues resulting from water spread on pavement. Related pavement repairs must match existing pavement in material and color.
23. Speed humps or tables or other devices intended to slow vehicular traffic [excluding curb extensions or bump outs] that are constructed wholly within the existing pavement.

24. Installation of textured friction surface treatments with no expansion of the paved surface.

Bridge and/or Culvert Related

25. In-kind replacement of bridge decks that do not involve changes to the bridge parapets or otherwise alter the overall appearance of the bridge.
26. Bridge preservation work such as patching, deck repair/rehabilitation, deck overlay.
27. For bridges less than 50 years of age and not identified as being eligible in the current historic bridge database repair or in-kind replacement of parapet, superstructure repairs (including, but not limited to, beams, girders, curbs and sidewalk) and substructure repairs (including, but not limited to piers, abutments, and wing walls) where no excavation is proposed.
28. Milling and In-kind resurfacing of bridge decks; maintenance deck patching.
29. Painting of previously painted surfaces including complete structure and/or spot painting, and application of corrosion inhibitors or other materials designed to preserve the structural integrity of the bridge/culvert structure.
30. Bridge joint replacement on non-historic bridges.
31. Pile encasement on non-historic bridges.
32. For bridges that are not fifty years old, rehabilitation of existing pavement and/or application of new pavement on bridge decks, replacement of membranes, replacement of expansion joints, and replacement/repair of railings.
33. Cleaning of scuppers or other drainage conveyances.
34. In-kind replacement of bridge bearings and bearing seats.
35. Placement of grout bags.
36. In-kind repair or replacement of fender systems.
37. Replacement, repair, lining of culverts and other drainage structures which do not exceed beyond or deeper than previous construction limits, and do not exhibit stone or brick structures or parts therein.
38. Bridge scour countermeasures which do not require modifications to the bridge structure and where the surface of the countermeasures will match the existing cross section of the stream. Such measures would include but not be limited to installation of stone riprap, rock-and-wire (gabion) mattress, articulated concrete block, and concrete slab in the waterways.

Signing Related

39. Installation and replacement of standard roadway signs.
40. Installation and replacement of signing for parks, historic properties, heritage corridors, scenic byways; interpretive signing for natural and cultural resources and for the purposes of environmental stewardship.
41. In-kind [exact size, type & location] replacement of overhead signs.
42. Installation of fixed electronic, variable message signs on the roads included in the Interstate System. In-kind [exact size, type & location] replacement may be undertaken on other roadways.
43. Repair, removal, or In-kind replacement of overhead, cantilevered or bridge mounted sign structures with the least impact possible to historic fabric when present.

44. Removal or control of outdoor advertising.

Electrical Related

45. Upgrade existing traffic signals and railroad warning devices.
46. Replacement or upgrading of highmast and offset lighting systems.
47. Replacement or upgrading of lighting systems (includes under-deck, conventional, highmast and offset lighting systems).
48. Installation of traffic sensors, closed circuit television cameras, and highway advisory radio systems, including remote controlled flashing signs, and support structures.
49. Installation of ramp metering systems within existing pavement.
50. Installation of computer links to monitor and control traffic volumes throughout the roadway system.
51. Installation of electronic toll taking equipment at toll plazas.
52. Loops and sensors within existing pavement.

Roadway and Roadside Safety Related

53. Rock fall mitigation.
54. Repair, replace, reset, or upgrade existing beam guide rail.
55. Install new or replace existing impact attenuators.
56. Replacement of median barriers on existing locations.
57. Providing or eliminating an access break in the median barrier in limited access or other right-of-way.

Bicycle and/or Pedestrian Facilities

58. Installation of pedestrian timing or bicycle signals to existing poles/standards.
59. Installation of non-permanent amenities for bicyclists and pedestrians, including: bike racks, benches, and trash receptacles.
60. Installation of striped bike lanes on existing pavement.
61. Striping or marking of existing shoulders for bicycle and/or pedestrian use.

Miscellaneous

62. Emergency repairs in accordance with 23 U.S.C. 125.
63. Alterations to facilities [exclusive of previously identified National Register listed or eligible buildings] or vehicles in order to make them accessible for elderly and handicapped persons. Alterations may include, but will not be limited to, installation of ramps and detectable warning surfaces.
64. Installation of utilities (including fiber optic cables) along or across a transportation facility and granting approvals for such installations.
65. Jacking of concrete slabs.
66. Landscaping, including weeding, thinning, mowing, seeding and other ground maintenance activities, tree trimming, in-kind replacement of existing specimens; shallow bed preparation in areas previously landscaped by NJDOT.
67. Graffiti removal.
68. Cleaning and in-kind replacement of existing drainage systems elements, plugging pipe.

- 69. Negotiation of permanent maintenance or other temporary access easements when all work will be done within existing right-of-way and the area is restored to its pre-construction conditions.
- 70. 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).
- 71. 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.) that has not previously been identified as being eligible for or listed in the National Register.
- 69. Category II wireless communications facilities (including both antenna and associated equipment), i.e. antennas attached to in-kind replacements of 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, and the existing facility has not previously been identified as being eligible for or listed in the National Register.
- 70. Repair or In-kind replacement of fencing.
- 71. In-kind repair of fish ladders and stream channels (e.g. debris clearing).
- 72. Preliminary engineering tests/activities such as geotechnical borings (4inch diameter or less), data collection, and non-invasive environmental sampling required to support the planning or design of an undertaking.

Revisions to original agreement: 3/3/97, 7/9/97, 7/10/97, 8/25/97, 9/15/97, 12/22/97, 2/2/98, 7/3/00, 8/22/2008, 9/19/08, 10/3/08, 3/20/09, 3/25/09, 4/3/09, 4/20/09, 4/27/09, 5/6/09



I concur, in accordance with the provisions of 36CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation act of 1966, the following undertakings will have **No Effect** on Cultural Resources in New Jersey subject to the stipulations and qualifications included in the listing.

Daniel D. Saunders
Deputy State Historic Preservation Officer

5/14/09

Date

Elkins Q. Green
Director, Division of Environmental Resources

5/12/09

Date