

**No Undertaking List:**  
**Activities Which are not Undertakings According to the NJ Register of Historic Places**  
**Act [N.J.A.C. 7:4-7.1 ]**

**PURPOSE:** It is the intent of this document to clarify for NJDOT staff the types of transportation activities that do not rise to the level of being an “undertaking” as defined in N.J.A.C. 7:4-1.3. This programmatic determination that certain activities are exempt from review under the NJ Register of Historic Places Act is a significant step in streamlining the project review process.

The following activities are not considered “undertakings” according to the definition contained in the New Jersey Register of Historic Places Act rules subject to the following stipulations and any specific qualifications included in the listing below:

1. On a biannual basis or more frequently as needed, the New Jersey Historic Preservation Office and the NJ Department of Transportation will re-evaluate the attached list of activities for possible new inclusions and/or deletions. .
2. This agreement is in effect for New Jersey Register of Historic Places Act, N.J.S.A. 13:1B-15.128 et. seq., Subchapter 7, Section 7:4-7.1 *Application Procedures for Encroachment Authorization* only and will not preclude any compliance activities required by Section 106 of the National Historic Preservation Act, as amended and the implementing regulations.
3. In cases where the NJ Register listed resource is either an individually listed roadway or a roadway contributing to a district, projects are to be considered undertakings and shall be documented and reviewed pursuant to the New Jersey Register of Historic Places Act.

Projects must be comprised entirely of elements included in the following lists in order to preclude the need for an Application for Project Authorization. Projects that include any elements not on the list or those that may be considered undertakings will require an Application for Project Authorization. Work proposed in such applications will be evaluated using *The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*. The *Standards and Guidelines* provide guidance for repair or alteration of an historic property to provide for an efficient, contemporary use. However, the repairs and alterations must not damage, destroy, radically change or obscure materials, features, finishes or spaces that are important in defining the property’s historic character. Procedures as described in Section 7:4-7.3 will be used to address emergency undertakings.

**Definitions**

**“In kind”** - same profile, size, color, and materials such that existing slate curb and sidewalks would be replaced with the same; concrete curbs and sidewalks would be replaced with concrete having a similar texture and color as the original; etc.

**Street Furniture** – includes fixtures such as bollards, benches, trash receptacles, bike racks, tree grates, water fountains, clocks, planters, banners and holders, flagpoles or other small scale items that enhance the pedestrian/bicyclist experience or livability of a streetscape that are installed

within an existing sidewalk system [including plazas and “pocket park” areas. “Street furniture” as used in this document **does not** include trees, lighting, bus shelters, kiosks because of their potential to cause visual or other impacts to historic properties.

## 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. Determination of payback under 23 CFR Part 480 for property previously acquired with Federal-aid participation.
3. Ridesharing activities.
4. Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet route changes in demand.
5. 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.
6. Purchase and installation of operating or maintenance equipment to be located within the transportation facility and with no significant impacts off the site.
7. Promulgation of rules, regulations and directives.
8. Transfer of federal lands under 23 U.S.C. 317 when the subsequent action is not an FHWA action.
9. Enforcement, education or encouragement programs

## INVOLVING CONSTRUCTION:

### Pavement Related

10. Pavement milling and resurfacing that does not include regrading of berms or slopes and does not involve expansion of the wearing surface.
11. Pavement repair that does not extend beyond the existing pavement box or involve regrading of 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 and does not extend beyond the existing pavement box**, correcting any cross slopes which are substandard, reconstruction of existing shoulders, turf repair, and crack sealing.
12. Joint repair or replacement.
13. Pavement markings, including raised pavement markings; rumble strips; stop bars; and markings used to delineate pedestrian crosswalks or bicycle lanes.
14. Channelizing, creation of divisional and refuge islands through striping or other

- delineators without increasing the total pavement width, or removal of same.
15. In-kind replacement of curb.
  16. In-kind replacement of sidewalks and other street furniture.
  17. Conversion of existing paved medians to turning lanes.
  18. Replacement or modification of drainage inlets within the existing pavement box to accommodate current stormwater and bicycle safety requirements. Related pavement repairs must match existing pavement in material and color.
  19. Installation of textured friction surface treatments with no expansion of the paved surface.

### **Bridge and/or Culvert Related**

20. In-kind replacement of bridge decks that do not involve changes to the bridge parapets or otherwise alter the overall appearance of the bridge.
21. Bridge preservation work such as deck patching, milling and in-kind resurfacing of decks, and deck overlay that does not involve changes to the bridge parapets or other character-defining features, and does not alter the overall appearance of the bridge.
22. 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.
23. Cleaning of scuppers or other drainage conveyances.
24. In-kind replacement of bridge bearings and bearing seats.
25. Placement of grout bags.
26. In-kind repair of fender systems. 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.
27. 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 so that they will not be visible when completed. 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**

28. In-kind replacement of standard roadway signs in the existing location within existing ROW.
29. Upgrade of existing signs in the existing locations to meet ADA requirements.
30. Installation on existing posts and in-kind replacement of existing signing for parks, historic properties, heritage corridors, scenic byways; interpretive signing for natural and cultural resources and for the purposes of environmental stewardship or any signage that may be required by a Memorandum of Agreement executed for Section 106 mitigation.
31. In-kind [exact size, type & location] replacement of overhead signs.
32. Repair, removal, or in-kind replacement of overhead, cantilevered or bridge mounted sign structures where the method of attachment does not damage historic fabric.

### **Electrical Related**

33. In-kind replacement of existing traffic signals and railroad warning devices.

34. Installation of cameras, pedestrian push buttons and pedestrian signal heads on an existing pole where new elements have been colored to match the pole or an alternate color as agreed with HPO staff [documentation of HPO agreement must be included in project documentation].
35. In-kind replacement or upgrading of lighting systems (includes under-deck, conventional, high mast and offset lighting systems).
36. Installation of ramp metering **systems**, loop systems and other electrical accommodations within existing pavement box.
37. Installation of computer links to monitor and control traffic volumes throughout the roadway system.
38. Installation of electronic toll taking equipment at toll plazas on existing toll roads.

### **Roadway and Roadside Safety Related**

39. Installation of bolts, dowels, and drains to accommodate rock fall mitigation. Other methods of mitigation will require submission of an Application for Project Authorization.
40. Repair, replace in-kind, or reset existing beam guide rail; upgrades that involve appropriate aesthetic treatments [painting, powder coating, etc.] which have written approval from the SHPO are acceptable. [For example, brown guide rail has been approved for use along Route 29 & the D& R Canal.]
41. In-kind replacement of existing impact attenuators.
42. In-kind replacement of median barriers on existing locations.
43. Providing or eliminating an access break in the median barrier in limited access or other right-of-way.

### **Bicycle and/or Pedestrian Facilities**

44. Installation of pedestrian timing or bicycle signals to existing poles/standards when the color of the pole/standard will be matched or the color will be altered to be more compatible with historic properties. Color changes must have written approval from the SHPO.
45. Installation of non-permanent amenities for bicyclists and pedestrians, including: bike racks, benches, and trash receptacles within existing sidewalk or trail system and existing limits of disturbance.
46. Installation of striped bike lanes on existing pavement.
47. Striping or marking of existing shoulders for bicycle and/or pedestrian use within existing pavement.
48. Installation of other roadway accommodations to make them ADA compliant [depressed curbing, ramps, detectable warning surfaces, etc.] within existing sidewalk system and pavement box. In historic districts, alternate color choices providing the contrast required by the 2010 Manual of Uniform Traffic Control Devices and appropriate to the colors and materials in the historic district may be used for detectable warning surfaces, but should be discussed with HPO staff prior to selection of colors [documentation must be included in the project file].

## **Miscellaneous**

49. Installation of underground utilities and/or installation within the existing pavement box (including fiber optic cables) along or across a transportation facility and granting approvals for such installations.
50. Jacking of concrete slabs.
51. 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.
52. Painting over graffiti on concrete surfaces when color of paint matches the color of the existing surface.
53. Cleaning and in-kind replacement of existing drainage systems elements; plugging pipe.
54. Identification of temporary access easements when all work will be done in previously disturbed soils within existing right-of-way and the area is restored to its pre-construction conditions.
55. Identification of permanent maintenance easements that are solely for the purpose of periodic access [such as bridge inspections] where access will not require modification of the existing land surface or vegetation.
56. Highway safety improvements including installation of pole countermeasures (reflectors, breakaway devices, shielding systems, etc.), panel mounted reflective object markers , reflective object markers not mounted on panels , and removal of modern fixed objects (utility poles, non break away signs, pipes headwalls, etc. Note: removal of trees is not included in this list).
57. Repair or In-kind replacement of fencing. Existing chain link fencing may be upgraded to include a dark colored coating or finish to the fencing
58. In-kind repair of fish ladders and stream channels (e.g. debris clearing).
59. 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 a project.