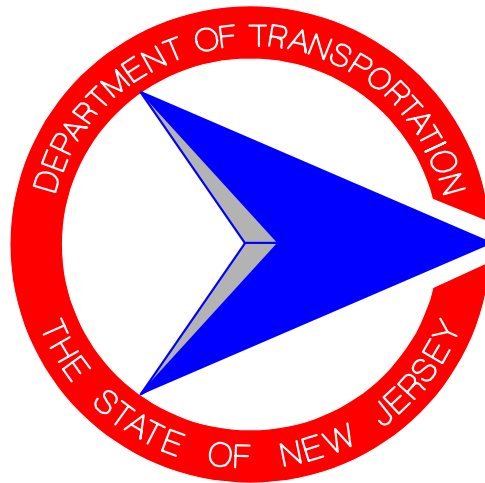


**New Jersey Department of Transportation**  
**Division of Local Aid & Economic Development**  
**Federal Aid Handbook**



Prepared by:  
Federal Aid Quality Improvement Team  
May 2010

**Chris Christie**  
*Governor*

**James S. Simpson**  
*Commissioner*

## Preface

The New Jersey Department of Transportation is committed to advancing projects that enhance safety and renew the aging infrastructure. The Federal Aid Programs are a method by which the Department can work with Metropolitan Planning Organizations, County and Municipal Governments and non-profit organizations to improve the efficiency and effectiveness of the state's transportation system.

This booklet is intended to be a guide used by the applicants and recipients of these funds in the processing of Federal Aid projects. It provides information on funding, how to apply, engineering requirements, and the procurement process.

The Division of Local Aid and Economic Development administer the Federal Aid Programs. The District Offices are strategically located close to their customers providing a strong partnership with local government officials and engineers. The District Managers and their staff are there to assist you with every phase of the Federal Aid process. Ongoing communication with you will help us provide quality services and ensure improved delivery of local transportation projects. You are encouraged to contact your District Office for information or assistance regarding Federal Aid or any other transportation related matter or at <http://www.state.nj.us/transportation/business/localaid>:

### **District 1**

Roxbury Corporate Center  
200 Stierli Court  
Mount Arlington, NJ 07856  
Phone: (973) 770-5070/5068  
Fax: (973) 770-5172  
Morris, Passaic,  
Sussex, and Warren

### **District 2**

153 Halsey Street - 5th floor  
Newark, NJ 07102  
Phone: (973) 877-1500  
Fax: (973) 877-1556  
Bergen, Essex, Hudson,  
and Union

### **District 3**

100 Daniels Way  
Freehold, NJ 07728  
Phone: (732) 625-4290  
Fax (732) 625-4292  
Hunterdon, Middlesex, Monmouth,  
Ocean, and Somerset

### **District 4**

1 Executive Campus  
Route 70 West, 3<sup>rd</sup> Floor  
Cherry Hill, NJ 08002  
Phone: (856) 486-6618  
Fax (856) 486-6771  
Atlantic, Burlington,  
Camden, Cape May Cumberland,  
Gloucester, Mercer, and Salem

We are finding better ways to do business every day and are working to maximize the public benefit of the Federal-Aid Programs. Your participation will help ensure our success. Updating this handbook is a continuing process. The Federal Aid Quality Improvement Team meets periodically to consider changes and issue revisions. Questions, observations and recommendations are invited.



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## **Federal Aid Programs**

Currently, the New Jersey Department of Transportation, Division of Local Aid and Economic Development, and/or the Metropolitan Planning Organizations administer the Federal Aid Programs. These programs are as follows:

- **Local Scoping Program**
- **Local Lead Program**
- **Local Safety Program**
- **High Priority Projects**
- **Safe Routes to School**
- **Transit Village**
- **Transportation Enhancement Program**

These Federal-aid programs are reimbursable programs; that is, sponsors are reimbursed only for costs actually incurred. As per FHWA, sponsors will need to start a project with their own money and receive cash reimbursement from the NJDOT for the Federal share of the project's cost as work is being completed.



## **Local Scoping Program**

The purpose of this program is to provide Federal funds directly to member subregions for the advancement of projects through the National Environmental Policy Act (NEPA) and preliminary engineering, thereby developing a solution to a defined problem and making the project eligible for inclusion in the Statewide Transportation Improvement Program (STIP). The STIP is a list of proposed improvements developed through the planning process and scheduled for implementation within a five-year period. A subregion is a county and the cities of Jersey City and Newark. Municipalities are eligible for the Local Scoping Program but must work through their appropriate subregion. Projects must be part of the National Highway System or be designated a Federal Aid route.

A project is considered to be "Scoped" when it has received an approved environmental document, and a scoping Report including any design exceptions and that the preliminary engineering is completed. An important aspect of Scoping is the public involvement process that is required under NEPA. A decision to either advance a project for inclusion in the STIP and an eventual final design, right-of-way purchase and construction, or a decision to discontinue the project will be the result of the Scoping process. If a decision is made to advance the project to construction, funding will be provided either through the Local Lead Program, the New Jersey Department of Transportation, or other sources. A completed Scoping project does not guarantee construction funding.

Since the Metropolitan Planning Organizations (MPO) administer this program, all subregions are encouraged to contact their respective MPO for more detailed information concerning the program. The information provided in this handbook is only presented as a general guide. Each of the MPO may have different procedures for the completion of the Scoping process. A list of the Metropolitan Organizations located in the State of New Jersey and the subregions covered is provided in this handbook (see page 27).

### **Project Selection Eligibility**

All transportation related projects located on the National Highway System or an eligible Federal Aid road can be considered for funding under the program with the following exceptions.

- Non-transportation related proposals
- Transit projects
- Functional roadway classification defined on the functional classification map as rural minor collector, rural local collector or urban local
- Bridges not included in the most recent National Bridge Inventory, Highway Bridge Replacement and Rehabilitation List



- Proposals with local scoping costs less than \$50,000
- Proposals whose need has not been established in a proper planning study, management system, the Regional Transportation Plan, local prioritization plan, Subregion’s master plan, Subregional Transportation Profile, Capital Program, or National Bridge Inspection Survey (NBIS) Selection List, and is not consistent with local plans
- Proposals which have not received a resolution from the governing body supporting the application for Local Scoping Program funds
- Proposals which are not considered to have an independent utility from a larger project which is receiving non-federal funds
- Actions that are included in the “Programmatic Agreement for Approval of Certain Categorical Exclusions” found elsewhere in this Handbook. These actions are eligible for the Local Lead Program

## Project Selection Process

Each year the Metropolitan Planning Organizations (MPO’s) notify the member subregions of the deadline for application submissions. These applications are reviewed and rated by members of the Technical Review Committee. Using a rating system, projects are rated and ranked according to importance to the region and need. Sponsors of approved projects are notified by their respective MPO.

The key participants in this selection process are as follows:

- **MPO** – responsible for the solicitation of proposals from the sub regions, screening and prioritizing proposals, selecting proposals for the program and obligating funds for each proposal, reviewing and approving the Sub regions’ scopes of work, preparing and entering into contracts with the sub regions, assisting sub regions with the consultant selection process and technical matters, issuing payments to sub regions, and reviewing and transmitting submittals to appropriate agencies.
- **NJDOT, Bureau of Statewide Planning** – responsible for assisting in screening, prioritizing, and ranking proposals.
- **NJDOT, Division of Local Aid and Economic Development** – responsible for assisting in screening, prioritizing and ranking proposals, reviewing and commenting on the Sub regions’ scopes of work, reviewing design reports and obtaining approvals from the FHWA for projects on the National Highway System (NHS),



approving design reports for all projects not located on the National Highway System, and requesting authorizations from the FHWA for program funding.

- **NJDOT, Bureau of Environmental Program Resources** responsible for assisting in the screening of proposals, reviewing the Subregions' scopes of work, reviewing and commenting on all environmental submittals including the environmental document, providing NEPA classification recommendations to the FHWA, and coordinating with the FHWA and the State Historic Preservation Office (SHPO) to obtain necessary approvals.
- **Federal Highway Administration (FHWA)** – responsible for authorizing program requests and approving certain project submittals.



## **Local Lead Program**

The Local Lead Program is intended to provide an opportunity for the subregions to apply for federal funding for the advancement of projects through final design, right-of-way, and/or construction. This is a competitive program. Each project is reviewed and rated by members of the Metropolitan Planning Organization Technical Review Committee using the criteria listed below.

### **Project Selection Criteria**

In order for a project to be considered as a Local Lead Project it must meet the following requirements.

- Projects must be located on roads with functional classifications other than rural minor collector, rural local collector, or urban local or part of the National Highway System (NHS)
- Projects must be transportation related
- Bridges must be included on the most recent National Bridge Inventory, Highway Bridge Replacement and Rehabilitation List
- Design costs should exceed \$100,000 (related projects can be combined)
- Construction costs should be a minimum of \$250,000
- A project must have received a current environmental document, or actions that are included in the “Programmatic Agreement for Approval of Certain Categorical Exclusions” found elsewhere in this Handbook.

### **Transit projects are not eligible**

To ensure that proposed projects protect the environment, the sponsor is responsible for securing all applicable environmental approvals. Local Lead projects must conform to the requirements of the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (Section 106) and Section 4(f).





## **Project Selection Process**

Each year, the Metropolitan Planning Organizations (MPO's) notify the member subregions of the deadline for application submissions. These applications are reviewed and rated by members of the Technical Review Committee. Using a rating system, the projects are rated and ranked according to importance to the region and need. Sponsors of approved projects are notified by the appropriate MPO for the area. Projects are then included in the Statewide Improvement Program (STIP). The following are some of the factors used by the Technical Review Committee to evaluate the applications.

- Improve air quality
- Reduce travel time
- Improve information, comfort, convenience and/or security
- Remove weight or height restrictions
- Reduce congestion
- Maximize and/or optimize capacity
- Promote development within a community or place
- Improve access to airports, seaports, and/or intermodal freight facilities
- Assist tourism and/or recreation travel within 5 miles of the facility
- Enhance movement of freight
- Improve access to job opportunities
- Improve a bridge that is in poor condition
- Improve safety problems
- System preservation

## **Local Safety Program**

The Local Safety Program is intended to provide counties and municipalities for the improvement of known safety hazards on local and county roadways. Projects are focused on crash prone locations that are prioritized through collected crash data. These safety improvements must be construction ready and must be deliverable in a short period of time. This program is competitive and the projects are reviewed and rated by the Metropolitan Planning Organizations and their review committees.

### **Project Selection Criteria**

The projects for this program are selected based on the following requirements:

- Projects must have quantitative accident records or qualitative (perceived) safety problems for the area of proposed improvements.



- Construction only- no design projects.
- Right-of-way must be available
- Minimal or no environmental issues which allows the project to obtain a categorical exclusion document
- Municipal/County roadways

### **Project Selection Process:**

Annually, each Metropolitan Planning Organization (MPO) will run its own selection process. The selection is largely based on the validity of the crash data provided. The selection process varies from one MPO to the other. While NJTPA runs a process based on rating the submitted projects, other MPO's use different methods to come up with their selections such as Road Safety Audits. The program is listed annually in the STIP as a line item with lump sums for each MPO. Sponsors of approved projects are notified by their corresponding MPO

## **High Priority Projects**

The passage of the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users* (SAFETEA – LU) in 2005 authorized the spending on a number of specific projects. These projects are specified by name and location in the Act.

### **Criteria**

Funding for a project can only be used for the activities within the scope and the physical limits as defined by the project description.

### **Statutory References**

SAFETEA-LU Section(s): 1101(a)(16), 1701, 1702, 1913, 1935, 1936,1102,

Other: 23 USC 117

## **Safe Routes to School**

The passage of the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy of Users* (SAFETEA – LU) in 2005 created this program which is designed to enable and



encourage primary and secondary school children (grades K-8) to walk and bicycle to school. This program sponsors infrastructure and non infrastructure projects. Both infrastructure-related and behavioral projects will be geared toward providing a safe, appealing environment for walking and biking that will improve the quality of our children's lives and support national health objectives by reducing traffic, fuel consumption, and air pollution in the vicinity of schools.

Additional information on this program can be found at:

<http://www.state.nj.us/transportation/community/srts/>

### **Project Selection Criteria**

- Applicant has to be a state, county, municipal government, school district, school or non-profit organization.
- The funded project has to be within 2 miles of a school.
- Funded schools have to be from Kindergarten to 8<sup>th</sup> grade.
- The project has to be part of an established and comprehensive travel plan.
- Abbott Schools will be given an additional consideration.
- Infrastructure projects have to be ready for construction.



## **Procedure for Federal Aid Projects (Excluding scoping and Transportation Enhancement)**

**1. Department of Transportation contacts the sponsor to schedule a kickoff meeting and site visit. Topics of discussion will include:**

- Terms and Conditions of the Program
- Scope of Work
- Environmental Document [NEPA Process]
- State Historic Preservation Office (SHPO) involvement
- Public support and community involvement
- Details relative to submissions, Design Exceptions, Permits, Plans, Specifications, Estimate, and any other item related to the project)
- Project Schedule and Progress Monitoring
- Budget & Funding Agreement
- Design Criteria and Process
- Items required by the Department of Transportation for Design Authorization
- Items required by the Department of Transportation for Construction Authorization

**2. Sponsor prepares the Environmental Document (NEPA Process) in close coordination with the Department of Transportation:**

- Submits the detailed scope of work to the Department of Transportation
- Identifies sites, buildings or districts on, or eligible for the National or State Register of Historic Places
- Completes the Environmental Document (NEPA process) and submit it to the Department of Transportation
- Upon receipt of completed packages, the Department will review the document, coordinate any reviews with the State Historic Preservation Office and FHWA and help issue the necessary approval
- Approval of the Environmental Document (Categorical Exclusion Document in most cases) makes the project *eligible* to receive federal funds

**NOTE:** *This process is different if the project has gone through the MPO Local Scoping process or if the project can be classified as a Programmatic Categorical Exclusion.*



**3. Sponsor performs Consultant Selection for Design Contracts; submits authorization package to the Department of Transportation; and the Department obtains federal authorization of design (if design is federally funded):**

- For projects that involve funding participation in the design, the sponsor must conform to the requirements of the Brooks Act and Federal Policy Guide 23 CFR 172A. The selection of a consultant must result from negotiations that utilize a qualifications based selection process. The process and any resulting contracts must first be reviewed by the Department of Transportation prior to use or execution. The use of in-house staff is allowable subject to the approval by the Department.
- Submit all items on the following design checklist to the Department to obtain authorization to proceed:
  1. Approved Design Exception (if applicable)
  2. Approved environmental documents
  3. SHPO review and approval, if required
  4. Documentation of the Consultant Selection process/use of in-house forces
  5. Final negotiated consultant cost proposal (including sub-consultant's cost proposals, if any)
  6. Funding agreement for design is prepared by the Department and executed by Sponsor and the Department.
  7. Design schedule

**NOTE: *the sponsor shall NOT start design work until written authorization to proceed is received from the Department of Transportation***

**4. Sponsor makes submissions in accordance with the design schedule:**

- **Preliminary:**
  1. Design Exception (if applicable)
  2. Preliminary Plans, Specifications, and Engineer's Estimate
  3. Construction Bar Chart
  4. Notify the department of patented/proprietary items

**NOTE: *The Department will determine the required DBE/ESBE participation and Trainee goals prior to the final submission.***

- **Final:**
  1. Final Plans
  2. Specifications,(Insert the appropriate Federal bid requirements)
  3. Engineer's Estimate



4. Approved Design Exceptions (if applicable)
5. Approved Environmental Documentation
6. SHPO review and approval, if required
7. Permit Certification with copies of permits (if applicable)
8. Right-of-way Certification
9. Utility Certification
10. Plans, Specifications and Estimate (PS&E package)
11. Designer's Certification
12. Authorization to Install, if traffic signals or channelization are part of project (Refer to NJAC 16:27 for requirements)
13. Estimate submitted by the sponsor at the time of the authorization request has to be fairly current (no older than 30 days from the time of submittal) {Refer to FHWA's Publications entitled: "Contract Administration Core Curriculum Participant's Manual and Reference Guide 2006" available at <http://www.fhwa.dot.gov/programadmin/contracts/coretoc.htm> and "Guidelines on Preparing Engineers Estimate, Bid Reviews, and Evaluation" (Jan. 2004)" available at: <http://www.fhwa.dot.gov/programadmin/contracts/ta508046.cfm>

**5. If scoping/design phase of the project is federally funded, the sponsor must submit a request for final acceptance and with required documentation prior to or concurrent with the construction authorization package.**

**6. Department of Transportation obtains Federal authorization of construction:**

- Review of final submission package and comment, if necessary
- An Environmental Document is valid for 1 year from the approval date by BEPR. If it is more than one year old at the time of submission of Federal Authorization Package and the scope of the project has changed, an Environmental Reevaluation (ER) form must be completed by the Bureau of Local Aid and submitted to the NJDOT BEPR for approval. An ER is valid for 90 days from the date of approval.
- Process the request for Federal Construction Authorization
- After receipt of Authorization, a written authorization notice will be sent to the recipient with award checklist and funding agreement.

**7. Sponsor advertises project for bids:**

- **The sponsor shall NOT advertise the project until written authorization to proceed is received from the Department of Transportation**
- Advertisement shall commence within 60 days from the date of the Department's letter of authorization.



- Advertisement is required to take place once a week for three (3) consecutive weeks in a minimum of two (2) legal newspapers one of which is a regional newspaper and they must be identified to the Local Aid District office. Any deviation from this requirement must be approved by the District Office, Bureau of Local Aid
- Copies of all advertisements will be submitted to the Department of Transportation
- Sponsor signs funding agreement and return to NJDOT with certified copy of resolution and scope of work

## **8. Sponsor Receipt of Bids:**

- Sponsor submits and/or verifies to the Department of Transportation, prior to Award of Contract, the following:
  1. DBE/ESBE participation and Trainee participation, if applicable
  2. Contractor's status - not on current list of debarred contractors
  3. All conditions set forth in the bid proposal have been satisfied
  4. Bid analysis and a tabulation of all bids received showing unit prices and amounts for the construction pay items. {Refer to FHWA's Publications entitled: "Contract Administration Core Curriculum Participant's Manual and Reference Guide 2006" available at <http://www.fhwa.dot.gov/programadmin/contracts/coretoc.htm> and "Guidelines on Preparing Engineers Estimate, Bid Reviews, and Evaluation" (Jan. 2004)" available at <http://www.fhwa.dot.gov/programadmin/contracts/ta508046.cfm>
  5. Resolution awarding contract subject to Department of Transportation concurrence (two (2) original signed and sealed copies) along with two (2) copies of a certified tabulation of bids and award checklist

### **If the sponsor rejects the bids,**

- 1- The Bureau of Local Aid must be notified in writing of the rejections and the reasons why; as per Federal Aid Policy Guidelines (FAPG)
- 2- FHWA has to be notified prior to the sponsor's re-advertisement of the project.

Refer to 23 CFR (Code of Federal Regulations) section 635.114

[http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/cfr\\_2003/aprqr/pdf/23cfr635.113.pdf](http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/cfr_2003/aprqr/pdf/23cfr635.113.pdf)

## **9. Department of Transportation concurs in Award:**

- Reviews sponsor bid analysis



- Assembles bid package (Federal-Aid Project Agreement, bid tabulation, Check List)
- Circulate funding agreement for DOT execution
- Gives written concurrence of award to sponsor

**10. The sponsor will do the following to start the construction of the project:**

- Schedule a pre-construction meeting in coordination with the Bureau of Local Aid so NJDOT staff can attend the meeting
- Submit Material Questionnaire, Material Certifications, List of Suppliers, and Mix Design Reports for approval, if applicable
- Notify Department of Transportation of start of construction in writing (prior to start of construction). Periodic site visits will be made by the Department of Transportation during the construction stage. Failure to notify the Department of Transportation of any major changes in the scope of work will result in non-participation of the work by the Department of Transportation
- Construction inspection is the responsibility of the sponsor. For projects that are located on the National Highway System (NHS) a full time resident engineer must be assigned to the project for construction oversight and compliance.
- Maintain appropriate records to ensure compliance with permits, DBE/ESBE program, trainees, and any other items outlined in the basic agreement, task order project agreements or bid documents. The sponsor's resident engineer, representing, the NJDOT, is responsible for the submittal of relevant forms required for the project.

**11 Sponsor submits the following to the Department of Transportation for reimbursement of partial payment vouchers:**

- Partial payment (as per funding agreement on Form PV.)
- Progress Report
- Change Orders (prior approval of change required)
- Evidence of costs to date incurred in the form of payroll certifications or receipts of contractor payments (two copies of backup documentation must be submitted)

**12. Department of Transportation performs Final Inspection:**

- Sponsor notifies the Department of Transportation, in writing, that the project is substantially complete (All pay items have been completed)
- Department of Transportation will inspect and inform the sponsor of any necessary corrective action required
- Upon written notification from the sponsor that all corrective action has been completed, the Department of Transportation will perform a final inspection





- Upon completion the sponsor will be advised to submit a final payment voucher (within six months from the date of final inspection)

**13. Sponsor submits the following to the Department of Transportation for reimbursement of final payment voucher:**

- Form PV - Payment Voucher along with backup documentation to substantiate all project costs (two copies of backup documentation must be submitted)
- Chief Financial Officers Certification indicating that the final project cost is part of the annual single audit or the final project cost will be made part of the next annual single audit. If neither is the case, then an Independent Auditor's Certification of final project cost is required.
- Engineer's Certification - Project Completion
- Form DC-173A (LGS) - Federal Aid Change Order (2 pages)
- List of all as-built quantities
- Form FHWA-47 - Statement of Materials and Labor (for all NHS projects or projects over \$1 million in construction costs)
- Evidence of contractors Payroll compliance
- Form DC-123 - Contractor's Final Certificate of Compliance (for wage rates)
- Form DC-126 - Wage Rate Inspections
- Form DC-127 - Monthly Summary of Contractor's Payrolls
- Form FA-7 - Statement of Compliance
- Evidence of contractors EEO compliance
- Form CC-257 - Monthly Employment Utilization Report
- Supplement to Form CC-257 - Monthly Employment Utilization Report
- Form FHWA-1391 - Annual EEO Report (only used for active projects during July). Local Aid to submit the completed form to the NJDOT – Division of Civil Rights by August 15.
- Evidence of contractor's Trainee compliance (if Trainees are required)
- Apprentice/Trainee Approval Memorandum Part "A"
- Form DC-29A - Daily Inspector's Report (optional - could be used to monitor the performance of the trainees). Local form may be used.
- Biweekly Training Report
- Contractor's 1409 Quarterly Training Report
- Training Certificate
- Evidence of contractor's DBE/ESBE compliance (if DBE's/ESBE's are required)
- Form AD-267 - Monthly Report, Utilization of Disadvantaged Business Enterprises
- Form AD-268 - Final DBE/ESBE Report
- Release Statement from Agreement for Federal Aid

**14. Forms completed by NJDOT, Bureau of Local Aid with information supplied by sponsor**



- **Form LB-96** (*NJDOT Materials Certification*) along with the material test results (Form DS-8 for bituminous concrete) and material certifications
- **Step 7A Request Letter to FHWA**
- **Form AD-12 - Commission Action Slips** (*for final payment, and acceptance and project close out with FHWA*)
- *Transmittal letter to Supervisor, Federal Aid Coordination for project close out*



# Transportation Enhancement Program

Federal transportation legislation gives New Jersey the opportunity to improve our quality of life through a unique funding program called Transportation Enhancement. The objectives of this unique program are to foster more livable communities, enhance the travel experience and promote new transportation investment partnerships. Its focus is on transportation projects designed to preserve and protect environmental and cultural resources, and to promote alternative modes of transportation.

## Who is Eligible to Apply for Funds

Any state agency, county or municipal government or private non-profit organization may submit a Transportation Enhancement application. However, the municipal governing body in which it is located must support the project.

Prospective sponsors should assess their capabilities to comply with state and federal requirements for procurement of materials and services, accounting practices, right-of-way and easement acquisitions, construction, construction inspection and design standards for road, bridge, bicycle, landscaping activities and historic resources or facilities.

Private organizations must have non-profit status and a federal tax I.D. number.

## What Types of Projects are Eligible

Projects must fall into one or more of the twelve eligible categories listed below. Within these categories, projects must have a direct link or relationship to a specific component or mode of the transportation system. Also, a project may function as a component of a transportation system.

Proposals must be for a complete, identifiable and usable facility or activity. Funds are not available for partial projects that cannot function as a complete and useful activity.

To ensure that proposed projects protect and enhance the environment, the sponsor is responsible for securing all applicable environmental approvals. Enhancement projects must conform to the requirements of the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (Section 106) and the DOT Act – Section 4(f).

The Transportation Enhancement Program is designed to fund non-traditional transportation related projects that are over and above what is considered routine construction and maintenance. The following are eligible project categories so long as the projects are related to surface transportation:

1. Facilities for pedestrians and bicycles



2. Provision of safety and educational activities for pedestrians and bicyclists
3. Scenic or historic highway programs
4. Acquisition of scenic easements and scenic or historic sites
5. Landscaping and other scenic beautification
6. Historic preservation
7. Rehabilitation and operation of historic transportation buildings, structures, or facilities
8. Preservation of abandoned railway corridors
9. Control and removal of outdoor advertising
10. Archaeological planning and research
11. Environmental mitigation to address water pollution due to highway runoff or reduce vehicle caused wildlife mortality while maintaining habitat connectivity
12. Establishment of transportation museums

## **Eligible Costs**

Funds are available for design, property acquisition, utility relocation (unless privately owned), construction inspection, material testing, and actual project construction. Funds are not available for planning or studies. A project must be constructed. Every possible effort should be made to develop accurate cost estimates. Any expenses incurred for work performed prior to Federal Highway Administration (FHWA) authorization will not be eligible for reimbursement.

## **Supplemental Funding**

The applicant should certify that all project costs would be met, either in combination with other sources or solely through this program. While Transportation Enhancement funds do not require a match, projects with supplemental funding will receive additional consideration in the project selection process.

## **Project Selection Criteria**

The basic requirements are that projects are related to transportation, fit into one or more of the twelve categories and the application be received by the Department of Transportation by the deadline specified. Each project is evaluated against the following criteria within their respective project category:

- Transportation related
- Construction ready
- Local commitment
- Supplemental funds
- User impact
- Regional or community benefits



- Elements of a larger plan
- Timing/urgency
- Economic benefits
- Value as a cultural resource
- Community support
- Distressed city

Projects seeking only implementation and construction costs will receive additional consideration in the project selection process.

## **Project Selection Process**

Selection of Transportation Enhancement projects includes the participation of civic groups outside the transportation community and other government agencies, as well as the state's Metropolitan Planning Organizations. The Commissioner of Transportation charges the organizations, which form the Transportation Enhancement Advisory Committee, with applying the selection criteria and preparing the recommended list of projects for approval.

A two-tier selection process is used for review of all applications.

After applications have been processed and screened for completeness and basic eligibility requirements by the Department of Transportation, they are separated into four basic categories. They are bicycle and pedestrian facilities, historic projects, scenic projects, and mitigation of water pollution due to highway runoff. The Advisory Committee evaluates the applications within these categories. After the screening process, all eligible applications are sent to their respective county planning department for a county planning perspective, review and comments. Each category of applications is evaluated by at least four Advisory Committee members. Projects are evaluated against each other within the appropriate category using the criteria outlined in the above **Project Selection Criteria** section. The result is a short list of the highest rated projects in each broad category.

In the second tier evaluation, short-listed projects are reviewed by staff of the Department of Transportation, Division of Local Aid and Economic Development to establish technical feasibility, determine if the project can be constructed, determine the accuracy of project costs, establish reasonable funding levels and to ensure that program accomplishments contribute to and complement related efforts within each county and the state. There are no preferred costs levels, however, the Commissioner of Transportation reviews the recommended project list for balance in funding levels, geographic mix and the variety of projects.

All successful applicants are notified in writing by the Department and will be required to attend a project kick-off meeting with the Project Manger from the



Department of Transportation, Division of Local Aid and Economic Development.

## **Design Guidelines**

Projects must be based on appropriate design standards. The Department of Transportation requires the use of a licensed professional in the design of most projects. Qualified historic architects and/or archaeologists should assess projects involving historic resources.

## **Application Guidelines**

All Transportation Enhancement applications are to be submitted online through NJDOT SAGE (System for Administering Grants Electronically) which can be accessed from the NJDOT website [www.state.nj.us/transportation/business/localaid/sage.shtm](http://www.state.nj.us/transportation/business/localaid/sage.shtm) by the application deadline. All applications must contain complete and detailed information. Applicants are encouraged to include photographs with their applications to convey what is to be accomplished.



## **Procedure for Transportation Enhancement Projects**

### **1. Department of Transportation contacts the sponsor to schedule a kickoff meeting and site visit. Topics of discussion will include:**

- Terms and Conditions of the Agreement
- Scope of Work
- Environmental Document [NEPA process]
- State Historic Preservation Office (SHPO) involvement
- Public support and community involvement
- Details relative to submissions (Design Report, Design Exceptions, Permits, Plans, Specifications, Estimate, and any other item related to the project)
- Project Schedule and Progress Monitoring
- Budget & Funding Agreement
- Design Criteria and Process
- Items required by the Department of Transportation for Design Authorization
- Items required by the Department of Transportation for Construction Authorization

### **2. Sponsor prepares the Environmental Document (NEPA Process) in close coordination with the Department of Transportation:**

- Submits the detailed scope of work to the Department of Transportation
- Identifies sites, buildings or districts on, or eligible for the National or State Register of Historic Places
- Sponsor must request consultation comments from SHPO (State Historic Preservation Office)
- Completes the Environmental Document (NEPA) and submit it to the Department of Transportation
- Upon receipt of completed packages, the Department will review the document, coordinate any reviews with the State Historic Preservation Office and FHWA (coordination of SHPO's review is the Sponsor's responsibility) and approve the environmental document
- Approval of the Environmental Document (Categorical Exclusion Document in most cases) makes the project eligible to receive federal funds

### **3. Sponsor performs Consultant Selection for Design Contracts; submits authorization package to the Department of Transportation; and the**



**Department obtains federal authorization of design (if design is federally funded):**

- For projects that involve funding participation in the design, the sponsor must conform to the requirements of the Brooks Act and Federal Policy Guide 23 CFR 172A. The selection of a consultant must result from negotiations that utilize a qualifications based selection process. The process and any resulting contracts must first be reviewed by the Department of Transportation prior to use or execution. The use of in-house staff is allowable subject to the approval by the Department.
- Submit all items on the following design checklist to the Department to obtain authorization to proceed:
  1. Approved Environmental (Categorical Exclusion) Document
  2. SHPO review and approval, if required
  3. Documentation of the Consultant Selection process/use of in-house forces
  4. Final negotiated consultant cost proposal (including sub consultant's cost proposals, if any)
  5. Design schedule
- *The sponsor shall NOT start design work until written authorization to proceed is received from the Department of Transportation*

**4. Sponsor makes submissions in accordance with the design schedule:**

- **Preliminary:**

1. Design Exception (if applicable)
2. Preliminary Plans, Specifications, and Estimate

- **Final:**

1. Final Plans
2. Specifications, (Insert the appropriate Federal bid requirements)
3. Engineer's Estimate
4. Approved Design Exceptions (if applicable)
5. Approved Environmental Documentation
6. SHPO review and approval, if required
7. Permit Certification with copies of permits (if applicable)
8. Right-of-way Certification
9. Utility Certification
10. Plans, Specifications and Estimate (PS&E package)
11. Designer's Certification





12. Authorization to Install, if traffic signals or channelization are part of project (Refer to NJAC 16:27 for requirements)
13. Estimate submitted by the sponsor at the time of the authorization request has to be fairly current (no older than 30 days from the time of submittal)  
{Refer to FHWA's Publications entitled: "Contract Administration Core Curriculum Participant's Manual and Reference Guide 2006" available at <http://www.fhwa.dot.gov/programadmin/contracts/coretoc.cfm> and "Guidelines on Preparing Engineers Estimate, Bid Reviews, and Evaluation" (Jan. 2004)" available at <http://www.fhwa.dot.gov/programadmin/contracts/ta508046.cfm>

**5. If design phase of the project is federally funded, the sponsor must submit a request for final acceptance and project closeout with required documentation prior to or concurrent with the construction authorization package.**

**6. Department of Transportation obtains Federal authorization of construction:**

- Review of final submission package and comment, if necessary
- Process the request for Federal Construction Authorization
- After receipt of authorization, a written authorization notice will be sent to the sponsor with award checklist and funding agreement

**7. Sponsor advertises project for bids:**

- The sponsor signs the project agreement and sends it to the District Office, Bureau of Local Aid
- ***The sponsor shall NOT advertise the project until written authorization to proceed is received from the Department of Transportation***
- Advertisement should commence within 60 days from the date of the Department's letter of authorization. If the sponsor is unable to meet this requirement, a written request for additional time has to be made through the Bureau of Local Aid that is subject to the approval of NJDOT
- Advertisement is required to take place once a week for three (3) consecutive weeks in a minimum of two (2) legal newspapers one of which is a regional newspaper and they must be identified to the Local Aid district office. Any deviation from this requirement must be approved by the District Office, Bureau of Local Aid
- Copies of all advertisements will be submitted to the Department of Transportation



- Sponsor signs funding agreement and return to NJDOT with certified copy of resolution and scope of work

## **8. Sponsor Receipt of Bids:**

- Sponsor submits and/or verifies to the Department of Transportation, prior to Award of Contract, the following:
  1. Contractor's status - not on current list of debarred contractors
  2. All conditions set forth in the bid proposal have been satisfied
  3. Bid analysis and a tabulation of all bids received showing unit prices and amounts for the construction pay items. {Refer to FHWA's Publications entitled: "Contract Administration Core Curriculum Participant's Manual and Reference Guide 2006" available at <http://www.fhwa.dot.gov/programadmin/contracts/coretoc.cfm> and "Guidelines on Preparing Engineers Estimate, Bid Reviews, and Evaluation" (Jan. 2004)" available at <http://www.fhwa.dot.gov/programadmin/contracts/ta508046.cfm>
  4. Resolution awarding contract subject to Department of Transportation concurrence (two (2) original signed and sealed copies) along with two (2) copies of a certified tabulation of bids and award checklist

**If the low bid is higher than the authorized amount, sponsor must contact Bureau of Local Aid prior to award of contract.**

**If the sponsor rejects the bids,**

- 1-The Bureau of Local Aid must be notified in writing of the rejections and the reasons why; as per Federal Aid Policy Guidelines (FAPG)
- 2-FHWA has to be notified prior to the sponsor's re-advertisement of the project.

Refer to 23 CFR(Code of Federal Regulations) section 635.114

[http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/cfr\\_2003/aprqr/pdf/23cfr635.113.pdf](http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/cfr_2003/aprqr/pdf/23cfr635.113.pdf)

## **9. Department of Transportation concurs in Award:**

- Reviews sponsor bid analysis
- Assembles bid package (Federal Aid Project Agreement, bid tabulation Sheet, Check List)
- Circulate funding agreement for DOT execution
- Gives written concurrence of award to sponsor



**10. The sponsor will do the following to cause the construction of the project:**

- Schedule a pre-construction meeting and inform Bureau of Local Aid of the date, time and place of the meeting so NJDOT staff can attend the meeting
- Submit Material Questionnaire, Material Certifications, List of Suppliers, and Mix Design Reports for approval, if applicable
- Notify Department of Transportation of start of construction in writing (prior to start of construction). Periodic site visits will be made by the Department of Transportation during the construction stage. Failure to notify the Department of Transportation of any major changes in the scope of work will result in non-participation of the work by the Department of Transportation
- Construction inspection is the responsibility of the sponsor
- Maintain appropriate records to ensure compliance with permits, and any other items outlined in the agreement or bid documents

**11. Sponsor submits the following to the Department of Transportation for reimbursement of partial payment vouchers:**

- Partial payment (monthly or quarterly on Form PV.)
- Progress Report
- Change Orders (prior approval of change required)
- Evidence of costs to date incurred in the form of payroll certifications or receipts of contractor payments (two copies of backup documentation must be submitted)

**12. Department of Transportation performs Final Inspection:**

- Sponsor notifies the Department of Transportation that project, in writing, that the project is substantially complete (All pay items have been completed)
- Department of Transportation will inspect and inform the sponsor of any necessary corrective action required
- Upon written notification from the sponsor that all corrective action has been completed, the Department of Transportation will perform a final inspection
- Upon completion the sponsor will be advised to submit a final payment voucher (within six months from the date of final inspection)



**13. Sponsor submits the following to the Department of Transportation for reimbursement of final payment voucher:**

- Form PV - Payment Voucher along with backup documentation to substantiate all project costs (two copies of backup documentation must be submitted)
- Chief Financial Officers Certification indicating that the final project cost is part of the annual single audit or the final project cost will be made part of the next annual single audit. If neither is the case, then an Independent Auditor's Certification of final project cost is required.
- Engineer's Certification - Project Completion
- Form DC-173A (LGS) - Federal Aid Change Order (2 pages)
- List of all as-built quantities
- Form FHWA-47 - Statement of Materials and Labor (for all NHS projects or projects over \$1 million in construction costs)
- Evidence of contractors Payroll compliance
- Form DC-123 - Contractor's Final Certificate of Compliance (for wage rates)
- Form DC-126 - Wage Rate Inspections
- Form DC-127 - Monthly Summary of Contractor's Payrolls
- Form FA-7 - Statement of Compliance
- Evidence of contractor's EEO compliance
- Form CC-257 - Monthly Employment Utilization Report
- Supplement to Form CC-257 - Monthly Employment Utilization Report
- Form FHWA-1391 - Annual EEO Report (only used for active projects during July) Local Aid to submit the completed form to the NJDOT – Division of Civil Rights by August 15.
- Release Statement from Agreement for Federal Aid

**14. Completed by NJDOT, Bureau of Local Aid with information supplied by sponsor**

- **Form LB-96** (*NJDOT Materials Certification*) along with the material test results (Form DS-8 for bituminous concrete) and material certifications
- **Step 7A Request Letter to FHWA**
- **Form AD-12** - *Commission Action Slips (for final payment, and acceptance and project close out with FHWA)*
- *Transmittal letter to Supervisor, Federal Aid Coordination for project close out*



## **Metropolitan Planning Organizations**

### **North Jersey Transportation Planning Authority (NJTPA)**

One Newark Center

17<sup>th</sup> floor

Newark, NJ 07102

Phone: (973) 639-8400

Fax: (973) 639-1953

Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren Counties, and the Cities of Jersey City and Newark

### **Delaware Valley Regional Planning Commission (DVRPC)**

Bourse Building

111 South Independence Mall East

8<sup>th</sup> floor

Philadelphia, PA 19106

Phone: (215) 592-1800

Fax: (215) 592-9125

Burlington, Camden, Gloucester, and Mercer Counties

### **South Jersey Transportation Planning Organization (SJTPO)**

1173 East Landis Avenue

Vineland, NJ 08360

Phone: (856) 794-1941

Fax: (856) 794-2549

Atlantic, Cape May, Cumberland, and Salem

## **United States Department of Transportation**

### **Federal Highway Administration**

840 Bear Tavern Road

Suite 310

Trenton, NJ 08628

Phone: (609) 637-4200

Fax: (609) 538-4913



# PROGRAMMATIC AGREEMENT FOR APPROVAL OF CERTAIN CATEGORICAL EXCLUSIONS

## BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND THE NEW JERSEY DEPARTMENT OF TRANSPORTATION

The Federal Highway Administration, New Jersey Division, hereinafter FHWA, and the New Jersey Department of Transportation, hereinafter NJDOT, have developed this Programmatic agreement to outline the policy and procedures for environmental processing of certain Class II (CE) Actions as defined in section 23 CFR 771.117 (and as amended) which normally are found to have no significant social, economic and environmental effects.

The FHWA hereby concurs in advance, on a programmatic basis, with NJDOT's designation that those types of projects listed on Attachment A" and which satisfy the conditions and criteria in Attachment "B", will not result in significant environmental impacts, and are therefore categorically excluded from the requirement to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS). As outlined in this Agreement, the NJDOT will determine and certify that a project meets Federal environmental requirements, and notify FHWA of its findings.

**APPLICABILITY** - This Agreement applies to projects that involve Federal funding and/or approvals, and supersedes previous agreements. This Agreement does not apply to those projects specifically exempted by regulation from Federal environmental requirements, nor to those projects for which an EA or EIS is required.

### **PROCESS**

1. NJDOT will conduct an interdisciplinary review, and provide appropriate public involvement opportunities, to determine whether a project meets the conditions of Attachments "A" and "B" of this Agreement. This determination shall be appropriately documented in the project file.
2. NJDOT shall notify the FHWA that CE classification for the project was programmatically determined by the Manager of the Bureau of Environmental Services and certified by the Director of the Division of Project Management, at the time the authorization to proceed with final design, right-of-way acquisition or construction is requested.
3. NJDOT shall provide a quarterly listing of projects processed under this Agreement to FHWA, beginning three months from the execution of this Agreement. Documentation will be retained and accessible to authorized representatives of the FHWA and NJDOT for a minimum of three (3) years following completion of construction. Electronic files meeting Federal and State requirements may eventually replace hard copy.
4. NJDOT may request technical assistance from FHWA at any time. Such requests do not override the provisions contained in this Agreement.



**AGREEMENT REVISIONS AND TERMINATION** - This Agreement and its attachments may be expanded, deleted, modified, or terminated by mutual consent of the Division Administrator, FHWA and the Commissioner of NJDOT or designee at any time.



## ATTACHMENT A

*Only the following (30) activities may be designated as CE's under this Agreement without further approval or documentation, provided they do not cause any of the impacts listed on Attachment "B":*

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 planning process pursuant to 23 U.S.C. 134; approval of statewide programs under 23 CFR part 630; approval of project concepts under 23 CFR part 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. Approval of utility installations along or across a transportation facility.
3. Construction of bicycle and pedestrian lanes, paths, and facilities.
4. Activities included in the State's highway safety plan under 23 U.S.C. 402.
5. Transfer of Federal lands pursuant to 23 U.S.C. 317 when the subsequent action is not an FHWA action.
6. The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
7. Landscaping.
8. Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.
9. Emergency repairs under 23 U.S.C. 125.
10. Acquisition of scenic easements.
11. Determination of payback under 23 CFR part 480 for property previously acquired with Federal-aid participation.
12. Improvements to existing rest areas and truck weigh stations.
13. Ridesharing activities.
14. Bus and rail car rehabilitation.





15. Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
16. Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
17. 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.
18. Track and rail bed maintenance and improvements when carried out within the existing right-of-way.
19. Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
20. Promulgation of rules, regulations, and directives.
21. Modernization of a highway by resurfacing, restoration, rehabilitation. **Reconstruction is not included in this category.** As of this writing, “3R” projects, until full implementation of the NJDOT Capital Project Delivery Guidelines, will be defined as per the FHWA/NJDOT Letter of Agreement (Project Reports, Project Development and Certification Acceptance), dated November 16, 1992.
22. Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.
23. Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.
24. Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
25. Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.
26. Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.



27. Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.
28. Acquisition of land for hardship or protective purposes; advance land acquisition loans under section 3(b) of the UMT Act. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.
29. Bridge painting.
30. Transportation Enhancement Activities.

*NJDOT may not “self certify” as a CE projects which involve any of the following four (4) activities, regardless of potential involvement with any of the issues listed in Attachment “B”. Documentation, which verifies that the particular project will not cause significant environmental impacts, must be submitted to FHWA for their approval of its CE classification.*

1. Modernization of a highway by reconstruction, adding shoulders, adding auxiliary lanes (e.g., parking, weaving, turning, climbing), or modifications that result in a redirection of existing movements at an intersection/interchange.
2. Bridge rehabilitation, reconstruction or replacement or the construction of grade separation to replace existing at-grade railroad crossings.
3. Transportation corridor fringe parking facilities.
4. Construction of new truck weigh stations or rest areas.



## ATTACHMENT B

### A PROPOSED PROJECT MUST BE INDIVIDUALLY APPROVED BY FHWA IF:

**SECTION 4(f) OR 6 (f):** The proposed project results in the use of any property or properties protected under Section 4(f) of the Department of Transportation Act, or Section 6(f) of the Land and Water Conservation Fund Act.

**HISTORIC PROPERTIES:** Consultation with FHWA and the New Jersey State Historic Preservation Officer (SHPO) has resulted in an agreement that the proposed project results in an “Adverse Effect” upon any properties eligible for or listed in the National Register of Historic Places.

**WETLANDS:** The proposed project results in the placement of fill in 5 or more acres (2 hectares) of freshwater wetlands or State open waters, or if it requires the placement of fill in tidal wetlands, or if a Nationwide 404 permit applies.

**ENDANGERED SPECIES:** The proposed project affects species or critical habitat of species protected by the Endangered Species Act.

**SOLE SOURCE AQUIFER:** The proposed project is located within a designated Sole Source Aquifer *and* the project requires an EPA approval of a groundwater assessment.

**NOISE:** The proposed project is a Type I Action requiring a noise study in accordance with Section 772 of the Federal Aid Policy Guide.

**AIR QUALITY:** The proposed project causes any exceedances of the National Ambient Air Quality Standards (NAAQS), *or* if a Congestion Management Study/Major Investment Study (CMS/MIS) is required.

**RIGHT OF WAY:** The proposed action requires relocation of any residences or businesses involves a control of access change or has a high risk of hazardous materials involvement.

