



# Appendix A. Consultation and Coordination Process

As stated in [Title 23 Part 450.316 \(e\)](#), “MPOs shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies, as defined in paragraphs (b), (c), and (d) of this section, which may be included in the agreement(s) developed under §450.314.”

SJTPO consults and coordinates with agencies and officials when completing transportation planning activities as appropriate to the transportation planning activity. With regards to the TIP development, SJTPO collaborates with the entities listed below. For each entity, the roles and responsibilities during the TIP development process are outlined:

**SJTPO Technical Advisory Committee** – The TAC is comprised of planners and engineers representing SJTPO’s constituent subregions. The TAC is re-designated annually in January. The role of the TAC in the TIP development process is to review the Draft TIP and recommend its adoption to the Policy Board. The TAC is involved in TIP discussions relating to funding availability, urban boundary designation, project selection criteria, and more. The TAC is also responsible for recommending TIP amendments to the Policy Board for adoption.

**SJTPO Policy Board** – The Policy Board is the governing body of SJTPO and is comprised of eight (8) elected officials from counties and municipalities within the SJTPO region as well as three (3) additional members appointed by NJDOT, NJ TRANSIT, and SJTA. The role of the Policy Board in the TIP development process is to vote on the adoption of the TIP and TIP amendments.

**New Jersey Department of Transportation Capital Programming** – NJDOT Capital Programming is responsible for development of the Capital Program and STIP. Capital Programming works with the MPOs, NJ TRANSIT, FHWA, and FTA to develop resource estimates, provide project pool sheets, compile the statewide Capital Program, compile the STIP, and provide the finalized STIP to FHWA and FTA for approval. NJDOT is also represented on SJTPO’s TAC and Policy Board.

**New Jersey Department of Transportation Office of Local Aid** – The Office of Local Aid is responsible for reviewing and approving TIP project authorization submissions from project sponsors. SJTPO attends quarterly project status meetings with the Office of Local Aid and each subregion to ensure that programmed projects are on-track for authorization by the end of the SFY. Project status meetings involve coordination between NJDOT Office of Local Aid District 4, SJTPO, and subregional professional staff.

**New Jersey Transit** – NJ TRANSIT prepares the statewide transit section of the STIP. Statewide transit programs are funded in each of the three MPO regions. NJ TRANSIT participates in



resource estimates, development of the Capital Program, and development of the STIP. NJ TRANSIT is also represented on SJTPO’s TAC and Policy Board.

**Federal Highway Administration and Federal Transit Administration** – FHWA and FTA participate in resource estimate discussions early in the TIP development process. FHWA and FTA also have an opportunity to review and submit comments on the Draft STIP. The Transportation Conformity document must be approved by FHWA and FTA, in addition to the US EPA. The final approval of the STIP also comes from FHWA and FTA. FHWA is responsible for providing final approval of TIP project authorization. FHWA and FTA must also provide final approval for any TIP amendments and modifications.

**Interagency Consultation Group (ICG)** – In accordance with transportation conformity regulations in §93.105(a), §93.105(b), and §93.105(c), SJTPO has organized an ICG. The ICG is comprised of representatives from NJDEP, US EPA, NJDOT, FHWA, the other New Jersey MPOs, and consultants. The ICG is responsible for aiding in the development of the Transportation Conformity document for the TIP and for approving the Final Transportation Conformity document.

**The Public** – When the Draft TIP and Transportation Conformity document are prepared, SJTPO begins a public involvement process to ensure that members of the public, affected agencies, employees, private providers of transportation, and other interested parties have an opportunity to comment on the proposed program. SJTPO places public notice in area newspapers, to the SJTPO General Information e-list, and to its list of outreach contacts across the region. Hard copies of the Draft TIP and Conformity are sent to participating [State Depository Libraries](#) in each county. The documents are also publicly hosted on SJTPO’s website. A minimum 30-day public comment period is provided, during which at least one (1) public meeting is held. More details on the public involvement process may be found in SJTPO’s PIP document ([www.sjtpo.org/PIP](http://www.sjtpo.org/PIP)).

### Tribal Coordination

**Tribal Nations** – The following text outlines how SJTPO coordinates with Tribal Nations during the TIP development process.

As stated in [Title 23 Part 450.316\(c\)](#): “When the [Metropolitan Planning Area] MPA includes Indian Tribal lands, the MPO shall appropriately involve the Indian Tribal government(s) in the development of the metropolitan transportation plan and the TIP.” The SJTPO region does not contain any Indian Tribal lands. If a transportation planning activity occurs where there is overlap into Indian Tribal lands, the MPO will consult with federal land management agencies as appropriate.

In accordance with [Section 106 of the National Historic Preservation Act of 1966](#) as amended ([16 United States Code \(USC\) 470](#)) (NHPA), and its implementing regulations found at [36 CFR Part](#)



[800](#), federal agencies must consult with any Indian tribe or Native Hawaiian organization regarding undertakings occurring on or affecting historic properties on its tribal lands. Federal agencies must also:

*Consult with an Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by an undertaking [800.2(c)(2)(ii)]. This requirement applies regardless of the location of the historic property. The regulations further require that the agency official shall insure that consultation in the section 106 process provides the Indian tribe...a reasonable opportunity to identify its concerns about historic properties, advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance, articulate its views on the undertaking's effects on such properties and participate in the resolution of adverse effects [§800.2(c)(2)(ii)(A)].*

Currently, there are no federally recognized tribal nations that reside in the State of New Jersey, nor are there tribal territories (lands) belonging to federally recognized tribal nations within the confines of the state. There may be individuals belonging to federally recognized tribal nations, but there are no known enclaves or identified communities of such individuals within the State of New Jersey. There are five (5) federally recognized tribes that claim an ancestral relationship with land in the State of New Jersey, who are included as consulting parties for federally funded or permitted transportation projects in accordance with the requirements of [Section 106](#) and [36 CFR Part 800](#). The federally recognized tribes include:

- **Absentee Shawnee Tribe of Oklahoma**, with areas of interest in Camden, Gloucester, Salem, and Warren Counties
- **Delaware Nation**, with areas of interest Statewide
- **Delaware Tribe of Indians**, with areas of interest Statewide
- **Shawnee**, with areas of interest Statewide
- **Stockbridge-Munsee Community Band of Mohican Indians**, with areas of interest in Sussex, Warren, and Burlington Counties

The FHWA cannot delegate its government-to-government responsibility and overall consultation and coordination duties with federally recognized tribal nations. It is the responsibility of the Lead Federal Agency to identify and involve consulting parties in the findings and determinations made during the [Section 106](#) consultation process. In advance of developing a coordination process with the MPOs in the State of New Jersey, SJTPO reached out directly to each of the federally recognized tribal nations on behalf of FHWA to introduce the MPO and advise each tribal nation of opportunities for early coordination. The letter to all five (5) the federally recognized tribal nations was transmitted in mid-April 2020. Further, based upon correspondence from the Tribal Historic Preservation Officer for the Stockbridge-Munsee Community Band of Mohican Indians, the tribal nation has deferred consultation in the SJTPO



region indicating that projects in the four-county SJTPO region are outside of their areas of interest. No further consultation will be completed with this tribal nation.

In early July of 2021, a letter was sent via email to each federally recognized tribal nation to inform the tribal nations that the Draft FFY 2022-2031 TIP was available for review and comment on the SJTPO website.

In addition to the five (5) federally recognized tribal nations identified above, as of March 4, 2020, an additional four (4) non-federal tribes have been acknowledged by the current administration in the State of New Jersey to have an interest in historic properties. While these non-federally recognized tribes do not share the same status as the “federally recognized” tribal nations, they are still recognized as important stakeholders in the transportation planning process and will be contacted during project development and in the [Section 106](#) review process. The four (4) non-federally recognized tribes include:

- Nanticoke Lenni-Lenape Indians of New Jersey
- Powhatan Renape Nation
- Ramapough Lunaape (Lenape) Nation
- Sand Hill Indian Historical Association

A letter to the four (4) non-federally recognized tribes was transmitted in early July of 2021, advising that the Draft FFY 2022-2031 was available for review and comment on the SJPTO website.

An additional letter to the five (5) federally recognized tribal nations and four (4) non-federally recognized tribal nations will be transmitted via email following Policy Board approval of the TIP. The letter will acknowledge the approval of the TIP, including reference to the appropriate Policy Board resolution(s).

**Eastern Federal Lands Highway Division (EFLHD)** – The following text outlines how SJTPO coordinates with the EFLHD during the TIP development process.

As stated in [Title 23 Part 450.316\(d\)](#): “When the MPA includes Federal public lands, the MPO shall appropriately involve the Federal land management agencies in the development of the metropolitan transportation plan and the TIP.” The SJTPO region contains the following Federal lands:

- **Supawna Meadows National Wildlife Refuge (Salem County)** – Maintained by U.S. Fish and Wildlife Service
- **Edwin B Forsythe National Wildlife Refuge (partially in Atlantic County)** – Maintained by U.S. Fish and Wildlife Service
- **Cape May National Wildlife Refuge (Cape May County)** – Maintained by U.S. Fish and Wildlife Service



- **United States Coast Guard Training Center Cape May (Cape May County)** – Maintained by the U.S. Coast Guard

If a transportation planning activity occurs where there is overlap into federal public lands, the MPO will consult with federal land management agencies, as appropriate. A map of New Jersey Federal Lands may be found here:

[https://nationalmap.gov/small\\_scale/printable/images/pdf/fedlands/NJ.pdf](https://nationalmap.gov/small_scale/printable/images/pdf/fedlands/NJ.pdf).

In December 2020, the EFLHD updated its FFY 2021-2024 EFLHD TIP, which describes transportation projects that will be implemented within the boundaries of federal lands. There are two such projects in the SJTPO region and are listed in [Appendix D](#). A full list of projects in the EFLHD TIP can be found here: <https://highways.dot.gov/federal-lands/programs-planning/tip/efl-transportation-improvement-program>.

### Decision Points in the TIP Development Process

The following list outlines key decision points in the TIP development process.

**Project Pool Sheet Development** – Development of the project pool sheets begins one (1) year prior to the expected date of TIP adoption. For the FY 2022-2031 TIP, project pool sheets were distributed in October 2020. The completed pool sheets were provided to NJDOT Capital Programming in November 2020.

**Draft Capital Program** – The constrained project pool is developed into the Capital Program by NJDOT.

**Air Quality Conformity Process** – SJTPO must demonstrate that the TIP complies with the requirements of the Clean Air Act. The Transportation Conformity process begins when the Draft Capital Program is received. SJTPO is currently reviewing the project lists and preparing a Draft Transportation Conformity document, which is anticipated to be adopted along with the TIP in September 2021. The Transportation Conformity document is reviewed and approved by the ICG. Three (3) meetings of the ICG are anticipated to be held during this time. TAC and Policy Board endorsement of the Final Transportation Conformity document is anticipated to occur in September of 2021.

**SJTPO TIP** – The Draft STIP database was received on April 16, 2021, and was used to produce SJTPO’s TIP. Following the public comment period, the TIP and Transportation Conformity document are anticipated to be brought to the SJTPO TAC for endorsement on September 13, 2021, and the SJTPO Policy Board on September 27, 2021.

**Draft TIP/Transportation Conformity Document Public Comment Period** – The public comment period is was held from Wednesday, July 7, 2021, through Sunday, August 15, 2021, with two (2) virtual public meetings to be held via GoToWebinar on Thursday, July 15, 2021 (6:00 PM to 7:00



**FFY 2022-2031 TIP**

**Approved September 27, 2021**

PM) and Tuesday, July 20, 2021 (2:00 PM to 3:00 PM). All public comments received were summarized and incorporated into [Appendix E](#).

**FHWA and FTA Approval** – FHWA/FTA approval of MPO TIPs and Transportation Conformity documents is scheduled for October 1, 2021. FHWA/FTA approval of the STIP is scheduled for October 31, 2021. The STIP becomes effective following FHWA/FTA approval.