



U.S. DEPARTMENT OF TRANSPORTATION

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IN REPLY REFER TO:
TRO-2
HDA-NJ

November 22, 2021

Ms. Diane Guterrez-Scaccetti
Commissioner
New Jersey Department of Transportation
P.O. Box 600
Trenton, New Jersey 08625-0600

Re: Fiscal Years 2022-2025 Statewide Transportation Improvement Program Approval and Federal Planning Findings

Dear Commissioner Guterrez-Scaccetti:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) of the U.S. Department of Transportation (USDOT) reviewed the New Jersey Department of Transportation's (NJDOT) Fiscal Years (FY) 2022 – 2025 Statewide Transportation Improvement Program (STIP). Based on this review, we found that the STIP and its development process meets the requirements of Sections (§) 134 and 135 of Title 23 of the United States Code (U.S.C.). Over the last several months, we have reviewed the statewide and metropolitan planning process in detail, and we are enclosing a Federal Planning Finding (FPF) report containing our observations. Included in the FPF report are various areas related to transportation planning with two commendations to recognize best practices and eight recommendations for further coordination in order to enhance the transportation planning process in New Jersey.

It is our opinion that the STIP and New Jersey's Metropolitan Transportation Improvement Programs (TIPs) and the Metropolitan Long Range Transportation Plans (LRTP) are adequately based on a continuing, comprehensive, and cooperative planning process carried out by the NJDOT, New Jersey Transit, the North Jersey Transportation Planning Authority, the Delaware Valley Regional Planning Commission, and the South Jersey Transportation Planning Organization in accordance with the requirements of 23 U.S.C. § 134 and 135, as well as 49 U.S.C. § 5303 and 5304.

Furthermore, in concurrence with the United States Environmental Protection Agency, we find that conformity has been demonstrated for the FY 2022-2025 New Jersey STIP and LRTPs for all non-attainment and maintenance areas of the state in accordance with the Clean Air Act (CAA).

These findings are consistent with New Jersey's CAA-based State Implementation Plan, adequately address requirements in accordance with the Federal Conformity Rule, and ensure general compliance with the CAA as well as all subsequent CAA amendments.

Please note that approval of the STIP and issuance of our report does not constitute project or grant approval. Both FHWA and FTA may need additional information for projects in the approved STIP prior to approval.

We look forward to working with you and your staff in our efforts to carry out the statewide and metropolitan planning processes in an effective manner.

If you have any questions, please contact either Sutapa Bandyopadhyay at (609) 637-4230 or Donald Burns (212) 668-2203.

Sincerely,

Robert Clark
Division Administrator
Federal Highway Administration
New Jersey Division

Stephen Goodman, P.E.
Regional Administrator
Federal Transit Administration
Region 2

cc: V. Remezova, FHWA-NJ
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**FHWA New Jersey Division and FTA Region 2
PLANNING FINDINGS
and approval of the
NEW JERSEY DEPARTMENT OF TRANSPORTATION
FFY 2022 – 2025 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM**

Introduction

In order to approve New Jersey Department of Transportation’s (NJDOT) Statewide Transportation Improvement Program (STIP), including the Transportation Improvement Programs (TIPs) contained by reference or directly in the STIP, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) must make a finding that the STIP and TIPs are based on a transportation planning process that meets the requirements of 23 U.S.C. § 134 and 135, 49 U.S.C. § 5303 and 5304, and 23 CFR 450 and that TIPs are consistent with the Metropolitan Long Range Transportation Plans (LRTP) produced by the comprehensive, cooperative, and continuing planning process carried out by the Metropolitan Planning Organizations (MPOs) involving the State, and the public transit operator(s).

The planning finding is based on the self-certification statements submitted by NJDOT and the MPOs under 23 CFR 450.220 and 23 CFR 450.336. It is also based upon the review of supporting documentation, routine FHWA and FTA involvement in the statewide and metropolitan planning process, public involvement, and a fiscal constraint determination.

This documentation supports the planning finding for the NJDOT’s FY 2022 – 2025 STIP and the incorporated TIPs for the following MPOs: Delaware Valley Regional Planning Commission, North Jersey Transportation Planning Authority, and South Jersey Transportation Planning Organization.

Commendations of the Planning Process

FINDING	TOPIC	DESCRIPTION
Commendation	Tribal Nations Consultation and Coordination Process	We commend NJDOT on their continued effort to consult and coordinate with the federally and state recognized Tribal Nations regarding transportation planning process and project development. This commendation serves to highlight the ongoing outreach and involvement efforts that NJDOT and the MPOs have conducted for the development of comprehensive and all-inclusive planning documents and project scopes.
Commendation	MPO Stewardship and Oversight	We commend NJDOT on their stewardship and oversight of the MPOs. NJDOT’s MPO liaison unit is effective in monitoring the work of the three MPOs and their ongoing programs (e.g. UPWPs, MTPs, Air Quality

	<p>Conformity, etc.). We encourage the MPO liaison unit to continue with the current practices.</p>
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Recommendations of the Planning Process

FINDING	TOPIC	DESCRIPTION
Recommendation	STIP Development Schedule	<p>We recommend that NJDOT revise the STIP development schedule to provide sufficient time to the partner agencies including FHWA and FTA to review and respond to the draft STIP document. The responses to partner agency comments should be documented and integrated with the STIP via an appendix. FHWA and FTA should be provided a complete electronic version of the STIP with all comments addressed prior to requesting final approval.</p>
Recommendation	STIP Integration with other planning documents	<p>We recommend that NJDOT improves integration of the STIP with other transportation planning documents and work programs (e.g. PMF, TAMP and SHSP). We recommend that NJDOT discusses the anticipated effect of the STIP toward achieving the national performance targets and links the investment priorities to the performance targets. NJDOT should improve the ability of the STIP to inform progress and performance of plans and projects by including amendments and modifications in the document.</p>
Recommendation	STIP Delivery Performance	<p>NJDOT should improve the overall performance and delivery of the STIP. NJDOT programmed 78 individually named projects in the second year (FY 2021) of the original FY 2020-23 STIP. Not included are lump sum program items that do not name individual projects. There have been 22 authorizations against the 78 named projects in FY 2021.</p>
Recommendation	Written Provisions for Performance-Based Planning and Programming (PBPP) Agreement	<p>NJDOT, the MPOs, and the public transit operators must jointly agree upon and develop written provisions in accordance with 23 CFR 450.314 (h). The agreement provides flexibility such that the agreement may be included as part of the metropolitan planning agreements or documented in some other form as cooperatively determined by NJDOT, the MPOs, and operators</p>

		<p>of public transportation.</p> <p>The current written agreement does not include any operators of public transportation. NJDOT and the MPOs must continue to bring operators of public transportation as signatories to the written agreement.</p>
Recommendation	Public Participation Plan/Process	<p>The NJDOT website provides information about each of the MPO’s TIP and STIP public participation and outreach process, public meeting place and time. We encourage NJDOT to continue this practice of providing easily accessible and visible public participation process information.</p> <p>We recommend that NJDOT improves accessibility and visibility of responses to all STIP public comments by integrating the comments and responses to them into the STIP via a new appendix.</p>
Recommendation	Environmental Justice/Equity	<p>We recommend that NJDOT uses a comprehensive approach to integrate federal environmental justice standards into planning processes to ensure compliance with EJ Executive Order 12898, USDOT EJ orders, and all other requirements relevant to the NEPA process to best support underserved communities. We recommend identifying data resources and tools that support a comprehensive analysis, as well as emerging issues that may impact the analysis of EJ populations as part of transportation planning and project development.</p> <p>NJDOT should integrate federal equity standards into the comprehensive planning processes to assess whether, and to what extent, its programs and policies perpetuate systemic barriers to opportunities and benefits for people of the underserved communities. Assessments will help NJDOT develop policies and programs that deliver resources and benefits equitably to all.</p>
Recommendation	Coordination with Land Management Agencies	<p>NJDOT should coordinate, to the maximum possible extent, with federal land management agencies into the STIP. 23 U.S.C. § 134, 135 and 201 outline the Integrated Planning coordination required between State Departments of Transportation and Metropolitan Planning</p>

		Organizations with federal land management, tribal, and wildlife regulatory agencies throughout the transportation planning process.
Recommendation	Highway Safety Improvement Program (HSIP)	NJDOT should program all available HSIP funds in contrast to the trend of programming only a certain percentage of the available funds. The following is the HSIP funds, in millions, programmed against funds available in the upcoming years (FY: Programmed – Resources): 22: \$48.0-\$58.7, 23: \$41-\$59.3, 24: \$49.0-\$60.0, 25: \$67-\$60.7. We also recommend that NJDOT take advantage of August Redistribution if more projects require funding in a particular fiscal year.

Conclusion

FHWA and FTA note that the new FY 2022 – 2025 STIP is consistent with the LRTPs and incorporates TIPs without change.

In accordance with 23 CFR 450, and based upon the NJDOT and MPO self-certification of their statewide and metropolitan transportation planning processes and federal agency routine involvement in the transportation planning process, FHWA and FTA hereby make the following determinations:

- Projects in the FY 2022 – 2025 STIP are based on a planning process that meets the requirements of 23 U.S.C. § 134 and 135, 49 U.S.C. § 5303 and 5304, and 23 CFR 450 Subparts A, B, and C, and other applicable requirements.
- TIPs are based on a continuing, comprehensive transportation planning process carried out cooperatively by the State, MPOs, and transit operators in accordance with the provisions of 23 U.S.C. § 134 and 135, 49 U.S.C. § 5303 and 5304, and 23 CFR 450 Subparts A, B, and C.