

**CED LIST:  
CATEGORICAL  
EXEMPTIONS**

*According to an existing agreement between NJDOT and FHWA, only the following (30) activities in PART 1 may be designated as Categorical Exemptions without further approval provided that they do not cause any impacts listed in PART 2.*

**PART 1**

- 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 railbed 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. Also see additional note below.
- (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 predominately 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.

## **PART 2**

### **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 caused any exceedances of the National Ambient Air Quality Standards (NAAQS), or if a Congestion Management Study/Major Investment Study (CMS/MIA) 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 material involvement.

### **Note for Part 1, item 21 (Modernization of Highway by 3R):**

**Projects listed below involving pavement are consistent with FHWA’s pavement preservation guidelines that define minor and major pavement rehabilitation.**

**Resurfacing Projects:** Pavement resurfacing, milling, joint replacement and/or repair. minor safety work (guiderail repair and/or replacement, new guiderail installations, small signs, lighting, sidewalks and handicap ramps), minor access control, minor drainage improvements, installations of long-life pavement markings and raised pavement markers, sections of pavement repair (upgrading the pavement section to accommodate the widening of lanes – without widening the total pavement width), bridge bituminous resurfacing and deck patching;

**Restoration Projects:** Any item contained in a Resurfacing project, Safety work (ground mounted signing, lighting, and/or crash cushions), jacking of concrete slabs, minor channelization, upgrading signals, structural repairs, bridge restoration, overlaying (LMC) and component patching, replacement of medium barriers;

**Rehabilitation Projects:** Any item contained in a Resurfacing or Restoration project, additional lanes (left turn, acceleration and or deceleration lanes only), addition of medium barriers, minor sections or realignment, bridge widenings, deck replacement, rehabilitation of existing structures (does not include replacement of structures), new signals and sign structures, highway lighting.