



U.S. DEPARTMENT OF TRANSPORTATION

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Region 2
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IN REPLY REFER TO:
TRO-2
HDA-NJ

December 18, 2023

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

Re: Fiscal Years 2024-2027 Statewide Transportation Improvement Program Approval and Federal Planning Finding

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) 2024 – 2027 Statewide Transportation Improvement Program (STIP), transmittted on December 4, 2023, for federal approval in accordance with 23 CFR 450 Subpart A, B and C, as well as 49 U.S.C. Chapter 53, as amended by Public Law 117-58 of the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act.

In conjunction with the STIP approval, the FHWA and FTA conducts a Federal Statewide Planning Finding, which is a formal action taken to ensure that the STIP is developed according to statewide and metropolitan transportation planning processes consistent with statutory and regulatory planning provisions outlined in Title 23 and Title 49. The Finding serves as an opportunity to highlight areas that need improvement in statewide and metropolitan transportation planning processes, and is a prerequisite to FHWA and FTA approval of the STIP.

Over the last several months, we have reviewed the statewide and metropolitan planning process in detail, and we are enclosing our Federal Planning Finding (FPF) containing our observations. Based on our review, FHWA and FTA find that the New Jersey FY 2024-2027 STIP, including the Metropolitan Planning Organization (MPO) Transportation Improvement Programs (TIPs) incorporated into the STIP by reference, substantially meets the transportation planning requirements. Thus, we are approving the STIP subject to the corrective actions outlined in the

FPF. This approval is effective December 18, 2023 and is given with the understanding that an eligibility determination of individual projects for funding must be met, and NJDOT must ensure the satisfaction of all administrative and statutory requirements, as well as address the corrective actions outlined in the attached FPF.

Furthermore, in concurrence with the United States Environmental Protection Agency, we find that conformity has been demonstrated for the FY 2024-2027 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.

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

Michael Culotta
Acting Regional Administrator
Federal Transit Administration
Region 2

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**FHWA New Jersey Division and FTA Region 2
PLANNING FINDING
and approval of the
NEW JERSEY DEPARTMENT OF TRANSPORTATION
FFY 2024 – 2027 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 Planning Finding includes one corrective action and recommendations. Corrective actions are items that do not meet statutory and regulatory requirements and require action by the State and/or MPOs by dates specified. Recommendations are items that generally meet the statutory and regulatory requirements but represent opportunities to improve the transportation planning processes.

FHWA and FTA will continue to work with NJDOT and other relevant partner planning agencies on a regular basis to monitor progress and provide technical guidance and support to address the corrective action and recommendations identified below. This assistance may include the delivery of training and/or educational opportunities for the state, if warranted.

This documentation supports the planning finding for the NJDOT's FY 2024 – 2027 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.

Statewide and Metropolitan Planning Process

FINDING	TOPIC	DESCRIPTION
Corrective Action	Metropolitan Planning Agreements - Transportation Performance Management (TPM)	<p>NJDOT, MPOs, and public transportation provider must jointly agree upon and develop written provisions in accordance in 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 elsewhere as agreed by any of the parties.</p> <p>The current written agreement does not include any operators of public transportation. Prior to federal approval of the next STIP, NJDOT and the MPOs must bring operators of public transportation as signatories to the written agreement.</p>
Commendation	Highway Safety Improvement Program (HSIP)	<p>NJDOT has a robust portfolio of HSIP eligible projects that are generated through a rigorous problem statement development process which identifies facilities or strategies that will benefit the overall safety on our roadways. Leading into 2020 there had been a large lag in the capital delivery process resulting in poor performance of the program. However, as a result of strategic efforts with the Capital Program Delivery team and FHWA partners to evaluate and streamline the process, along with diversifying the project portfolio, the authorization targets set for FFY 2022 and 2023 have far surpassed expectations. Some examples of the efforts to develop a reliable pipeline of projects includes funding SJTPOs Local Road Safety Plans, conducting Road Safety Audits for all three MPOs, and providing funding and a platform to assist with the Local Safety Application process.</p>
Recommendation	Public Participation Plan/Process	<p>NJDOT should consider updating the 2004 Public Involvement Action Plan to account for innovative approaches including Virtual Public Involvement (VPI) as showcased through the Every Day Counts (EDC) initiative. Additionally, it should clearly document the process for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services.</p>

STIP Development and Content

FINDING	TOPIC	DESCRIPTION
Recommendation	STIP Development Schedule	FHWA encourages NJDOT to 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 prior to releasing it for public comment. The STIP schedule should aim to have FHWA/FTA approval by Oct 1 st to ensure continuity of the project delivery process.
Recommendation	Statewide Procedures for TIP/STIP Revisions and STIP Delievery	Between the FY 2022 STIP approval and the the approval of the FY 2024 TIP there have been nearly 500 modifications and amendments. The most common modifications included cost increases (153), addition of project phases and/or new project (97), and delays in delievery (70). NJDOT should evaluate current cost and scheduling procedures to better align with acutal costs and scheduling. The current MOU between the three MPOs, NJDOT, and NJ TRANSIT was last revised in 2012. Revisiting this agreement and updating aspects to reduce the number of required actions would enhance the project delivery process.
Recommendation	Coordination with Land Management Agencies	NJDOT should document how it considers the concerns of FLMAs that have jurisdiction over land within the boundaries of the State (23 CFR 450.208(a)(3)). MPOs must appropriately involve FLMAs in the development of the metropolitan transportation plan and the TIP (23 CFR 450.316(d)), this could be incorporated into MPO PIPs and the NJDOT Public Involvement Action Plan.

<p>Recommendations</p>	<p>CFR 450.218(b) Development and content of the statewide transportation improvement program</p>	<p>Currently, the STIP lists the MPO projects in Section V. However, these projects only show STBGP suballocated funds and are not as shown in the approved MPO TIPs. However, the project are mixed into the NJDOT project descriptions. The State shall include each metropolitan TIP without change in the STIP, directly or by reference, after approval of the TIP by the MPO. This should be conveyed very clearly in the STIP prior to the next approval.</p>
<p>Recommendation</p>	<p>Financial Planning and Fiscal Constraint</p>	<p>The STIP and TIPs must be fiscally constrained and should include a financial plan that “demonstrates how the approved STIP can be implemented, indicates resources from public and private sources that are reasonably expected to be available to carry out the STIP, and recommends any additional financing strategies for needed projects and programs” (23 CFR Part 450.218 and 23 CFR Part 450.326). We recommend that the STIP includes additional financing strategies for needed projects and programs given the current fiscal constraints projected to the New Jersey Transportation Trust Fund.</p>

Conclusion

Based on our review, the FHWA and FTA find that the STIP substantially meets, subject to a corrective action, the requirements of U.S.C. 134, 135; 49 U.S.C. 5303-5305; 23 CFR part 450 and 500, and 49 CFR part 613. In addition, FHWA and FTA offer recommendations for improvement to support the State and MPO planning processes as well as the development of the STIP.