



U.S. Department
of Transportation

**Federal Transit
Administration**

1200 New Jersey Ave., SE
Washington, DC 20590

Headquarters

FTA FOIA Contact Information

FOIA Requester Service Center
202 366-4007; FTA.FOIA@dot.gov

Nancy Sipes, FOIA Officer
202 366-2496; nancy.sipes@dot.gov

David Longo: FOIA Public Liaison
202 366-2496; david.longo@dot.gov

March 3, 2020

Karen Argenti
61 Clear Lake Road
Whiting, NJ 08759

Our File No.: FY20-0129

Dear Ms. Argenti:

This is in response to your e-mail of February 15, 2020, requesting information under the Freedom of Information Act (FOIA). Specifically, regarding the NJ Transit Bay Head Rail Yard, you requested copies of the following:

“FOIL REQUEST #1 – According to the project description, the proposal received a NEPA Categorical Exclusion Finding. Please provide a copy of the NEPA document and other explanation for a Categorical Exclusion.

FOIL REQUEST #2 – This project is 8 years after the 2012 Superstorm Sandy. Please provide information as to when this Federal Funding expires, if ever.”

A search of the FTA files has disclosed a document responsive to the first item of your request of your request which is enclosed. FTA did not find a copy of the NEPA document you requested. Following is web link to the FTA Categorical Exclusion SOP 16,:

https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/regulations-and-guidance/environmental-programs/56021/16-categorical-exclusions_2.pdf

This document explains how, when and why FTA utilizes categorical exclusions during the NEPA process. You requested "other explanation for a categorical exclusion," and this guidance document may fill in details about the NEPA/CATEX process. The response to the second item may be found at https://www.transit.dot.gov/faq?combine=exp&shs_term_node_tid_depth=2101

To the extent that some of the material is not available, this is a partial denial of your request. If you are not satisfied with this response, you may appeal by writing to the Deputy Administrator of the Federal Transit Administration, 1200 New Jersey Avenue, S.E., East Building, 5th Floor, Washington, D.C. 20590. If you prefer, your appeal may be sent via electronic mail to FTA.FOIA.Appeals@dot.gov. An appeal must be received within ninety calendar days from the

date the initial determination is signed and should include the FTA file or reference number assigned to the request and any information and arguments upon which you may wish to rely. The envelope in which a mailed appeal is sent or the subject line of an appeal sent electronically should be prominently marked "FOIA APPEAL." The Deputy Administrator's determination will be administratively final. The duplication fee is negligible and is waived pursuant to the FOIA and the Department of Transportation regulations, 49 C.F.R. § 7.43 (c). I hope this information meets your needs.

For additional information, please see the contact information above.

Sincerely,


Nancy Sipes
Office of Management Planning

Enclosure

From: [Burns, Donald \(FTA\)](#)
To: [JColangelo-bryan@jtransit.com](#)
Cc: [DCallender@njtransit.com](#); [Danzig, Nancy \(FTA\)](#); [Susino, John \(FTA\)](#); [Nordstrom, Kay \(FTA\)](#); [PGarino@njtransit.com](#); [SSantoro@njtransit.com](#); [Moser, Daniel \(FTA\)](#)
Subject: Bay Head Substation CE
Date: Wednesday, June 25, 2014 10:07:14 AM
Attachments: [image001.png](#)
[image002.png](#)
Importance: High

FTA has completed its review of the Bay Head Substation project under the Emergency Relief program for a Class II Categorical Exclusion (CE) pursuant to 23 C.F.R. Section 771.118 CE:

Based on the information you have provided to date, the proposed project appears to qualify for the CE(c) category. This message does not constitute approval of the CE(c) as the actual CE(c) finding is issued at the time of grant award based on information provided in the grant application.

The NJ State Historic Preservation Office (SHPO) has made a conditional no adverse effect finding and requested the following under the Section 106 consultation for this project:

1. All work is performed in accordance with the *Secretary of the Interiors Standards for the Treatment of Historic Properties* to the satisfaction of the SHPO and that all project elements display compatibility in design, materials, association, massing, color, texture, scale, and other visual qualities of historic resources;
2. NJ TRANSIT will provide 30%, 60%, and final design document to the SHPO for review and approval;
3. NJTRANSIT will select exterior building materials, finishes, textures and treatments through consultation with, and upon approval from, the SHPO, and provide material samples to the SHPO for approval prior to use in construction; and
4. Prepare and submit an Application for Project Authorization under the New Jersey Register of Historic Places Act for SHPO review and approval at the design stage determined appropriate based on consultation with SHPO staff.

FTA concurs with SHPO's finding and request, the above conditions will be added to the grant milestones for the Bay Head project.

Please note that even though a CE(c) may apply to a project, all other requirements applicable to the activity under other Federal and State statutes and regulations still apply, such as the Clean Water Act, Clean Air Act, General Bridge Act, section 4(f) of the DOT Act, and Endangered Species Act. Some of these requirements may involve actions by other Federal agencies that could inform the FTA determination regarding unusual circumstances and potentially trigger a different level of NEPA review for those Federal agencies. These requirements must be met before the project proceeds, regardless of the availability of the CE(c). If the project scope changes, or any potential for significant new environmental or economic impacts is anticipated, please contact Region 2 to determine if the action can still be classified as a CE(c).

If you have any questions regarding this or need further assistance, please contact me.

Sincerely,

Donald –

Donald Burns, AICP

USDOT FTA Region 2

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