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March 21, 2023

Geoffrey R. Gersten, Deputy Attorney General
Department of Law & Public Safety
Division of Law
Public Utilities
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, New Jersey 07101

RE: Request for Exemption from the Watershed Protection and Moratorium Act
New Jersey Department of Transportation
Route 23 NB, Bridge over Pequannock River
Jefferson Township, Morris County and West Milford Township, Passaic County

Dear Mr. Gersten,

The City of Newark is hereby requesting an exemption from the Watershed Protection and Moratorium Act (P.L. 1988, c. 163, as amended by P.L. 1990, c. 19) in relation to the New Jersey Department of Transportation's (NJDOT) Route 23 NB, Bridge over Pequannock River replacement project in Jefferson Township, Morris County and West Milford Township, Passaic County. The project proposes a bridge replacement and roadway improvements on Route 23 Northbound at MP 25.52 (Structure No. 1605-174).

The existing structure is located on the border of West Milford Township in Passaic County and Jefferson Township in Morris County, New Jersey. Route 23 is a four-lane divided highway classified as an "Urban Principal Arterial" on the National Highway System (NHS). The project limits on Route 23 Northbound are from milepost (MP) 25.40 to MP 25.64 between Reservoir Road and Canistear Road, and Route 23 has a posted speed limit of 55 mph within the project limits.

The typical section of Route 23 in the vicinity of the project consists of two (2) 12' travel lanes with a 10' right shoulder and a 3' left shoulder in both directions of traffic, separated by a variable width grass median. Two independent bridges carry Route 23 over the Pequannock River, one for Northbound traffic and the other for Southbound traffic, with a median approximately 100'-wide between them. The Vertical Stopping Sight Distance (VSSD) is substandard due to the sag vertical curve on the bridge. The Horizontal Stopping

Sight Distance (HSSD) is substandard due to the proximity of the bridge parapet to the travel lane and vegetation in the median.

The existing Route 23 Northbound Bridge is a single span prestressed concrete I-beam superstructure with a reinforced concrete composite deck. The superstructure is supported on cast-in-place reinforced concrete abutments that are founded on spread footings. The bridge is classified as “Structurally Deficient” due to the poor condition of the bridge deck and substructure. The existing Northeast and Southeast wingwalls extend past NJDOT’s Right-of-Way (ROW) line and encroach upon the City of Newark Watershed property.

As documented by NJDOT, the purpose of the project is to replace the “Structurally Deficient” NJ Route 23 NB Bridge over the Pequannock River while minimizing environmental, quality of life, access, right-of-way, and utility impacts.

The proposed structure is a single span, prestressed concrete spread box beam bridge with a span length of 50’ to be located within the same general footprint as the existing structure. The abutments will be situated along the same skew as the existing bridge to maintain the substructure’s alignment relative to the Pequannock River, and a 3’ wide wildlife passage will be provided along each abutment. The proposed bridge will be widened to 50’-7¾” and will carry two (2) 12’ lanes, a 5’-2” inside shoulder, and an 18’-4” outside shoulder. The superstructure will be supported by full height, cast-in-place concrete abutments with U-shaped wingwalls at all four bridge corners to locate the structure completely within the NJDOT’s ROW.

In addition to providing a new bridge, proposed roadway improvements consist of raising the profile to satisfy VSSD requirements, improving the HSSD by widening the left shoulder from 3’ to 5’ at the bridge and removing vegetation along the inside of the curve, and adjusting the roadway superelevation to meet current design standards. All guiderail and end treatments within the project limits will be replaced to meet current NJDOT standards.

The proposed improvements will incur one unavoidable impact to the City of Newark’s property due to the existing bridge east wingwalls being located outside NJDOT’s ROW and within the protected Watershed area. The impact will consist of a single Temporary Construction Easement (TCE) to accommodate the heavy construction equipment needed to demolish the existing wingwalls and construct the proposed wingwalls and abutments within NJDOT’s existing ROW limits. The property to be impacted by the TCE is designated as land used for the protection of a public water supply (i.e., the City of Newark’s Pequannock Watershed Lands, or Newark Watershed Lands) and is the subject of this exemption request.

Block	Lot	Owner	Parcel No.	Fee Acquisition (Acre)	Remaining Area (Acre)	Temporary Easements (SF/Acre)	Permanent Easements (Acre)
WEST MILFORD TOWNSHIP, PASSAIC COUNTY							
16906	3	CITY OF NEWARK	E84	None	5.330 Ac	9,232 (0.212 Ac.)	None

Replacement of the existing bridge and the proposed roadway improvements fulfill a compelling public need. The existing bridge is classified as “Structurally Deficient”, and its replacement is necessary as the structure is nearing the end of its useful life. Improving the VSSD and HSSD, adjusting the roadway superelevation, and upgrading guide rail and end treatments are necessary to maintain the safe passage of vehicular traffic on Route 23 Northbound.

The Pequannock River is identified as a freshwater, Trout Production Category 1 Water (FW2- TPC1) that flows from southwest to northeast through the project area. It is recognized that vegetated buffer areas surrounding public water supply reservoirs and their tributaries help to maintain water quality by intercepting runoff laden with nutrients, pesticides, pathogens, sediment, etc. Impacts within the TCE will result in the removal of buffer vegetation to demolish the existing bridge wingwalls and construct the new abutments. The river is located within the TCE and will require protection from outside elements such as construction debris.

Mitigation for impacts to watershed lands and associated buffer areas is proposed as follows:

- Restoring the land within the TCE to its original condition through seeding and landscaping in accordance with NJDEP and Watershed Property Review Board standards.
- Reforestation of all trees removed within TCE during construction. A total of ten (10) trees greater than 6-inches were identified.
- Implementation of standard erosion control measures during construction such as silt fence.

The project is anticipated to be advertised for construction in the Fall of 2023. The TCE will be required for the first of three construction stages, which will have a duration of approximately 8 months.

We trust that this request and the accompanying documentation meets your requirements for an exemption application. Please contact me if you have any questions or require additional information.

Sincerely,



Johnny Lopez
Principal Engineer
Department of Water & Sewer
City Of Newark

