



Public Hearing

before

REGIONAL INTERGOVERNMENTAL TRANSPORTATION COORDINATING STUDY COMMISSION

*“Presentation of an interim report containing
preliminary findings and recommendations”*

LOCATION: Committee Room 11
State House Annex
Trenton, New Jersey

DATE: July 28, 2000
9:30 a.m.

MEMBERS OF COMMISSION PRESENT:

Raymond Zabihach, Chair
Assemblyman Alex DeCroce
Assemblywoman Linda R. Greenstein
Pippa Woods
Fred M. Brody
Paul Sauerland
Stephen H. Shaw
Ridgeley P. Ware
Noreen P. White
Millard Wilkinson Jr.



ALSO PRESENT:

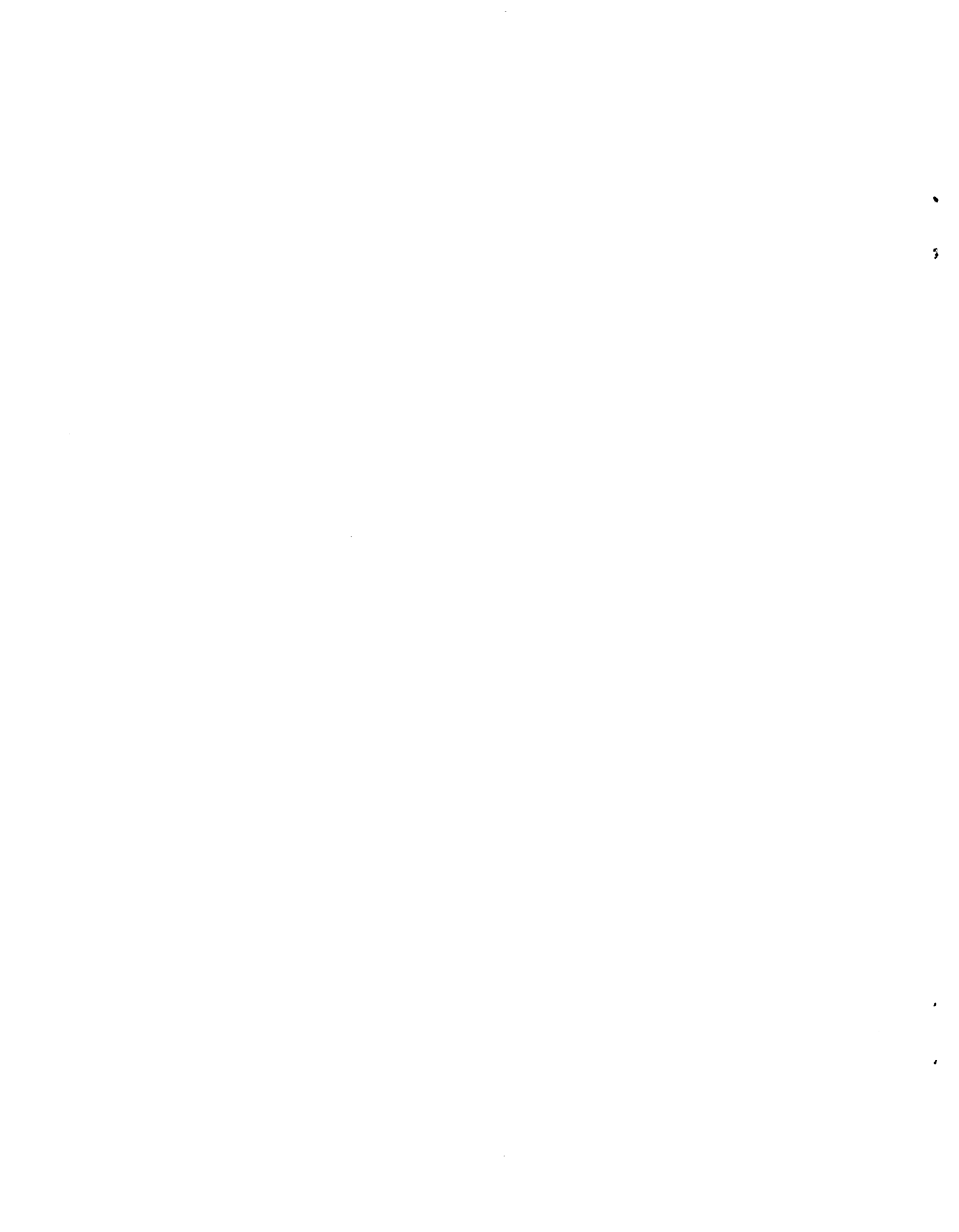
William S. Beetle, Alternate Commissioner
John J. Coscia, Alternate Commissioner
Charles P. Newcomb, Alternate Commissioner
Donna Orbach, Alternate Commissioner
Clifford Sobel, Alternate Commissioner

Martin E. Robins
Secretary

New Jersey State Library

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REGIONAL INTERGOVERNMENTAL TRANSPORTATION COORDINATING STUDY COMMISSION

Raymond Zabihach (Chair)
*New Jersey County Planners
Association*

Daniel Beyel (Vice-Chair)
*South Jersey Transportation
Planning Organization*

Assemblyman Alex DeCroce
Morris County

Senator Andrew R. Ciesla
Ocean County

Pippa Woods
*New Jersey Department of
Transportation*

Herbert Simmens
*New Jersey Office of State
Planning*

Dawn Marie Addiego
*Business Community,
Southern Region*

Stephen T. Boswell
*Consulting Engineers Council
of New Jersey*

Fred M. Brody
*New Jersey Business and
Industry Association*

Paul Sauerland
*North Jersey Transportation
Planning Authority*

Margaret Scarillo
*Business Community, Central
Region*

William "Pat" Schuber
*New Jersey Association
of Counties*

Stephen H. Shaw
*New Jersey Homebuilders
Association*

Ridgeley P. Ware
*Delaware Valley Regional
Planning Commission*

Noreen P. White
*Business Community, Northern
Region*

Millard Wilkinson, Jr.
*New Jersey League of
Municipalities*

Martin E. Robins (Secretary)
Transportation Policy Institute

PUBLIC HEARING ANNOUNCEMENT

REGIONAL INTERGOVERNMENTAL TRANSPORTATION COORDINATING STUDY COMMISSION TO HOLD PUBLIC HEARING ON INTERIM REPORT OF FINDINGS AND RECOMMENDATIONS

For immediate release:
July 13, 2000

Contact: Jon A. Carnegie
(732) 932-6812, ext. 700

TRENTON, NJ – On Friday, July 28, the Regional Intergovernmental Transportation Coordinating Study Commission (RITCSC) will hold a public hearing to present an Interim Report containing preliminary findings and recommendations. The hearing will be held in Committee Room 11 on the 4th floor of the New Jersey State House Annex in Trenton from 9:30 AM to 12:00 PM. Members of the public and the media are welcome to attend the hearing to provide comment on the Commission's report.

In 1998, the Legislature authorized the Commission under Assembly Joint Resolution 21. The RITCSC's mission is two-fold: (1) evaluate the underutilization of the 1989 Transportation Development District (TDD) Act and recommend statutory changes to increase the number of TDDs throughout the State and (2) evaluate the transportation decision-making process in New Jersey and develop policy recommendations to improve and encourage regional and intergovernmental transportation planning.

The members of the RITCSC represent a wide range of perspectives including Legislative leaders, State agencies, metropolitan planning organizations, the business community, and statewide associations. Further information on the Commission's members, staff, and activities can be found on the RITCSC's website (<http://www.state.nj.us/osp/ritcsc/ritcsc.htm>).

Since its organization in September 1999, the Commission has received expert testimony, conducted research, and developed policy recommendations. The Interim Report represents the first step in the process of finalizing the RITCSC's findings and recommendations. The Commission will submit its Final Report to the Governor and the Legislature early this Fall.

Copies of the Interim Report may be downloaded free of charge from the following website (<http://www.njleg.state.nj.us/html/reports.htm>). Members of the public may submit written comments until Friday, August 11, 2000 to the RITCSC Secretary, Martin E. Robins, by mail (c/o Transportation Policy Institute, Edward J. Bloustein School of Planning and Public Policy, Rutgers, the State University of New Jersey, 33 Livingston Avenue, Suite 554, New Brunswick, NJ 08901), by email (merobins@rci.rutgers.edu), or by fax (732-932-3714).

WHEN:	Friday, July 28, 2000, 9:30 AM – 12:00 PM
WHERE:	Committee Room 11, 4 th Floor, New Jersey State House Annex, Trenton
WHO:	Regional Intergovernmental Transportation Coordinating Study Commission
WHAT:	Release of Preliminary Findings and Recommendations
TOPIC:	Transportation Development Districts (TDDs) and regional transportation planning in New Jersey

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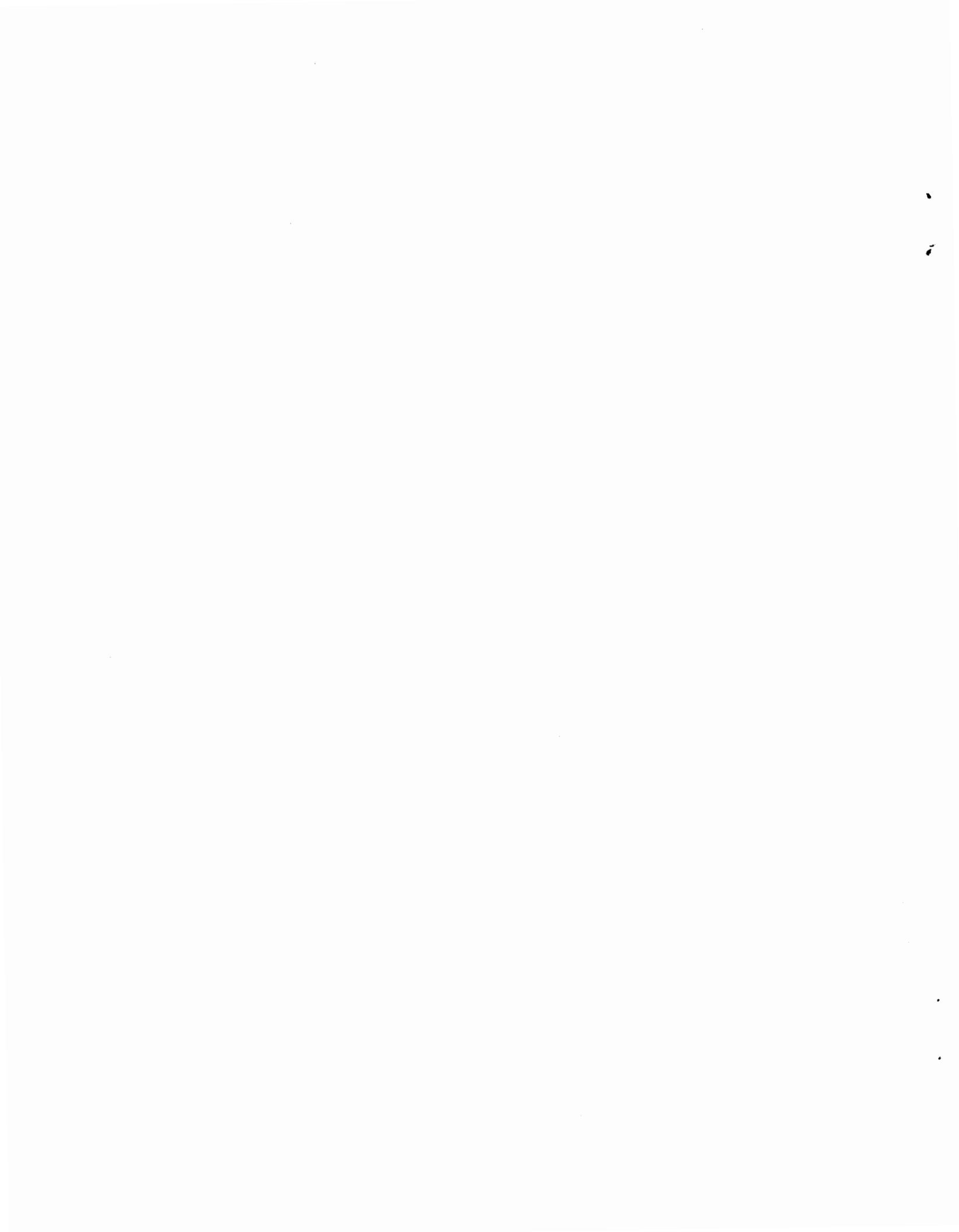


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Tri-State Transportation Campaign

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Director
Division of Policy and Planning
Department of Economic Development
County of Union

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RAYMOND ZABIHACH (Chair): Good morning. We'll get this public hearing started.

I would like to welcome everyone in the audience.

This is the Regional Intergovernmental Transportation Coordinating Study Commission's public hearing on our interim report, which is dated July 13, 2000.

Let me read the statement of public hearing notice.

In accordance with the terms of Assembly Joint Resolution 21, approved November 9, 1998, notice of this public hearing held today, July 28, 2000, was provided at least five days prior to the hearing. Notice was given in the form of a certified letter to the New Jersey Secretary of State specifying the date, time, place, and purpose of the hearing. Said letter was received by the Secretary of State's office on July 18, 2000. Notice of the hearing was distributed to newspapers of general circulation throughout the state via the State House press corps mailboxes on or about July 18, 2000. Notice of the hearing was posted on the legislative calendar, which appeared on the New Jersey Legislature's Web beginning on July 21, 2000, and was distributed in hard copy to members of the legislature on July 24, 2000.

In addition, on July 13, 2000, notice of the hearing was provided to the following State agencies and organizations: Association of New Jersey Environmental Commissions, Delaware Valley Regional Planning Commission, New Jersey Association of Counties, New Jersey Chapter of the American Planning Association, New Jersey County Planners' Association, New Jersey Department of Transportation, New Jersey Future, New Jersey League of

Municipalities, New Jersey Office of State Planning, New Jersey Transit, North Jersey Transportation Planning Authority, Tri-State Transportation Campaign.

In accordance with the terms of Assembly Joint Resolution 21, a copy of the Regional Intergovernmental Transportation Coordinating Study Commission, I'll call it RITCSC, interim report, dated July 13, 2000, was made available to the public in electronic format on the New Jersey Legislature's Web beginning on July 13, 2000. Hard copies of the report were made available upon request from the Transportation Policy Institute at Rutgers.

A copy of the Public Hearing Notice and the interim report, dated July 13, 2000, are attached hereto and shall be considered part of the public hearing record.

May we have a roll call?

MR. ROBINS (Secretary): Yes.

Dawn Marie Addiego. (no response)

Daniel Beyel or Tim Chelius. (no response)

Stephen Boswell, from the Consulting Engineers Council of New Jersey. (no response)

Fred Brody.

MR. BRODY: Here.

MR. ROBINS: A representative of the State Senate, representing Senator Andrew Ciesla -- anyone present? (no response)

Assemblyman and Chairman of the Transportation Committee, Alex DeCroce.

ASSEMBLYMAN DeCROCE: Yes.

MR. ROBINS: Paul Sauerland, representing NJTPA.

MR. SAUERLAND: Here.

MR. ROBINS: Margaret Scarillo. (no response)

William "Pat" Schuber, or a representative.

MS. ORBACH: Donna Orbach, representing County Executive William "Pat" Schuber.

MR. ROBINS: We have Ms. Orbach's -- the letter of appointment for today's meeting.

Thank you.

Stephen Shaw of the New Jersey Builders Association.

MR. SHAW: Here.

MR. ROBINS: Herb Simmens or Chuck Newcomb from the Office of State Planning.

MR. NEWCOMB: Here.

MR. ROBINS: Chuck is here.

Ridgeley Ware of the DVRPC.

MR. WARE: Here.

MR. ROBINS: And I note that John Coscia is here, as well.

MR. COSCIA: Good morning.

MR. ROBINS: Good morning.

Noreen White.

MS. WHITE: Here.

MR. ROBINS: Millard Wilkinson of the New Jersey League of Municipalities.

MR. WILKINSON: Here.

MR. ROBINS: Pippa Woods, Assistant Commissioner of the Department of Transportation.

MS. WOODS: Here.

MR. ROBINS: And Chairman Raymond Zabihach.

MR. ZABIHACH: Here.

MR. ROBINS: Okay.

MR. ZABIHACH: Just a minute, we have, also--

MR. ROBINS: Oh, yes. Excuse me. And we have a new member of the Commission, Assemblywoman Linda Greenstein.

ASSEMBLYWOMAN GREENSTEIN: Yes.

MR. ZABIHACH: Welcome.

ASSEMBLYWOMAN GREENSTEIN: Thank you.

MR. ZABIHACH: This hearing, which will start in a few minutes, will be open to anyone who'd like to make a comment. We are also accepting written comments. And I'd like to mention the fact that comments can and should be submitted to us over the next two weeks. And the comment period remains open until August 11, 2000. Comments should be directed to Marty Robins at the address which is on the agenda sheet. But I'll just go over real quickly.

The Transportation Policy Institute

Alan M. Voorhees Transportation Center

Rutgers State University

33 Livingston Avenue

New Brunswick, New Jersey 08901

Are there any comments?

Well, before we do that -- excuse me -- I wanted to just make a comment about what we've done.

In 1998, the Legislature authorized the Commission under Assembly Joint Resolution 21. The RITCSC Commission is basically twofold; No. 1, to evaluate the underutilization of the 1989 Transportation Development District Act and to recommend statutory changes to increase the number of TDDs throughout the state; and No. 2, to evaluate the transportation decision-making process in New Jersey and develop policy recommendations to improve and encourage regional and intergovernmental transportation planning.

The members of the RITCSC Commission represent a wide range of perspectives, including legislative leaders, State agencies, metropolitan planning organizations, the business community, statewide associations.

Since its organization in September of 1999 -- time does fly -- the Commission has received expert testimony, conducted research, developed policy recommendations. The interim report represents the first step in the process of finalizing the RITCSC Commission's findings and recommendations. The Commission will submit its final report to the Governor and the Legislature later on this fall.

Just one point of clarification. At our last meeting, we realized that we would not meet our one-year termination point -- that we would need a couple more months. And we're now seeking an extension of three months to be able to incorporate any and all comments that we received to formulate the final recommendations to the Governor and the Legislature.

In your package in the interim report -- I believe it's on the second page or so -- you will notice that there is a list of all the speakers and presenters that we had. I think the Commission was very fortunate in the number and caliber of people and the information they provided us. I think it made and provided us with a tremendous amount of opportunity to discuss a number of important issues. Hopefully, we did not miss anything. And that's why the public hearing, so that we can gather some additional points and perspectives to add to our report.

At this point, I don't think that we're going to be overwhelmed with a lot of comments. I don't think there's a need for setting limits on the comments. I would just say, please say what you have to say. Please give comments. If you're considering to make comments in written form, you're still welcome to make a summary comment here before us, and just let us know that you'll make additional comments.

Before I open it up, are there any comments or points made by any of the commissioners.

ASSEMBLYMAN DeCROCE: Yes.

MR. ZABIHACH: Assemblyman DeCroce.

ASSEMBLYMAN DeCROCE: Thank you, Chairman Zabihach.

Let me just say that from my part, since I was the initiator of this Commission in the first place-- I want to say that -- to most of you, certainly the people from the MPOs and those who are representing different constituencies-- I want to tell you that you did what I consider to be a bang-up job on this thing. Certainly, DOT was very helpful there. I work closely with these people, and I know what they put in. Steve Shaw represented our

constituency -- the builders -- and the Mayor, who represented the League-- And I will say that there are others, frankly, who put in less than what I expected. There are certain people who want to be considered in the decision-making process, and they want to be a part of it, but failed to show, in most cases. And I don't really feel very good about that because this was open to everyone. I think it's extremely important to the counties, frankly. And I'm not criticizing any particular member. I know that NJAC worked closely with me to try to make sure that they had representatives here. Thank God for Paul Sauerland, who represents not only the MPOs, but he's also a freeholder who was able to speak for them from time to time when we didn't have a county rep.

But there are some that should have been here who weren't here, certainly from the business community. And I think it's important that everybody participates in government, one way or another. We all have something to offer. I'm sorry that Linda -- didn't have Linda Greenstein, the Assemblywoman from the Mercer area -- didn't have an opportunity to be a part of this. Unfortunately, she didn't get good information until most recently.

But it was an exceptional committee in my opinion. I think we're going to, pretty much, meet our dates. We asked for a one-year with a sunset. We may need an extension of a couple of months just to gain the proper information that the Chairman needs for these to finalize the report. And we'll be ready to go to the Legislature probably in September or October.

So with that, I want to thank everybody here, and I'm really glad to have been part of it.

I would say that I wasn't even as good a member as most of you have been, frankly. I haven't been able to make all these meetings. But you all faithfully carried on what was, in my opinion, extremely necessary.

Thank you.

MR. ZABIHACH: Thank you.

Any other comments by the commissioners before I open it up?

(no response)

Let me open up the floor for comments.

Anyone would like to come--

Come on up.

Could you please state your name and the organization that you may represent?

JAMES P. McMANIMON: I don't know that you need this, but--

My name is Jim McManimon. I happen to be a Mercer County Freeholder and the immediate past President of the New Jersey Association of Counties. However, I'm here mostly as a Mercer County Freeholder who happens to live in the Transportation Development District that currently exists -- the only one in the state that's operational. Mr. Carnegie had a lot to do with that back -- early ideas when he worked for Mercer County. And I know Donna Lewis, our County Planner, has testified.

I happen to live about a mile from where Merrill Lynch is building their new worldwide headquarters. And that debate aside -- whether-- People still argue whether that should happen or not. It is happening. And they've contributed-- When it's all done, they'll have contributed almost \$11 million for road improvements to that interchange.

ASSEMBLYMAN DeCROCE: Hard to take, huh, Jim?

MR. McMANIMON: Yes, Assemblyman. (laughter)

Arguing over what effect traffic will have on a community aside, we're going to have, when that's all built out, probably -- trips a day -- 30,000 to 40,000 just on that interchange alone. And they're widening the road -- putting a nice strip down the middle with trees in it, and they will maintain it themselves.

And I know if we take advantage of this in the other 20 counties, there will be tremendous improvements that, perhaps, the taxpayers won't have to pay for. But with all due respect to developers-- They may not want to, but it is, certainly, a public-private partnership -- in the way to do things positively.

And in our county, we are now trying to expand our TDD. I don't know if Donna testified on that in hearings, but we put money in this year's budget to take what we have and try to make it bigger in terms of territory because there are a lot of other areas that are affected by the traffic growth corridor coming down 287 and 31 down 29.

So I'm a positive support person in this, as I step away from county government at the end of this year. I chose not to continue, but I will be active in the policy side of government. So I encourage this, both with the other areas-- I read where current businesses will benefit from improvements. They have to contribute in the future if they're going to benefit from the improvements contributed in some way, whether it's direct dollars or transit improvements where you can use some buses to move people around where maybe we couldn't under the current TDD plan.

So again, I offer support for where this is going. I haven't read every page of this. I just got it yesterday. But I intend to not only take a copy back for the Association of Counties' assembly, to make sure it's heard at our next board meeting, but certainly discuss it at Mercer County Freeholders' meetings.

ASSEMBLYMAN DeCROCE: Thank you, Jim.

I asked this Chairman if I could speak to you regarding this issue. Is the Merrill Lynch issue-- Is that within your TDD?

MR. McMANIMON: Yes.

ASSEMBLYMAN DeCROCE: Oh, it is. Very good. I didn't realize that.

MR. McMANIMON: It sure is.

And that was-- They changed some of the language because there were two interchanges involved in that, being Route 31, 95, and Bull Run Road, which is -- the State is looking to fix or change -- and then Scotch Road and 95. Scotch Road and 95 is where Merrill Lynch's main traffic flow is going to go. But they affect a lot of other roads in the area. And if we can expand it, certainly, it will help.

ASSEMBLYMAN DeCROCE: Well, how much will the county gain from -- with TDD -- through the TDD towards transportation efforts from Merrill Lynch construction?

MR. McMANIMON: Well, all I know is the figure being thrown out was \$10.8 million that Merrill Lynch was going to contribute, that otherwise, perhaps, the county or the township of Hopewell--

ASSEMBLYMAN DeCROCE: So, so far, you've gotten \$11 million.

MR. McMANIMON: Well, in the end, when they're all said and done with the improvements, along with what the State did in redesigning that, there's some land that's -- was mitigated. I think Assemblyman Lance was involved in that, in terms of-- We had to buy a piece of land that was not supposed to be developed. So we're moving one piece and saving another piece.

ASSEMBLYMAN DeCROCE: But these -- this \$11 million-- When you get it, it will be used strictly towards transportation efforts? Am I right?

MR. McMANIMON: Correct. Strictly.

ASSEMBLYMAN DeCROCE: I think the Commission, when we're through -- when we get the finalized report-- Unfortunately, I have to tell you that most people in elected office don't read as much as they really should because if so much material is thrown at all of us, it's next to impossible to read everything. I'm not making excuses for them, but I just know what I go through. I could probably hire a reader and still not know everything that is going on. But the fact of the matter is that I think we should, and I assume we will, make sure each public transportation effort in each of the counties get a copy of this report. And hopefully, whoever the public member of the freeholder boards of those different constituencies -- the 21 counties, will get involved somehow or another so they understand.

Let me tell you, if this is really good for anyone, it's certainly, in my opinion, very good for the counties, more so than the municipalities and including the municipalities.

MR. McMANIMON: Well, as the way I read it, and I know their language can change between now and, I guess, the final draft--

ASSEMBLYMAN DeCROCE: It may. It very well may.

MR. McMANIMON: But certainly, areas that have to be redeveloped -- intersections because of traffic increases or redesign-- It can be paid for other than using county taxpayers' dollars on the State -- the way it is right now. So I look forward to the debate. I will bring it to the next County Association board meeting in September.

So, if you're looking for a couple months' extension for, at least, written input, you'll get it from the Association of Counties. And I'm sure, when Donna Lewis comes before the freeholders in Mercer County, we'll ask her to present her latest update, in terms of expanding the territory. And then maybe our other 20 counties can see how they'll benefit from it.

ASSEMBLYMAN DeCROCE: Now, Jim, I don't want the counties to think this is a windfall for the counties. But at the same time, it's certainly going to be a lot of help for them, in my opinion.

MR. McMANIMON: Well, Assemblyman -- certainly always had the counties begging for more money from the State. So if there's a way we can -- you can get it indirectly without -- in a compromise-- I know some people are not going to be happy contributing to areas because it's only going to push the cost up somewhere. But the people that are benefiting from it, like the people traveling down 95 to Scotch Road and into the roads of Hopewell,

Ewing, Lawrence-- They're going to be contributing indirectly through the people they work for.

I wasn't planning on testifying. I wanted to come hear this. But I got this last night. I read most of it. It intrigued me.

So I thank you for the time.

MR. ZABIHACH: Thank you for making comments.

Before you go--

Are there any other questions by any other commissioners on what was stated? (no response)

Seeing none, thank you very much.

MR. McMANIMON: Thank you very much, Mr. Chairman.

MR. ZABIHACH: Any other comments?

Okay, I'd like to recognize Millard Wilkinson.

MR. WILKINSON: I'll step down to do this.

First of all, the League of Municipalities appreciated the fact that, as the legislation was crafted, it provided an opportunity for the League to have representation on this particular Commission and always appreciates that. I also had represented the League on the Governor's tax commission that was in existence for about a year and a half a couple of years ago.

The League staff has reviewed the report -- at least made an initial review of the report. I have a short written statement, which I'll read into the record. The League also says that they would be available to meet with the Commission or with members of the Commission if that seems necessary or appropriate and also will reserve the right to submit written comment by the August 11 date.

I personally would like to say that I appreciated having the opportunity, No. 1, of representing the League in this effort, and also to be a member of this Commission. I believe I attended most-- I may have missed one or no more than two meetings and also served as chairperson of the Carter study subcommittee. And I personally appreciated the opportunity of participating. I am a past president of the League, and I also served as a freeholder in Camden County. And I was the mayor of my community for 20 years and actually had been an elected official for over 30 years.

The New Jersey League of Municipalities makes the following comments in response to the Regional Intergovernmental Transportation Coordinating Study Commission interim reported dated June 27, 2000. I might say, I did not author this statement. Okay? But it's coming out of the League office and Bill Dressel's office.

"The League supports the concept of planning in connection with corridor studies but does not support many of the findings and recommendations made in the report.

In our view, it is important for the State and counties to create transportation plans so that municipalities will have tools with which to manage growth through municipal development regulations. The plans should be generated by affected municipalities on a consensus basis and not be generated from the top down. We oppose suggestions and implications in the report that land use decision making should not be at the local level.

The League has also opposed the suggestion that all applications for development should be reviewed by county planning boards. We find the report goes too far in recommending changes and expansion of the County

Planning Act and review of broad, intermunicipal development impacts. It is especially important to recognize a difference between regional planning as opposed to regulation and not to blur the distinction.

The New Jersey Transportation Development District Act of 1989 has been in effect for over 10 years. Yet, as the report indicates, only two of four attempts to utilize the Act have been successful.

The committee (*sic*) was charged with reviewing and recommending modifications to the Act and making recommendations to improve transportation decision making. The improvements were to create a better correlation vertically between municipalities and other levels of government and horizontally between municipalities. The committee was charged with reviewing and recommending modifications of the Act. The recommendations include very little by way of horizontal coordination without inclusion of vertical integration with the dominance vested in governmental entities other than the municipality.

In our view, the Act is simply too complicated and needs to be made easier to understand and implement. The committee recommendations would appear to add greater complexity, as the report itself is difficult to digest and understand. While the report references it is not designed to expand the bureaucracy, the concept of Corridor Mobility Planning and Corridor Partnership Committees will expand the bureaucracy. Top-down planning and forced implementation does not provide incentive for cooperation, and participation by the various stakeholders and references to collaboration and agreement without a fundamental change in approach -- will not adequately serve the desired goal.

Each municipality in this State is interested in advancing and protecting quality-of-life issues, of which transportation is a major part. The concept of top-down planning and implementation has not worked. The creation of a larger bureaucracy with complicated concepts like TDD, TID, CMP, MPO, TED, DMC, and RTP -- and I think we discussed these groups and understanding all of them at one of our earlier meetings -- together with greater procedures and regulations, will not provide a remedy. The statute should be simplified, not further complicated. Corridors eligible for the program should be identified specifically. Studies should be undertaken with reference to capacity, and studies should be made available to municipalities as a planning tool. A simplified method generated from the municipal level up, on an ad hoc basis, should be created to guide any future improvements to the corridor. A method of creating meaningful participation by municipalities, without the specter of being drawn into a regulatory morass, must be established for the Act to be successful.”

I have additional copies of this here I'll leave with Jon.

And I thank you.

MR. ZABIHACH: Thank you for your comments.

Since you're not the author of that comment, I won't ask--

MR. WILKINSON: And I discussed-- Let me say, I did discuss this with Bill Dressel, and I did -- and some of the staff, and I did tell them I thought that I -- and I have not -- and I will be sitting down with them to go over some of the more specific recommendations that are in the report. So maybe as a result of that -- the dialogue -- maybe may want to have a couple of people from the League sit down. But I think, personally--

ASSEMBLYMAN DeCROCE: Maybe they should have participated a little more. We're thankful that you represented them, but obviously, they don't understand what we're all trying to work towards in this regard. And whoever wrote that report-- I don't want to tell you what I think of it because, frankly, if he was here to see what everybody put into it, and the time and effort all of you worked -- and yourself, in fact, representing the municipalities -- putting municipalities' concerns to the Commission-- Somebody out there is not understanding what's really going on in this world. I'm disappointed in that, as well.

MR. WILKINSON: Thank you for your--

MR. ZABIHACH: Marty.

MR. ROBINS: I'd like to pick up on what the Assemblyman just said. It seems to me that one of the most important constituencies that we have to work with, ultimately, with the results of this report, are the municipalities. And they are represented by the League. So it is a little bit disturbing to hear the kind of a report that they gave Mayor Wilkinson to present here today.

But I think what we should do is pick up on a couple of things that the Mayor, who served us and served this Commission so ably and so -- with such good faith throughout, that we ought to pursue that because I think that that's the only way we're ever really going to make progress.

What I would hope is that, Mayor, you could go back to the League and discuss this testimony a little bit more -- get further clarification from them. You are quite familiar with the workings of the Commission -- what it tried to do. And then, if you believe that it is in our interest to sit

down -- certain members of the Commission -- you could contact Ray, the Chairman, and the staff, Jon and I. We'd be very pleased to continue that discussion so that we can come out of this process at the end with a far greater concord with the League of Municipalities than that currently exists.

MR. WILKINSON: I certainly will do everything I can, in terms of -- to facilitate that process and perhaps enhance any -- enhance understanding and maybe correct any misunderstandings.

MR. ZABIHACH: Thank you.

Any other comments?

Yes, please.

Again, if you could identify who you are and what organization--

T O M C A R V E R: I'll be happy to.

I appreciate the opportunity. I don't have any prepared comments.

My name is Tom Carver. I'm the President of a newly formed organization called the New Jersey Aviation Association, which will represent the \$1.8 billion general and corporate aircraft industry in the state. And I've been very interested in some of the comments that have been made.

And the reason that I asked for an opportunity to speak is that I have worked in a variety of positions in this state. I was assistant general manager of Newark International Airport for a period of time. I was president of the Casino Association in Atlantic City for a period of time. And in every aspect -- every job I had-- Believe it or not, the most difficult aspect was the movement of people in ground transportation. And I applaud you, and I second everything you've done with respect to the recognition of the

interdependence and interrelationship of the transportation modes in this state and how they intertwine with each other and how it's so important that we begin to overcome this reluctance of -- I'll use the term home rule, which is a governmental concept that I fear, sometimes in New Jersey, we have equated with divine revelation. (laughter)

I'll give you two examples of what I'm talking about. When I was at Newark -- I think Marty had already joined the staff at the Port Authority at the time -- but we had devised a plan that the Port Authority was willing to invest \$6.5 million into -- to revolutionize ground transportation at our airport, and I think it would have gone also to Kennedy and to La Guardia and perhaps around the country, whereby we were going to work in -- create a brand-new cab system for the entire airport and working constantly with all the ground transportation operators who serve the airport throughout the state.

And two small operators -- a fellow who ran cabs in Red Bank and another fellow who ran a limousine service back and forth to the airport -- stopped us. And it would have literally relieved some of the conditions that you see at that airport today. We were going to nationally advertise the use of limousine service and mass transportation to our airports. And the Port Authority got behind it. And frankly, we lost in the Governor's office. But two small operators stopped even that small progress that we were about to make.

When I went to Atlantic City, our most difficult job was to attempt to call together the support we needed on a regional basis to try to relieve the conditions that were literally forcing that industry's growth from happening in many cases.

And Atlantic City still faces the challenge of changing the mode of how people arrive. About 97 percent of the people arrive by rubber. Nobody rows in and nobody flies in, by comparison, to places like Las Vegas. And it has not only limited Atlantic City's growth, but when you think of the fact that two-thirds of the taxes that people are paying down there, as we sit here now-- They pay taxes 24 hours a day to the State of New Jersey and never complain about it. And two-thirds of those people come from out of state. The more people we can bring in by air and the more people we can get from Atlantic City International Airport in and out of Atlantic City will change the whole nature of that town. And I assure -- make you far more proud of it than it is today.

I don't want to go on in a windy sense, but I will say this. Assemblyman DeCroce-- The third example Assemblyman DeCroce -- was the key man in introducing a bill which would have allowed the State or will allow the State Department of Transportation to purchase development rights with respect to the 40-or-some-odd small airports that we have in New Jersey, small starting with Teterboro.

These are feeder airports. They are airports that relieve some of the congestion that we see at Newark. I would even include Mercer County in that -- a major, major, major development is on the threshold here in Mercer County. Unfortunately, as is always the case, there is some group of very vociferous, well-organized people who are opposed to these kinds of things -- this progress, but New Jersey cannot stand still.

And the work that you are doing, and the relationship that all of these modes of transportation-- I know I'm speaking to the choir here, but the

modes of these transportation systems are the key to our future development, and again, our future economic base.

So I applaud what you're doing. I haven't read it all, unfortunately. I just picked up a copy myself, but I did want to take the opportunity to introduce myself and our organization because I am sure, as we go throughout processes, we will be down into the counties and into the municipalities to attempt to explain what it is we're about and how it relates to the overall good of the State.

Thank you very much. I appreciate it.

MR. ZABIHACH: Thank you for your comments.

Are there any questions for clarification from the commissioners?

MR. WILKINSON: Mr. Carver, I'm Millard Wilkinson.

I did have the opportunity of meeting and attending several meetings with regards to the Atlantic City Airport facility about three years ago -- maybe three-and-a-half years ago. I was led to believe, at that time, that one of the reasons why we do not have more major airlines flying in and out of the Atlantic City facility was the fact that they were -- there, evidently, is a threshold, in terms of hotel rooms, that they're looking for before they begin to commit those kinds of resources. And my recollection was that they were looking somewhere around 25,000 to 30,000 hotel rooms. And I believe, at the time, Atlantic City had less than 20,000.

And now, of course, development is continuing there, and perhaps, at some point, they'll meet that threshold. But as I also was led to believe, Atlantic City International Airport is actually larger in area than Philadelphia International. It's one of the areas that is set aside to actually accommodate

the landing of the space shuttle. So they have tremendous potential, in terms of development. But I was, maybe erroneously, led to believe that one of the inhibiting influences was the fact that they were waiting for additional room developments in Atlantic City. And you may know a lot more about that than I do.

MR. CARVER: Commissioner, you are 100 percent correct, as far as you've gone -- that that is a very viable statement. I will say this, however, we had done-- When I first went down to Atlantic City, I hired the No. 1 expert in the country, in terms of the development of air service into communities.

We did probably the most exhaustive study on air service and air passenger trends in the South Jersey region up to that point. I think it's still probably the bellwether of studies. And what we found out was--

And by the way, the casino industry is not blameless in why there is not more service there, to be quite frank with you. But we found out, among other things, that the Atlantic City region -- the South Jersey regions from Toms River down through Cape May and west through Camden, could support about 40 to 50 flights a day to various destinations.

For example, we lose 300,000 passengers annually to Philadelphia because there's no service into Atlantic City. So what we did is, we called out those markets. We analyzed, with respect to what airlines flew where and what our markets were. And we found out, for example, that Chicago would be a tremendous market from Atlantic City International for a carrier like American.

And I was on the verge, twice, of signing a deal with American Airlines. I wanted the industry to enter into a contract for service with American for three flights a day to Chicago. American ran contract service successfully in other places. And what they told us was, "We will run the service. We want \$40 million guaranteed," which was 20 percent plus cost -- cost plus 20 percent, based on the fact that the three daily flights represented so many seats a day -- so many seats a year. And they wanted us, basically, to guarantee that those seats would be filled.

We knew from our own analyses that after three months -- and American had agreed to do this -- that if the service became successful, they'd rip the contract up and merely fly the flights.

We knew after three months there would be no cash involved because with the traffic that the industry would supplement through the normal demand, service back and forth to Chicago would have been there. I could not get certain elements of the casino industry to agree to that arrangement.

Now, in terms of-- I'll give you-- If I may take one more moment to analyze this with comparison to Las Vegas--

Most of the major carriers, if they had their choice, would not fly to Las Vegas because they don't make any money. And the reason is that the casino industry out there has always had numerous charter flights where they literally undersell the airlines. So while the airlines carry a lot of people, they haven't made a lot of money per seat mile. That may change to some degree as the result of some of the new carriers coming in there.

But I tried to explain to American that Atlantic City is not a resort destination. Atlantic City is the last major market -- airport market on the East Coast that's underutilized, next to Mercer, frankly. I mean, Mercer has a lot of capacity that can be used dramatically if we can get Southwest in here.

But in terms of overall growth and in terms of airline relationships, Atlantic City is a wonderful facility underutilized.

Ultimately, it will take -- because I don't think we're going to get to 20,000 hotel rooms in Atlantic City anytime soon. It's just not in the cards. As a matter of fact, Atlantic City is under a dire threat. If a casino is built -- or multiple casinos are built in the Catskills, we're going to have to find another source of some tax revenues in a hurry, I'm afraid.

But be that as it may, we have to jump-start this process and change the character of Atlantic City into more of an overnight destination. It can only be done with the cooperation of the industry and the government and the airline industry. And I think it can be done. I think it can be accomplished. But we need more rooms. Getting there is going to be the hard part.

MR. ZABIHACH: Let me cut this conversation.

MR. CARTER: I'm sorry. Forgive me.

MR. ZABIHACH: I appreciated it, but we sort of drifted away from the subject matter.

We did-- I do appreciate, as Chairman, your comments about the interrelationship of airports -- air travel with the various other modes of transportation. This was an issue brought up to our attention when we had a presentation by Union County, and their attempt to work on a TDD and how

that relates to the overall conditions on sight -- and other folks from out of state to the Newark Airport.

So it is an important issue for us to consider. And we welcome any written comments you may have on this issue.

So, thank you.

MR. CARVER: Fine.

To summarize, the only comment I actually wanted to make is that the issue of transportation does not stop at municipal lines.

MR. ZABIHACH: Correct.

MR. CARVER: And it requires this broad approach if we're going to be successful.

Thank you very much.

MR. ZABIHACH: Thank you.

Any other comments?

MR. McMANIMON: Mr. Chairman, thank you.

Just a brief follow-up to -- indirectly to Mr. Carver's comments. We do-- I live right by the airport -- Trenton-Mercer Airport. I can walk to it. (laughter) So perhaps some of you may sense where I might go with my comments. But knowing this is a TDD discussion, not an airport discussion--

I have made comments in the past that whatever happens at our airport, it is a major transportation hub location. I don't think some things should happen. I think, locally, a lot of people know what they are. But I think, if we took a new terminal and turned it around to the other side of the airport and put it by our train tracks off of Scotch Road because we're going

to reopen that West Trenton Train line, eventually -- send it up by way of 202, 206, 287.

We need to take a look in some of the language as to how do you pay to enhance transportation by train or bring a brand-new county or regional bus transportation system into Mercer, Hunterdon, Somerset County area and using this property.

So when you go to further TDD discussions, I'll certainly support things like that.

MR. ZABIHACH: Do you see, with the current TDD in place for Mercer County-- Do you see the mechanisms to do what you're now recommending in place, or do you feel that what we're trying to recommend to the Legislature will allow you to have a greater hand in doing what you're talking about?

MR. McMANIMON: Well, what I'm talking about would be enhanced by your changes in the TDD. Currently, in our TDD, the whole airport is not even in the Transportation Development District. It's kind of split in half. So some of the development we're supporting now, in terms of commercial or retail development-- They don't have to contribute under the current plan. So we're hoping that it can be kind of grandfathered when you adopt the new rules -- and they have to contribute -- or the goodness of their heart they're going to do it, or we'll make them do it through the approval process.

MR. ZABIHACH: Well, it's encouraging, as Chairman of this Commission, to hear a practical example of how what we're trying to propose will even improve the Mercer County TDD. So that's very good.

Thank you.

MR. McMANIMON: As far as Mr. Carver's comments on other flights out of Mercer Airport, I think he and I will get together and have a good debate on the differences of that. (laughter)

Thank you very much, Mr. Chairman.

MR. ZABIHACH: Good. Good.

Thank you.

Any other comments? (no response)

I'm not going to prolong this.

Seeing none, I will officially close the comment period on the interim report. I would just mention, once again, that the comment period remains for written comments until August 11. We encourage everyone to do that.

And I'd like to just make one additional note. We do expect, as a Commission, that when we present this to the Governor and the Legislature, that there will be further discussion and there will be further opportunity for the public to make comments on what's being proposed at that time also.

What I'd like to recommend, with the concurrence of the Commission, is-- We have quite a few people in the audience. They may not have been ready to make official comments. But I'd like to open up the meeting to unofficial comments, just to extend the meeting -- just your news, views, comments, concerns, and get a general dialogue going.

This is no longer on the record.

Thank you for keeping the record.

(CONCLUSION OF RECORDED PORTION OF MEETING)

APPENDIX

**Regional Intergovernmental Transportation
Coordinating Study Commission
(RITCSC)**

INTERIM REPORT

July 13, 2000

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EXECUTIVE SUMMARY

INTRODUCTION

On November 9, 1998, the New Jersey Legislature unanimously adopted AJR 21 establishing the Regional Intergovernmental Transportation Coordinating Study Commission (RITCSC). The Commission was charged with (1) reviewing and recommending modifications to the New Jersey Transportation Development District (TDD) Act of 1989 and (2) analyzing and making recommendations to improve the intergovernmental transportation decision-making process in New Jersey. AJR 21 was sponsored by Assemblyman Alex DeCroce (R-Morris County), who also had been the lead sponsor of the 1989 TDD Act.

The following is a summary of the Commission's key findings and recommendations:

PRELIMINARY FINDINGS

Implementation/Operation of Transportation Development Districts

1. To date, only four (4) counties have engaged in a TDD planning process under the Transportation Development District Act of 1989 (TDD Act). They are:
 - a) Mercer County – TDD application approved in 1990; TDD plan approved in 1992; and the District is operational.
 - b) Atlantic County – Two former Transportation Improvement Districts (TIDs) have been grand-fathered as TDDs under the TDD Act. A third county TID exists, but was not grand-fathered.
 - c) Hunterdon County – TDD application approved in 1990; no plan has been approved; and the District is not operational.
 - d) Union County – TDD application approved in 1998; no plan has been approved; and the District is not operational.
2. Coordination and cooperation between municipalities, counties, the NJ Department of Transportation (NJDOT), NJ TRANSIT, and the private sector during the statutorily required TDD joint planning process and the planning processes undertaken to establish TIDs has been the most consistently valuable component of TDD/TID implementation efforts to date. The process has successfully brought different levels of government and the private sector together to examine existing and future transportation needs and collectively plan to meet those needs. This experience should be capitalized upon and used as a model for enhancing transportation decision-making at all levels.
3. The costs associated with the TDD planning process are high for counties and municipalities. At present, there is no clearly defined source of funding to support TDD planning efforts. The TDD Act does not permit the use of TDD funds to recoup costs incurred during the TDD planning and implementation process. This has been a disincentive to TDD implementation.
4. The TDD Act growth thresholds favor TDD eligibility in presently under-developed areas on the exurban fringe, because those areas start with low levels of site-generated traffic. This creates a bias toward use of the TDD Act in exurban areas. The growth thresholds preclude the use of TDDs in many counties and municipalities because of difficulty in defining permissible boundaries based on the required growth thresholds.

5. The TDD Act exempts development projects with preliminary approvals prior to the “development liability assessment date” (the date on which the TDD application and preliminary boundary delineation are approved by the Commissioner of Transportation) from fee assessment. The Act is silent with regard to whether fees can be assessed if and when extensions are sought for development approvals. This point should be clarified.
6. The TDD Act does not presently permit the assessment of fees on existing development/businesses within a TDD; however, it is likely that those developments/businesses will receive special benefit from enhanced mobility within a district when improvements to circulation are made.
7. The Act requires that TDD planning include projections of future transportation needs; however, the zoning “build out” capacity of land within a municipality or municipalities is often overly optimistic and/or unrealistic. This could result in a program of transportation improvements that is ultimately unacceptable to the participants and/or unattainable.
8. The Act does not presently permit the expenditure of TDD funds on transit operating expenses. This has limited the range of mobility solutions and transportation improvements contemplated as part of the TDD planning process.

Intergovernmental transportation planning

9. Traffic congestion is a major regional problem that must be addressed by cooperative intergovernmental actions toward regional solutions.
10. Transportation decision-making with regard to new development proposals is fragmented at various levels of government.
11. Transportation planning and investment decisions are sometimes reactive and seek to address existing deficiencies. In addition, many transportation investment decisions are ad-hoc and based on the needs generated by development of a specific site. These decisions, usually in the form of off-tract improvement requirements on developers, often lack the broader context of a regional plan. Consideration of potential future needs is absolutely essential.
12. The State Highway Access Management Act (Access Management Act) has been underutilized as a tool to promote intergovernmental cooperation and coordination with regard to transportation planning. In addition, there are problems related to implementation of the Access Management Act. For instance, the access permit process does not deal with cumulative traffic impacts from development.
13. Transportation planning is not a well-developed practice as part of the municipal planning process. The Municipal Land Use Law (MLUL) does not require municipal master plans to include a circulation element and provides little guidance as to what a circulation element should contain. In practice, circulation planning is most often limited to an inventory and functional classification of existing and proposed roadways. In addition, very few master plans and zoning codes have been adequately tested for their impact on transportation infrastructure. Furthermore, the MLUL requirement for local zoning consistency with the State Highway Access Code has never been enforced.
14. The current development review process does not effectively address regional transportation impacts; and there is little or no coordination between levels of government related to the review of development applications. When review is undertaken by the county and/or state, it is sometimes out of sequence with the municipal approval process and the flow of information regarding issues of concern is not shared from one level of government to the others.

15. State laws related to county land use and transportation planning are very weak. In effect, the County Planning Act limits the role of counties in the transportation planning process and limits opportunities for counties to facilitate the intergovernmental cooperation needed to balance competing local, regional, and state interests with regard to transportation. Counties are not required to adopt a county highway plan as part of the county master plan. County authority to review and approve development proposals is limited to those development sites that abut a county road or affect county drainage facilities. Therefore, developments that may have regional transportation impacts, but that do not abut a county road, are not within the county planning board's jurisdiction. Municipalities are required under the MLUL to notify the county of all master plan and land development ordinance revisions before local adoption; and master plan/ordinance changes must be filed with the county before taking effect. Few counties use this process to coordinate planning and ensure the regional perspective is adequately addressed.

Corridor planning

16. Federal law (ISTEA/TEA-21) requires each Metropolitan Planning Organization (MPO), in cooperation with the state DOT, to develop a Regional Transportation Plan (RTP) to guide the establishment of investment priorities. Corridor planning can be an effective tool to help inform the development of the RTP.
17. There are several positive examples, statewide, that demonstrate the benefits of a corridor planning approach. Most notably, the Burlington County – Route 130 Corridor planning process highlights the significant level of intergovernmental cooperation that can result from a county-led initiative to enhance mobility and promote coordinated economic development and land use planning in a strategic travel corridor.
18. The existing process of MPO corridor planning provides the foundation for enhanced corridor planning activities statewide. This enhanced corridor planning process, hereinafter referred to as *Corridor Mobility Planning* could significantly improve intergovernmental communication, cooperation, and coordination with regard to transportation planning and investment decision-making. It can also provide the opportunity to forge regional mobility solutions and promote a broader understanding of regional transportation considerations.
19. Corridor planning initiatives vary between the three MPO regions. For *Corridor Mobility Planning* to be effective, there is a need to provide a common basis between *Corridor Mobility Planning* efforts statewide (e.g., approach, methodologies, analyses, and plan content). At the same time, there is a need to permit flexibility so as to reflect local and regional conditions and needs.
20. *Corridor Mobility Planning* could be used to identify appropriate locations for TDDs, TIDs, and/or broader *Transportation Enhancement Districts (TEDs)*, if authorized by statute.
21. *Corridor Mobility Planning* can be used to foster intergovernmental coordination and private sector cooperation regarding transportation planning and investment decisions.
22. The capacity of MPOs, counties, and municipalities to undertake effective, coordinated transportation planning varies widely from jurisdiction to jurisdiction.
23. There are few incentives – other than the prospect of receiving federal funding for needed capital projects – for municipalities, counties, and the private sector to participate fully in the *Corridor Mobility Planning* process.
24. Additional funding and technical resources may be needed to support improved local and county transportation planning.

PRELIMINARY RECOMMENDATIONS

The Commission's recommendations fall broadly into two categories. The first category relates to legislative changes to the Transportation Development District Act of 1989 (NJSA 27-1C-1, et seq.). These changes are intended to increase the effectiveness of the TDD financing mechanism and to provide the flexibility necessary to accommodate the implementation of TDDs in a wider variety of land use settings – growth corridors, existing developed areas, and redevelopment areas (see gray shaded column in Table on page 10). The second category relates to legislative, administrative, regulatory, and policy changes that should be considered in order to enhance the transportation decision-making process, in general, and thereby facilitate more widespread implementation of TDDs throughout the state.

Legislative changes related to the TDD Act:

1. Eliminate barriers to TDD implementation.

- a) Amend the Act to eliminate growth thresholds.
- b) Amend the Act to permit the use of TDD funds to pay for previously incurred TDD planning costs as well as prospective administrative costs associated with implementing a TDD over time. The joint planning process should determine what retroactive and prospective cost recovery is appropriate and permissible.
- c) Amend the Act to permit the use of TDD funds to pay for transit operating expenses.
- d) Amend the Act to permit fee assessments when and if a developer receives an extension of local site development approvals.
- a) Amend the Act to require – not merely authorize – the NJDOT to promulgate rules/regulations to facilitate planning and implementation of TDDs.

2. Clarify existing TDD Act language.

- a) Broaden the use of the word “State,” in the context of the joint planning process, to include all “relevant state agencies;” quasi-public authorities and MPOs should be expressly named as potential participants in the joint planning process.
- b) Amend the criteria for TDD designation to require consistency between the TDD plan and the MPO Regional Transportation Plan (RTP).
- c) Amend the Act language regarding projections of future transportation needs to reflect “a reasonable assessment of likely growth,” as defined and agreed to as part of the joint planning process.
- d) Amend the Act to permit the joint planning process to define appropriate level of service requirements for state, county, and local road facilities within the district.

3. Broaden the scope of the present TDD “construct.”

Amend the Act to provide more flexibility to accommodate the use of the TDD concept in a wider variety of land use settings – growth corridors, existing developed areas, and redevelopment areas. Flexible options should include the existing TDD financing mechanism as well as the option of establishing a *Transportation Enhancement District* (TED) that would permit both an assessment of fees on new development as well as an assessment of fees on existing development/businesses within the district that will be specially benefited by enhanced mobility within the district.

This enhanced TDD construct would enable the flexibility to accommodate assessments on new development, existing development/businesses, or both as determined by the participants in the joint planning process.

Who can be assessed:

COST CATEGORIES	TRADITIONAL TRANSPORTATION DEVELOPMENT DISTRICT (TDD)				TRANSPORTATION ENHANCEMENT DISTRICT (TED)			
	EXISTING RESIDENCES	EXISTING DEVT / BUSINESS	NEW DEVT	PUBLIC SECTOR	EXISTING RESIDENCES	EXISTING DEVT / BUSINESS	NEW DEVT	PUBLIC SECTOR
Existing capital needs from traffic passing through district	N	N	N	Y	N	N	N	Y
Existing capital needs from traffic with origin &/or destination within the district	N	N	N	Y	Y	Y	N	Y
Capital and operating costs for new or enhanced transportation services provided within the district	N	N	N	Y	Y	Y	Y	Y
Future capital costs for improvements required by growth in through traffic	N	N	N	Y	N	N	N	Y
Future capital costs for improvements required by new development	N	N	Y	N	N	N	Y	N
Past and prospective administrative costs incurred for implementing and maintaining a TDD or TED	N	N	N	Y	Y	Y	Y	Y

Legal foundation:

TED authority could be modeled after enabling statutes that permit the special benefit assessments used in the numerous Special Improvement Districts (SIDs) that have been formed in the state over the past several years.

Governance and Operation of TED:

A District Management Corporation (DMC) could be statutorily authorized to oversee the management and implementation of a TED plan. This would function similar to the Downtown Management Corporations formed to administer SIDs. The DMC should have strong representation

from the private sector. Annual budgets developed by the DMC should be approved by the governing body or bodies that establish the TED.

Credits:

A mechanism should be established to provide credit for past contributions toward off-tract road improvements.

Legislative, administrative, regulatory, and policy changes to improve the transportation decision-making process and enhance TDD implementation:

4. **Foster proactive, intergovernmental coordination and cooperation in the transportation decision-making process.**
 - a) Facilitate meaningful collaborative *Corridor Mobility Planning* throughout the state by encouraging MPO/NJDOT/NJ TRANSIT/county/municipal/private sector partnerships that replicate the cooperative planning approach undertaken as part of the TDD/TID planning processes undertaken to date and the Burlington County – Route 130 corridor planning process. Toward that end, responsible state and regional agencies should:
 - i) Continue and expand existing MPO planning support programs that provide financial resources to counties to undertake transportation planning.
 - ii) Promote the use of the NJ Department of Community Affairs' Smart Growth Planning Grant Program to emphasize the development of corridor mobility plans.
 - iii) Encourage the use of cooperative, inter-jurisdictional planning agreements or memoranda of understanding with *Corridor Mobility Planning* participants to foster participation in the process and ensure implementation of corridor plan recommendations.
 - b) Establish a mechanism to ensure that the development approval process includes coordinated review of development applications by municipal, county, and state agencies consistent with corridor mobility plans and ensure that there are open lines of communication between each level of government throughout the review process.
5. **Provide significant incentives to foster broad-based participation in the transportation planning process at all levels.**
 - a) Develop a program of planning incentive grants from existing sources such as the Transportation Trust Fund, Federal transportation planning funds administered by the NJDOT and MPOs, and discretionary funding available through the state budget.
 - b) Augment existing sources of funding to support transportation planning by authorizing the establishment of voluntary local transportation trust funds, similar to open space trust funds, to support transportation planning and local improvement projects.
 - c) Develop a program of incentives, including both financial and technical assistance to counties and municipalities, to encourage participation in the *Corridor Mobility Planning* process and implementation of corridor mobility plan recommendations.
 - d) Expand the existing Transportation Trust Fund local aid grant/loan program for capital improvement projects by making additional grant funding available only to those local and county governments that undertake and fully participate in enhanced transportation planning

activities (e.g. the development of transportation plan elements and/or participation in the *Corridor Mobility Planning* process).

6. Strengthen the role of counties in the transportation planning process.

- a) Use financial incentives (as previously described) and existing technical resources to improve the practice of transportation planning at the county level.
- b) Use existing statutory authority provided by the Access Management Act to promote the development of county access codes.
- c) Encourage counties to execute agreements designed to coordinate multi-jurisdictional planning and review of projects with inter-municipal impact.

7. Strengthen the role of municipalities in the transportation planning process.

- a) Use financial incentives (as previously described) and existing technical resources to improve the practice of transportation planning at the municipal level, throughout the state.
- b) Encourage municipalities to participate in the *Corridor Mobility Planning* process.
- c) Encourage MPO/county/municipal partnerships to develop and adopt comprehensive municipal transportation plans.

8. Institutionalize *Corridor Mobility Planning* as the first step in the transportation improvement planning process.

- a) Adopt a consistent yet flexible framework for undertaking *Corridor Mobility Planning* on a statewide basis.
- b) Use a statewide strategic policy structure to guide *Corridor Mobility Planning* throughout the state.
- c) Use the *Corridor Mobility Planning* process to provide the basis for project prioritization and funding within each corridor.
- d) Use the *Corridor Mobility Planning* process to identify the appropriate locations for TDDs, TIDs, and TEDs, if authorized by statute.

9. Authorize *Corridor Mobility Planning* participants to enter into voluntary *Corridor Planning and Management Partnership Agreements* or *Memoranda of Understanding*.

IMPLEMENTATION MATRIX

As previously noted, the Commission's recommendations fall broadly into two categories. The first category relates to legislative changes to the TDD Act that are intended to increase the effectiveness of the TDD financing mechanism and to provide the flexibility necessary to accommodate the implementation of TDDs in a wider variety of land use settings – growth corridors, existing developed areas, and redevelopment areas (see gray shaded column in Table below). The second category relates to legislative, administrative, regulatory, and policy changes that should be considered to improve significantly the transportation decision-making process, in general, and thereby facilitate more widespread implementation of TDDs throughout the state. The following table provides an overview of the recommendations and the parties responsible for action:

Recommendation	Legislative Actions		Administrative, Regulatory, and Policy Changes				
	Changes needed in TDD Act	Changes related to other statutes	DOT	MPOs	Counties	Municipalities	Other
1. Eliminate barriers to TDD implementation.	Y		Y				
2. Clarify existing TDD Act language.	Y						
3. Broaden the scope of the present TDD "construct."	Y						
4. Foster proactive, intergovernmental coordination and cooperation in the transportation decision-making process.	Y		Y	Y	Y	Y	Y
5. Provide significant incentives to foster broad-based participation in the transportation planning process at all levels, including participation in the <i>Corridor Mobility Planning</i> process.	Y		Y	Y			
6. Strengthen the role of counties in the transportation planning process. ¹	Y	Y	Y	Y	Y		
7. Strengthen the role of municipalities in the transportation planning process.	Y		Y	Y	Y	Y	
8. Institutionalize <i>Corridor Mobility Planning</i> as the first step in the transportation improvement planning process.	Y		Y	Y	Y	Y	
9. Authorize <i>Corridor Mobility Planning</i> participants to enter into partnership agreements or memoranda of understanding. ²	Y	Y	Y				

¹ The NJ County Planners Association and NJ Chapter of the American Planning Association are presently engaged in discussions related to updating the County Planning Act. It is anticipated that these discussions will result in a legislative proposal to amend the County Planning Act to strengthen the role of counties in the land use and infrastructure planning process.

² Specific statutory authority to execute *Corridor Planning and Management Partnership* agreements could foster the use of inter-local agreements to support the implementation of corridor mobility plans.

INTRODUCTION

On November 9, 1998, the New Jersey Legislature unanimously adopted AJR 21 establishing the Regional Intergovernmental Transportation Coordinating Study Commission (RITCSC). The Commission was charged with (1) reviewing and recommending modifications to the New Jersey Transportation Development District (TDD) Act of 1989 (see Appendix 1) and (2) analyzing and making recommendations to improve the intergovernmental transportation decision-making process in New Jersey. AJR 21 was sponsored by Assemblyman Alex DeCroce (R-Morris County), who also had been the lead sponsor of the 1989 TDD Act.

Two factors served as the primary impetus for the passage of AJR 21 and the creation of the RITCSC. First, policymakers were concerned about the underutilization of the TDD legislation and wanted to document the reasons for this underutilization.³ Second, transportation issues related to congestion, growth, and regional decision-making gained increased attention in New Jersey during the economic upswing of the late 1990s.

Pursuant to AJR 21, the Governor and legislative leaders appointed members to the RITCSC during 1999. The Rutgers Transportation Policy Institute (TPI) was designated as technical staff to the Commission during the summer of 1999. In anticipation of the Commission's first organizational meeting, Commissioners were briefed by TPI and provided with an introduction to a variety of subjects related to the RITCSC's agenda. These briefings were designed to prepare members of the Commission for the ambitious schedule established by AJR 21.

Pursuant to AJR 21, the Commission had nine months from its first organizational meeting to release an Interim Report to the public and twelve months from its first organizational meeting to submit a Final Report to the Governor and the Legislature. The RITCSC's first organizational meeting occurred on September 8, 1999. Accordingly, the Commission had to complete an Interim Report by June 2000 and will submit a Final Report in early Fall 2000.

The Commission met regularly, usually once each month, beginning in September 1999 and met twice during the month of June 2000.⁴ Most of the Commission's meetings consisted of presentations by transportation and planning experts (state officials, county planners, and municipal officials), as well as private sector representatives with experience in TDD implementation.

On October 5, 1999, officers were elected to govern the Commission's work. Raymond Zabihach was elected as Chair, Daniel Beyel was elected as Vice-Chair, and Martin E. Robins, Director of TPI, was elected as Secretary. TPI staff, specifically Jon A. Carnegie, AICP/PP, Senior Project Manager at TPI, and Amanda Smith, a Graduate Assistant at TPI, were designated to provide ongoing technical and administrative support to the Commission. On November 1, 1999, the Commission adopted by-laws to govern its work (see Appendix 2).

In December 1999, Chairman Zabihach established three subject-based committees to gather testimony, conduct research, and generate policy recommendations (see the Committees section of this report for further details). Beginning in January 2000, the three committees met periodically, usually once each month, to receive staff briefings and discuss the progress of their work. The committees' recommendations were submitted to the full Commission for review in May 2000.

³ By 1998, only two of the four counties that had attempted to establish TDDs had succeeded, specifically Atlantic and Mercer Counties.

⁴ The full Commission met on September 8, October 5, November 1, and December 7, 1999, as well as January 4, February 1, March 7, April 4, May 2, June 6, and June 27, 2000. Agendas for these meetings were made public in a timely fashion via the RITCSC website (<http://www.state.nj.us/osp/ritcsc/ritcsc.htm>).

A hearing will be held in July 2000 to receive public comment regarding this Interim Report. The Final Report of the RITCSC will be submitted to the Governor and Legislative leaders in early Fall 2000.

ASSEMBLY JOINT RESOLUTION 21

**Legislation Establishing the
Regional Intergovernmental Transportation Coordinating Study Commission**

P.L.1998, JR7 (AJR21 1R)

A Joint Resolution creating a commission to develop recommendations to increase regional and intergovernmental transportation decision-making among various levels of government and to identify incentives to promote such cooperation.

Whereas, In past years, New Jersey has experienced explosive growth in certain regions which has resulted in increased development, congested highways, and disjointed economic development; and

Whereas, Although the "New Jersey Transportation Development District Act of 1989," P.L.1989, c.100 (C.27:1C-1 et seq.) authorizes the creation of special transportation financing districts to provide funds to mitigate traffic congestion in areas of major development, there is no regional review of major or significant developments that have impacts beyond one specific municipality or county, and such developments present special problems and needs that are regional in nature; and

Whereas, It is, therefore, altogether fitting and proper, and within the public interest, to create a special commission to develop recommendations to increase regional transportation decision-making among various levels of government, to mitigate the traffic impacts of major developments or redevelopments and to identify incentives to promote such cooperation; now, therefore,

Be It Resolved *by the Senate and General Assembly of the State of New Jersey:*

1. There is created a commission to be known as the "Regional Intergovernmental Transportation Coordinating Study Commission" to consist of 18 members as follows:
 - a. Two members of the Senate, who shall not be of the same political party, to be appointed by the Senate President, one of whom shall be the chair of the Senate Transportation Committee;
 - b. Two members of the General Assembly, who shall not be of the same political party, to be appointed by the Speaker of the General Assembly, one of whom shall be the chair of the Assembly Transportation Committee;
 - c. The Commissioner of Transportation, ex officio, or a designated representative; and the Director of the Office of State Planning in the Department of the Treasury, ex officio, or a designated representative;
 - d. Twelve public members, to be appointed by the Governor, who shall include a representative of the New Jersey League of Municipalities, a representative of the New Jersey Association of Counties, a representative of the New Jersey County Planners Association, a representative of the Consulting Engineers Council of New Jersey, a representative of the North Jersey Transportation Planning Authority, a representative of the Delaware Valley Regional Planning Commission, a representative of the South

Jersey Transportation Planning Organization, a representative of the New Jersey Builders Association, a representative of the New Jersey Business and Industry Association, a representative of the business community in the northern region of the State, a representative of the business community in the central region of the State, and a representative of the business community in the southern region of the State.

The members of the commission shall serve without compensation, but may be reimbursed for necessary expenses incurred in the performance of their duties.

2. a. The commission shall organize as soon as may be practicable after the appointment of a majority of its members and shall select a chairperson from among the members. The members shall select a secretary, who need not be a member of the commission.

The commission shall meet at the call of the chairperson and shall hold a public hearing as prescribed in section 4 of this joint resolution.

The commission shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county, or municipal department, board, bureau, commission or agency, as it may require and as may be available for its purposes, and to employ stenographic and clerical assistance and incur traveling and other miscellaneous expenses as may be necessary in order to perform its duties, within the limits of funds appropriated or otherwise made available to it for its purposes.

b. The commission may establish three subcommittees, one focusing on the northern region, one focusing on the central region, and one focusing on the southern region of the State.

3. The commission shall develop recommendations to increase regional transportation decision-making among various levels of government, especially with regard to major developments or redevelopments, and to identify incentives to promote such cooperation. The commission shall identify and make recommendations concerning the following: a means of coordinating actions among various levels of government to make needed transportation investments that reduce traffic congestion and negative regional impacts while attracting new development and revitalizing older areas consistent with community, county and state goals; identifying and removing obstacles to improved regional transportation decision-making and identifying the consequences of not overcoming them; institutional frameworks and partnership agreements in which municipalities can work among themselves and with counties to promote regional decision-making and coordinated economic development, and statutory changes needed to achieve these frameworks; objectives that should be considered in the development of municipal partnerships and performance goals to measure success; incentives, including financial incentives, that may encourage municipalities and counties to enter into partnership agreements, and statutory changes needed to implement such incentives; mechanisms to link performance with the incentives; and other opportunities to promote public-private partnerships, and statutory changes necessary to promote inventive financing mechanisms and private sector contributions.

The commission shall also review the provisions of the "New Jersey Transportation Development District Act of 1989," P.L.1989, c.100 (C.27:1C-1 et seq.), and the regulations promulgated to implement its provisions and make recommendations for modifications to the act or the regulations which would encourage regional and intergovernmental transportation concerning transportation planning decision-making.

In developing its recommendations, the commission shall consult with regional planning agencies in the State.

4. Within nine months after the commission organizes, the commission shall prepare and make public an interim report outlining its progress. Following the issuance of the interim report, the commission shall provide at least five days' notice to the public of the time and place of a public hearing to be held to receive public comment on the interim report. The commission shall prepare and submit a final report, no later than one year after the commission organizes, to the Governor, the President of the Senate and the Speaker of the General Assembly, the Minority Leader of the Senate and the Minority Leader of the General Assembly, and the members of the Senate Transportation Committee and the Assembly Transportation Committee, or the respective successor committees.

5. This joint resolution shall take effect immediately and shall expire 30 days after the commission submits its final report, as prescribed in section 4 of this joint resolution.

Approved November 9, 1998.

MEMBERS OF THE COMMISSION

Pursuant to AJR 21 section 1a-b, the Senate President was authorized to designate two Senate representatives, one of whom is the chair of the Senate Transportation Committee, and the Speaker of the Assembly was authorized to designate two Assembly representatives, one of whom is the chair of the Assembly Transportation and Communications Committee. Pursuant to AJR 21 section 1c-d, the Commissioner of Transportation and the Director of the Office of State Planning, or a designated representative, were appointed to the Commission. Finally, pursuant to AJR 21 section d, twelve public members, who were to be representative of specific agencies, groups, and regions, were appointed by the Governor.

Senate Representatives

- Senator Andrew R. Ciesla, Chair, Senate Transportation Committee (Ocean County)
- Vacancy

Assembly Representatives

- Assemblyman Alex DeCroce, Chair, Assembly Transportation and Communications Committee (Morris County)
- Vacancy

Commissioner of Transportation

- Assistant Commissioner Pippa Woods, designated representative

Director of the Office of State Planning

- Herbert Simmens

Public Members

- Dawn Marie Addiego, Esq., Business Community, Southern Region (Burlington County)
- Daniel Beyel, South Jersey Transportation Planning Organization (Cape May County)
- Stephen T. Boswell, Ph.D., Consulting Engineers Council of New Jersey (Bergen County)
- Fred M. Brody, New Jersey Business and Industry Association (Monmouth County)
- William "Pat" Schuber, New Jersey Association of Counties (Bergen County)³
- Paul Sauerland, North Jersey Transportation Planning Authority (Hunterdon County)
- Margaret Scarillo, Business Community, Central Region (Middlesex County)
- Stephen H. Shaw, New Jersey Builders Association (Morris County)
- Ridgeley P. Ware, Delaware Valley Regional Planning Commission (Burlington County)

³ Donald Goncalves (Union County) was a member of the Commission representing the New Jersey Association of Counties from September 1999 – February 2000.

- Noreen P. White, Business Community, Northern Region
(Essex County)
- Millard Wilkinson, Jr., New Jersey League of Municipalities
(Camden County)
- Raymond Zabihach, New Jersey County Planners Association
(Morris County)

COMMITTEES

On November 1, 1999, Chairman Zabihach established three committees and charged them with conducting in-depth inquiry and reporting back to the full Commission with recommendations that would serve as the basis for the Commission's Interim Report. The Chairman appointed committee members, designated committee chairs, and outlined detailed committee charges.

TDD Technical Committee

Pippa Woods chairs the TDD Technical Committee. The other members of the committee are Daniel Beyel, Assemblyman Alex DeCroce, Paul Sauerland, and Ridgeley Ware. The TDD Technical Committee's mission was to:

1. Examine the TDD Act to determine why more TDDs are not being implemented, identify weaknesses of and technical changes that need to be made to the TDD Act, and outline programmatic/policy changes that should be made.
2. Evaluate transportation financing alternatives for off-tract improvements and examine whether the TDD financing mechanism of assessing new development could be adapted to a cost sharing mechanism among all levels of government to address existing transportation conditions as well as future growth.
3. Suggest modifications to the TDD Act or its regulations that could address congestion problems resulting from existing development as well as new growth.

Corridor Study Committee

Millard Wilkinson, Jr., chairs the Corridor Study Committee. The other committee members are Bill Beetle (NJDOT), Stephen Boswell, Fred Brody, Senator Andrew Ciesla, and Margaret Scarillo. The Corridor Study Committee's mission was to:

1. Inventory and distinguish among the corridor plans and planning efforts now underway in NJ.
2. Examine and evaluate other transportation planning approaches that attempt to anticipate and respond to existing and future transportation needs.
3. Examine smart growth/transportation planning efforts in other states and determine their applicability in a NJ context.

Intergovernmental Committee

Noreen P. White chairs the Intergovernmental Committee. The other committee members are Dawn Marie Addiego, William "Pat" Schuber, Stephen Shaw, Herbert Simmens, and Ray Zabihach. The Intergovernmental Committee's mission was to:

1. Examine and evaluate the intergovernmental relationships that exist within the current transportation planning framework.
2. Explore ways to provide incentives for intergovernmental cooperation and coordination with regard to transportation planning.
3. Examine and evaluate various options for improving institutional coordination regarding transportation decision-making.

Between January and May 2000, the committees met frequently and developed a series of preliminary findings and recommendations that were submitted to the full Commission on May 2, 2000 for discussion. Based on numerous comments and suggestions from Commissioners, staff made a number of amendments to the committees' reports. Once the committee reports were finalized, they were incorporated into the RITCSC's Interim Report.

MISSION STATEMENT

The RITCSC adopted the following mission statement on December 7, 1999:

The Regional Intergovernmental Transportation Coordinating Study Commission's (RITCSC) mission is to design recommendations to reduce traffic congestion and negative regional impacts while attracting new development and revitalizing older areas consistent with community, county and state goals. The RITCSC's primary initiative is to review the provisions of the "New Jersey Transportation Development District Act of 1989," P.L.1989, c.100 (C.27:1c-1 et seq.), and make recommendations for modifications to the Act which will encourage regional and intergovernmental transportation planning decision-making.

In addition, the RITCSC will develop recommendations to increase regional transportation decision-making and cooperation among various levels of government in New Jersey, especially with regard to major developments or redevelopments. We will do so by identifying incentives and developing performance-incentive linkages to promote cooperation; creating opportunities to promote public-private partnerships; removing obstacles to improved regional transportation decision-making; determining whether or not statutory changes are needed to achieve cooperative institutional frameworks; and promoting partnership agreements among municipalities and counties to develop regional decision-making and coordinated economic development.

PRELIMINARY FINDINGS

FINDINGS RELATED TO THE IMPLEMENTATION/OPERATION OF TRANSPORTATION DEVELOPMENT DISTRICTS:

1. To date, only four (4) counties have engaged in a TDD planning process under the Transportation Development District Act of 1989 (TDD Act). They are:
 - a) Mercer County – TDD application approved in 1990; TDD plan approved in 1992; and the District is operational.
 - b) Atlantic County – Two former Transportation Improvement Districts (TIDs) have been grand-fathered as TDDs under the TDD Act. A third county TID exists, but was not grand-fathered.
 - c) Hunterdon County – TDD application approved in 1990; no plan has been approved; and the District is not operational.
 - d) Union County – TDD application approved in 1998; no plan has been approved; and the District is not operational.
2. Coordination and cooperation between municipalities, counties, the NJ Department of Transportation (NJDOT), NJ TRANSIT, and the private sector during the statutorily required TDD joint planning process and the planning processes undertaken to establish TIDs has been the most consistently valuable component of TDD/TID implementation efforts to date. The process has successfully brought different levels of government and the private sector together to examine existing and future transportation needs and collectively plan to meet those needs. This experience should be capitalized upon and used as a model for enhancing transportation decision-making at all levels.
3. The costs associated with the TDD planning process are high for counties and municipalities. At present, there is no clearly defined source of funding to support TDD planning efforts. The TDD Act does not permit the use of TDD funds to recoup costs incurred during the TDD planning and implementation process. This has been a disincentive to TDD planning and implementation.
4. The TDD Act growth thresholds favor TDD eligibility in presently under-developed areas on the exurban fringe, because those areas start with low levels of site-generated traffic. This creates a bias toward use of the TDD Act in exurban areas. The growth thresholds preclude the use of TDDs in many counties and municipalities because of difficulty in defining permissible boundaries based on the required growth thresholds.
5. The TDD Act exempts development projects with preliminary approvals prior to the “development liability assessment date” (the date on which the TDD application and preliminary boundary delineation are approved by the Commissioner of Transportation) from fee assessment. The Act is silent with regard to whether fees can be assessed if and when extensions are sought for development approvals. This point should be clarified.
6. The TDD Act does not presently permit the assessment of fees on existing development/businesses within a TDD; however, it is likely that those developments/businesses will receive special benefit from enhanced mobility within a district when improvements to circulation are made.
7. In redevelopment areas, where there is existing congestion and/or a significant amount of existing development around the TDD, background traffic counts are likely to be disproportionately high

and will require large-scale remedial improvements that would be beyond the scope of the current TDD financing mechanism.

8. The Act requires that TDD planning include projections of future transportation needs; however, the zoning "build out" capacity of land within a municipality or municipalities is often overly optimistic and/or unrealistic. This could result in a program of transportation improvements that is ultimately unacceptable to the participants and/or unattainable. TDD projections should reflect "a reasonable assessment of likely growth," as defined and agreed to as part of the joint planning process. Any mismatch between zoning "build out" capacity and TDD plan projections should be addressed as part of the joint planning process.
9. Meeting the level of service standards required for state transportation facilities can necessitate a program of improvements beyond the scale desired by municipal/county officials, citizens, and business leaders. The TDD planning process should allow for flexibility in the application of level of service standards.
10. The Act does not presently permit the expenditure of TDD funds on transit operating expenses. This has limited the range of mobility solutions and transportation improvements contemplated as part of the TDD planning process.
11. The TDD Act authorized the NJDOT to promulgate rules/regulations to guide the planning and implementation of TDDs; however, no rules/regulations were developed and adopted.
12. The TDD Act was enacted prior to the federal ISTEA and TEA-21 legislation that elevated the role of Metropolitan Planning Organizations (MPOs) in transportation planning and decision-making. At present, there is little or no participation of the MPOs in TDD planning processes. The TDD Act does not presently address the role of MPOs. The MPO role in TDD planning should be clarified. At a minimum, there should be a requirement that TDD plans and the MPO long-range transportation plans be consistent.
13. The Act does not presently address the role of quasi-public authorities, such as the various highway and bridge authorities or the Port Authority of New York and New Jersey, as part of the TDD planning process. Although these entities may be statutorily exempt from TDD fee assessment, they should be included as active participants in the TDD joint planning process.
14. The TDD Act permits the issuance of bonds guaranteed by the expected future revenue from TDD fees. This provision has not been utilized because of the uncertainty inherent in the timing of TDD fee collection.
15. The TDD legislation needs flexibility to support creative/innovative financing mechanisms.
16. There is presently no language specifically addressing fee assessments for changes of use.
17. While not specifically authorized by statute, municipal and county TIDs have been implemented and upheld by the courts based on an implied authority under the Municipal Land Use Law (MLUL). TIDs can be used as a mechanism to finance improvements to municipal and county roads, but they are more limited in scope than a TDD. TIDs do not incorporate financing and implementation of improvements to state facilities.

GENERAL FINDINGS RELATED TO INTERGOVERNMENTAL TRANSPORTATION DECISION-MAKING PROCESS:

18. Traffic congestion is a major regional problem that must be addressed by cooperative intergovernmental actions toward regional solutions.

19. In 1997, the Office of State Planning (OSP) published the Land Use, Infrastructure, and the Environment Study (LUIE).⁶ The Study found that there are significant institutional barriers imbedded in our present system of transportation decision-making that make it very difficult to plan our transportation networks effectively. For example:

- a) the roles and responsibilities related to transportation planning and investment decision-making are fragmented; and
- b) land use decision-making is local, while most transportation planning and investment decisions are made at the regional or state level.

The LUIE report proposed an integrated intergovernmental decision-making system to more effectively manage regional, county, and municipal responsibilities related to a variety of issues, especially land use and transportation.

- 20. Transportation decision-making authority with regard to new development proposals is fragmented at various levels of government. Transportation outcomes could be enhanced by better coordination and communication at all levels of review. Changes to the transportation decision-making process should facilitate streamlining when appropriate and care should be given not to create an additional level of development review.
- 21. Transportation planning and investment decisions are sometimes reactive and seek to address existing deficiencies. In addition, many transportation investment decisions are ad-hoc and based on the needs generated by development of a specific site. These decisions, usually in the form of off-tract improvement requirements on developers, often lack the broader context of a regional plan. Consideration of potential future needs is absolutely essential.
- 22. The current reliance on the property tax to fund local/county services and schools (“ratables chase”) contributes to some of the present disconnects in the land use and transportation decision-making process.
- 23. The State Highway Access Management Act (Access Management Act) has been underutilized as a tool to promote intergovernmental cooperation and coordination with regard to transportation planning. In addition, there are problems related to implementation of the Access Management Act. For instance, the access permit process does not deal with cumulative traffic impacts from development.
- 24. The capacity of MPOs, counties, and municipalities to undertake effective, coordinated transportation planning varies widely from jurisdiction to jurisdiction. Consequently, additional funding and technical resources may be needed to support improved local and county transportation planning.

⁶ Project methodologies, meeting summaries, and excerpts from the LUIE Project’s draft final report are available online in HTML format (<http://www.state.nj.us/osp/doc/luie/luiehome.htm>). Hard copies of the entire report are available from the NJ Office of State Planning by calling (609)-292-7156.

SPECIFIC FINDINGS RELATED TO EACH LEVEL OF GOVERNMENT:

Municipalities

25. Transportation planning is not a well-developed practice as part of the municipal planning process. The MLUL does not require municipal master plans to include a circulation element and provides little guidance as to what a circulation element should contain. In practice, circulation planning is most often limited to an inventory and functional classification of existing and proposed roadways. In addition, very few master plans and zoning codes have been adequately tested for their impact on transportation infrastructure.
26. The current development review process does not effectively address regional transportation impacts; and there is little or no coordination between levels of government related to the review of development applications. When review is undertaken by the county and/or state, it is sometimes out of sequence with the municipal approval process and the flow of information regarding issues of concern is not shared from one level of government to the others:
 - a) Transportation impacts often accrue to county and state transportation facilities which are not directly addressed by the local development review process;
 - b) County planning board jurisdiction to review development applications is limited to those developments that abut a county roadway; and
 - c) NJDOT review of development applications is limited to those developments requiring a state highway access permit.
27. The MLUL requirement for local zoning consistency with the State Highway Access Code has never been enforced.
28. Recent advancements in computer mapping and analysis technologies have made the process of assessing zoning build-out significantly easier and less costly; however, very few master plans and zoning codes have been adequately tested for their impact on transportation infrastructure. Such analyses could provide improved transportation outcomes and ensure the proper functioning of the development approval process. The assessment of transportation impacts is limited to the development approval process which:
 - a) focuses attention on transportation impacts late in the process;
 - b) places the burden of impact review and mitigation of public land use policy decisions (master plan and zoning) on land owners and the development community; and
 - c) ignores the big-picture cumulative impacts of multiple site development decisions over time.

Counties

29. State laws related to county land use and transportation planning are very weak. For instance, counties are authorized, but not required, to establish planning boards. If a county establishes a county planning board, the board is then also required to prepare and adopt a county master plan. State law does not require that the county master plan be consistent with the master plans of its constituent municipalities or the plans of adjoining counties. There is no statutory requirement for reexamination of county master plans once adopted.
30. Counties are not required to adopt a county highway plan as part of the county master plan, and county authority to review and approve development proposals is limited to those development

sites that abut a county road or affect county drainage facilities. Therefore, developments that may have regional transportation impacts, but that do not abut a county road, are not within the county planning board's jurisdiction.

31. The County Planning Act limits the role of counties in the transportation planning process and limits opportunities for counties to facilitate the intergovernmental cooperation needed to balance competing local, regional, and state interests.
32. Municipalities are required under the MLUL to notify the county of all master plan and land development ordinance revisions before local adoption; and master plan/ordinance changes must be filed with the county before taking effect. Few counties use this process to coordinate planning and ensure the regional perspective is adequately addressed.
33. The Access Management Act authorized counties to adopt access management codes to regulate access to and the capacity of county roadways. Access management can be an effective tool for managing regional traffic. This provision of the Access Management Act has been underutilized.

Metropolitan Planning Organizations:

34. All of the State's land area is incorporated into the jurisdiction of one of three Metropolitan Planning Organizations (MPOs) – the North Jersey Transportation Planning Authority (NJTPA), the Delaware Valley Regional Planning Commission (DVRPC), or the South Jersey Transportation Planning Organization (SJTPO). MPOs can be proactive leaders in the transportation planning process; however, the level of experience and the approach taken by each of the MPOs staffs and governing boards varies between MPO regions:
 - a) DVRPC presently carries out an annual work program of activities that support county and municipal transportation planning. These activities include: a collaborative corridor planning process that is fully integrated with the Regional Transportation Plan (RTP) and the Transportation Improvement Program processes, technical services to counties and municipalities, and planning grants to support county participation in the transportation planning process.
 - b) NJTPA provides planning grants to counties to support regional transportation planning and has initiated a collaborative corridor planning process that is implementing the RTP to support investment decision-making.
 - c) SJTPO provides funding to its four counties to support their participation in SJTPO planning activities, as well as other transportation planning activities in their jurisdictions. The Sub-regional Transportation Planning Program (STP), for example, funds county participation in Job Access/Reverse Commute programs, State Plan cross-acceptance activities, and the Department of Community Affairs' Smart Growth Planning Assistance Grant program.
35. Although MPOs are charged with corridor planning, they are not empowered to implement the plans developed as part of the process. There is no mechanism to ensure local planning and investment decisions, which utilize local funding sources, are consistent with corridor plan recommendations.

NJDOT/NJ TRANSIT:

36. Road-related investment decisions at the state level at times are reactive, seek to address immediate problems, and sometimes have not been pursued in partnership with local interests.

37. The organizational structure within NJDOT and NJ TRANSIT has historically been along programmatic lines. This organizational approach limits knowledge of local conditions and actions that ultimately affect present and future transportation facility performance.

[Past reorganization proposals for NJDOT – most notably a 1997 effort to organize planning activities around Strategic Mobility Areas – have attempted to address this issue; however, recognizable change is not readily apparent. A new initiative at NJ TRANSIT, called the “Transit-friendly Communities for New Jersey” program, holds promise for increasing planning collaboration between the transit agency and municipalities.]

38. NJDOT and the MPOs are both required by federal law to develop long-range transportation plans. Corridor planning can be an effective tool to further the long-range planning and investment decision-making process. To ensure the intended benefits of corridor planning efforts (e.g., ensuring mobility and informing the transportation investment process), the roles and responsibilities in this regard need to be defined better.

FINDINGS RELATED TO CORRIDOR PLANNING:

39. Federal law (ISTEA/TEA-21) requires each MPO, in cooperation with the state DOT, to develop a Regional Transportation Plan (RTP) to guide the establishment of investment priorities. Corridor planning can be an effective tool to help inform the development of the RTP.
40. There are several positive examples, statewide, that demonstrate the benefits of a corridor planning approach. Most notably, the Burlington County – Route 130 Corridor planning process highlights the significant level of intergovernmental cooperation that can result from a county-led initiative to enhance mobility and promote coordinated economic development and land use planning in a strategic travel corridor (see Box, this page).

The Burlington County – Route 130 Corridor Plan

The Burlington County Route 130 Corridor Strategic Plan represents a significant effort to integrate transportation and redevelopment planning. The Route 130 corridor along the Delaware River in Burlington County consists of twelve municipalities that have steadily declined economically over the past few decades. The County Office of Land Use Planning recently initiated an effort to revitalize the corridor. The goal of the process and the plan that followed was to facilitate dialogue, negotiation, consensus, and cooperation among the municipalities and other stakeholders on planning and redevelopment issues. As a result of this process, the stakeholders agreed that municipalities should notify their neighbors about adjacent development and that local officials should be encouraged to conduct transportation investment planning and decision-making in conjunction with, instead of separate from, redevelopment planning.

Although the impetus for the Burlington County effort was economic development, transportation and traffic congestion were critical elements of the plan. Transportation was identified as a key component for defining quality of life. The region's diverse transportation infrastructure (Route 130, other highways, transit systems, and waterways) was highlighted as a significant asset that could be leveraged during the redevelopment process. And improving mobility was emphasized as a primary goal of the plan, including linking redevelopment with the South Jersey Light Rail Line between Camden and Trenton.

The Route 130 effort was a collaborative process. The County, along with the Delaware Valley Regional Planning Commission and the New Jersey Department of Transportation, provided staff expertise and funding, conducted studies and economic trend analyses, educated local officials and business leaders, facilitated the trust-building process, and provided support to enable the stakeholders to see the project through. Several public and private redevelopment opportunities along Route 130 were identified by the staff analyses and are currently being implemented. The County continues to facilitate the plan by monitoring the progress of implementation.

The Route 130 plan is a significant example of collaborative intergovernmental corridor planning in New Jersey. The lessons learned and the partnerships developed during this planning process can serve as models for other areas of the state and for transportation planning throughout the state, as well.

41. The role of NJDOT and the MPOs with regard to corridor planning activities related to the development of long-range transportation plans need to be defined better.
42. The existing process of MPO corridor planning provides the foundation for enhanced corridor planning activities statewide. This enhanced corridor planning process, hereinafter referred to as *Corridor Mobility Planning*, could significantly improve intergovernmental communication, cooperation, and coordination with regard to transportation planning and investment decision-making. It can also provide the opportunity to forge regional mobility solutions, and promote a broader understanding of regional transportation considerations.
43. Corridor planning initiatives vary between the three MPO regions. For *Corridor Mobility Planning* to be effective, there is a need to provide a common basis between *Corridor Mobility Planning* efforts statewide (e.g., approach, methodologies, analyses, and plan content). At the same time, there is a need to permit flexibility so as to reflect local and regional conditions and needs.
44. *Corridor Mobility Planning* could be used to identify appropriate locations for TDDs, TIDs, and/or broader *Transportation Enhancement Districts (TEDs)*, if authorized by statute (see Preliminary Recommendations: Legislative Changes Related to the TDD Act).
45. *Corridor Mobility Planning* can be used to foster intergovernmental coordination and private sector cooperation regarding transportation planning and investment decisions.
46. The capacity of MPOs, counties, and municipalities to carry out activities related to *Corridor Mobility Planning* varies greatly from jurisdiction to jurisdiction.
47. Currently, there are few incentives – other than the prospect of receiving federal funding for needed capital projects – for municipalities, counties, and the private sector to participate fully in the *Corridor Mobility Planning* process.
48. Additional funding and technical resources may be needed to support improved transportation planning efforts.

PRELIMINARY RECOMMENDATIONS

The Commission's recommendations fall broadly into two categories. The first category relates to legislative changes to the Transportation Development District Act of 1989 (NJSA 27-1C-1, et seq.). These changes are intended to increase the effectiveness of the TDD financing mechanism and to provide the flexibility necessary to accommodate the implementation of TDDs in a wider variety of land use settings – growth corridors, existing developed areas, and redevelopment areas (see gray shaded column in Table on page 38). The second category of recommendations relate to legislative, administrative, regulatory, and policy changes that should be considered to improve the transportation decision-making process, in general, and thereby facilitate more widespread implementation of TDDs throughout the state.

LEGISLATIVE CHANGES RELATED TO THE TDD ACT:

1. Eliminate barriers to TDD implementation.

- a) Amend the Act to eliminate growth thresholds.
- b) Amend the Act to permit the use of TDD funds to pay for previously incurred TDD planning costs as well as prospective administrative costs associated with implementing a TDD over time. The joint planning process should determine what retroactive and prospective cost recovery is appropriate and permissible.
- c) Amend the Act to permit the use of TDD funds to pay for transit operating expenses.
- d) Amend the Act to permit fee assessments when and if a developer receives an extension of local site development approvals.
- e) Amend the Act to require – not merely authorize – the NJDOT to promulgate rules/regulations to facilitate planning and implementation of TDDs.

2. Clarify existing TDD Act language.

- a) In the context of the joint planning process, the use of the word “State” should be broadened to include all “relevant state agencies.” This will help to ensure the inclusion of agencies such as, NJ TRANSIT, the Office of State Planning (OSP), the Commerce and Economic Growth Commission, and/or any other state agencies deemed relevant by participants in the joint planning process.
- b) Quasi-public authorities and MPOs should be expressly named as potential participants in the joint planning process.
- c) Amend the criteria for TDD designation to require consistency between the TDD plan and the MPO Regional Transportation Plan (RTP).
- d) While assessment of fees on changes in use or occupancy that occur within a TDD is not explicitly defined by the Act, the ability to assess a fee based on changes in trip-making that increase the number of peak hour trips impacting a particular transportation facility or service is implied. Language explicitly addressing this scenario should be added to clarify this authority.
- e) The Act language is ambiguous as to what sources of county and municipal funding can be used to support TDD Trust Fund obligations under the TDD financial plan. The Act language should permit the use of innovative and flexible financing techniques.

- f) The Act language regarding projections of future transportation needs should be amended to reflect “a reasonable assessment of likely growth,” as defined and agreed as part of the joint planning process. Any difference between zoning “build out” capacity and TDD plan projections should be addressed in the TDD plan.
- g) Add language to the Act that would permit the joint planning process to define appropriate level of service requirements for state, county, and local road facilities within the district.

3. Broaden the scope of the present TDD “construct.”

Amend the TDD Act to provide more flexibility to accommodate the use of the TDD concept in a wider variety of land use settings – growth corridors, existing developed areas, and redevelopment areas. Flexible options should include the existing TDD financing mechanism as well as the option of establishing a *Transportation Enhancement District (TED)* that would permit both an assessment of fees on new development as well as an assessment of fees on existing development/businesses within the district that will be specially benefited by enhanced mobility within the district.

This enhanced TDD construct would enable the flexibility to accommodate assessments on new development, existing development/businesses, or both, as determined by the participants in the joint planning process.

Legal foundation:

A TED as described above is not presently authorized under New Jersey law. Thus, amendments to the TDD Act should provide such authority. TED authority could be modeled after enabling statutes that permit special benefit assessments used in the numerous Special Improvement Districts (SIDs) that have been formed in the state over the past several years. The test of validity for special benefit assessments requires that:

The special assessment is to provide a combination of services and improvements that are intended and designed to benefit particular properties and demonstrably enhance the value and/or use or function of the properties that are subject to the special assessment. 2nd Roc-Jersey Assocs. v. Town of Morristown, 158 N.J. 581 (1999).

Governance and Operation of TED

A District Management Corporation (DMC) could be statutorily authorized to oversee the management and implementation of a TED plan. This would function similarly to the Downtown Management Corporations formed to administer SIDs. The establishment of a DMC could be the logical expansion of the joint planning process required by the existing TDD Act. The DMC membership could be generally defined by statute and specifically designated by the joint planning process; however, the DMC should have strong representation from the private sector. The DMC could be statutorily provided with specific powers and responsibilities, including, but not limited to, the power to assess special benefit fees, develop annual budgets for capital and operating expenses, and undertake improvements designed to enhance mobility in the district. DMC budgets should be subject to review and approval by the governing body that sponsors the formation of the TED (e.g., County Board of Chosen Freeholders).

Credits:

A mechanism should be established to provide credit for past contributions toward off-tract road improvements. Credits should apply to special benefit assessments for capital improvements

necessitated by existing deficiencies. Credits could be pro-rated for depreciation based on agreed upon the expected life-cycle of different improvements.

Who can be assessed:

COST CATEGORIES	TRADITIONAL TRANSPORTATION DEVELOPMENT DISTRICT (TDD)				TRANSPORTATION ENHANCEMENT DISTRICT (TED)			
	EXISTING RESID- ENCES	EXISTING DEVT / BUSINESS	NEW DEVT	PUBLIC SECTOR	EXISTING RESID- ENCES	EXISTING DEVT / BUSINESS	NEW DEVT	PUBLIC SECTOR
Existing capital needs from traffic passing through district	N	N	N	Y	N	N	N	Y
Existing capital needs from traffic with origin &/or destination within the district	N	N	N	Y	Y	Y	N	Y
Capital and operating costs for new or enhanced transportation services provided within the district	N	N	N	Y	Y	Y	Y	Y
Future capital costs for improvements required by growth in through traffic	N	N	N	Y	N	N	N	Y
Future capital costs for improvements required by new development	N	N	Y	N	N	N	Y	N
Past and prospective administrative costs incurred for implementing and maintaining a TDD or TED	N	N	N	Y	Y	Y	Y	Y

Note: A detailed comparative analysis of two TDD/TED financing scenarios appears in Appendix 3.

LEGISLATIVE, ADMINISTRATIVE, REGULATORY, AND POLICY CHANGES TO IMPROVE THE TRANSPORTATION DECISION-MAKING PROCESS AND ENHANCE TDD IMPLEMENTATION:

4. Foster proactive, intergovernmental coordination and cooperation in the transportation decision-making process.
 - a) Facilitate meaningful collaborative *Corridor Mobility Planning* throughout the state by encouraging MPO/NJDOT/NJ TRANSIT/county/municipal/private sector partnerships that

replicate the cooperative planning approach undertaken as part of the Burlington County – Route 130 Corridor planning process and as part of the TDD/TID planning processes undertaken to date. Toward that end, responsible state and regional agencies should:

- i) Continue and expand existing MPO planning support programs that provide financial resources to counties to undertake transportation planning (e.g., DVRPC’s Supportive Regional Highway Planning Program – SRHPP). These programs should be accompanied by work programs that direct resources specifically to support *Corridor Mobility Planning*.
 - ii) Promote the use of the NJ Department of Community Affairs’ (DCA) Smart Growth Planning Assistance Grant Program to emphasize the development of corridor plans. For instance, DCA recently awarded five county-based grants designed to promote the development of regional strategic plans in Atlantic, Middlesex, Monmouth, Salem, and Sussex counties. This targeted approach could be used to direct Smart Growth Grants to support *Corridor Mobility Planning*.
 - iii) Encourage the use of cooperative, inter-jurisdictional planning agreements or memoranda of understanding (MOU) with corridor planning participants to foster participation in the process and ensure implementation of corridor mobility plan recommendations. Somerset County has coordinated an inter-municipal MOU between the county planning board and eleven municipalities to coordinate the planning and review of developments of inter-municipal impact. This MOU could serve as a model for cooperative corridor mobility planning agreements.
- b) Establish a mechanism to ensure that the development approval process includes coordinated review of development applications by municipal, county, and state agencies consistent with corridor mobility plans and ensure that there are open lines of communication between each level of government throughout the development application review process. This could be accomplished by:
 - i) expediting the permit review process by strongly encouraging cross-jurisdictional pre-application review meetings coordinated by counties; and/or
 - ii) execution of inter-jurisdictional memoranda of understanding as previously described.
 - c) Encourage counties and municipalities to work with NJDOT to undertake access management planning activities.
 - d) Encourage the permanent institutionalization of programs such as NJ TRANSIT’s “Transit-friendly Communities” initiative and NJDOT’s “Transit Villages” program.
5. **Provide significant incentives to foster broad-based participation in the transportation planning process at all levels.**
- a) Develop a program of planning incentive grants from existing sources such as the Transportation Trust Fund, Federal transportation planning funds administered by NJDOT and the MPOs, and discretionary funding available through the state budget. Examples of existing programs that should be continued or expanded include: MPO county support programs, DCA’s Smart Growth Planning Assistance Grants, and NJDOT’s local aid to counties and municipalities. A portion of Transportation Trust Fund monies could be set-aside specifically for enhanced transportation planning at the local level.

- b) Augment existing sources of funding to support transportation planning by authorizing the establishment of voluntary local transportation trust funds, similar to open space trust funds, to support transportation planning and local improvement projects.
- c) Develop a program of incentives, including both financial and technical assistance, to counties and municipalities to encourage participation in the *Corridor Mobility Planning* process and implementation of corridor mobility plan recommendations.
- d) Expand the existing Transportation Trust Fund local aid grant/loan program for capital improvement projects by making additional grant funding available only to those local and county governments that undertake and fully participate in enhanced transportation planning activities (e.g. the development of transportation plan elements and/or participation in the *Corridor Mobility Planning* process).

6. Strengthen the role of counties in the transportation planning process.

- a) Use financial incentives (as previously described) and existing technical resources to improve the practice of transportation planning at the county level. Examples of existing technical resources include: model circulation elements and guidebooks on transportation planning, available from a variety of sources such as NJDOT, MPOs, Transportation Management Associations (TMAs), and some counties.
 - i) Encourage MPO/county partnerships to develop and adopt comprehensive county-wide transportation plans as part of the work program requirements for on-going transportation financial support programs such as DVPRC's Supportive Regional Highway Planning Program, SJTPO's Sub-regional Transportation Planning program, and NJTPA's equivalent program; and
 - ii) Encourage counties to facilitate the development of comprehensive municipal transportation elements and ensure inter-jurisdictional consistency between transportation plans at all levels.
- b) Require counties to update county master plans every six years consistent with current MLUL requirements for municipal master plan updates.
- c) Use existing statutory authority provided by the Access Management Act to promote the development of county access codes as a tool for broadening the county's role in transportation planning and decision-making.
- d) Encourage counties to execute agreements designed to coordinate multi-jurisdictional planning and review of projects with inter-municipal impact.
- e) Provide explicit statutory authority enabling counties to establish a range of transportation planning and public/private financing mechanisms, including TDDs, TIDs, as well as broader districts that may provide for a combination of impact fees on future development and special assessments on existing development (see Recommendation 3).

7. Strengthen the role of municipalities in the transportation planning process.

- a) Use financial incentives (as previously described) and existing technical resources to improve the practice of transportation planning at the municipal level. Examples of existing technical resources include: model circulation elements and guidebooks on transportation planning, available from a variety of sources such as NJDOT, MPOs, TMAs, and some counties.

- b) Encourage municipalities to participate in the corridor planning process and enter into corridor planning partnership agreements.
- c) Encourage MPO/county/municipal partnerships to develop and adopt comprehensive municipal transportation plans. MPOs and counties can provide valuable technical assistance needed to conduct transportation analyses such as zoning build-out analysis and origin and destination studies.
- d) Encourage inter-municipal coordination and cooperation to ensure that municipal transportation elements are consistent with those of other governmental entities.
- e) Encourage municipalities to enter into inter-jurisdictional agreements to foster coordinated review of developments of inter-municipal impact.

8. Institutionalize *Corridor Mobility Planning* as the first step in the transportation improvement planning process.

- a) Adopt a consistent yet flexible framework for undertaking *Corridor Mobility Planning* on a statewide basis. The *Corridor Mobility Planning* framework should reflect the following:

Purpose/Approach:

Corridor Mobility Planning is a planning assessment that investigates travel corridors as a geographic framework for developing clear priorities for addressing multiple community needs including: mobility; inter-modal integration; the operational efficiency and physical integrity of the transportation system; economic development and redevelopment; and other quality of life issues. *Corridor Mobility Planning* should consider the goals of the State Development and Redevelopment Plan and should provide the foundation for the MPO and Statewide long-range transportation plans. The planning horizon of corridor plans should be a minimum of 20 years; however, corridor mobility plan recommendations should address interim solutions as well as long term strategies. Corridor mobility plans should help guide capital investment decision-making at all levels of government.

Corridor Mobility Planning Area Boundaries:

Fifty-two (52) corridors have been identified statewide as part of the existing corridor planning activities at the MPO level. These corridor planning areas coincide with the Congestion Management System boundaries for which the MPOs currently collect and organize congestion data as required by federal law.

Process:

The process should be segmented into three phases:

Phase I: Corridor Characterization – This phase should include: data collection and compilation, mapping and analysis to establish baseline conditions within the corridor and the foundation for future scenario testing in Phase II.

Phase II: Corridor Visioning and Dialogue – This phase should involve representatives from each affected county and municipality, the private sector, citizen groups, and other stakeholders in a structured dialogue regarding existing conditions and various alternative land use and transportation futures. During this phase, corridor mobility planning stakeholders are provided with data, maps, and information on the corridor and the MPOs receive input from stakeholders regarding the overall vision for the corridor. Various future land use and transportation scenarios are considered, analyzed, and debated. Finally,

mobility and accessibility issues are identified. Phase II is intended to answer the following questions:

- What purposes does the corridor serve both now and in the future?
- How and where is the transportation system serving and not serving its purpose now?
- What will the future transportation needs of the corridor be? and
- What mobility/accessibility strategies could improve the functioning of the corridor both now and in the future?

Phase III: Corridor Mobility Plan Development – This phase involves the refinement of the corridor vision, more detailed analyses of land use and transportation data (as needed), and the development of a prioritized list of actions and strategies needed to address the identified mobility/accessibility issues. The corridor plan is not intended to recommend specific transportation improvements projects, but may include those that are already in the project development pipeline. Examples of actions or strategies that might be recommended as part of a corridor plan include:

- Capital or operational projects already in various stages of project development (e.g., concept development, scoping, design, construction etc.);
- Demand management strategies such as regional opportunities for facilitating mode choice shift, reducing single occupant vehicle (SOV) trips, reducing vehicle miles traveled (VMT), and improving individual mobility;
- System preservation strategies such as priority investment needs identified based on the outputs from the various management system databases;
- Strategies that enhance operational efficiency such as the deployment of “smart technology,” access management, signal coordination, and other transportation systems management (TSM) measures;
- Further study of projects needed to expand system capacity and provide new system linkages (highway, transit, freight); and
- Community design strategies such as scenic corridor preservation, center-based development, non-motorized travel facilities, and improved multimodal linkages.

Staggered Implementation:

Implementation of the proposed *Corridor Mobility Planning* framework is likely to be time consuming and resource intensive. As such, the MPOs, in partnership with NJDOT, NJ TRANSIT, counties, and municipalities should develop a staging plan whereby corridor mobility planning in each of the 52 corridors could be prioritized and staged over a period of time (e.g., 3-5 years) in a manner consistent with the MPO Regional Transportation Planning (RTP) process.

Roles & Responsibilities:

MPOs should initiate and lead the process in partnership with NJDOT, NJ TRANSIT, affected counties, and affected municipalities; however, the parties can mutually agree on alternative functional responsibilities as needed to support the process. For instance, all parties may agree that DOT or the County should lead the process in a particular corridor. MPOs, NJDOT, NJ TRANSIT, and counties should cooperatively share funding and technical resources to assist in the implementation of the *Corridor Mobility Planning* process.

MPOs and counties should coordinate involvement of non-traditional partners such as:

- business community representatives including labor, commerce, and goods movement;
- land owners, developers, and investors;
- environmentalists;
- other relevant state agencies (e.g., Office of State Planning (OSP), the Commerce & Economic Growth Commission (C&EGC, formerly the Department of Commerce and Economic Development), Department of Labor (DOL), and the Council on Affordable Housing (COAH), etc.); and
- regional entities such as land use nonprofits, authorities, and commissions such as the Hackensack Meadowlands Development Commission, and the Pinelands Commission, as well as citizen action groups.

The *Corridor Mobility Planning* lead agency should initiate a program of education and outreach designed to underscore the importance of the *Corridor Mobility Planning* process, so as to foster the involvement of municipal and non-traditional participants.

Counties should help to coordinate municipal involvement, assist in the identification of issues, and help resolve conflicts between plans and policies at various levels of government.

Municipalities should assist in the calculation of built-out data and assessment of transportation impact from master plans and zoning as part of alternatives analysis.

Issues to be addressed:

The *Corridor Mobility Planning* process is intended to be iterative. The following issues should be addressed as the process evolves:

- The overall vision for the corridor, including demand management, system preservation, operational efficiency, system capacity, and community design as well as reconciliation of local land use visions with regional transportation needs;
- Baseline conditions including: primary and secondary travel movements, county and municipal comprehensive plans, and land development ordinances;
- The relationship between transportation facilities and services and economic development and redevelopment issues;
- Performance expectations for present and future transportation service quality anchored in a realistic assessment of what is achievable, affordable, and acceptable to all parties;
- Anticipated growth within the corridor and surrounding region under alternative future scenarios, including how much growth is anticipated within the 20 year planning horizon;
- Potential strategies to improve the functioning of the corridor, including all modes of personal transport and goods movement; and
- Actions needed at the state, county, and local level to advance the agreed upon strategies and to achieve the vision and performance expectations.

Corridor Assessments:

The following planning assessment should be conducted as part of the *Corridor Mobility Planning* process:

- Transportation inventory – an inventory of transportation facilities and services, including all modes of personal transport and goods movement;
- Baseline conditions analysis;
- Trends analysis – an assessment of current and future trends which will likely define the travel markets for people and goods;
- Alternative futures analysis – investigation of plan-based future land use/ transportation scenarios, either reflected in existing or incorporated into, revised state, regional, county, and municipal land use plans. This should include a future zoning build-out analysis as well as analysis of growth forecast within a 20 year planning horizon;
- Transportation needs assessment – identification of mobility and infrastructure problems/needs based on the trend future, the planned future, or both; and
- Strategies analysis – analysis of all potential mobility/accessibility strategies (all modes as well as goods movement) that could be implemented to address the present and future needs of the corridor.

Contents of the Corridor Mobility Plan:

The following sections should be included in a corridor mobility plan:

- Vision, Goals, and Objectives.
- Description of existing corridor conditions.
- Trends affecting corridor.
- Transportation assets and opportunities.
- Transportation liabilities and constraints.
- Present and future needs under alternative future land use and transportation scenarios.
- Comprehensive mobility/accessibility strategy that establishes a mix of investments, services, and actions needed to achieve selected future and deliver targeted performance expectations. Elements of a comprehensive strategy may include, but should not be limited to the following: demand management strategies; system preservation strategies; system capacity enhancements; and local land use, zoning, and community character recommendations.
- Implementation responsibilities and schedule.



Intended Outcomes:

The *Corridor Mobility Planning* process should result in the following outcomes:

- A framework for prioritizing future transportation investments at the regional level within the corridor;
- Agreed vision for the future of the corridor (what should the corridor look like; what types of uses should be encouraged; what modes of travel should be accommodated, etc.);
- Consistency between land use and transportation plans at all levels of government and between adjoining jurisdictions;

- Program of actions needed to implement shared vision, including short and long term strategies and specific projects already in the project development pipeline; and
- Identification of opportunities for public/private partnerships to finance needed improvements (e.g., recommendations for locating TIDs, TDDs, and/or TEDs, if authorized by law).

b) Use a statewide strategic policy structure to guide *Corridor Mobility Planning* throughout the state. The steps in the process should include the following:

 CAPITAL PROGRAMMING 	1. <i>Corridor Mobility Planning</i> & preliminary concept development	MPO lead, in partnership with NJDOT, NJ TRANSIT, counties, municipalities, private sector, interest groups & citizen groups.
	2. Feasibility & alternatives analysis	NJDOT, NJ TRANSIT, MPOs, counties & municipalities in partnership with all other levels of government.
	3. Final scope development/ service planning	NJDOT, NJ TRANSIT, counties & municipalities in partnership with all other levels of government.
	4. Project construction/ service implementation	NJDOT, NJ TRANSIT, counties & municipalities in partnership with all other levels of government.
	5. Operations & maintenance	NJDOT, NJ TRANSIT, counties & municipalities in partnership with all other levels of government.

- c) Use the *Corridor Mobility Planning* process to provide the basis for project prioritization and funding within each corridor.
- d) Use the *Corridor Mobility Planning* process to identify the appropriate locations for TDDs, TIDs, and TEDs, if authorized by statute. The studies and analyses undertaken as part of corridor mobility planning should be used to lessen the planning required to implement a TDD or TID when located within the corridor mobility planning area.
9. **Authorize *Corridor Mobility Planning* participants to enter into voluntary *Corridor Planning and Management Partnership Agreements or Memoranda of Understanding*. Said agreements could function as follows:**
- a) Corridor mobility planning participants should enter into voluntary *Corridor Planning & Management Partnership Agreements or Memoranda of Understanding (CPMP Agreements)*.
 - b) CPMP Agreements could provide an opportunity to conduct regional transportation planning, under the framework of an inter-jurisdictional agreement, without the creation of an additional review authority or statutorily changing the underlying roles of municipal, county, and state government.
 - c) CPMP Agreements could be executed in each corridor to name a lead agency and set forth the roles and responsibilities of various levels of government in the corridor mobility planning process. Roles and responsibilities should be generally consistent across corridor boundaries and

in different regions of the state; however, the agreement language should be flexible enough to accommodate local needs. A model agreement should be developed as a starting point.

- d) CPMP Agreements could establish the membership of *Corridor Partnership Committees* (CPCs) to help guide the corridor mobility planning process in a collaborative and inclusive manner.
 - i) CPCs should function as advisory committees with appointed membership and a cross-section of public, private, and nonprofit/citizen representation. They should not have regulatory or capital programming powers.
 - ii) Under the direction of the MPOs or other lead corridor mobility planning agency, CPCs could provide input into the development of a consensus-based corridor plan and, with the assistance of counties, secure local implementation of agreed upon mobility/accessibility strategies, as needed.
 - iii) CPCs are NOT intended to be an additional layer of bureaucracy or review authority. Land use planning and decision-making authority should remain at the municipal and county level but should be substantially consistent with a corridor plan vision, strategies, and implementation agenda. Capital programming decisions should also conform with corridor plans.

IMPLEMENTATION MATRIX

As previously noted, the Commission's recommendations fall broadly into two categories. The first category relates to legislative changes to the TDD Act that are intended to increase the effectiveness of the TDD financing mechanism and to provide the flexibility necessary to accommodate the implementation of TDDs in a wider variety of land use settings – growth corridors, existing developed areas, and redevelopment areas (see gray shaded column in Table below). The second category relates to legislative, administrative, regulatory, and policy changes that should be considered to improve significantly the transportation decision-making process, in general, and thereby facilitate more widespread implementation of TDDs throughout the state. The following table provides an overview of the recommendations and the parties responsible for action:

Recommendation	Legislative Actions		Administrative, Regulatory, and Policy Changes				
	Changes related to TDD Act	Changes related to other statutes	DOT	MPOs	Counties	Municipalities	Other
1. Eliminate barriers to TDD implementation.	Y		Y				
2. Clarify existing TDD Act language.	Y						
3. Broaden the scope of the present TDD "construct."	Y						
4. Foster proactive, intergovernmental coordination and cooperation in the transportation decision-making process.	Y		Y	Y	Y	Y	Y
5. Provide significant incentives to foster broad-based participation in the transportation planning process at all levels, including participation in the <i>Corridor Mobility Planning</i> process.	Y		Y	Y			
6. Strengthen the role of counties in the transportation planning process. ⁷	Y	Y	Y	Y	Y		
7. Strengthen the role of municipalities in the transportation planning process.	Y		Y	Y	Y	Y	
8. Institutionalize <i>Corridor Mobility Planning</i> as the first step in the transportation improvement planning process.	Y		Y	Y	Y	Y	
9. Authorize <i>Corridor Mobility Planning</i> participants to enter into partnership agreements or memoranda of understanding. ⁸	Y	Y	Y				

⁷ The NJ County Planners Association and NJ Chapter of the American Planning Association are presently engaged in discussions related to updating the County Planning Act. It is anticipated that these discussions will result in a legislative proposal to amend the County Planning Act to strengthen the role of counties in the land use and infrastructure planning process.

⁸ Specific statutory authority to execute *Corridor Planning and Management Partnership* agreements could foster the use of inter-local agreements to support the implementation of corridor mobility plans.

APPENDICES

APPENDIX 1 – Transportation Development District Act of 1989

APPENDIX 2 – RITCSC By-Laws

APPENDIX 3 – TDD/TED Financial Analysis

APPENDIX 1

Transportation Development District Act of 1989

27:1C-1. Short title

This act shall be known and may be cited as the "New Jersey Transportation Development District Act of 1989."

L.1989, c.100, s.1.

27:1C-2. Findings, declarations

The Legislature finds and declares that:

- a. In recent years, New Jersey has experienced explosive growth in certain regions, often along State highway routes and in urban areas experiencing rapid redevelopment. These "growth corridors" and "growth districts" are vital to the State's future but also present special problems and needs since they do not necessarily reflect municipal and county boundaries.
- b. Growth corridors and districts are heavily dependent on the State's transportation system for their current and future development. At the same time, they place enormous burdens on existing transportation infrastructure contiguous to new development and elsewhere, creating demands for expensive improvements, reducing the ability of State highways to provide for through movement of traffic and creating constraints on future development.
- c. Existing financial resources and existing mechanisms for securing financial commitments for transportation improvements are inadequate to meet transportation improvement needs which are the result of rapid development in growth areas, and therefore it is appropriate for the State to make special provisions for the financing of needed transportation improvements in these areas, including the creation of special financing districts and the assessment of special fees on those developments which are responsible for the added burdens on the transportation system. Creation of these special financing districts provides a mechanism in which the State, counties and municipalities will have the means to work together to respond to transportation needs on a regional basis as determined by growth conditions rather than upon the pre-existing municipal and county boundaries. The district becomes the framework for a public-private partnership in meeting the transportation needs of New Jersey. Counties are to be the lead agencies in creating these multi-jurisdictional districts, recognizing that in some instances, given growth patterns of a region, that areas from more than one county may be included within a district. Should a county fail to participate in the creation of a needed district, the State or municipality can initiate the creation of a district.
- d. Any of these assessments of special fees should be assessed under a statutory plan which recognizes that: (1) the fees supplement, but do not replace, the public investment needed in the transportation system, (2) the costs of remedying existing problems cannot be charged to a new development, (3) the fee charged to any particular development must be reasonably related, within the context of a practicable scheme for assessing fees within a district, to the added burden attributable to that development, and (4) the maximum amount of fees charged to any development by the State or county or municipality for off-site transportation improvements pursuant to this act or any other law shall not exceed the property owner's fair share of such improvement costs. In determining the reasonableness of a fee assessed in accordance with the provisions of this act, it must be recognized that government must have the flexibility necessary to deal realistically with questions not susceptible of exact measurement. It is furthermore

necessary to recognize that precise mathematical exactitude in the establishment of fees is neither feasible nor constitutionally vital.

e. The development of special financial mechanisms to meet the needs of growth corridors and districts should be accompanied by the development of strategies to improve regional, comprehensive planning in these areas, to encourage transportation-efficient land uses, to reduce automobile dependency, and to encourage alternatives to peak-hour automobile trips.

L.1989, c.100, s.2.

27:1C-3. Definitions

The following words or terms as used in this act shall have the following meaning unless a different meaning clearly appears from the context:

- a. "Commissioner" means the Commissioner of Transportation.
- b. "County" means a duly constituted county government or an appropriate governmental organization designated under paragraph (1) of subsection c. of section 4 of this act.
- c. "Department" means the Department of Transportation.
- d. "Development" means "development" in the meaning of section 3.1 of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-4).
- e. "Development assessment liability date" means, with respect to any transportation development district created under this act, the date upon which the commissioner adopts an order designating the district and delineating its boundaries, which order shall be published in the New Jersey Register.
- f. "Development fee" means a fee assessed on a development pursuant to an ordinance or resolution, as appropriate, adopted under section 7 of this act.
- g. "Public highways" means public roads, streets, expressways, freeways, parkways, motorways and boulevards, including bridges, tunnels, overpasses, underpasses, interchanges, rest areas, express bus roadways, bus pullouts and turnarounds, park-ride facilities, traffic circles, grade separations, traffic control devices, the elimination or improvement of crossings of railroads and highways, whether at grade or not at grade, and any facilities, equipment, property, rights-of-way, easements and interests therein needed for the construction, improvement and maintenance of highways.
- h. "Public transportation project" means, in connection with public transportation service or regional ridesharing programs, passenger stations, shelters and terminals, automobile parking facilities, ramps, track connections, signal systems, power systems, information and communication systems, roadbeds, transit lanes or rights-of-way, equipment storage and servicing facilities, bridges, grade crossings, rail cars, locomotives, motorbus and other motor vehicles, maintenance and garage facilities, revenue handling equipment and any other equipment, facility or property useful for or related to the provision of public transportation service or regional ridesharing programs.
- i. "Transportation development district" or "district" means a district created under section 4 or section 13 of this act.

j. "Transportation project" means, in addition to public highways and public transportation projects, any equipment, facility or property useful or related to the provision of any ground, waterborne or air transportation for the movement of people and goods.

L.1989, c.100, s.3.

27:1C-4. Designation, delineation of transportation development district

a. The governing body of any county may, by ordinance or resolution, as appropriate, apply to the commissioner for the designation and delineation of a transportation development district within the boundaries of the county. The application shall include: (1) proposed boundaries for the district, (2) evidence of growth conditions prevailing in the proposed district which justify creation of a transportation development district in conformity with the purposes of this act and the standards established by the commissioner, (3) a description of transportation needs arising from rapid development within the district, (4) certification that there is in effect for the county a current county master plan adopted under R.S.40:27-2 and that creation of the district would be in conformity both with the county master plan and with the State Development and Redevelopment Plan adopted under the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.), (5) certification that municipalities included, wholly or partly in the district, or which would be directly affected by the delineation or designation thereof, have been given at least 30 days' advance notice of the application and an opportunity to comment thereon, (6) comments offered by any of these municipalities, and the response thereto by the county, and (7) any additional information that the commissioner may require.

b. The commissioner shall, within 60 days of receipt of a completed application and upon review of the application as to sufficiency and conformity with the purposes of this act, (1) by order designate a district and delineate its boundaries in conformance with the application, or (2) disapprove the application and inform the governing body of the county in writing of the reasons for the disapproval, or (3) where the commissioner finds that the creation of a district is critically important and that the application of the county is sufficient in every respect except the appropriateness of the proposed boundaries for the district, by order designate a district and delineate its boundaries and inform the governing body of the county in writing of the reasons for the alteration of the proposed boundaries. Failure of the commissioner to act under this subsection within 60 days, unless the applicant agrees to an extension of time shall mean that the application is approved and the commissioner shall then on the next business day issue an order as required under this subsection. The governing body may, in the case of a disapproval of its application, resubmit an application incorporating whatever revisions it deems appropriate, taking into consideration the commissioner's reasons for disapproval.

c. (1) If the governing body of the county in response to a petition by a municipality under section 15 of this act adopts an ordinance or resolution, as appropriate, stating its intention not to proceed with an application or adopts an ordinance or resolution, as appropriate, stating its intention to proceed with an application but fails to submit such an application within 120 days of adopting that ordinance or resolution, as appropriate, the governing body of the municipality which submitted the original petition or the governing body of any municipality within the county which would be directly affected by the designation and delineation of a district may petition the commissioner for the designation and delineation of a district. The commissioner shall, within 60 days of receipt of a petition and upon review of the petition as to sufficiency and conformity with the purposes of this act, act as in subsection b. of this section, but in the instance where the commissioner acts under paragraph (1) or paragraph (3) of subsection b., the commissioner shall also designate an appropriate governmental organization which has sufficient power to administer the district, and which shall permit representation from all participating municipalities. In addition, where negotiations are underway pursuant to this subsection or subsection b. of this section between the department and the petitioning body the 60 day time frame may be suspended

by mutual agreement. The petitioning body may, in the case of a disapproval of its application, resubmit a petition directly to the commissioner incorporating whatever revisions it deems appropriate, taking into consideration the commissioner's reasons for disapproval.

(2) Failure by a county to adopt a resolution stating its intent to submit an application substantially consistent with the municipal petition within 90 days after receipt thereof shall entitle the petitioning municipality or any directly affected municipality to petition the commissioner for the designation and delineation of a district as set forth in paragraph (1) of this subsection.

d. The commissioner shall adopt as regulations under the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) standards to assist in the determination of whether there is sufficient evidence of growth conditions prevailing in an area to justify creation of a transportation development district under this act. The criteria for assisting in the determination shall include: (1) an accelerating growth rate for estimated population or employment in excess of 10% in three of the past five years in at least three contiguous municipalities; or, (2) projected local traffic growth in excess of 50% in a five-year period generated from new development; or, (3) commercial/retail development projected at a rate of one million square feet per square mile in a five-year period; or, (4) projected growth in population or in employment in excess of 20% over a 10-year period. The regulations shall specify the application of the time periods under these four criteria. The commissioner may also include in the regulations additional criteria which recognize existing traffic congestion, or any other such criteria which, in the commissioner's judgment, may serve to effectuate the purposes of this act.

The Senate Transportation and Communications Committee, or its successor, and the Assembly Transportation and Communications Committee, or its successor, shall be notified by the commissioner of these standards at the time they are included in a notice of proposed rule-making under the provisions of the "Administrative Procedure Act." In addition, following the adoption of these standards by regulation, the commissioner shall notify the Senate Transportation and Communications Committee, or its successor, and the Assembly Transportation and Communications Committee, or its successor, of any proposed revisions to these standards at the time these revisions are proposed for adoption under the provisions of the "Administrative Procedure Act."

L.1989, c.100, s.4.

27:1C-5. Joint planning process

a. Following the commissioner's designation and delineation of a district under section 4 of this act, the governing body of the county shall initiate a joint planning process for the district, with opportunity for participation by the State, all affected counties and municipalities and private representatives. Each affected governmental unit shall be notified by the county at the commencement of the joint planning process. The joint planning process shall produce a draft district transportation improvement plan and a draft financial plan.

b. The draft district transportation improvement plan shall establish goals and priorities for all modes of transportation within the district, shall incorporate the relevant plans of all transportation agencies within the district and shall contain a program of transportation projects which addresses transportation needs arising from rapid growth conditions prevailing in the district and which therefore warrants financing in whole or in part from a trust fund to be established under section 7 of this act, and shall provide for the assessment of development fees based upon the applicable formula as established by the commissioner by regulation. The draft district transportation improvement plan shall be in accordance with the State transportation master plan adopted under section 5 of P.L.1966, c.301 (C.27:1A-5), the county master plan adopted under R.S.40:27-2, and shall be in conformity with the State Development and

Redevelopment Plan adopted under the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.) and, to the extent appropriate, given the district-wide objectives of the plan, coordinated with local zoning ordinances and master plans adopted pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

c. The draft financial plan shall include an identification of projected available financial resources for financing district transportation projects outlined in the draft district transportation improvement plan, including recommendations for types and rates of development fees to be assessed under section 7 of this act, and projected annual revenue to be derived therefrom.

d. The governing body of the county shall make copies of the draft district transportation improvement plan and the draft financial plan available to the public for inspection and shall hold a public hearing on them.

L.1989,c.100,s.5.

27:1C-6. District transportation improvement plan; approval by commissioner

a. The governing body of any county which has completed all the requirements of section 5 of this act may, by ordinance or resolution, as appropriate, adopt a district transportation improvement plan. The district transportation improvement plan shall be derived from the draft district transportation improvement plan developed under section 5 of this act and shall contain a financial plan for transportation projects intended to be developed over time in whole or in part from a trust fund to be established under section 7 of this act. The district transportation improvement plan shall be consistent with any existing capital improvements program, and incorporated into any future capital improvements program required to be adopted under P.L., c. (C.) (now pending before the Legislature as Assembly Bill No. 2306 or Senate Bill No. 664 of 1988) and shall be consistent with any transportation improvement program which the county may be required to submit to the department.

b. No ordinance or resolution, or amendment or supplement thereto, adopted under this section shall take effect until approved by the commissioner. In evaluating the district transportation improvement plan, the commissioner shall take into consideration: (1) the appropriateness of the district boundaries in light of the findings of the plan, (2) the appropriateness of the content and timing of the program of projects intended to be financed in whole or in part from the district trust fund in relation to the transportation needs stemming from rapid growth in the district, (3) the hearing record of the public hearing held prior to adoption of the ordinance or resolution, (4) any written comments submitted by municipalities or other parties and (5) consistency with the planning requirements set forth in subsection b. of section 5 of this act. The commissioner shall complete the review of the ordinance or resolution and shall inform the governing body in writing of the approval or disapproval thereof within 90 days of receipt. Failure by the commissioner to act in 90 days, unless an extension is mutually approved, shall mean that the submission is deemed approved. The written notice shall be accompanied, in the case of approval, by the commissioner's estimate of the resources which may be available to support implementation of the plan and, in the case of disapproval, by the reasons for that disapproval. The governing body may, in the case of a disapproval, resubmit an ordinance or resolution, as appropriate, or amendment or supplement thereto, incorporating whatever revisions it deems appropriate, taking into consideration the commissioner's reasons for disapproval.

L.1989,c.100,s.6.

27:1C-7. Assessment, collection of development fees

- a. After the effective date of an ordinance or resolution, as appropriate, adopted under section 6 of this act, the governing body of the county may provide, by ordinance or resolution, as appropriate, for the assessment and collection of development fees on developments within the district.
- b. The ordinance or resolution, as appropriate, shall specify that the fee shall be assessed on a development at the time that the development receives preliminary approval from the municipal approval authority or, where the municipality has not enacted an ordinance requiring approval of the development, at the time that a construction permit is issued. If the development is to be constructed in phases or there is a substantial modification of preliminary approval as defined in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), the fee shall be assessed at the time of the preliminary approval of the respective phase or at the time of modification, as the case may be. For a development which has received preliminary plan approval prior to the adoption of the ordinance and where final approval is not obtained for that phase of development within three years of preliminary approval, the fee shall be assessed at the time of final approval.
- c. The ordinance or resolution, as appropriate, shall specify whether the fee is to be paid at the time a construction permit is issued or in a series of payments, as set forth in a schedule of payments contained in the ordinance or resolution, as appropriate. The ordinance or resolution, as appropriate, may provide for payment of the fee in a series of periodic payments over a period of no longer than 20 years. The payments due to the county, whether as a lump sum or as balances due, where a series of payments is to be made, shall be enforceable by the county as a lien on the land and any improvements thereon which lien shall be recorded by the appropriate county officer in the record book of the appropriate county office. Any ordinance or resolution, as appropriate, shall set forth the procedures for enforcement of the lien in the event of delinquencies. When the fee is paid in full on the development or portion thereof, the lien on the development or portion thereof, as appropriate, shall be removed. Any ordinance or resolution, as appropriate, shall provide for the procedure by which any portion of the land and any improvements thereon shall be released from the lien required by this section and, shall require that any lien filed in accordance with this section shall contain a provision citing the release procedures. Where a series of payments is to be made, failure to make any one payment within 30 days after receipt of a notice of late payment shall constitute a default and shall obligate the person owing the unpaid balance to pay that balance in its entirety.
- d. Any development or phase thereof which has received preliminary approval prior to the development assessment liability date shall not be subject to the assessment and collection of a development fee under this act but shall be liable for the payment of off-site transportation improvements to the extent agreed upon under the applicable law, rule, regulation, ordinance or resolution in effect at the time of the agreement. Any development or phase thereof which receives preliminary approval after the development liability assessment date shall be subject to the assessment and collection of a development fee under this act, but shall receive a credit against the fee for the amount paid or obligated to be paid to State, county or municipal agencies for the cost of off-site transportation improvements under agreements entered into under the applicable law, rule, regulation, ordinance or resolution in effect at the time of the agreement.
- e. The ordinance or resolution, as appropriate, also shall provide for the establishment of a transportation development district trust fund under the control of the county treasurer or such other officer as appropriate. All monies collected from development fees and any other monies as may be available for the purposes of this act shall be deposited into the trust fund which is to be invested in an interest bearing account.

f. An ordinance or resolution, as appropriate, adopted under this section also may contain provisions for: (1) delineating a core area within the district within which the conditions justifying creation of the district are most acute and providing for a reduced development fee rate to apply to developments inside that core area; (2) credits against assessed development fees for payments made or expenses incurred which have been determined by the governing body of the county to be in furtherance of the district transportation improvement plan, including but not limited to, contributions to transportation improvements, other than those required for safe and efficient highway access to a development, and costs attributable to the promotion of public transit or ridesharing; (3) exemptions from or reduced rates for development fees for specified land uses which have been determined by the governing body of the county to have a beneficial, neutral or comparatively minor adverse impact on the transportation needs of the district; (4) a reduced rate of development fees for developments for which construction permits were issued after the development assessment liability date but before the effective date of the ordinance or resolution, as appropriate, where those dates are different; and (5) a reduced rate of development fees for developers submitting a peak-hour automobile trip reduction plan approved by the commissioner under standards adopted by the commissioner by regulation. Standards for the approval of peak-hour automobile trip reduction plans may include, but need not be limited to, physical design for improved transit, ridesharing, and pedestrian access; incorporation of residential uses into predominantly nonresidential development; and proximity to potential labor pools. The ordinance or resolution, as appropriate, shall provide for the exemption from assessment of development fees for any development of low and moderate income housing units which are constructed pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et seq.) or under court settlement.

g. An ordinance or resolution, as appropriate, shall specify that any fees collected, plus earned interest, not committed to a transportation project under a project agreement entered into under section 9 of this act within 10 years of the date of collection shall be refunded to the feepayer under a procedure prescribed by the commissioner by regulation for this purpose, except that if the payer of the fee transfers the development or any portion thereof, he shall enter into an agreement with the grantee in such form as shall be provided by regulation of the commissioner which shall indicate who shall be entitled to receive any refund, and such agreement shall be filed with the designated county officer.

h. An ordinance or resolution, as appropriate, shall be sufficiently certain and definitive to enable every person who may be required to pay a fee to know or calculate the limit and extent of the fee which will be assessed against a specific development proposal. Development fees shall be reasonably related to the added traffic growth attributable to the development which is subject to the assessment and the maximum amount of fees for transportation improvements that may be charged to any development by the State, county or municipality pursuant to this act or any other law shall not exceed the property owner's "fair share" of such improvement costs. "Fair share" means the added traffic growth attributable to the proposed development or phase thereof. Approval of a development application by any State, county or municipal body or agency shall not be withheld or delayed because of the necessity to construct an off-site transportation improvement if the developer has contributed his "fair share" obligation under the provisions of this act.

i. Any person who has been assessed a development fee under the provisions of an ordinance or resolution adopted pursuant to this section may appeal the assessment by filing an appeal with the commissioner within 90 days of the receipt of notification of the amount of the assessment, on the grounds that the governing body or its officers or employees in issuing the assessment did not abide by the provisions of this act or the provisions of the ordinance or resolution issued hereunder or of the rules and regulations adopted by the commissioner pursuant to this act. The decision of the commissioner constitutes an administrative action subject to review by the Appellate Division of the Superior Court.

Nothing contained herein shall be construed as limiting the ability of any person so assessed from filing an appeal based upon an agreement to pay or actual payment of the fee.

L.1989,c.100,s.7.

27:1C-8. Formula for assessment

An ordinance or resolution, as appropriate, adopted under section 7 of this act shall provide for the assessment of development fees based upon the formula for that category of district authorized by the commissioner, by regulation, and uniformly applied, with such exceptions as are authorized or required by this act and by regulation. The commissioner may authorize a formula or formulas relating the amount of the fee to impact on the transportation system, including, but not limited to, the following factors: vehicle trips generated by the development, the occupied square footage of a developed structure, the number of employees regularly employed at the development, and the number of parking spaces located at the development. In developing the authorized formula or formulas the commissioner shall consult with knowledgeable persons in appropriate fields, which may include, but need not be limited to, land use law, planning, traffic engineering, real estate development, transportation, and local government. No separate or additional assessments for off-site transportation improvements within the district shall be made by the State, or a county or municipality except as provided in this act.

L.1989,c.100,s.8.

27:1C-9. Project agreement

Every transportation project funded in whole or in part by funds from a transportation development district trust fund shall be subject to a project agreement to which the commissioner is a party. Every transportation project for which a project agreement has been executed shall be included in a district transportation improvement plan adopted by an ordinance or resolution, as appropriate, under section 6 of this act. A project agreement may include other parties, including but not limited to, municipalities and the developers of a project. A project agreement shall provide for the assignment of financial obligations among the parties, and those provisions for discharging respective financial obligations as the parties shall agree upon. A project agreement also shall make provision for those arrangements among the parties as are necessary and convenient for undertaking and completing a transportation project. A project agreement may provide that a county may pledge funds in a transportation development district trust fund or revenues to be received from development fees for the repayment of debt incurred under any debt instrument which the county may be authorized by law to issue. Each project agreement shall be authorized by and entered into pursuant to an ordinance or resolution, as appropriate, of the governing body of each county and municipality which is a party to the project agreement. Any project agreement may be made with or without consideration and for a specified or an unlimited time and on any terms and conditions which may be approved by or on behalf of the county or municipality and shall be valid whether or not an appropriation with respect thereto is made by the county or municipality prior to the authorization or execution thereof. Any county or municipality which is authorized to undertake all or part of a project which may involve property within the jurisdiction of another political subdivision, may exercise all powers necessary for the project as may be permitted by law and agreed to in the project agreement.

L.1989,c.100,s.9.

27:1C-10. Appropriation of funds

No expenditure of funds shall be made from a transportation development district trust fund except by appropriation by the governing body of the county or other appropriate governmental organization as designated by the commissioner under this act, and upon certification of the county treasurer or the

appropriate financial officer of the designated governmental organization, as appropriate, that the expenditure is in accordance with a project agreement entered into under section 9 of this act.

L.1989,c.100,s.10.

27:1C-11. Loans

The commissioner may, subject to the availability of appropriations for this purpose and pursuant to a project agreement entered into under section 9 of this act, make loans to a party to a project agreement for the purpose of undertaking and completing a State-owned transportation project. In this event, the project agreement shall include the obligation of the governing body of the county to make payments to the commissioner for repayment of the loan according to an agreed upon schedule of payments. The commissioner may receive monies from a county for repayment of a loan and pay these monies, or assign his right to receive them, to the New Jersey Transportation Trust Fund Authority, created pursuant to section 4 of P.L.1984, c.73 (C.27:1B-4), in reimbursement of funds paid to him by that authority for the purpose of making loans pursuant to this section.

L.1989,c.100,s.11.

27:1C-12. Adjoining transportation development districts

The governing bodies of two or more counties which have established, or propose to establish, adjoining transportation development districts, and which have determined that joint or coordinated planning or implementation of transportation projects would be beneficial, may enter into joint arrangements under this act, including: (1) filing joint applications under section 4 of this act, (2) initiating a coordinated joint planning process under section 5 of this act, (3) adopting coordinated district transportation improvement plans under section 6 of this act and (4) entering into joint project agreements under section 9 of this act.

L.1989,c.100,s.12.

27:1C-13. Request by commissioner for transportation development district

a. After due examination the commissioner may find, in accordance with regulations adopted pursuant to subsection d. of section 4 of this act, that certain designated areas of the State are growth corridors or growth areas and that existing financial resources and existing mechanisms for securing financial commitments for transportation improvements are inadequate to meet transportation improvement needs which are the result of rapid development in these corridors or areas. Upon this finding and after sufficient time has elapsed for the governing body of the county or counties located within this corridor or area to take action to establish a district or districts therein pursuant to the provisions of this act and if they have not done so, the commissioner may request the governing body of the county or counties to initiate an application for the designation and delineation of a transportation development district under section 4 of this act. The request shall set forth in detail the reasons which, in the judgment of the commissioner, justify the creation of a transportation development district in conformity with the purpose of this act, which reasons may be based upon a comprehensive development plan for the corridor or area issued by the department after notice and public hearings in the area or corridor in question. The finding by the commissioner that certain areas of the State are growth corridors or growth areas shall not be construed as determining and designating all growth corridors or growth areas in the State and shall not preclude any governing body of a county from establishing a transportation development district within any portion of that county in accordance with the provisions of this act.

b. The governing body of the county shall, within 90 days of the receipt of the request submitted under subsection a. above, respond to the request by adoption of an ordinance or resolution, as appropriate, which shall state the intention of the governing body to proceed or not to proceed with an application for

the designation and delineation of a transportation development district under section 4 of this act. If appropriate the ordinance or resolution shall set forth the reasons for not so proceeding. The ordinance or resolution, as appropriate, shall be transmitted to the governing body of each municipality which would, in the judgment of the governing body of the county, be directly affected by the designation and delineation of a transportation development district as proposed in the request.

c. The commissioner may, especially in the case of a corridor or area traversed by a State highway, request the governing bodies of two or more counties to establish adjoining transportation development districts in accordance with the procedures provided for in subsections a. and b. of this section.

d. If the governing body of the county or counties has received a request from the commissioner to initiate an application, or to establish adjoining transportation development districts, and has failed to respond to the commissioner's request within the time permitted or has stated that it does not intend to proceed with an application or otherwise fails to take action to establish the requested district or districts, the commissioner may, upon 90 days' notice to the governing bodies of the county and each municipality directly affected by the designation and delineation of the proposed district, and the holding of a public hearing, where the creation of such a district or districts is critically important, by order designate such a district or districts and delineate its boundaries. The functions, powers and duties of the governing body of the county concerning transportation development districts as authorized by this act shall be exercised by the commissioner through regulations and orders concerning a district created under this subsection in substantially the same manner as would be exercised by the governing body of the county pursuant to this act. In a district so created, development fees shall be assessed by order of the commissioner upon notice and public hearing. These fees shall only be assessed, and disbursed from the transportation development district trust fund, for projects other than county transportation projects. Appeals from these assessments shall be referred to the Office of Administrative Law by the commissioner for a hearing. If the commissioner modifies or rejects the resultant report and decision, the action of the commissioner may be appealed to the Appellate Division of the Superior Court as provided in subsection i. of section 7 of this act. Notwithstanding that a governing body of the county may not have participated in the establishment of a district, the governing body by ordinance or resolution may request the commissioner to permit it to participate fully in the operation of the district. Upon the granting of this request by the commissioner on whatever terms and conditions the commissioner deems appropriate, the governing body of the county shall assume full responsibility for the operation of the district and the assessment of fees, as if the district were established pursuant to an application by the governing body under subsection a. of section 4 of this act.

e. In designating and delineating a district, and in establishing district transportation improvement and financial plans therefor, the commissioner shall act in accordance with regulations adopted as provided in section 18 of this act.

L.1989,c.100,s.13.

27:1C-14. Application for dissolution

a. The governing body of a county within which a transportation development district has been designated under section 4 of this act may, by ordinance or resolution, as appropriate, apply to the commissioner for the dissolution of the district. The application shall include the reasons for the proposed dissolution and a plan for disbursing any funds remaining in the transportation development district trust fund, whether by refunds to owners of property on which the fees were assessed or otherwise, and for concluding the business of the district generally.

b. The commissioner shall, within 60 days of the receipt of a completed application, (1) by order dissolve the district and approve the county's plan for concluding the business of the district or (2) disapprove the application and inform the governing body of the county in writing of the reasons for the disapproval and any conditions or changes in the plan for concluding the business of the district which the commissioner believes to be necessary in the public interest.

L.1989,c.100,s.14.

27:1C-15. Petition by municipal governing body; response by county governing body

a. The governing body of any municipality or municipalities may, by resolution, petition the governing body of the county to initiate an application for the designation and delineation of a transportation development district under section 4 of this act. The resolution shall set forth in detail the reasons which, in the judgment of the governing body or bodies, justify the creation of a transportation development district in conformity with the purpose of this act.

b. The governing body of the county shall, within 90 days of the receipt of a petition submitted under subsection a. above, respond to the petition by adoption of an ordinance or resolution, as appropriate, which shall state the intention of the governing body to proceed or not to proceed with an application for the designation and delineation of a transportation development district under section 4 of this act. If appropriate, the ordinance or resolution shall set forth the reasons for not so proceeding. The ordinance or resolution, as appropriate, shall be transmitted to the governing body or bodies submitting the petition and to the governing body of each municipality which would, in the judgment of the governing body of the county, be directly affected by the designation and delineation of a transportation development district as proposed in the petition.

L.1989,c.100,s.15.

27:1C-16. Limitations

a. Except as provided by this act, no county or municipality may establish or operate a district within the boundaries delineated by the commissioner for a transportation development district under section 4 of this act if the district is for the purpose of consolidating the required contributions for transportation improvements of applicants for development within the district.

b. Approval of a development application by any State, county or municipal body shall not be withheld or delayed because the proposed development is within a proposed or pending transportation development district. The development application shall be considered in accordance with the applicable law, rule, regulation, ordinance or resolution in effect at the time of application.

c. The provisions of this act shall not be construed as affecting municipal reviews and approvals of proposed developments under the provisions of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

L.1989,c.100,s.16.

27:1C-17. Pre-existing districts

a. If a county has, before the effective date of this act, established a district or districts for the purpose of consolidating the required contributions of applicants for development and implementing a coordinated program of transportation improvements in an area based on these contributions, the governing body of the county may, by ordinance or resolution, as appropriate, apply to the commissioner for the designation and delineation of a transportation development district incorporating the district or districts so

established. The application shall include, in addition to the information required under subsection a. of section 4 of this act, a full description and account of the operations of the district or districts so established and any recommendations for alterations to the regulations and procedures of the district or districts the governing body finds necessary or appropriate to conform with the purposes of this act.

b. If a municipality has established a district or districts prior to the effective date of this act, the governing body of the municipality may request the governing body of the county to apply to the commissioner for designation and delineation of a transportation development district to incorporate that district or districts. If the county rejects a request by a municipality to make application to the commissioner for approval of a pre-existing district, or fails to respond to a request within 90 days of receipt of the request, the municipality may apply directly to the commissioner for approval of the district and any transportation improvement and financial plan then in existence pursuant to the procedures set forth in subsection b. of section 4 of this act and subsection b. of section 6 of this act.

c. The operation and financing of any pre-existing districts may continue pending action by the commissioner. In addition, the provisions of section 9 of this act shall not be applicable to projects in pre-existing districts which were the subject of agreements or funding commitments made prior to the effective date of this act. Furthermore, any such project, or any such agreement, shall not be construed to exempt any party from compliance with departmental rules, regulations, or orders.

d. The commissioner shall, within 90 days of receipt of a completed application and upon review of the application as to sufficiency and conformity with the purposes of this act, (1) by order designate a district and delineate its boundaries in conformance with the application, or (2) disapprove the application and inform the governing body of the county in writing of the reasons for the disapproval. The governing body may, in the case of a disapproval of its application, resubmit an application incorporating whatever revisions it deems appropriate, taking into consideration the commissioner's reasons for disapproval.

e. The commissioner may, in an order made under subsection d. of this section designating a district and delineating its boundaries, provide for the waiver or consolidation of any requirements of sections 5 and 6 of this act where, in the commissioner's judgment, that waiver or consolidation is justified by the public interest and by the purposes of this act. The commissioner may also include in the order any other provisions which the commissioner believes to be necessary and desirable for effecting an orderly transition from the operation of a district or districts previously established to the operation of a transportation development district under this act.

L.1989,c.100,s.17.

27:1C-18. Rules, regulations

The commissioner upon notice and the holding of a public hearing shall adopt the rules and regulations, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the purposes of this act, except that any transportation development district trust fund established under section 7 of this act shall be administered in accordance with all of the regulations adopted by the Local Finance Board or the Division of Local Government Services of the Department of Community Affairs which are applicable to county funds generally, and that the Local Finance Board shall have authority to adopt, after consultation with the commissioner, regulations specifically governing the administration of transportation development district trust funds.

L.1989,c.100,s.18.

APPENDIX 2

RITCSC By-Laws

BY-LAWS

OF THE

REGIONAL INTERGOVERNMENTAL TRANSPORTATION COORDINATING STUDY COMMISSION (RITCSC)

I. Membership

The membership of the Commission shall be as provided in the legislation creating the Commission. Members may designate, in writing, an alternate for a specific meeting.

II. Meetings

- A. Regular Meetings. The Commission shall hold monthly meetings at the call of the Chair. All meetings shall be open to the public.
- B. Special Meetings. Special meetings may be called by the Chair of the Commission at any time on seven (7) days notice in writing of the time, place, and general business to be transacted.
- C. Public Notice. The Commission shall hold at least one public hearing, as provided in the legislation creating the Commission, to receive public comment on the Commission's interim report. This and all other public hearings shall be advertised in a newspaper of general circulation at least five (5) days prior to said hearings.

III. Quorum and Vote

A quorum of the Commission for the purpose of voting at any Commission meeting shall exist only when there are present at least ten (10) members or alternates. Acceptance of a proposal would require a majority plus one of the quorum voting in favor of a proposal. Adoption of the interim and final reports would require a majority of appointed members voting in the affirmative for the report(s). A quorum of the Commission shall not be required for the purpose of conducting general business. If a quorum is not present at a meeting, votes shall be deferred until the next meeting at which a quorum is present.

IV. Officers

- A. Terms and Election. The Commission shall elect a Chair and a Vice Chair from among the members. The members shall select a secretary, who need not be a member of the Commission, as provided in the legislation establishing the Commission. The term of office for officers of the Commission shall be the statutory term of the Commission.

B. Duties of Officers

1. The Chair of the Commission shall preside at all meetings and appoint all committees, and shall perform such other duties as the Commission may from time to time order.
2. The Vice Chair shall perform such duties as the Chair may from time to time order. In the absence of the Chair, the officer next in rank shall preside, unless a different officer Pro Tem be elected as provided for in Article IV (A) herein.
3. The Secretary shall be the custodian of all official records and documents of the Commission and shall keep accurate minutes of the meetings of the Commission. The Secretary shall execute any legal instruments and documents on behalf of the Commission as may be directed by the Commission, and shall perform such other duties as may be directed by the Commission. Duties of the Secretary may be delegated in writing to the Commission's Staff.

V. Committees

The Commission may establish subcommittees as provided in the legislation creating the Commission.

VI. Conduct of Commission Meetings

- A. The Secretary shall submit the agenda for all meetings, and make available to each member a copy thereof at least five (5) days in advance of the meeting, simultaneously with notice of the meeting.
- B. The minutes of all public meetings of the Commission shall be taken and recorded, and shall be open to examination and inspection by the public.

VII. Staff

The Commission shall be staffed by the Transportation Policy Institute of the Alan M. Voorhees Transportation Center at Rutgers, The State University of New Jersey.

VIII. Amendment of By-Laws

These By-Laws may be amended by the following procedure:

1. A proposal to amend the By-Laws must be mailed to every member of and the staff for the Commission at least ten (10) days prior to the regular meeting of the Commission.
2. The matter must appear on the published agenda for the regular meeting.
3. The amendment must be voted upon favorably at the regular meeting by a majority of the membership of the Commission.

APPENDIX 3

TDD/TED Financial Analysis

For copies of the TDD/TED Financial Analysis, please contact Amanda Smith at the Transportation Policy Institute by phone (732-932-6812 x700) or by email (amandas@eden.rutgers.edu).

APPENDIX 3 – FINANCIAL ANALYSIS OF TDD / TED SCENARIOS

TESTING AN ENHANCED TDD CONSTRUCT

6/26/00

The following scenarios were developed to illustrate the comparative financial outcomes of the traditional TDD financing mechanism and an Enhanced TDD Construct (*Transportation Enhancement District*). Two scenarios are presented. Each illustrates a different land use context. The following assumptions are important to understanding the attached spreadsheets Assumptions:

- Background traffic – traffic with trip origins and destinations outside of district (public responsibility);
- Background traffic is assumed to grow at a rate of 2% annually in developing areas and 1.5% in developed areas;
- Trip generation rates are based on combined am/pm peak trip rates as follows:

Office	6.6 per 1000 sq ft of gross floor area
Retail	11.34 per 1000sq ft of gross leasable space
Industrial	1.79 per 1000 sq ft of gross floor area
Residential	1.75 per dwelling unit

Source: ITE Trip generation manual (5th Edition)

SCENARIO #1 -- EXISTING DEVELOPED AREA WITH REDEVELOPMENT

TRIP SHARE CALCULATIONS

	(A)	(B)	(C)	(D)	(E)	(F)	(C+E) (G)	(D+F) (H)	(G+H) (I)
	EXISTING LAND USES	ANTICIPATED FUTURE DEVELOPMENT	TRIPS FROM EXISTING DEVT WITHIN THE DISTRICT	FUTURE SITE-GENERATED TRIPS	EXISTING BACKGROUND TRIPS	FUTURE GROWTH IN BACKGROUND TRIPS	TOTAL EXISTING TRIPS	TOTAL FUTURE TRIPS FROM BACKGROUND AND FUTURE DEVT	TOTAL FUTURE TRIPS
1 Residential (dwelling units)	1,500	2,000	2,625	3,500					
2 Non-residential (square feet of floor area)									
3 office	8,400,000	3,400,000	55,440	22,440					
4 retail	3,200,000	685,000	36,288	7,768					
5 industrial	5,400,000	265,000	9,666	474					
6 Subtotal Non-res	17,000,000	4,350,000	101,394	30,682					
7 TOTAL			104,019	34,182	225,000	75,000	329,019	109,182	438,201
8 PUBLIC SHARE OF EXISTING TRIPS (E7 / G7)	68%								
9 PRIVATE SHARE OF EXISTING TRIPS (C7 / G7)	32%								
10 PUBLIC SHARE OF FUTURE TRIPS (F7 / H7)	69%								
11 PRIVATE SHARE OF FUTURE TRIPS (D7 / H7)	31%								

COST CALCULATIONS

	(J)	(K)	(J*K) (L)	(M)	(J*M) (N)	(N13/D7) (O)	(N12/C7) (P)	(Q)
	TOTAL COST	PUBLIC SHARE OF TRIPS	PUBLIC SHARE COSTS	PRIVATE SHARE OF TRIPS	PRIVATE SHARE COSTS	COST PER TRIP (NEW DEVT)	COST PER TRIP EXISTING BUSINESSES	Total cost for existing residential trips
12 Cost of existing improvement needs	\$ 75,000,000	68%	\$ 51,288,831	32%	\$ 23,711,169	\$ -	\$ 228	\$ 438,375
13 Cost of future improvement needs	\$ 25,000,000	69%	\$ 17,173,121	31%	\$ 7,826,879	\$ 229	\$ -	
14 TOTAL	\$ 100,000,000		\$ 68,461,952		\$ 31,538,048			

TRADITIONAL TDD

		SHARE
15 Total public sector contribution (L14 + N12)	\$ 92,173,121	92%
16 Total private sector contribution (N13)	\$ 7,826,879	8%
17 Total costs of improvements in district	\$ 100,000,000	

ENHANCED TDD CONSTRUCT

18 Total public sector contribution (L14)	\$ 68,461,952	68%
19 Total private sector contribution (N14)	\$ 31,538,048	32%
20 Total costs of improvements in district	\$ 100,000,000	

CALCULATION OF ANNUAL FEE FOR OPERATING A TRANSPORTATION ENHANCEMENT DISTRICT

	YR 1	YR 2 +
Recoupment of JPP expenses	\$ 300,000	\$ -
On-going Administration	\$ 150,000	\$ 150,000
Net operating costs for shuttle service*	\$ 250,000	\$ 250,000
TOTAL BUDGET	\$ 700,000	\$ 400,000
TOTAL EXISTING TRIPS	\$ 104,019	\$ 104,019
PER TRIP FEE	\$ 6.73	\$ 3.85
Total enhancement fee for a 100,000 sq ft office building	\$ 4,441	\$ 2,538

* assumes \$100,000 fare box recovery

FEE ASSESSMENT CALCULATIONS FOR TYPICAL 100,000 SQ. FT. OFFICE BUILDING

	Yr 1	Yr 2 - 10	TOTAL 10 YEAR ASSESSMENT
EXISTING BUSINESS			
assessment for capital improvement in district (total amortized over 10 yrs)	\$ 15,045	\$ 15,045	\$ 150,447
annual assessment for operating district	\$ 4,441	\$ 2,538	\$ 27,283
TOTAL	\$ 19,486	\$ 17,583	\$ 177,731
NEW DEVELOPMENT			
impact fee for new development	\$ 151,123	\$ -	\$ 151,123
annual assessment for operating district	\$ -	\$ 2,538	\$ 22,842
TOTAL	\$ 151,123	\$ 2,538	\$ 173,965

NOTE: Assumes no credits for previous contributions for off-trail improvements

SCENARIO #2 -- GROWTH CORRIDOR WITH MODERATE LEVEL OF EXISTING DEVELOPMENT

TRIP SHARE CALCULATIONS

	(A)	(B)	(C)	(D)	(E)	(F)	(C+E) (G)	(D+F) (H)	(G+H) (I)
	EXISTING LAND USES	ANTICIPATED FUTURE DEVELOPMENT	TRIPS FROM EXISTING DEVT WITHIN THE DISTRICT	FUTURE SITE-GENERATED TRIPS	EXISTING BACKGROUND TRIPS	FUTURE GROWTH IN BACKGROUND TRIPS	TOTAL EXISTING TRIPS	TOTAL FUTURE TRIPS FROM BACKGROUND AND FUTURE DEVT	TOTAL FUTURE TRIPS
1 Residential (dwelling units)	500	2,000	875	3,500					
2 Non-residential (square feet of floor area)									
3 office	2,500,000	3,400,000	16,500	22,440					
4 retail	500,000	685,000	5,670	7,768					
5 industrial	250,000	265,000	448	474					
6 Subtotal Non-res	3,250,000	4,350,000	22,618	30,682					
7 TOTAL			23,493	34,182	60,500	30,000	83,993	64,182	148,175
8 PUBLIC SHARE OF EXISTING TRIPS (E7 / G7)	72%								
9 PRIVATE SHARE OF EXISTING TRIPS (C7 / G7)	28%								
10 PUBLIC SHARE OF FUTURE TRIPS (F7 / H7)	47%								
11 PRIVATE SHARE OF FUTURE TRIPS (D7 / H7)	53%								

COST CALCULATIONS

	(J)	(K)	(J+K) (L)	(M)	(J+M) (N)	(N13/D7) (O)	(N12/C7) (P)	(Q)
	TOTAL COST	PUBLIC SHARE OF TRIPS	PUBLIC SHARE COSTS	PRIVATE SHARE OF TRIPS	PRIVATE SHARE COSTS	COST PER TRIP (NEW DEVT)	COST PER TRIP EXISTING BUSINESSES	Total cost for existing residential trips
12 Cost of existing improvement needs	\$ 25,000,000	72%	\$ 18,007,560	28%	\$ 6,992,440	\$ -	\$ 298	\$ 260,750
13 Cost of future improvement needs	\$ 50,000,000	47%	\$ 23,370,948	53%	\$ 26,629,052	\$ 779	\$ -	
14 TOTAL	\$ 75,000,000		\$ 41,378,508		\$ 33,621,492			

TRADITIONAL TDD

		SHARE
15 Total public sector contribution (L14 + N12)	\$ 48,370,948	64%
16 Total private sector contribution (N13)	\$ 26,629,052	36%
17 Total costs of improvements in district	\$ 75,000,000	

ENHANCED TDD CONSTRUCT

18 Total public sector contribution (L14)	\$ 41,378,508	55%
19 Total private sector contribution (N14)	\$ 33,621,492	45%
20 Total costs of improvements in district	\$ 75,000,000	

CALCULATION OF ANNUAL FEE FOR OPERATING A TRANSPORTATION ENHANCEMENT DISTRICT

	YR 1	YR 2 +
Recoupment of JPP expenses	\$ 300,000	\$ -
On-going Administration	\$ 150,000	\$ 150,000
Net operating costs for shuttle service*	\$ 250,000	\$ 250,000
TOTAL BUDGET	\$ 700,000	\$ 400,000
TOTAL EXISTING TRIPS	\$ 23,493	\$ 23,493
PER TRIP FEE	\$ 29.80	\$ 17.03
Total enhancement fee for a 100,000 sq ft office building	\$ 19,886	\$ 11,238

* assumes \$100,000 fare box recovery

FEE ASSESSMENT CALCULATIONS FOR TYPICAL 100,000 SQ. FT. OFFICE BUILDING

	Yr 1	Yr 2 - 10	TOTAL 10 YEAR ASSESSMENT
EXISTING BUSINESS			
assessment for capital improvement in district (total amortized over 10 yrs)	\$ 19,645	\$ 19,645	\$ 196,448
annual assessment for operating district	\$ 19,666	\$ 11,238	\$ 120,805
TOTAL	\$ 39,310	\$ 30,882	\$ 317,251
NEW DEVELOPMENT			
impact fee for new development	\$ 514,161	\$ -	\$ 514,161
annual assessment for operating district	\$ -	\$ 11,238	\$ 101,139
TOTAL	\$ 514,161	\$ 11,238	\$ 615,300

NOTE: Assumes no credits for previous contributions for off-tract improvements



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WILLIAM G. DRESSEL, JR., *Executive Director*

MICHAEL J. DARCY, *Assistant Executive Director*

August 10, 2000

Mr. Martin E. Robins
Secretary, RITCSC
C/o Transportation Policy Institute
Edward J. Bloustien School of Planning and Public Policy
Rutgers, The State University of New Jersey
33 Livingston Ave.
Suite 554
New Brunswick, NJ 08901

Dear Secretary Robins:

As we indicated at the recent public hearing at which you took comments on the Regional Intergovernmental Transportation Coordinating Study Commission's recently released report, we are herewith forwarding additional comments on behalf of the New Jersey State League of Municipalities.

There were many positive suggestions made in the report that also merit comment. We presume any legislative action from this report will likely reflect the commission's "Preliminary Recommendations," we will limit our additional comments to those recommendations, as follows.

It is stated the TDD Act should be amended to require, not merely authorize, the DOT to promulgate rules and regulations to facilitate the planning and implementation of TDD's. We in municipal government tend to "flinch" at the phrase "state agency regulation." However if such regulations are deemed necessary, we believe it is absolutely essential that legislation requiring such action by the DOT specifies that there needs to be a collaborative effort with our municipalities in the development of these regulations.

It is stated that the language in the Act regarding projections of future transportation needs to reflect a "reasonable assessment of likely growth," as defined and agreed to as part of the joint planning process. This makes sense, and seems necessary.

It is stated the Act should be amended to permit the joint planning process to define appropriate level of service requirements for state, county and local road facilities within the district. This, too, seems reasonable.

The suggestion is made that there should be a broadening of the scope of the present TDD construct. Specifically, it is asserted that the Act should provide more flexibility to accommodate the use of the TDD concept in a wider variety of settings, and that it should allow the establishment of Transportation Enhancement Districts that would permit both an assessment of fees on new development as well as an assessment of fees on existing developments that will be specially benefited by enhanced mobility within the district. The League has long been on record

supporting the permitting of a wide range of development impact fees; and we certainly see such flexibility as desirable in the context of enhancing transportation.

In regards to District Management Corporations and their makeup, it is stated that these DMC's ought to have strong representation from the private sector. Is it implied that strong representation from the public sector is necessary as well? If governing bodies are to be expected to approve the budgets of DMC's, then members of those governing bodies--or their designees--ought to be part of those DMC's as well.

In the interest of fostering "proactive, intergovernmental coordination and cooperation in the transportation decision-making process," it is suggested that there be established a mechanism to ensure that the development approval process includes coordinated review of development applications by municipal, county and state agencies consistent with the corridor mobility plans and ensure there are open lines of communication between each level of government throughout the review process. While this sounds nice in theory, such an endeavor would have to be undertaken with the utmost care. We would not want to encumber the review process with additional layers of bureaucracy. Nor would we want to see local authority diminished. While coordination between levels of government is, in and of itself, a good thing, a shifting of power to higher levels of government is not a good thing especially in land use matters.

It is suggested that there should be incentives provided to foster broad-based participation in the transportation planning process at all levels. The various incentives suggested are good ones. However, it should be made clear that those municipalities that choose not to participate in such processes are not, conversely, penalized. Another point on this matter: Not all municipalities are created equal. Some will have the resources to participate in coordinated planning processes, others will not. We suggest providing those municipalities which are willing but unable to participate to have access to some kind of state fund enabling them to do so.

We agree that using financial incentives to strengthen the role of counties in the regional transportation planning process makes sense. We can not, however, unilaterally agree with expanded county authority to review all development applications.

Naturally, we advocate strengthening the role of municipalities in the transportation planning process; and we support all the suggestions made along those lines. On a related note, it is stated that there should be institutionalized Corridor Mobility Planning as the first step in the transportation improvement planning process. This should only be done without diminishing the "municipal role" you seek to strengthen. If such a planning mechanism is offered as a tool, for project prioritization and funding, and to identify TDD's and TID's it could work, but it must provide for voluntary participation.

Very truly yours,



Millard Wilkinson, Jr.
League Past President
League Representative to RITCSC

MW/md

David B. Crabiel
Freeholder Director

Stephen J. Dalina
Deputy Director

Jane Z. Brady
Camille Fernicola
H. James Polos
John Pulomena
Christopher D. Rafano
Freeholders



**COUNTY OF MIDDLESEX
DEPARTMENT OF PLANNING
40 LIVINGSTON AVENUE
NEW BRUNSWICK, N.J. 08901**

Camille Fernicola
*Chairperson, Committee of
Engineering and Planning*

Henry Miller
Chairman, Planning Board

George M. Ververides, A.I.C.P., P.P.
Director of County Planning

(732) 745-3062
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August 11, 2000

Mr. Martin E. Robins, Secretary
Regional Intergovernmental Transportation
Coordinating Study Commission (RITCSC)
c/o Transportation Policy Institute
Edward J. Bloustein School of Planning and Public Policy
Rutgers, The State University of New Jersey
33 Livingston Avenue, Suite 554
New Brunswick, NJ 08901

Re: RITCSC Interim Report of
Findings and Recommendations
dated July 13, 2000

Dear Martin:

I commend the Commission on the completeness and thoroughness of the Interim Report. The Report touches upon many concerns which we as county regional planners have had. Key issues which need to be further addressed in any new TDD legislation include the following:

1. With counties taking on a larger role, there needs to be a guaranteed source of funding to the counties in order to maintain adequate staffs to implement the Act. It may be desirable to amend the TDD Act to allow the use of TDD funds to recoup costs received during the TDD planning process. This would also assist in the development of needed County highway access codes, and the development or updating of needed county right-of-way plans to implement the TDD Act.
2. What mechanism will be available to accommodate necessary infrastructure improvements in highly developed counties like Middlesex? What formula can be devised for support from existing large developments. Existing

developments and businesses should be assessed in some agreed upon formula based on the amount of traffic that they generate and the benefits they will incur when transportation improvements are made. this would enable the TDD act to deal more adequately with cumulative traffic impacts from all developments within the area.

3. In light of today's present pace of development, in counties like Middlesex, what can be done now to meet the demands on the infrastructure without having to wait for new legislation to be adopted?
4. The existing county Planning enabling act, which limits the role of counties, needs to be strengthened with any new TDD legislation. The Interim Report calls for a larger role by the counties.
5. Provisions must also be considered for a more formal process of review for large complex developments on the borders of two or more counties where impacts from the development will be felt.
6. Rather than requiring TDD planning based solely on ultimate projections of the build out capacity of the area, the TDD Act should provide for future needs based on incremental horizon targets of 3-5 years which would coincide with existing capital transportation improvement programs.
7. The TDD Act should also address the practical matter of funding or partially contributing towards the ongoing operating expenses as well as capital expenses for transit and/or paratransit improvements. This would extend the range of transit related solutions that might be found feasible as part of the planning process.
8. The existing Transportation Trust Fund needs to be expanded to incorporate a dedicated tax for transportation.
9. The State Highway Access Management Act also needs to play a bigger role in the implementation of the TDD Act. Presently, as noted, it is under utilized, and it needs to be amended in regards to transportation planning.
10. Impact fees need to be considered not only in relation to transportation, but also for stormwater management, wastewater management, urban forestry, watershed planning, and the like.

As sound and as complete the report turned out to be, I find it very lengthy and complex for consumption by the general public and county/municipal planning boards. As it was already stated, the Report needs to be simplified and highlighted. I believe the

Mr. Martin E. Robins, Secretary
August 11, 2000
Page 3 of 3

challenge will be to place all these thoughts and recommendations into a legislative format for consideration by the State Legislature and Governor.

I thank you for the opportunity to comment on the RITCSC Report. I look forward to the counties' active participation as the process for this and other related planning legislation moves forward.

Sincerely,

MIDDLESEX COUNTY DEPARTMENT OF PLANNING

George M. Ververides

George M. Ververides
Director of County Planning



GMV/dm
cc: Mr. Raymond Zabihach
via: FAX: 732-932-2493 and Hard Copy.

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August 8, 2000

Martin E. Robins,
RITCSC Secretary
c/o Transportation Policy Institute
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Rutgers
33 Livingston Ave., Ste 554
New Brunswick, NJ 08901

Via FAX 732-932-3714

Re: Regional Intergovernmental Transportation Coordinating Study Commission
Interim Report

Dear Mr. Robins:

The New Jersey Builders Association has had the opportunity to review the Interim Report of the study commission. The commission was charged with the task of making recommendations to coordinate the intergovernmental transportation planning for the state. We commend the members of the commission for taking on this important task and keeping to its assigned mission. We believe that the commission has done a very good job in analyzing the problems with the Transportation Development District Act and the lack of coordination in other transportation planning.

Our comments are limited to one area: **Eliminate barriers to TDD implementation.** The NJBA supported the adoption of the TDD Act. The Act was intended to plan for transportation infrastructure on a regional basis and to provide a tool to assess and collect development fees for the development's fair share of improvement costs. The Act was formulated in the context of legislative intent and case law. Its provisions meet subsequent federal Supreme Court decisions relating to "impact fees." Impact fees may be authorized to fund infrastructure improvements when they maintain a proportional relationship to the needed infrastructure. We, therefore, suggest reconsideration of two recommendations in the interim report.

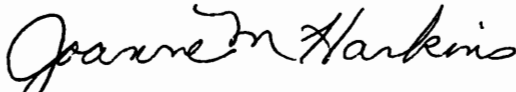
At 1.b) the study commission recommends that the TDD Act be amended to permit the use of development fees to pay for previously incurred planning costs as well as prospective administration costs. We strongly disagree with this recommendation. As discussed above, the intent of the Act is to provide funding for capital costs of transportation infrastructure based on development impact in accordance with adopted plans. It is the responsibility of the public sector to fund the planning and administration. The private sector has agreed that it will pay its proportionate share of infrastructure costs, but it is not responsible for the costs of comprehensive planning. That planning is clearly a function of government. Indeed, such funding may well be

available through the MPOs as part of their required planning to prepare TIPs and to coordinate transportation planning and infrastructure.

Likewise, we object to the recommendation at 1.c) that the TDD Act be amended to permit the use of development fees to pay for transit operating expenses. Again, development fees are to be used for capital expenditures for infrastructure, e.g., the construction of transit terminals, stations, or buses. Operating expenses are to be paid out of annual revenue. Transit systems rarely cover their operating costs. If it is a public policy decision that these systems should be operated even though they do not cover operating expenses, then subsidies must be provided out of other expense accounts, but not capital accounts.

At the time a development receives preliminary approval, decisions are made that establish the conditions that the development must meet and the off-tract funding that must be paid through development fees. These decisions are incorporated into both public sector and private sector planning. It is not appropriate to, therefore, assess or change assessments of development fees if a developer receives an extension of a local development approval, as recommended at 1.d). Given the complexity of the development approval process, it takes years to navigate the project through all levels of review and approval. The development community requires a predictable process in which it can rely on prior approvals, conditions and assessments.

Respectfully yours,



Joanne M. Harkins, PP, AICP
Director of Land Use and Planning

Transstudycomments0.218

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August 11, 2000

RITCSC
Martin E. Robins
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Rutgers University
33 Livingston Ave, Suite 554
New Brunswick, NJ 08901
Via Email/fax to merobins@rci.rutgers.edu

RITCSC Team,

PARTNERS is requesting that all planning efforts for Transportation Development Districts and Transportation Enhancement Districts include an aviation element. Currently, in New Jersey, there is very little planning at any state level for General Aviation, from the Department of Transportation, Office of State Planning, the three state Metropolitan Planning Offices, and local or county planning offices. This has led to severe local opposition and closure of small privately owned airports and loss of quality of life due to inadequate land-use planning.

The state has a responsibility to plan for continued and future use at all New Jersey Airports, from Newark International to little Alexandria field because they are all part of a necessary integrated national transportation network. *Only by requiring and implementing airport-compatible land use at a local level will we be able to reverse continued decline in quality of life due to aircraft noise and closed airports.* These general aviation assets are critical to the quality of life we enjoy in New Jersey, and proper planning is critical to their peaceful co-existence in our communities.

The RITCSC focuses on Corridor planning, with an emphasis on automobiles rather than "transportation" in all of its modes. For RITCSC to be truly successful, it must also consider transportation 'nodes' and intermodal transportation links. Any TDD/TED should include an aviation assessment by the New Jersey Division of Aeronautics on TDD/TED development plans with participation of the airport owners and users. Corporate development will require access and use of General Aviation facilities, and Residential Development must be buffered from continued and future airport use. Airports need adequate road access for both day-to-day business and periodic recreational events.


Consider the following two cases.

Readington-Tewksbury TDD, includes 8 Million Square feet of planned development, including the current Merck Headquarters. At the same time as tax dollars are being spent to support improvements for automobile access, there is considerable local pressure to restrict or close the local airport.

Atlantic City: While not a TDD, the state is spending nearly \$400 million to build an automobile tunnel while failing to ensure continued safe operation of Bader field, (\$5 million over 20 years) including construction of a minor league baseball stadium and skating rink on the property.

We look forward to the successful implementation of the RITCSC recommendations.

Respectfully


Simon Hitzel
Director

PARTNERS is a non-profit organization whose purpose is to provide information and to educate people about general aviation's benefit to the community in order to help ensure long-term economic success of general aviation airports.

66x



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August 11, 2000

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Mr. Martin E. Robins, Secretary
Regional Intergovernmental Transportation Coordinating Study Commission
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Edward J. Bloustein School of Planning and Public Policy
Rutgers, the State University of New Jersey
33 Livingston Avenue
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Dear Mr. Robins:

On behalf of the Somerset County, I would like to commend the staff to the Regional Intergovernmental Transportation Coordinating Study Commission (RITCSC) for their excellent Executive Summary highlighting the proposed changes to the Transportation Development District Act of 1989. Somerset County reviewed all of the materials explaining the proposed changes to the TDD Act and Planning staff attended the Friday July 28th Public Hearing.

Briefly, we have a few comments listed below related to the proposed changes to the TDD Act that might be helpful to the Commission as it moves ahead with its final recommendations. The County's comments, though, do not address any proposed changes in the Municipal Landuse Law (MLL) or the State Enabling Legislation. We feel these type of changes are better addressed through efforts of the County Planners Association and the New Jersey Chapter of the American Planning Association legislative review committees.

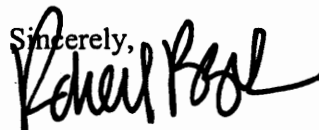
1. Somerset County agrees that the TDD Act should be amended to eliminate growth thresholds. The growth criteria are too stringent and create unnecessary bureaucratic requirements.
2. We concur with amending the TDD Act to allow for the use of TDD funds to cover prospective traffic planning costs incurred by the municipalities or counties. At a minimum, the upfront costs to governmental jurisdictions to establish a TDD should be part of and credit given for any public share.
3. Somerset County suggests TDD funding should be allowed to be used as seed money to establish transit routes to see if a route is feasible and

establish ridership. The funding should not be utilized for ongoing operating expenses after the initial startup period of a new service.

4. Somerset County supports assessing all pending projects when the TDD is being prepared and submitted.
5. Somerset County strongly encourages the NJDOT and the three New Jersey MPO's to advance corridor planning and to direct additional resources into establishing overall regional mobility strategies. Somerset County suggests traffic modeling be conducted at the MPO or NJDOT level and those resources be made available to any municipality or county. The modeling efforts should be upgraded and capabilities expanded so any municipality/county can take advantage of existing statewide models. The entities may have to supply some baseline traffic counts for local and county streets within the proposed TDD.
6. We feel in order to help carry out expanded TDD work by counties and municipalities NJDOT and the three New Jersey MPO's need to expand existing MPO planning support programs to undertake transportation planning. Funding could possibly be extended to the Regional Transportation Plan for technical assistance.
7. Somerset County also supports promoting the use of NJ Department of Community Affairs Smart Growth Planning grants to emphasize development of corridor mobility plans. We also suggest developing a full program of planning incentive grants through a combination of resources from the Transportation Trust Fund, federal transportation planning funds administered by NJDOT/MPO's and discretionary funding available through the state budget.
8. All proposed transportation highway, bridge and transit projects should be awarded additional points during the ranking process for the TIP pipeline if they are located in a TDD District.
9. Somerset County does not feel it necessary to involve all state agencies; or quasipublic authorities as part of the TDD process. Only those agencies that are directly effected by the TDD should be included in the development of the TDD study. However, MPO's should be included in the planning process.
10. Somerset County agrees with the language in the TDD Act regarding future projections of future transportation need to reflect a reasonable assessment of likely growth as defined and agreed upon as part of the joint planning process.

11. Somerset County does not feel that a TED is necessary. The SID Act can be utilized to include businesses in improvement financing. The County encourages working with the existing businesses to come up with regional transportation improvements.
12. We also recommend that concurrent with the preparation of a TDD, each affected municipality and county be required to amend their respective master plans.

Thank you for giving us the opportunity to comment on changes to the TDD Act. If you have any questions please contact Kenneth Wedeen, Senior Planner, voice (908) 231-7000 ext. 7239, fax (908) 707-1749, e-mail wedeen@co.somerset.nj.us.

Sincerely,

Robert Bzik, AICP/P.P,
Director of Planning

cc: County Planning Board
Laura Watson, AICP/P.P Principal Planner
Kenneth Wedeen, Senior Planner
file



**Testimony of Jennifer Jaroski, New Jersey Coordinator,
Tri-State Transportation Campaign
before the
Regional Intergovernmental Transportation Coordination Study Commission**

**July 28, 2000
Trenton, New Jersey**

Good morning. I am Jennifer Jaroski, the New Jersey Coordinator of the Tri-State Transportation campaign. The Campaign is regional consortium of transportation experts, citizens and environmental groups and planning organizations. It is also a New Jersey non-profit corporation with offices in Trenton and elsewhere. Our goal is to reduce vehicle miles of travel, and auto dependence in the region, by promoting fiscal incentives to reduce car and truck use. These strategies include roadway pricing and congestion relief pricing, center-oriented land development and use, enhanced and expanded transit services so that more people have more options for getting around, and a shift of investment from more highway lane capacity to infrastructure that promotes walking, bicycling, carpooling, vanpooling, jitneys, and bus and rail transit.

We have analyzed the preliminary recommendations of the Regional Intergovernmental Transportation Coordination Study Commission and commend it for its thorough work. A number of the recommendations are well-recognized in planning and transportation circles in New Jersey, but have not really been committed to paper in a study commission such as this one. The Study Commission's paper is a good way to start the discussion of what has to be done to fix our uncoordinated transportation planning system in the state.

Before getting into specific recommendations, however, I want to make two observations. The first is that planning for planning's sake is not necessarily always good. Some plans are bad, at least those that continue to accommodate land developed in auto-dependent fashion. I give as an example here the only functioning transportation development district, the Mercer County TDD. The TDD was designed to have the I-295 beltway around Trenton function as the growth belt, if not the perimeter for growth, in this area. And the State Plan denoted the area as an urban planned area (PA 1 or 2) to accommodate this expected and "planned for" growth. Yet when the growth began to occur, at least in Hopewell Township, there was a terrific backlash, a downzoning of property, and now even the Governor's chief policy personnel have termed the auto-dependent growth about to occur there a "mistake."

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So our first observation and recommendation is that the report of the Study Commission should be imbued with some goals or objectives, such as trip reduction or VMT reduction, rather than the vague and oft-repeated: "mobility improvements" or "enhanced mobility" or even "corridor planning." When the Campaign sees these terms in a transportation planning document, we assume they are euphemisms for the eventual plan: added highway lanes, rather than attempts to identify a mix of strategies that will enhance mobility by attacking both the demand and supply side of the equation.

Without some guiding principle, the Study Commission leaves itself open to recommending a host of coordinating and planning improvements to various statutes, processes and systems without having any real notion of what better coordinated planning will actually produce. Many states have better coordinated transportation and land use planning than New Jersey does. People often note that south Florida is one such place, with its developer impact fees, triggers and impact reviews for major developments. But southern Florida is even more sprawled-out than New Jersey. It just has timed, phased and well-planned sprawl development. If the vision of a positive transportation future is simply that sprawl happens in a well-timed rather than a leap-frogged and chaotic fashion, then that vision will bring Florida's six- or eight-lane arterials and ten- or twelve-lane-wide intersections that no one would dream of crossing on foot or bicycle, where every trip no matter how small must be made by car, except in the much older pedestrian-friendly coastal towns.

As to corridor mobility planning on a regional basis, we fully support it. However, we tried in vain to put a specific provision into the Transportation Trust Fund reauthorization bill to give both the Dept. of Transportation (DOT) and municipalities along the right-of-way of state highways good incentive to engage in corridor planning, only to have it rejected. And why? Because, we were told, "DOT already has that power, so it would be redundant." This answer was perplexing, because DOT is the first to say that it has no land use authority and wouldn't dream of trying to impose its vision on municipalities, respecting their home rule powers. But this document produced by the Study Commission, with DOT as a partner, and we assume a principal player, recommends that corridor mobility planning be supported in any number of ways, including smart growth grants, MPO planning support, cooperative inter-jurisdictional planning agreements or memoranda of understanding (MOUs). This is exactly what we recommended in the Trust Fund bill drafts, for both DOT and NJTransit, which we repeat here for emphasis (our proposed changed to the existing law in boldface):

(Amending section 27:1B-19)

19. The commissioner is authorized to adopt such rules and regulations, in accordance with the Administrative Procedure Act, P.L. 1968, c. 410 (C. 52:14B-1 et seq.), as he deems necessary to effectuate the purposes of this act, **including a regulation providing the department with authority to enter into voluntary agreements with municipalities through which a public highway or public transportation project will lie respecting land development, use and intensity along it in order to protect the investment in such project from degradation in terms of traffic flow, safety, sprawl and ridership.**

We think it is time for such MOUs to occur, but they have to occur in a regional context. And while we are perplexed about the DOT's reaction to our proposal in the Trust Fund context, only to see it repeated in some fashion in the Study Commission report, we are further perplexed by the DOT's apparent inability to carry out its own proposal in some obvious venues.

One such current venue is with respect to the proposed widening of Route 15 in Sussex County. We and environmental groups have grave concerns about this project or set of projects. A requested meeting with DOT and our groups was cancelled, and we were told that we needed to be part of the decision-making that occurs with respect to the project in Sussex County. Fair enough. We were then invited to a meeting to discuss the two studies, one being a corridor needs assessment and another study, in June. When several of us, including myself, got to the meeting, we found that it was not a review of the corridor planning efforts, but was a segmented vision of small projects, ramps and such, and that there would be such a narrowly-focused meeting in each one of the towns.

When our chairman, Jim Tripp, general counsel to Environmental Defense and co-chair of the Highlands Partnership raised the fact that the project must be considered in a regional context, it was met with blank stares from the DOT personnel and consultants at the meeting. Plus, few people have the time or resources to go to meetings in each and every town along the corridor, even those folks that live there. In response to this failure of regional perspective for the meetings on this project, we are now organizing, along with the mayors in the corridor, a regional look at this project and land conservation efforts in the Highlands. But it suffices to say that the decentralization of both planning and public participation for this important and possibly very destructive, sprawl-inducing highway widening project seems to be the antithesis of the corridor planning program touted by the Study Commission.

We do congratulate the Study Commission for promoting planning incentive grants. We have promoted the idea of traffic reduction planning grants from the DOT Local Aid fund for a long time, to help municipalities revise their circulation plans, which we think ought to be mandatory and have specified elements.

We would like to see more recommendations with respect to changes to the Municipal Land Use Law, since that is where land development and use authority currently lies in this state, despite that counties would like to have greater roles than they currently do. The limitation, for instance, that municipalities cannot consider, and may not reject site development applications no matter how demanding in terms of trip and traffic generation if those impacts are *off-site*, rather than relating to ingress and egress, is simply ridiculous. The cases that so held that interpretation of the Municipal Land Use Law should be overturned by the Legislature and the Study Commission should say so clearly.

We do appreciate the strong statement in the report to the effect that the State Highway Access Management Act is underutilized as a tool to promote

intergovernmental cooperation and that it does not deal with cumulative traffic impacts. In fact, no one deals with cumulative traffic impacts.

The report properly points out the requirement that local zoning be consistent with the State Highway Access Management Code is not enforced; on the other hand, do planners and engineers for towns, cities and villages know how to access information readily to ensure zoning consistency? We doubt it.

We have asked MPOs to comment on major development applications that will cause traffic impacts that will clearly result in demands for expensive road widenings in their region, to no avail. No one is looking at cumulative traffic impacts, and certainly no one has, until the creation of the Congestion Buster Task Force, been focused on reducing demand as well as adding supply to vehicular transportation facilities.

We recommend that both the recommendations of this Study Commission, as well as the DOT Long Range Plan and the MPOs Regional Transportation Plan begin from the focus of the Congestion Buster Task Force—that is to say, reducing peak hour vehicle trips and capping demand at 1999 levels. With that kind of guiding force, planning can begin in a fashion so that we know where we are going to wind up. Corridor mobility “enhancement” or “improvement” itself does not provide such a guiding principle, but will simply become a staged and segmented long-term capital project list for each corridor, we fear.

There is not enough emphasis or explication of public participation and responsiveness on the part of the agencies to public concerns regarding the natural environment and the human community in the Study Commission report. This area needs to be addressed and improved upon. While we have some hopes for the DOT’s context-sensitive design program, it only focuses on the population around the facility, not on the natural environment. This is the area where DOT has made some of its biggest planning mistakes especially with respect to riverfronts and waterfronts. Again, the Study Commission needs to promote some guiding principles, not simply encourage better coordination and integration. Citizens move every eight years in this country, for better or worse. They are unlikely to get involved in a long-term, segmented planning process until a facility “improvement is knocking at their door, and then they are galvanized against it. Assurances at the outset that certain kinds of intrusive projects will not occur are needed to regain trust amongst the citizenry in this State.

Thank you for the opportunity to testify today, and for the good work that the Study Commission has done. Our comments are not intended to be critical, but our frustration level is at times, rather high, as perhaps you have heard in our remarks.

We want to specifically commend Assemblyman DeCroce for his insight and foresight in putting AJR 21 together and producing this solid report. We also want to thank the Transportation Policy Institute of Rutgers University, its staff, and the Commission members for their valuable, unpaid and time-consuming work.

TESTIMONY PRESENTED TO

**REGIONAL INTERGOVERNMENTAL
TRANSPORTATION
COORDINATING STUDY COMMISSION
(RITCSC)**

JULY 28, 2000

Presented by:

The County of Union
James Daley, Director
Division of Policy & Planning
Department of Economic Development
Administration Building
Elizabethtown Plaza
Elizabeth, NJ 07207

Good Morning and thank you for giving us the opportunity to address the Regional Intergovernmental Transportation Coordinating Study Commission (RITCSC) and provide our comments and insight on the Commission's findings. My name is James Daley and I am the Director of Policy and Planning for the County of Union. (introduce others)

As many of you already know Union County is currently in the implementation phase of a Transportation Development District along the Route 1 & 9 corridor encompassing the municipalities of Elizabeth, Linden and Rahway. The county has worked diligently over the last two years to define the transportation needs of this district and to put together a financial strategy that will support the development of critical transportation improvements needed to continue the ongoing economic resurgence of these urban areas in the eastern part of Union County. In the process of establishing our TDD we have encountered numerous obstacles in working with a state statute which was crafted more to address development pressures in rural and suburban areas where the rapid development of farmland and open space threatened to overpower local transportation infrastructure. Needless to say, the issues surrounding TDD implementation in eastern Union County are quite different. The challenges of applying the TDD legislation to an urban corridor are at best complex, and as we have encountered at times, impossible.

We commend Assemblyman DeCroce, Senator Ciesla and the Chairman of this Commission Raymond Zabihach for their courage in taking on this enormous effort. We want to compliment the entire Commission for producing a report with recommendations that illustrate you were indeed listening when we were down here at your February meeting to present the county's issues and concerns. As part of our formal testimony today we have attached a copy of the recommendations presented at the February meeting. We are pleased to note that the Commission's report has incorporated many of our main issues. The Commission's report contains many workable and creative solutions that will go a long way in addressing many of our most critical needs.

As stated in the charge of the Commission, the goals for this effort were two fold 1) to review and recommend modifications to the New Jersey Transportation Development Act of 1989 and 2) to analyze and make recommendations to improve the intergovernmental transportation decision making process in New Jersey. While both of these goals are indeed important, the majority of our comments focus on the specific issues relative to modification of the TDD legislation. We would also like to encourage the Commission to stay focused on the need to FIX THE TDD LEGISLATION NOW. Many of the broader transportation planning issues presented in the report are indeed important and noble goals, but they will certainly be time consuming and costly. Many of the broader recommendations may be more appropriately addressed in revisions to the Municipal Land Use Law rather than tacked onto the revisions of the TDD legislation.

Overall the county is very encouraged by the findings of this study and we are in agreement with the majority of the recommendations put forward. We would, however, like to offer some additional suggestions for further revisions to the legislation.

Our comments will focus on four specific areas related to the Preliminary Recommendations #1, #2 and #3 presented in the July 13, 2000 RITCSC Interim Report. We feel that the Commission needs to more directly address and resolve these issues in any revisions to the TDD legislation. Specifically we would like to see additional effort put in the following areas:

- Reducing the overall reliance on transportation modeling and where models are desirable developing traffic/ transportation modeling requirements that can be met within a reasonable timeframe and at a reasonable cost;
- Establishing an acceptable criteria for determining how the rational nexus arguments can be addressed;
- Expanding flexibility in the establishment of the financial mechanism or mechanisms used to meet the financial goals of a TDD to include the broadest array of legally acceptable options; and finally
- Addressing specific issues related to the establishment of the proposed Transportation Enhancement District.

Legislative Changes to the: TDD Act

PR#1 Eliminate Barriers to TDD Implementation

Reduce Reliance on Transportation Models:

The TDD legislation as currently interpreted by NJDOT places significant emphasis on the ability of the TDD Transportation Plan and the TDD Financial Plan to be directly related to model outputs determining trip patterns and traffic assignments. Developing a model in a complex urban environment which can sufficiently meet NJDOT expectations for trips to be assigned to specific improvements is costly, time consuming and, given the current state of the art in modeling, highly subjective and open to challenge. The JPC or other administrative arm of the TDD should have the option to determine how to best employ a transportation model. It should be acceptable to use modeling as one of several "tools" available to the TDD planners in determining the need for specific transportation improvements. Model outputs should not be required to determine the financial formulas. It should be acceptable to tie the amount of the financial fee solely to less subjective standards such as ITE Trip Generation Tables.

Additional Comments:

- The elimination of growth thresholds would go a long way in alleviating the very subjective process of defining the TDD boundaries and would significantly reduce the burden placed on urban areas attempting to establish TDD's. However, the delineation of a district should include some threshold of size and an assurance that the TDD will be regional in nature.
- Depending on how the rational nexus definition is determined by NJDOT regulations, or clarification in the TDD legislation, the Commission might want to consider

allowing for subareas within a TDD to ease the burden of proving that a rational nexus exists between a proposed transportation improvement and the development.

- Amendments to the TDD Act should include, in addition to transit operating expenses, the ability to use funds for capital (and in some cases operating) expenses associated with freight, pedestrian, bicycle and ITS projects.

PR#2 Clarify existing TDD Act Language

Develop Acceptable Rational Nexus Parameters:

The current TDD legislation stresses the importance of establishing the rational nexus between the TDD transportation improvement and the fees collected by the TDD. There have been subtle differences in the way NJDOT interprets this test. It should be acceptable to determine that a rational nexus between a project within an approved TDD and a development within the TDD exists by virtue of the fact that the land area is included within the TDD boundary.

It is unreasonable to expect that the individual projects in the TDD are financially supported only by those projects whose exact trips are using that new improvement. This would completely miss the fact that a transportation improvement in one area will result in improvements to the entire corridor. For example, if an improvement in the eastern part of the district removes trucks from the overall corridor or provides an alternative route for drivers in one area the capacity "freed up" by this improvement is available to the entire district. The same would be true if transit service is introduced or expanded in a specific area. The fact that fewer cars are in the corridor provides defacto capacity for the entire corridor. Obviously this is particularly significant in urban settings where congested conditions are the norm and the ability to "free-up" capacity anywhere on the network is a significant benefit to the entire system.

Flexible Financial Mechanisms:

The expanded ability of the TDD to determine the financial mechanism that will best be used to support the TDD is critical to the future of TDD's in New Jersey. We would recommend that the county be allowed to enter into TDD Financial Plan Memorandum of Understanding (MOU's), or other official agreements for revenue sharing, regarding the dedication of revenue to the projects defined in the TDD Transportation Plan. This option would provide the flexibility needed to create and advance a financially sound TDD plan.

It is important to stress that a TDD (or TED) be allowed to use all financial tools legally permissible, now and in the future, by the state. It is important that revisions to the legislation do not restrict the financial options available to individual TDD's. The most workable financial program should be left up to the involved county and municipalities in conjunction with the JPC.

Additional Comments:

- We strongly support an expansive membership within the JPC. It is critical that the public and private sector participate in the planning and share in the financial

responsibility. To this end all major developers and traffic generators, be they public or private, have a financial responsibility toward TDD project implementation. While some quasi-public agencies, such as the Port Authority of New York and New Jersey, may claim to be statutorily exempt from a financial obligation to the TDD, we need to develop policies that will require agencies such as the Port Authority, to pay their fair share.

- As more state and regional agencies are brought into the JPC process it should be made clear that the agencies will be expected to attend and be responsive to the efforts of the JPC. It may be advisable to establish tiers within the JPC to ensure that local participation is not overshadowed by numerous state and interagency appointments. It is important that key decision making remain with local officials if the TDD is going to succeed.
- Consideration should be given to provide a priority rating in the NJDOT and or the MPO's project selection process to projects that are part of a TDD Transportation Plan. This would provide a tangible incentive for the private sector, as this could help to assure projects will not languish in the process and have the support of the implementing agencies.
- The emphasis on addressing the difference between the zoning build out and the TDD projects would be unduly burdensome in dense urban areas. It is more realistic to require a "Future Year Scenario" as part of the TDD planning process that has been endorsed by the municipal participants in the JPC process.

PR#3 Broaden the scope of the present TDD "construct":

The Transportation Enhancement District option presented in this report is the most significant and important recommendation in this report. The establishment of a TED will provide the revenue stream required to adequately support a viable transportation plan and, as outlined, will open the door to the establishment of additional TDD's in NJ.

There are a few additional elements that we believe should be considered as this concept is advanced:

Legal foundation: The report referenced the existing Special Improvement District (SID) statute as the basis for establishing the TED. This is a very good model to explore, however, it needs to be understood that the TED will potentially encompass a much larger area covering numerous municipalities. It should be adequate that representatives of the affected municipalities and some official representation of the business community be sufficient to move forward with the TED. Direct voting by the businesses located within the proposed TED should be avoided.

Governance and Operation: The suggestion of the District Management Corporation should be made optional to the JPC. Many counties may already have existing improvement authorities or other entities that could adequately serve the administrative

function of the TDD. Consideration may also be given to determine when the "hand off" to the administrative function is necessary and how to ensure that the overall planning function for the county remains integrated into the TDD administration.

Credits: This is a very important concept, however, the definition of off tract improvements should be considered outside those improvements which only benefit a single development.

Who can be assessed: The report table on TDD and TED assessment provides a very clear analysis of the two concepts. We caution that the level of detail required to differentiate between O&D trips within the district and pass through traffic may be difficult to obtain at the accuracy implied in this section. We are also concerned that under the fifth category (Future Capital Cost for New Development) it appears that the public sector has no responsibility. It would be our contention that for significant transportation investments the financial burden would be shared with the public sector.

Comments on Broader Planning Issues:

The Corridor Mobility Planning concept presented in the report touches on many of the issues transportation planners face in this state on a daily basis. The recommendation in the report address the need to invest more of the state's transportation resources in sound transportation planning. Specific to these recommendations we would like to add a few points:

- Corridor planning as outlined in the draft report will be very time and resource intensive. Given current fiscal constraints on planning, the 3-5 year window anticipated for the Corridor Mobility Planning is much too optimistic. While the planning steps outlined are important they could in the short term derail consideration of TDD's in areas ripe for their implementation if these recommendations are held as the core planning required to take place before the implementation of a TDD can move forward. It would be unfortunate that if within our attempted to make TDD's more accessible to many areas in the state we instead make it more cumbersome to establish a TDD.
- The baseline data collection and modeling efforts should be the responsibility of the regional MPO and this effort should be regularly updated and field tested to ensure that the results remain current. As mentioned before, the modeling efforts required under the existing TDD legislation have been very costly and difficult to administer.
- The planning efforts, including the identification of planning strategies and the overall public/ developer outreach, should be clearly housed at the county level with a requirement that the affected municipalities actively participate in the process. It is best to keep the planning elements as close to the local level as possible.

Overall the county supports the premise that more emphasis on transportation planning at the county and municipal level should be encouraged. We are however very concerned that a new process not be overlaid onto the TDD planning process that will, in reality, make it more burdensome to advance a TDD in the state of New Jersey. We believe that the approach outlined in the Corridor Mobility Planning section needs to be reviewed outside of the context of the TDD legislation. These recommendations are far reaching and have broad implications for all of the counties and municipalities in the state. We would recommend that a special working group with representatives of the counties, municipalities and other impacted groups, such as the MPOs and state transportation agencies, be convened to specifically review and assess the practicality, as well as the overall value, of the proposed approach to Corridor Mobility Planning.

Conclusion:

We cannot emphasize enough the need to address the TDD legislation as quickly as possible and to ensure that the need to address broader planning concerns, however valid, do not in any way jeopardize the task at hand, **namely revising the TDD legislation to make it more workable TODAY and in the near future.**

We need to:

- More realistically determine transportation modeling requirements
- Provide for flexibility in developing the TDD planning and financial programs
- Come to an acceptable understanding of the rational nexus requirements, and
- Bring all partners to the table to participate in the planning process as well as share in the financial responsibilities.

We are ready and willing to work in close partnership with the Commission immediately on crafting changes to the TDD legislation as well as on any subsequent efforts which result from the long term planning initiatives introduced as part of the Commission's excellent work. Thank you.

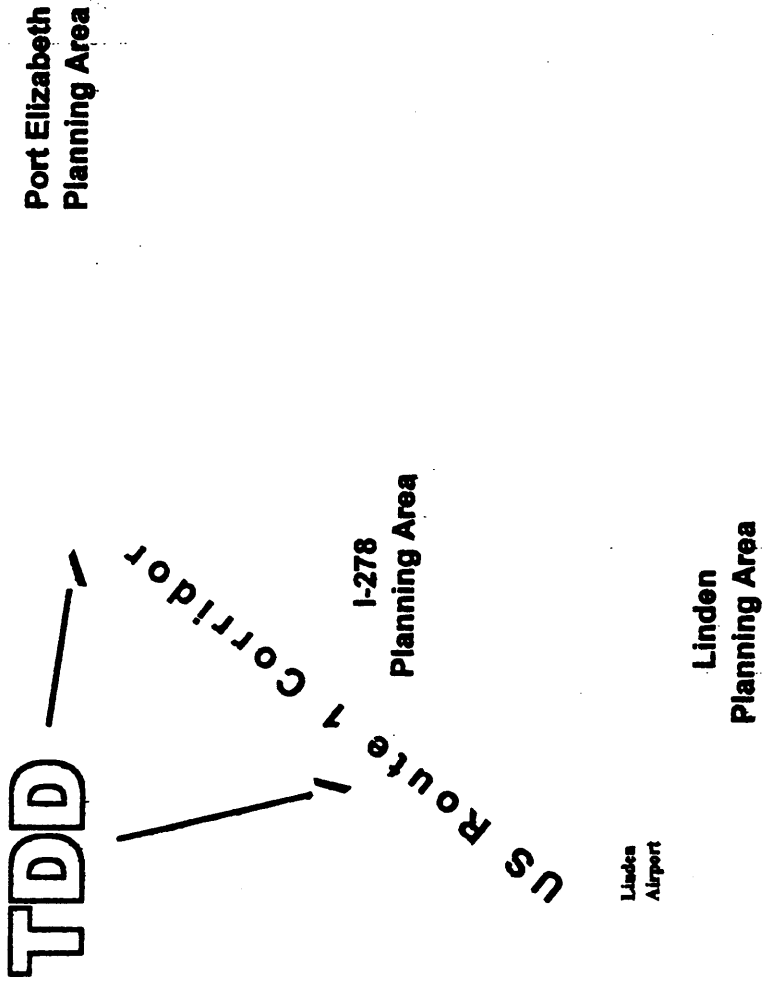
**UNION COUNTY
PRESENTATION**

**Regional Intergovernmental
Transportation Coordinating
Study Commission**

February 1, 2000

UNION COUNTY TDD STUDY AREA

Newark
Airport



ISSUES FOR TDD LEGISLATION REVISION

Boundary/Definitions

- Flexibility to define TDD boundaries--present legislation created to suit fast-growing, rural areas instead of already developed venues.
- Develop options for sub-areas within TDD boundary.
- Recognize that transportation impact/influence area may be beyond actual TDD boundary and provide provisions for accommodating need.

ISSUES FOR TDD LEGISLATION REVISION

Model Parameters

- Model ability to track exact trips should not be over-emphasized.
- Recognize that models provide reasonable approximations.
- Model should be relied on as a planning tool.

ISSUES FOR TDD LEGISLATION REVISION

Inclusivity of TDD

- Rational Nexus of Taxation--justifying developers' fees solely on the basis of trips generated at the driveway is too inflexible.
- Inclusion of contributors in TDD should be based on measurable "regional-benefits-to-be-realized" standard. Potential to include more contributors in the TDD.
- Some flexibility to include contributors in TDD should be left to host localities.

ISSUES FOR TDD LEGISLATION REVISION

Modal Flexibility

- Promoting growth of the intermodal network.
- Legislation should allow for the development of road, rail and bus transit capital improvements, freight, pedestrian, cycling, and ridesharing facilities.
- Flexibility to include some transit or highway (ITS) operating costs should be allowed for local decision making, e.g. railroad station lighting, signing and security.

ISSUES FOR TDD LEGISLATION REVISION

Financing

Finance Options

- Increase flexibility in legislation to allow for creative financing mechanisms (TID, TIF, other).
- Encourage and allow NJDOT Commissioner to accept creative financing mechanisms to develop total funding packages for TDD.
- Accommodate public/private partnerships.
- Insure that use of any existing or emerging financing mechanism, technique or program of the federal government can be incorporated into any TDD funding package.
- If necessary, provide for review of new funding tools by staff from NJDOT, Treasury, Attorney General and, perhaps, Governor's office.

ISSUES FOR TDD LEGISLATION REVISION

Financing

TDD Contributors Might Take Advantage of Any of the Following:

- Financing packages that utilize combinations of bonds, tax credits, guarantees of interest and debt repayment, etc.
- Private ownership of transportation facilities, allowing contributors to capitalize on tax credits and depreciation.
- Flexible fee payment methods providing payment is assured in terms of amounts, form, and timing of payment.
- Funding contributions up front or over time in exchange for tax abatements.

UNION COUNTY TDD SUMMARY

Short-Term Options

Opportunities in Upcoming Transportation Trust Fund Renewal:

- Provide for incentives for private sector contributions.
- Allow for creative finance mechanisms.

Long-Term Options

Opportunities for Modifying Existing Legislation:

- Boundary and definitions changed.
- Reasonable model expectations.
- Recognize regional benefits.
- Include all transportation modes.
- Expand financing incentives for developers.
- Expand financing mechanisms and options.

UNION COUNTY TDD SUMMARY

Overall

- TDD is a workable planning option that should be developed further to meet urban/corridor challenges.
- TDD can be an important tool to realize the goals of the State Development & Redevelopment Plan.
- TDD should be written as a dynamic tool able to meet both evolving needs and changing economics of a district.
- TDD needs partners who want to see it succeed.



