

New Jersey

Year 2009

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Kamal Saleh

Union County



County Planners Association

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Somerset County

April 2, 2009

Edward J. McKenna, Jr., Chairman
State Planning Commission
NJ Office of Smart Growth
P.O. Box 204
Trenton, NJ 08625-0204

Re: NJCPA "White Paper"

Dear Commissioner McKenna:

The New Jersey County Planners Association's (NJCPA) main purpose is to review and respond to issues that impact county planning agencies and their associated municipalities statewide. These tough economic times are hardest felt at the municipal and county levels. The NJCPA has identified a trend of ever increasing regulations and mandates placed on counties and municipalities that are well intended, but due to lack of state agency coordination, result in significant unintended impacts. These conflicts involve the State Planning Commission's State Development and Redevelopment Plan, the New Jersey Department of Environmental Protection's (NJDEP) rules and permitting, and the New Jersey Council on Affordable Housing's (COAH) Third Round Rules to name a few. Resolving these policy and regulatory conflicts will help the state achieve its priorities, expedite the implementation of needed programs and projects, reduce associated costs and jump-start the economic recovery process.

On September 12, 2008, the County Planners Association held a special meeting to discuss conflicting State policy issues, which was attended by then Smart Growth Ombudsman and Governor's Office representative, Jong Sook Nee and the Office of Smart Growth's Executive Director, Benjamin Spinelli. After hearing the County Planner's concerns, Ombudsman Jong Sook Nee suggested the Association prepare a "White Paper" outlining these concerns to the Governor's Office. The enclosed document entitled, "New Jersey County Planners Association State Policy Issue White Paper" adopted in January 2009 by the association is the product of this recommendation. The paper addresses conflicts arising from the State's water quality management plan rules, the use of inaccurate and outdated information, recent affordable housing rules, over-reliance on property taxes, delayed completion of the state plan update process, and lack of coordination between land use and transportation planning.

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OFFICE OF SMART GROWTH

New Jersey County Planners Association

Commissioner McKenna

Date: April 2, 2009

Subject: NJCPA White Paper

In addition to identifying the complicated policy and regulatory issues that impact counties and municipalities across our state, the paper presents potential solutions that should be viewed as an initial step in shaping the discussion among all stakeholders. We've submitted the NJCPA White Paper to the Governor and top level legislators recommended by the OSG Ombudsman.

The NJCPA members have subsequently requested that we submit the paper to associated agencies and groups. On behalf of the County Planners Association I appreciate the opportunity to provide your County with a copy of the NJCPA White Paper for your consideration. Feel free to contact me if you have any questions regarding this document.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kamal Saleh", written over a circular stamp or seal.

Kamal Saleh, PR, AICP,
2009 NJCPA President

Enclosure

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New Jersey County Planners Association State Policy Issue White Paper

Adopted by NJCPA on January 23, 2009

New Jersey

Year 2009

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Union County



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New Jersey County Planners Association

Executive Summary

The New Jersey County Planners Association (CPA) identified numerous examples of conflicting policies and regulations among State agencies for land use and infrastructure. The lack of coordination costs counties and municipalities hundreds of thousands of dollars in duplicate and counter-productive regulatory and planning requirements. This leads to lengthy, tangled processes for permits and project review. The State agencies act with a narrow focus, according to their own regulation. However, when multiple State agencies are involved with one project or local program, the result can be chaotic and leads to unpredictable outcomes. The impacts are felt by local government in the form of unnecessary taxpayer expense and wasted efforts. There is a lack of horizontal integration at the State level, and no mechanism to resolve conflicting policies. There is a need for common goals and a wider vision to guide policy decisions and resolve conflicts such as the State Plan to guide land use and development decisions, instead of individual Agency regulations.

The State Development and Redevelopment Plan (SDRP) provides the vision and common goals for the State of New Jersey. County and municipal governments are active participants in the Cross Acceptance process for the creation of the State Plan in identifying Centers for growth and redevelopment and other areas to be protected. State agencies should also engage in the process of Cross Acceptance of the State Plan, so that their individual mandates relate to the wider vision for the future of New Jersey. When state agency regulations conflict with each other, the State Plan provides the guiding principles to determine priorities.

This White Paper contains examples of state agency policies and regulations that are at odds with each other and with the State Plan. Since the county and municipal governments participated in Cross Acceptance, they fully expect that state agencies' actions will also support the State Plan, and not undermine it. There needs to be a process in place for conflicts between State Agencies to be resolved. Local governments need to be able to rely on the State Plan being fully integrated and implemented by the state agencies.

On September 12, 2008 the County Planners Association held a special meeting to discuss overarching land use and infrastructure issues that transcend county boundaries and have major regional and statewide impacts. The purpose of the meeting was to illustrate how uncoordinated and conflicting State policies and regulations negatively affect local government function. These policies also generate significant and unnecessary taxpayer expense, and undermine economic recovery and future growth. The Governor's Office and the Office of Smart Growth (OSG) were represented by the Smart Growth Ombudsman, Jong Sook Nee and OSG Executive Director, Benjamin Spinelli. As a result of the discussion it was suggested that the CPA prepare a white paper for presentation to the Governors office for consideration.

This paper is intended to address the complicated policy issues raised by County Planners in an easy to understand format. At the same time its purpose is to present the issues in sufficient detail to adequately convey the problems that have been created by the attempted implementation of various mandated state policies.

This paper addresses the following Issues:

1. Required use of inaccurate and outdated data
2. The NJDEP Water Quality Management Plan Rules
3. Council on Affordable Housing (COAH) Third Round Rules
4. NJDEP Conflicts with NJDOT and Other Public Agencies
5. Impacts of State Property Tax on Economic Development
6. State Plan Issues
7. Transportation and Land Use

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Issue #1: The Required Use of Inaccurate and Outdated Data for Regulatory Purposes

Problem Statement: Data presented and utilized by NJDEP, OSG and COAH and other state agencies, is outdated and inaccurate for the intended regulatory purposes.

- A. An example is the NJDEP GIS Landscape Study habitat mapping. This data has not been properly verified as to its accuracy prior to its use for regulatory implementation. The Landscape study is being used by NJDEP in the Waste Water Management Plan (WMP) process to reduce growth areas identified in the State Plan by removing purported but unverified habitat areas from Sewer Service Areas (SSA). No consideration is given to other essential local and regional planning priorities such as public education facilities, affordable housing or economic growth. This error is compounded by use of this data in multiple regulatory programs including Coastal Areas Facility Review Act (CAFRA) permitting requirements.
- B. Another example of contradictory mapping and inappropriate use of data involves the Council on Affordable Housing Vacant Land Analysis. In this case, environmentally sensitive areas including legitimate habitat areas were considered as developable land. Growth assumptions were applied to areas NJDEP seeks to protect resulting in over-estimation of future growth and associated growth share affordable housing units for many municipalities. The problem of overestimated growth potential is further complicated by COAH's use of the outdated NJDEP 2002 Land Use/Land Cover dataset and the misinterpretation of aerial photography. No consideration was given to existing tax parcel data. The result was the inclusion of center islands within major highway corridors, side and rear yards associated with fully developed parcels, park land, wetland areas, buffer areas and numerous other inappropriate parcels for development throughout the State. COAH's use of this grossly over-estimated vacant and developable land, and yielded invalid municipal growth share obligations. The COAH vacant land analysis should have been vetted with County Planners who have access to more accurate and local data prior to COAH utilizing it for regulatory purposes. These data issues would have been identified and some of the current COAH related issues could have been avoided.
- C. State agencies use of inaccurate data and growth projections causes flawed planning, policy and regulatory decision making. For example use of outdated New Jersey Department of Labor and Workforce Development (NJDOLWD) projections for calculation of COAH growth share obligations resulted in skewed municipal requirements.

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Proposed Solutions:

- A. State agencies must coordinate how they are utilizing the GIS mapping resources they have created, and must apply the data carefully and in accordance with the inherent limitations of the data. Consideration must be given to spatial accuracy, temporal issues and how the data was derived. NJDEP habitat data is very coarse at best, yet it is being used to limit development at the site-specific level in all areas of New Jersey. Impervious surface coverage issues were also raised. The State Plan which has been cross-accepted by counties and municipalities is not being used to guide state agencies for functional plans, programs, policies or prioritization of infrastructure development.
- B. COAH must completely re-evaluate the methodology used for calculating vacant land and use additional data verification tools to cross check both the data and the resulting calculations. COAH's methodology, data and results must be vetted with counties, municipalities and the public prior to incorporating it into the Third Round Rule.
- C. A process must be developed whereby counties and municipalities are given an ample opportunity to review all data used by State Agencies for planning, policy and regulatory purposes.

Issue #2: NJDEP Wastewater Management Rules

Problem Statement: As a result of NJDEP ruling that existing Wastewater Quality Management Plans were null and void and the promulgation of a completely new set of Wastewater Management Rules a number of problems have become evident. While regionalizing the process and utilizing county expertise and resources is appropriate, the following problems have been identified through discussions at CPA meetings and correspondence submitted by various Counties to the NJDEP during and after the public comment period.

- A. The time frame for completion of the new County Wastewater Management Plan is too short. NJDEP has not provided the required data policy guidance and toolbox to all of the counties as promised. Hiring of consultants, mobilizing in house resources and consulting with various municipalities will take a minimum of a year once the promised resources from NJDEP are delivered.
- B. The proposed NJDEP funding for the project (\$100,000.00 maximum) is inadequate. Conservative cost estimates place the real cost at 4 to 5 times that number. Given the current fiscal crisis at all levels of government it is not possible for many of the Counties to undertake this process at this time without additional funding.
- C. In counties that have started to undertake the WMP process it is clear that the data utilized for defining sewer service boundaries is flawed. Both the aerial photography and the Land Use Land Cover data are old and NJDEP Landscape Project data is suspect. The State Plan Map being utilized for the rules is also out of date.
- D. It appears that NJDEP has not assigned adequate staff to the process. When application materials are sent for review response from NJDEP is slow and does not attempt to assimilate changes from the County agencies even when well documented.
- E. There are documented conflicts between Pinelands standards, COAH Methodology and the NJDEP Rule that must be remedied prior to the completion of the plan at the county level.

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- F. Several counties described how the NJDEP WQMP policies in unsewered areas promote large-lot sprawl development patterns. The result of clipping areas from Centers and Sewer Service Areas (SSA) limits opportunities for center-based, compact development.
- G. It was also noted that it is much easier to get development approvals for large lot subdivisions as compared to new or expanded Centers. NJDEP rules provide a disincentive to the principles of Smart Growth.

Proposed Solutions:

- A. NJDEP should immediately extend the deadline by at least one year to allow for the provision of promised data and toolbox to all effected jurisdictions. If NJDEP cannot provide the materials, extension should be longer on a case by case basis.
- B. Supply additional funding to the WMP entities who must comply with the rules. The argument that this is a Federal mandate is specious on its face because the administrative rules were promulgated by the NJDEP and the State and they are not consistent with other jurisdictions nationwide. Federal funding available for this or similar mandates should be allocated to the jurisdictions being required to comply. If the funding is inadequate the requirements should be reduced in accordance with funding availability.
- C. All data used should be the most current available at the parcel level. NJDEP should immediately recognize the documented inconsistencies that are submitted by applicants.
- D. Time deadlines are imposed by NJDEP on all applying jurisdictions but none are adhered to by NJDEP. NJDEP must assign adequate staff to the program and adhere to response times delineated in the rules. As noted in C above NJDEP Staff should recognize documented changes and any disputes over boundaries or mapping issues should be resolved through a third party arbiter like OSG or the Governor's policy office.
- E. NJDEP, COAH and Pinelands, Highlands and other appropriate regional planning agencies must execute a Memorandum of Agreement to specify what regulations and standards are to be used in each instance so that the regulated jurisdictions are not whipsawed as they are currently by competing regulations.
- F. SSA boundaries should follow parcel boundaries since it is extremely difficult in the field to recognize SSA boundaries that cut through parcels in the field.
- G. The NJDEP goal of directly matching Center Boundaries and SSA boundaries based primarily on habitat and environmental protection prevents other important land use priorities such as economic development, affordable housing, parks, etc...from being considered.

Issue #3: COAH Third Round Rules

Problem Statement: The COAH Third Round rule does not work and will have the opposite effect from that desired. This rule will not produce more affordable units than the previous rule and will further dampen new housing starts, especially moderate cost or workforce housing. COAH's third round rule is unsustainable for the following reasons:

- A. Cost - COAH has established a presumptive cost of \$160,000 per unit of affordable housing and a requirement of one unit of affordable housing for every four units of new market rate housing. The math is simple, every home that is constructed in New Jersey is expected to provide a \$40,000.00 subsidy to a COAH unit. This is clearly unsustainable and counter productive. The rule will reduce the overall number of housing units produced in the state and increase general housing costs by 15-20% based on an average dwelling unit cost of \$200-\$300K. In real dollars this will cost a homeowner \$240 dollars more

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per month on a 30 year mortgage at 6% or a cost of \$86,000 over the life of the mortgage. This will impact first time home buyers and moderate income buyers the hardest, making the cost of living in New Jersey even less affordable than it is now. In addition the cost of affordable units associated with obligations in municipalities that have no fee ordinance in place from new development have to be paid for out of general tax revenues. This further exacerbates the State's status as the most expensive for property taxes paid and other state levies.

- B. **Ratio/Fairness** - The State of New Jersey has now levied a 2.5% assessment on non-residential uses in accordance with NJAC 5:23-2.24. Market rate residential units are being assessed at \$40,000; both of these levies deter economic growth in both sectors and further inflating housing costs in New Jersey. It should be noted that waiving the non-residential fee would likely further increase housing costs.
- C. **Allocation Formula** - The allocation formula for prior round and existing rounds is flawed. In many towns the prior round need and growth share do not fit actual demographics and growth records of the towns involved. In one specific case (Corbin City) the allocation was based on a temporary center that was eliminated by the NJDEP as part of its CAFRA rule and was counted in the 3rd round rule even though Department of Community Affairs (DCA) was advised of the new reality.
- D. **Vacant Land Calculation** - In many cases it has been found that a large number of parcels included in the vacant land calculated available for development were inaccurate. The vacant land parcels generated included road margins, salt marsh edges, public parks, roadway medians, interchange infields and various other obvious miscoded parcels.
- E. **Location** - The current rule does not consider the need for employment and transportation needs of COAH residents.
- F. **The Court system** is not equipped to address complex planning, land use and regulatory issues in a comprehensive, balanced manner.

Proposed Solutions:

- A. The ratio of one COAH unit to four market housing units is economically unsustainable. Alternate means of funding for COAH units must be considered and at the very least the methodology should be revised with updated data.
- B. In order to encourage jobs and new business starts during this economic crisis a better methodology should be developed to more fairly assess non-residential development. State or Federal funding should be available to the municipalities to subsidize the cost of affordable housing.
- C. The entire allocation methodology should be revised to be more rational and relate directly to what has actually happened in a municipality not what has been modeled or what is projected to happen in the future.
- D. COAH's current vacant land data layer is invalid for calculating growth share. An alternative approach is needed for performing the vacant land analysis which should be developed through an open process involving the professional planning community and all stakeholders. In addition, updated Population, Labor force and employment projections that reflect current economic and demographic trends must be developed. To continue to rely on the NJ Department of Labor and Work Force Development's outdated, inflated projections is inexcusable. This work must be undertaken by qualified professionals.

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- E. A conscious effort must be made to locate these developments where they meet the needs of the residents. From a common sense perspective this is in more urbanized areas where jobs, housing, daycare, and shopping are within walking distance or has adequate and affordable public transportation access. Well planned Regional Contribution Agreements that provided for these needs should be allowed. Further, inclusionary housing should be targeted in centers and PA1 and PA2 planning areas.
- F. Land use and affordable housing planning, policy and regulatory decisions must be uncoupled from the Courts.

Issue#4 Conflicts with NJDEP/Pinelands/Highlands/NJDOT

Problem Statement: The environmental protection agencies have a narrow mission that does not consider broader public interest and needs. The following are two of many examples where the environmental regulations exceed the legislative mandate.

A. Conflict between NJDEP and NJDOT

NJDOT/NJDEP has a Transportation Development District (TDD) Plan and ordinance developed under the TDD Act N.J.S.A. 27:1C-5, which was approved by the Commissioner of Transportation in 1992. The Act was designed to assess transportation impact fees to developers. In return, developers have a predictable, equitable plan for implementing transportation infrastructure.

Mercer County as an example spent hundreds of thousands of dollars developing the transportation plan and the financial implementation plan. The Transportation plan carefully analyzed proposed and pending development and road capacity in an iterative manner until the right package of road improvements could be identified. The analysis was based on NJDEP data indicating where fragile environments existed and, to the greatest extent possible, they were avoided. The package of improvements totaled \$55 million. Under the plan, Developers must pay a fee of approximately \$1000 per A.M. and P.M. peak hour trip. This represents approximately 50% of the cost of the improvements in the district. Developers are given the opportunity to build improvements rather than pay the fee. The package of improvements included a new road which was called the "spine road." It was so named because of the function in the district. The road collects and organizes traffic within the district, eliminating unnecessary trips on the state highway.

In the 1990's a developer proposed to construct a small industrial park along the proposed new road. A Freshwater Wetlands Letter of Interpretation (LOI) was received. However, the development never went forward and the LOI expired. Now, the developer's son wished to construct the project and applied for a new LOI and wetlands permit. In reviewing the permit application, NJDEP has questioned the need for the new road, has challenged us to build a new interchange on an interstate instead and has assumed that widening a residential street with short setbacks and dangerous highway intersections is the appropriate design solution to this project. NJDEP staff does not understand that the TDD is based on a package of improvements that cannot be unraveled. They want new traffic analysis on this particular road not as it relates to the overall plan. They won't even talk to DOT about it until it gets through NJDEP's Transportation Office! Mercer County has written letters and had countless meetings and conversations to no avail.

- B: Pinelands Conflicts - Atlantic County as an example has roadways and intersections in both CAFRA/NJDEP and Pinelands jurisdictions. Within Pinelands there are various development areas including Regional Growth Zones which are intended to accept the majority of growth in accordance with the Pinelands Comprehensive Management Plan. These Growth Zones were forced to accept much higher density with the resulting negative growth impacts of traffic and congestion. Unfortunately Pinelands subjects public development to a more intense scrutiny than private development regardless of

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its location in either a preservation or a growth zone. In addition roadway and drainage projects are often more complicated engineering projects than private development. The Pinelands does not employ professional engineers to review these projects as required by State Statute. This results in projects with extended review times and many revisions to meet the letter of CMP and to explain the engineering documents to Pinelands review staff. This also results in costly project design and construction fees because of delayed approvals.

- C. Highlands, NJDEP and COAH, although Executive Order 114 clarified the relationship between the Highlands Regional Master Plan (RMP) and COAH, there are still significant issues that have not been addressed. For example, the submission deadlines for the county Wastewater Management Plans, Third Round Housing Plans, and Plan Conformance all differ and yet, these plans are all inter-related. Several Highlands Counties have completed the correction of the NJDEP draft sewer service area map in accordance with the revised NJDEP rules in order to meet the April 7, 2009 deadline, but now have received a letter directing the Counties to revise the sewer service areas to be consistent with the Highlands RMP in the Planning Area. Redoing work that has been already completed is a waste of staff resources and taxpayers money. The NJDEP letter also states that the municipalities that have sent a Notice of Intent to conform with the Highlands RMP must conform with the Highlands RMP standards and criteria for wastewater management planning, although the Notices of Intent state that conformance in the Planning Area is non-binding. What happens to a Highlands municipality that ultimately decides not to conform to the Highlands RMP in its Planning Area after the County submits the completed draft WMP to the NJDEP? Also, NJDEP is removing sewer service areas in the Highlands Planning Areas, including COAH sites for affordable housing. Municipal COAH Plans are being nullified by these NJDEP actions.

Proposed Solutions:

- A. NJDEP should be required to recognize previous agreements and consult with NJDOT to understand the purpose and function of the TDD and the repercussions on the failure of infrastructure projects being built.
- B. Pinelands should recognize the equal importance of the Regional Growth Zones to the success of the Pinelands Preservation and allow for the development of public Infrastructure projects that both support that growth and mitigate the negative impacts of development required in those areas.
- C. Other than data collection, all work on the Highlands county WMP's should be suspended until detailed interagency agreements have been completed and all conflicts have been resolved. A moratorium on associated approvals should not be a result during this conflict resolution period.

Issue #5 State Regulatory and Property Tax Impacts

Problem Statement: State Property Tax and taxes in general in New Jersey are placing an increasing burden on the tax payers and stunting the economic development potential of the State. The "rateables chase" that many municipalities find themselves in is often a direct result of limited funding opportunities available to meet budget needs. Here are just a few of the many tax related issues and thumbnails for solutions:

- A. Based on information from the New Jersey State League of Municipalities: In 2005 NJ property taxes totaled \$19B and represented 45% of all state and local revenue. Nationally, property taxes represent 31% of State and Local own source revenue. While nationally sales taxes represent 35% and income taxes represent 22%. In 2006 the average property taxes in NJ were \$6,331. In 2005 the NJ property tax was about double; \$2,206 per capita in NJ versus \$1,132 per capita average for the nation according to the NJSLOM.
- B. Historically based on the NJSLOM article the State share of K-12 public education is about 40% while the local share is 60%.

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- C. A USA Today article (8/10/06) noted property taxes in NJ have increased an average of 7% per year in past five years. Property taxes account for 50% of taxes collected in the state compared to the national average of 30%.
- D. Contributing factors to tax burden include:
 - Duplication of services and associated costs
 - Over reliance on property taxes for public education
 - Education costs
 - Unanticipated cost overruns for energy and healthcare
 - Dispersed land use patterns
- E. COAH's burden will add to property tax issues and building fees. If average low/mod cost is \$160,000 per unit and cost shared per every 4 new market rate units this equates to \$40,000 fee per market rate unit that will be passed directly to the homeowner. If current ordinances do not require this cost/fee then the municipality will be required to find the difference in funding for the low/mod unit which would place a significant burden on municipal budgets.
- F. There has been an increase in State mandated regulatory programs that require county and municipal efforts to comply at an elevated cost to tax payers through property tax levies.

Proposed Solutions

- A. Property Taxes and Cost of Education reduction measures/potential Solutions found from various articles or discussions:
- B. Merged/Regional School Systems and shared services two of many opportunities to reduce school costs. Operational efficiencies and reduced administrative costs can also be realized through better business practices.
- C. Alternate funding mechanisms such as user fees, sales tax and income taxes should be utilized to reduce New Jersey's over dependence on property tax.
- D. Cutting waste and mismanagement in state government programs and services should be a priority.
- E. Land use and affordable housing planning, policy and regulatory decisions must be uncoupled from the Courts. The Court system is not equipped to address complex planning, land use and regulatory issues in a comprehensive, balanced manner.
- F. There should be a cost benefit analysis of all state agency regulations where the value of the benefit is less than the cost than the regulation should be eliminated.

Issue #6 State Plan & Plan Endorsement

Problem Statement: While the current round of Cross Acceptance started in 2004 was completed in 2007 the revised State Development Redevelopment Plan has not been adopted. It is critical that the State Plan and the related resource mapping product be adopted as soon as possible to be the guidance document for all State Agencies.

- A. State Plan

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1. Although the negotiation phase of Cross Acceptance was completed last year NJDEP has made additional changes to the map without County or municipal input.
2. NJDEP and COAH are using the State Plan map as a basis for their decisions and rules. Which maps are the state agencies using: The current adopted State Plan, or the Preliminary Plan?
3. The three year cycle for updating the SDRP is too short and cannot be supported by resources available at all levels of government.

B. Plan Endorsement

The current plan endorsement process is too cumbersome and there are no significant benefits for counties or municipalities to participate at this time.

C. State Agency Coordination

1. For some State agencies, such as NJDOT and NJDEP, their current Memorandum of Understanding (MOU) as posted on the State website is with the Office of State Planning and dates from 1993. These MOUs are so outdated as to render them useless in defining any level of coordination with the State Plan.
2. Staff of State Agencies such as NJDEP do not defer to the State Plan and Center designations when reviewing local plans and projects, rendering the local planning efforts useless at the State Agency level.
3. The current location of OSG in the DCA creates conflicts with other agencies that inhibit its ability to carry out its mission and create an objective SDRP.

Proposed Solutions

- A. It is important that the latest map that was negotiated with the counties is adopted without subsequent State agency changes. State agencies should be compelled to utilize the State Plan Map for critical policy and planning decisions. The counties should have the opportunity to review the final map before it is officially released. The Governor should require Agency Consistency with the State Plan policies, goals and objectives.
- B. The state should provide funding to the counties to handle any responsibilities related to the State Plan and Plan Endorsement and have an opportunity to participate in the rule making.
- C. Proposed Solutions for State Agency Coordination
 1. State Agencies should update their MOUs with the Office of Smart Growth, and also undergo a Cross Acceptance process of the State Plan document, and how it relates to their agency mandates and jurisdiction. Staff at all levels of a state agency should be well-versed in the State Plan concepts and designations as it relates to their work. The State Plan has gone through a public process at all levels of government and needs to take precedence over an individual agency's stance on an issue.
 2. The Office of Smart Growth has "Smart Growth Interagency Teams" described on their website for coordination of redevelopment projects in Brownfields and Greyfields. This same concept should be expanded for other types of project and plan reviews to promote the State Plan and its implementation by state agencies.
 3. The OSG should be located in a more neutral department such as Treasury to reduce conflicts now seen in NJDCA and NJDEP. Resources must be allocated to ensure the implementation of the SDRP and allow for successful completion OSG's mission.

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Issue #7 – Transportation and Land Use

The Transportation system created between the 1930's through early 1970's have to some degree surpassed their designed life expectancy with limited improvements or replacements. Combine these issues with the federal, state, and local financial problems and higher fuel costs then the magnitude of transportation needs facing New Jersey and the region can be understood. The Transportation System is often seen as the "life blood" of the economy.

In the next 25 years New Jersey population is expected to grow by 16.5%, elderly portion is estimated to be 20% and freight movement is expected to grow by 65% in this time period based on NJDOT's "New Jersey Long Range Transportation Plan: Critical Issues to Address in Transportation Choices 2030" prepared in 2008. This Long Range Plan estimates that 2.5 million trips will be added to New Jersey's transportation system and that financial costs of implementing the 2030 Plan would be \$200 Billion.

As an example of need the 2030 Plan notes that there is a backlog of about \$8 billion for Bridge repairs or replacements alone by 2030. The issues and solutions listed below relate to items noted in the NJDOT Long Range Plan as well as other items that need to be addressed to improve the transportation system/network in New Jersey:

Issues:

- A. Much of New Jersey's road mileage and bridge infrastructure is 50 to 100 years old or more and is both functionally and structurally obsolete. There is no stable dedicated funding source for infrastructure upgrades and maintenance.
- B. As the most densely populated state in the nation, New Jersey needs to provide mobility and safety for all travelers not just the automobile operator.
- C. There is insufficient and uneven funding at the federal, state and local levels and large State transportation projects monopolize Federal and State funding to the exclusion of local projects
- D. Continued growth in single occupancy vehicle mileage and vehicle trips is an inefficient use of energy and produces negative environmental impacts.
- E. Existing and continuing land use practices lead to sprawl resulting in increased vehicle trips and miles traveled.
- F. There is limited funding for public transit solutions as well as inadequate operating funding.
- G. There is little public recognition for the need of freight movement within and through the State of New Jersey. This results in very limited support and funding of freight initiatives and local regulations against trucking. Rail freight and support of the ports is critical to New Jersey's continued viability in the global market place.

Proposed Solutions:

- A. New Jersey must make a commitment to maintaining and replacing aging roads, bridges and other infrastructure to create a sustainable economy. One way to start is to reauthorize and refund the Transportation Trust Fund and other infrastructure funding vehicles. Project priority should follow sustainability principles to the greatest extent possible.

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- B. The need to move millions of people for employment and other trip purposes should push the state to look again at Transit opportunities and land use decisions that allow residents more options than just the automobile.
- C. The State must allocate more funds to regional and local infrastructure projects. More Federal funding given to the state needs to be passed through to county and municipal projects on a formula basis.
- D. Steps must be taken to reduce both vehicle trips and miles traveled. One way to start is additional funding for transit projects and application of other demand management techniques such as park and ride, ridesharing, van-pooling, etc. These are not new ideas but they must be re-invented and customized to fit needs across the State.
- E. A concerted effort must be made to rationalize land use practices and decisions to provide more sustainable transportation results. Transit oriented design more walkable communities and center based developments are just a few of the land use techniques which can yield these benefits.
- F. As noted in "B" and "E" above, Transit opportunities need to be optimized to provide the mobility needed to support the States residential and economic needs. Negative public sentiment often derails these efforts because of misinformation and NIMBY-ism. This needs to be combated through public education efforts and marketing of the many benefits of a robust transit system.
- G. The economy of New Jersey is completely dependent on the movement of people and goods. The goods portion of the equation has been neglected by State Government for many years, resulting in poor rail freight opportunities and less than advantageous freight movement overall. More funding needs to be provided either through the Transportation Trust Fund or other dedicated source to bring the State's goods movement into this century. There needs to be special emphasis on rail freight movement and support of New Jersey's ports.

Please note that this New Jersey County Planners' Association State Policy Issue White Paper was adopted by the NJCPA members at its regular meeting held on January 23, 2009 in accordance to the Association's duly adopted By-laws. The issues described and presented in this NJCPA White Paper may have facts, quotes, or statistics associated to related articles or data which can be provided as an appendix items upon request.