

Transcript of Deposition of Marshall Frost

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pg. 59

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MORRIS COUNTY
DOCKET NUMBER: L-6001-78 P.W.

MORRIS COUNTY FAIR
HEARING COUNCIL,

Plaintiff

TRANSCRIPT OF PROCEEDINGS

v

BOONTON TOWNSHIP, et als,

Defendants

DEPOSITION OF:
MARSHALL FROST

J. Crisitello
11/24/79

November 16, 1979
Friday, 9:30 A.M.

Woodland Avenue
Morris Township, New Jersey

A P P E A R A N C E S:

STANLEY C. VAN NESS, ESQ.
Public Advocate of the State of New Jersey
BY: KEITH A. ONSDORFF, ESQ.
On Behalf of the Plaintiff

MESSRS: PENDLETON & LATZER
BY: BERTRAM J. LATZER, ESQ.
On Behalf of the Common Defense

MESSRS: SHANLEY & FISHER
BY: GLENN S. PANTEL, ESQ.
On Behalf of Defendant Harding Township

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I N D E X

Witness

	<u>Direct</u>	<u>Cross</u>
MARSHALL FROST		
By Mr. Onsdorff	2	
Cy Mr. Pantel		55

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>For Ident.</u>
P-8	Document consisting of five pages of statistics concerning commutation trips in and out of Morris County.	42

1 M A R S H A L L F R O S T, having been duly sworn,
2 testified as follows:

3
4 DIRECT EXAMINATION

5 BY MR. ONSDORFF:

6 Q Mr. Frost, as you know, I'm Mr. Onsdorff
7 from the Public Advocate's Office and we're hoping to
8 complete your deposition today in this litigation.

9 If I could direct your attention to what has been
10 marked for identification as P-6, on Page 8, the last
11 sentence in that paragraph, and I quote, "Excess capacity
12 exists primarily on segments of County roads such as
13 South Orange Avenue which cannot provide adequate travel
14 times between Morris County and the employment centers to
15 the east."

16 My question is: What other roads in addition to
17 South Orange Avenue have such excess capacity that you're
18 aware of?

19 A I think an example might be Northfield Avenue.

20 The purpose of this statement simply was to indicate
21 that there are, in fact, alternate roads that are not
22 primarily arterials -- not limited access, highways.
23 And, there are samples of those roads which would have
24 a specific area where the volume utilized in the road
25 was less than the service volume analyzed.

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1 I would not be in a position, at this point, to sit
2 and list off all the various roads that have that capability.
3 But certainly, they exist.

4 Q Have you done any study or evaluation of all
5 the county roads to determine the volume capacity ratio,
6 at this time?

7 A Not every county road, no.

8 MR. ONSDORFF: Off the record.

9
10 (An off the record discussion takes place.)

11
12 Q On the excess capacity which you **determined**
13 exists on South Orange Avenue, what does that mean in
14 terms of transportation mobility --

15 A Well --

16 Q -- for use of that?

17 A In an effort to frankly make a reasonable analysis
18 of the entire transportation system, I think we felt --
19 or I felt it was necessary to point out that there are
20 segments of what I will characterize, just for this dis-
21 cussion, as a local road. But, a road which has handled
22 local traffic, there are segments of those roads which
23 do have available capacity to handle additional traffic.

24 We indicated concern of the inability of a freeway
25 type of road to handle significant volumes, additional

1 volumes. It is true, that on the more local basis, there
2 are roads which can handle additional traffic over fairly
3 short distances.

4 A road like South Orange Avenue is signalized. It
5 has capacity problems at certain locations along its length,
6 but there are segments of the road which could handle addi-
7 tional traffic. They are not as critical from a capacity
8 standpoint as the arterial highways, and at certain locations
9 additional traffic could be added to them without causing
10 a serious problem. If that traffic, however, was added
11 along the entire length of South Orange Avenue, Columbia
12 Turnpike, it would cause problems. However, as I indicated,
13 segments of the road can handle additional traffic.

14 Q Have you ever endeavored to quantify the
15 amount of additional volume such roadways as South Orange
16 Avenue can handle?

17 A Not specifically, no.

18 Q In that same sentence you have the language,
19 "which cannot provide adequate travel times between
20 Morris County and the employment centers in the east."

21 What specifically do you mean that they could not
22 provide adequate travel time?

23 A It's a quantitative statement.

24 Arterial roadways such as South Orange Avenue -- arterial
25 collectors, really typical of signalized, they have spot

1 capacity which will causedelays. So, long trips made on
2 a road such as that takes a significant length of time.

3 I indicated at the last meeting one of the inputs
4 into the type of analysis which was a very rigorous analysis
5 for either distance or travel time. Depending upon which
6 procedure was followed, the traffic time is very real to
7 those people that are attempting to locate in a free market
8 where they would like to live in relation to where they
9 work and can, in fact, be more real in the distance they
10 travel.

11 A road like South Orange Avenue, while it handles
12 significant volumes of traffic and serves a high demand,
13 nevertheless, it is a slow road to take to and from work
14 during the peak hours. And consequently, in my opinion,
15 is not the type of road that you would encourage long distance
16 travel on. If you start to encourage that type of traffic--
17 just an example, if you were to go from the Morristown area
18 on Columbia Turnpike which then becomes South Orange Avenue
19 as you cross into Essex County, it's the same road and travel-
20 ing a long distance into Essex County, that trip would be
21 fairly slow -- relatively slow as compared to a freeway.
22 It is not really designed to handle significant long trips
23 in that fashion.

24 280 was built to help the problems of South Orange
25 Avenue.

1 Q Have you defined in your own mind what you
2 consider to be adequate traveling times between Morris
3 County and employment centers to the east?

4 A Certainly, in my mind for a road to adequately
5 serve that type of trip, you should be able to maintain
6 at least a 45 mile an hour speed which you probably have
7 trouble doing on 280. But, on South Orange Avenue, it
8 would be impossible to maintain that over the entire trip
9 line.

10 Q If you translated the speeds into a commuta-
11 tion period that you deem to be adequate or sufficient --

12 A In the context of this report, I really couldn't
13 answer that because the report was dealing with the problems
14 of economic cost as opposed to the travel time. But, if
15 I was going to point out a number for a mean which went
16 across the entire spectrum of the people making the trip,
17 probably a travel time of 20 - 25 minutes would be acceptable.

18 Q You see a relation between travel time and
19 cost of commutation?

20 A Absolutely.

21 Q Did you endeavor to make any analysis of the
22 travel times in other county roads leading to places of
23 employment?

24 Your statement here is directed toward employment
25 centers to the east.

1 Have you done any analysis of travel times to places
2 of employment either to the west or the south or the north?

3 A No.

4 I think we indicated last time that the -- in an
5 effort to try to simplify the study, we worked from the
6 east - west corridor. But, we have not analyzed -- in
7 other directions you would find similar situations.

8 Q But, you have not specifically studied that?

9 A I have not specifically studied that.

10 Q I want to discuss Table II which, I believe,
11 appears on Page 9 of P-6, the date which is reflected.

12 Could you elaborate on the source of that data?

13 A In total or -- all right.

14 The first column indicates the route that we're
15 indicating that was analyzed.

16 The second column indicates the location -- the
17 general locations by the municipality.

18 The third column indicates the peak directional,
19 hourly capacity, the number of vehicles at level of service
20 that can be handled at one direction or one hour.

21 The fourth column represents the peak hour volume
22 on that road, and the fifth column is the capacity ratio.
23 It is the total volume currently existing divided by the
24 level of service, hourly volume for one direction.

25 Q Let me interrupt you for just a second.

1 What I'm interested in is on the capacities and
2 place of volumes that are reflected in the third and fourth
3 columns.

4 What was the basis for those numbers that you have
5 placed?

6 A The source of the third column is the Highway Capacity
7 Manual. The source of the fourth column is either State
8 or County Traffic Counts.

9 Q Is that issued by a specific agency, the
10 Highway Capacity Manual?

11 A Yes, that is a -- it's a standard in the industry
12 used for determining capacity. It was issued by the then
13 National Academy of Science. It is Special Report Number
14 87, I believe.

15 Q With respect to Table III, would your answer
16 be the same as to the source for the peak directional
17 capacity?

18 A Yes.

19 Q And volumes?

20 A That's right.

21 Q I would like to direct your attention Page 10
22 of P-6, the second paragraph, and I quote: "Since the
23 volumes of traffic on many of the arterial highways serving
24 Morris County are already approaching the design capacity,
25 it can be expected that development in the County will

1 start to reflect the limited access available."

2 Then it continues: "Consequently, the current level
3 of zoning, while providing for an opportunity of development,
4 cannot be used to represent the level of development that
5 will occur."

6 My question is: On the material that is contained
7 in that paragraph, are those conclusions or opinions which
8 you have indicated therein, based upon your analysis of
9 the present transportation system serving Morris County alone?

10 A No. It's based upon my analysis of the transportation
11 system in and around Morris County.

12 Q Does this include a conclusion?

13 A Present, and what I consider to be realistic future
14 improvement.

15 Q In addition to the roadways which we've
16 discussed at some length, is it your opinion that the
17 mass transportation system serving Morris County has
18 essentially reached its maximum level of service?

19 A I would expect that it will reach the design levels
20 in the foreseeable future. Certainly, there are -- there's
21 already the availability to add additional traffic, at
22 this point in time. But, it would be my opinion that if
23 development continued at the same level over the next --
24 this will be a poor expression, but we'll say 5 to 10
25 years, the system is going to exceed the design capacities.

1 Q You indicated that your conclusion as to
2 the development in the county includes not only the exist-
3 ing transportation system but the possible expansion thereto
4 in the foreseeable future.

5 What do you deem to be the "foreseeable future", as
6 far as transportation planning is concerned?

7 A From a transportation standpoint, I would like to
8 believe that 24 freeway to be extended, at least, as far
9 as 287, and then 287 will be completed.

10 I would like to believe that the Conrail-Erie
11 Lackawanna will finally be upgraded.

12 I would expect that there would be a number of spot
13 improvements off of the freeway system which would leave--
14 relieve spot problems on such things as county roads and
15 some of the major local roads.

16 I do not believe that I will see any new transporta-
17 tion corridor opened in Morris County.

18 Q Let me approach the question from another
19 perspective.

20 Directing your attention to what has been marked
21 as P-7, New Jersey Transportation Plan, have you reviewed
22 or examined that document at any time?

23 A I'm not sure of the publication of the date on
24 this. When this was prepared it was not available to us.

25 Q The context of that report, have you examined

1 that document?

2 A I have not examined that document.

3 Q Has the New Jersey Department of Transportation
4 issued documents either identical or similar to this in the
5 past?

6 A In the past they have, yes.

7 Q Such transportation plans issued by the
8 Department of Transportation, from your review of them,
9 do they have a planning period of time in which certain
10 highways and mass transportation projects are scheduled
11 for completion and opening for public use?

12 A More documents of that nature put down a date which
13 they anticipate the project will be completed, yes.

14 I assume that one does; I haven't read it.

15 Q Are you aware of any planning either on a
16 county or state or federal level for Morris County Trans-
17 portation which extends over a period of time that you're
18 aware of?

19 A Well, I think, probably, a typical example of what
20 you're talking about -- when the document that was published
21 when the original transportation bond went out -- not the
22 original, but back in the early '70's they proposed a
23 plan. One of the specific projects as part of the master
24 plan was the completion of Route 24. It's still not done.
25 From a mass transit standpoint it called for the upgrading

1 of the Morris County line of the Erie Lackawanna. So,
2 they all have a planning period.

3 It seems unfortunate that based on the track record
4 they are not able to make the completion within the time
5 period set forth. However, without reviewing that, I would
6 hope that the pressures are such that some of the items
7 contained in there would be implemented in the next 10 years.

8 Q You also indicated that you foresee the mass
9 transportation system which serves Morris County reaching
10 its maximum capacity in the near future.

11 What are the major elements constituting that mass
12 transportation system which you see reaching its maximum
13 capacity?

14 A I refer to the railway network. The capacity of the
15 rail network is easy, though expensive to expand, while the
16 main line of the Erie Lackawanna has some unique associations
17 with it because they triple track.

18 I would expect that they would be able to expand the
19 capacity significantly if the demand was there.

20 Q In the case of buses, does bus services con-
21 stitute a component of a mass transportation system?

22 A Yes, very much so.

23 Q In what manner can a bus service line be
24 expanded?

25 A All it takes is somebody's money other than the

1 rider. If there's sufficient monies available to provide
2 bus transportation, it's a matter of buying a bus and putting
3 the route on the map.

4 However, I do not believe -- I'm sure you can get a
5 witness to testify to it -- I do not believe there's a bus
6 route in Morris County that's being run by the Morris County
7 operations that is self-sustaining.

8 Q In addition to new routes, are there other
9 ways in which bus service can be expanded?

10 A I'm sorry, I'm not sure I gather the thrust.

11 Can you put more buses on the same route?

12 Q Is that a feasible option for expanding bus
13 service in Morris County?

14 That's my question.

15 A If you have a route that the buses have now filled,
16 then you can add additional buses to that route, certainly.
17 There's a limitation to headways, but it's not a problem
18 in the suburban environment.

19 Q Have you evaluated the proposal which has
20 now become a reality for the State of New Jersey to take
21 over private bus companies as/^{to}any impact that may have to
22 transportation servicing Morris County?

23 MR. LATZER: I would like to object to the
24 form of the question.

25 Be specific to the reality that you make reference to.

1 MR. ONSDORFF: Legislation was passed within
2 the last two months. Governor Byrne, I believe, just
3 this week appointed the Board of Directors for the
4 Public Transportation System which is going to pur-
5 chase the private bus lines. So, this was a proposal
6 last summer which has now become fruition to carry
7 out that legislative initiative.

8 THE WITNESS: Did I evaluate a proposal?

9 Q Are you aware?

10 A Of any evaluation?

11 No.

12 Q Directing your attention to Page 10 of your
13 report, specifically the second sentence in the paragraph
14 where it states: "While it can be expected that non-resi-
15 dential development will continue throughout the county,
16 and specific locations may continue at a high rate, based
17 upon available transportation it can be expected that the
18 current high level of non-residential development which
19 Morris County is experiencing will start to decline."

20 Have you done any ^{quantitative} analysis as to the
21 extent of this current high level? Specifically, what do
22 you mean by --

23 A I think I indicated last time that there are certain
24 areas of Morris County of which I am more familiar than
25 others. Some of those areas have a high rate of development.

1 And, I think, I used Parsippany - Troy Hills as an example.
2 They have experienced rapid non-residential development.
3 In my opinion, it is impossible to continue at that rate
4 because the businesses which will build in those locations,
5 frankly will not be able to get the access that they demand.

6 Did I quantifiably analyze the site? Yes, I indicated
7 that I recommended to certain entities not to purchase land
8 and develop in specific locations within the community.

9 Have I done a quantitative analysis of the entire
10 community? No.

11 Q I recall our discussion as well as you.

12 My question is directed to whether you can put
13 any number or any timeframe on this? Are there a number
14 of years over which this high level of non-residential
15 development that has occurred, that you're aware of --

16 A I haven't gone through a statistical analysis of the
17 square footage of development over any time, of any county
18 in Morris County, no.

19 Q Have you examined employment growth which
20 would be reflective of this non-residence that you speak
21 of in any period of time which was reflected by that
22 statement --

23 A I have not looked, from a historical trend analysis,
24 at the employment growth in any particular town in Morris
25 County that I remember. But, I can't remember --

1 Q Not in any specific town.

2 Have you examined employment figures on a countywide
3 basis over any historical period of time?

4 A The problem I have with the question is "a historical
5 period of time," which to me means you do a trend analysis
6 or some type of analysis specifically for a purpose. And,
7 I have to answer that: no.

8 I'm aware that there is an increase in employment
9 and I'm aware that that is significant. I'm aware that
10 it is not uniform through the county, but I have not done
11 a historical analysis of employment.

12 Q In your evaluation which was reflected in
13 Tables II and III as to peak capacity being reached on
14 some of the major interstate highways and some of the
15 county roads servicing the county, have you done that
16 type of analysis in the past to determine whether or not
17 it was related to the employment growth that has occurred
18 in Morris County?

19 A Are you asking, can I give you a comparable number
20 or two years? Because, otherwise I don't understand the
21 question.

22 Q Let's break it down, there's two questions
23 in there.

24 Have you done this type of analysis in previous years?

25 A Yes.

1 Q Have you done a further analysis to determine
2 whether or not those capacities and volumes were, in any
3 way, related to the continuing employment growth that the
4 county has experienced over this same period of time?

5 A Have I done a further analysis to see whether the
6 change in the capacity volume relationship is directly
7 related to employment growth?

8 Q Related to employment growth that the county
9 has experienced, in any way?

10 A I guess the answer is: yes, then.

11 Q Based upon the analysis, what relationship
12 have you observed between that employment growth and the
13 volume capacity ratios which you've analyzed over this
14 period of time?

15 A As you add additional non-residential development --
16 or for that matter, residential development --

17 But most of the work has been involved with non-resi-
18 dential development at a particular site. That specific
19 site generates additional traffic because of the employment
20 there. And, you either will have or will not have, with
21 the completion of that project, exceeded the capacity of
22 the roadway that is to serve that project.

23 Q On your previous analysis of the volume
24 capacity ratios, is it a recent development that they have
25 begun to exceed the capacity of the highways that you've

1 A Depending specifically where it is.

2 Q -- observed?

3 A There are certain areas where I think the problem
4 has existed for a number of years. There are others which
5 are a fairly new phenomenon.

6 Q Would you characterize that as to the highways
7 which are shown down on Tables II and III?

8 On Table II we have 280, Route 46 and Route 24 all
9 at or above their capacity, peak directional capacity on
10 your volume capacity ratio.

11 In the case of Table III, we've got 287, Route 10
12 and Route 80.

13 What I'm trying to determine during this period where
14 employment has continued at a high level, employment growth,
15 are these the highways which you have at or above capacity
16 or is that a relatively new phenomenon?

17 MR. PANTEL: I object to the form of the
18 question. I think there's at least two or three
19 questions that were asked within that one question
20 along with certain proposed existing facts.

21 MR. ONSDORFF: Mr. Pantel, unfortunately
22 you were not here the last time.

23 MR. PANTEL: I have reviewed the full
24 transcript of the last deposition.

25 MR. LATZER: He can answer it.

1 A Let me paraphrase it, if that's all right.

2 Are you specifically interested to know for the
3 routes listed whether it's a new phenomenon or one that's
4 recently been developed or now developing or existing for
5 a long period of time?

6 Q Within the period that you say the employment
7 growth has occurred in Morris County?

8 A Fine.

9 I will characterize these the way I feel I can.

10 287 is one which has certainly developed over a
11 relatively short period of time. 287 was not a particular
12 problem as it opened to traffic in the -- I'll say early
13 '70's. I guess it opened in '74-'75. Now, it is a problem.

14 Route 10 has historically been a problem.

15 As an example, as spot improvements have been made,
16 the capacity has been immediately utilized by additional
17 developments.

18 280 when it first opened to traffic was not a major
19 problem. It now is in certain locations.

20 I can't remember when I would say that Route 80
21 started to develop a serious problem, frankly.

22 Route 24 as developed, has continued to the west and
23 has become more and more of a problem to the point that it
24 is now a serious problem.

25 South Orange Avenue, again, has developed -- as

1 on 287 and found that there was sufficient capacity to have
2 additional employment -- additional trip generation over
3 the corridor. There's a lag time when the approval occurs
4 and when the development takes place. That development is
5 continuing to a certain degree -- or to a degree the same
6 lag time takes place.

7 Since the road opened, the available capacity of the
8 road is now utilized to a large extent. And, I would anti-
9 cipate the development which is currently in the pipeline
10 will make use of what is there. But, at some point in time,
11 the people that represent the developers, such as myself,
12 will say, "Look, go find another location."

13 That's already happening because in the business
14 I can look at 287, and including Harding, and see that the
15 main line is already 85 percent of the available service,
16 design level of service volume. So now you will start to
17 find a decline.

18 It's not one of these things that development has
19 occurred of in spite of the capacity problem.

20 I used 287 as an example. Development has occurred
21 and I am saying the professionals in the business have
22 indicated to the clients to look elsewhere.

23 Q Again, on that same paragraph on Page 10,
24 directing your attention to the sentence which begins,
25 "Ultimately, the demand for construction of non-residential

1 occurred, there has been spot improvements. I would anti-
2 cipate that has developed -- it will start to develop the
3 same type of problems that the other roads have.

4 Q Some of these problems have existed while
5 the employment growth has been experienced in the county?
6 These highways have had capacity problems in employment
7 growth as continued --

8 MR. LATZER: I think the question has been
9 answered. I think he's answered the question and
10 I think he's been as specific as he can be. So,
11 I would object to the question.

12 If you feel you want something more specific--

13 MR. ONSDORFF: Let me try to rephrase it.

14 Q These specific capacity problems which you've
15 identified which has existed over some period of time in
16 and of themselves have not presented the development of
17 growth over Morris County?

18 A I'll use 287 because that happens to be one of the
19 corridors for people not to purchase in.

20 When 287 opened in the middle '70's -- I believe it's
21 '74, you could drive that road in the peak hour and there
22 was not a serious problem.

23 Specific developers, if I can use that term, purchas-
24 ed land, came in under the various zoning along the corridor
25 and received approvals to build. I would analyze the volumes

1 facilities will reduce significantly as developers search
2 for areas throughout the state where more adequate trans-
3 portation exists."

4 Have you done any analysis of other areas of the
5 state to determine whether, in fact, more adequate trans-
6 portation exists elsewhere in the State of New Jersey?

7 A I'm going to answer that question: no. But, that's--
8 it's a fairly broad question, and certainly I have analyzed
9 other areas of the state. But, I have not conducted a study
10 for anyone as to where specifically they should start look-
11 ing for alternate locations.

12 Q I'll try to make the question more specific.

13 If I select a major highway as the Garden State
14 Parkway or U.S. Route 1 or 9 or U.S. Route 22, have you
15 done analyses to determine the volume capacity ratios for
16 those highways in context?

17 A Specific sections of those highways, yes. All three
18 of them, at one point or other, I have looked at them.

19 Q In the context of looking at those highways,
20 do you know of any areas which have a more adequate trans-
21 portation system that would be superior to what Morris
22 County has, at this time?

23 MR. LATZER: If you can answer that.

24 I don't know the context within which it's
25 asked. But, you can answer it.

1 MR. ONSDORFF: In the context of the volume
2 capacity ratios as analyzed.

3 MR. PANTEL: Objection.

4 I don't think he has indicated relevant time
5 frames as to when he conducted his past proposals,
6 and I don't think it would be relevant to compare
7 past studies of unknown time frames to the studies
8 which he's done in this report.

9 MR. ONSDORFF: I would certainly put it in
10 the time frame of the last two years.

11 MR. PANTEL: It hasn't been established that
12 the other studies were done in the past two years.

13 MR. ONSDORFF: That's my question.

14 I'm rephrasing it.

15 MR. PANTEL: Would you, please, repeat the
16 question as rephrased?

17 MR. ONSDORFF: That won't be necessary.

18 Q Have you examined any volume capacity ratios
19 for the last two years for highways such as Garden State
20 Highway, Routes 1 or 9 or Route 22 in such a fashion as you
21 could give an opinion whether or not they provide more
22 adequate transportation mobility than the present highway
23 system serving Morris County?

24 MR. PANTEL: Objection.

25 Again, you've asked two questions in one.

1 You've asked whether or not these other studies
2 were done in the past two years, coupled with the
3 other past studies.

4 MR. ONSDORFF: This was a discussion we had
5 last time and we agreed to it that a witness is
6 entitled to one attorney, Mr. Latzer, not you.
7 If you want to pay for that, you pay for it. But,
8 I'm not going to. I'm not going to allow you to
9 block the questioning of this witness.

10 If you want to have direct or cross, fine.

11 Mr. Latzer, we have to be consistent on this.
12 I don't think it's fair to be double timed. We
13 didn't do it last time because of the objection of
14 the Shanley & Fisher attorney.

15 MR. LATZER: Can you answer the question?

16 MR. PANTEL: Initially, in response to that:
17 First of all, I don't anticipate during the rest of
18 this deposition sitting here silent. If there are
19 objections which I think should be made for the
20 protection of my client's interests --

21 MR. ONSDORFF: Then you'll agree to pay for
22 that portion of the transcript.

23 MR. PANTEL: I cannot indicate an answer to
24 that, right now.

25 MR. ONSDORFF: I'm not going to pay for it.

1 If you want to talk, you take it up with the
2 Reporter.

3 MR. PANTEL: As I said, I cannot indicate a
4 position on that now. But, I will not sit here
5 silent throughout the rest of the deposition.

6 MR. LATZER: Would you rephrase the question,
7 please, and we can start from scratch.

8 MR. ONSDORFF: I kind of lost my train of
9 thought.

10 THE WITNESS: I think I understand the
11 question.

12 MR. LATZER: You set forth you understand it?

13 A He would like to know if, in the last -- I think he
14 used a two year period, I have looked at an alternate site
15 where I felt there was better transportation than Morris
16 County.

17 MR. ONSDORFF: That's correct.

18 MR. LATZER: All things being equal.

19 A All things being equal.

20 I have looked at -- given the developer wanted to
21 build in a certain site, there have been locations which
22 I felt the transportation for that site was better than in
23 Morris County.

24 The problem I have with the question is to say: Is
25 the rest of New Jersey worse or better than Morris County?

1 There are, certainly, specific locations that are
2 better. If the developer, in fact, is going to locate in
3 that area, there would be a specific site where it is better
4 served by Morris County -- I'm sorry, better served by that
5 site than Morris County, in general.

6 I think I indicated last week that there are specific
7 locations in Morris County but I think additional develop-
8 ment could, in fact, occur and the transportation system
9 is adequate to handle it. On the whole, however, I believe
10 that Morris County has had and is continuing to develop
11 transportation problems. I don't believe it is a good loca-
12 tion for extensive development.

13 I don't know if that answers the question, but that's
14 the best I can do.

15 Q I think we're getting closer to what our
16 concern is and that's the type of decisions that private
17 enterprises can make.

18 A You have to understand that in my business if a
19 developer, or whatever -- government, for that matter, wants
20 to put a building in a certain location, there's more to it
21 than saying, "I want to put a building there." You have
22 to consider the type of use and so on and so forth. That
23 doesn't mean, in my opinion, you have to put the building
24 there. But, if they decide to put a building there, that
25 might be a better location than somewhere else.

1 And, there are situations like that outside of
2 Morris County.

3 Q All things being equal, they are certainly--
4 I believe other factors which a business --

5 A That's what I'm saying. There is a lot more that
6 goes into it than mere transportation. It depends on the
7 type of people, the type of transporatation I expect them
8 to use, the entire gamut.

9 It's a difficult question to answer except in general
10 terms, that I believe that Morris County has a significant
11 problem in the future because of the limitations of its
12 transportation system. That's how I answer the question.

13 Q Fine. That's what we're trying to get,
14 because my next question is in addition to transportation
15 considerations, and in your discussion with various develop-
16 ers in business operations, they would have considerations
17 concerning the economic activity that they're planning to
18 engage in.

19 Have you discussed the economic market place in the
20 context of where a facility be located?

21 In other words, is there a difference in economic
22 markets in north Jersey as opposed to south Jersey which
23 has to be figured into this equation?

24 A If we're talking about a retail operation, you're
25 talking about one type of economic market. If you're

1 talking about an office operation, then you're talking about
2 the demographic market availability to staff a facility.

3 Q I'm trying to determine, from your own
4 experience. You indicated you had conversations with a
5 number of development clients in that transportation was
6 one of the factors considered in their siting decisions.

7 I'm trying to ascertain whether or not you've had
8 experience with other decisions which bear upon that type
9 of decision making?

10 A I can't say that everybody has followed my advice.
11 So, therefore, somebody else's advice overrode my advice.
12 That's the best way I can answer it. All right?

13 Obviously, there are other things which go into it
14 including, sometimes, the developer has already bought the
15 land.

16 Q Your advice would mean transportation considera-
17 tions?

18 A That's right.

19 Q Directing your attention to Page 10, the
20 next sentence states: "Based upon a cursory review of
21 employment projections for Morris County, it appears that
22 these projections do not take into account the limiting
23 effect of transportation."

24 Could you define the employment projections that
25 you refer to in that sentence?

1 A I believe--

2 MR. LATZER: What paragraph is that?

3 THE WITNESS: The last.

4 MR. ONSDORFF: This is the third paragraph
5 on Page 10.

6 MR. LATZER: I'm missing it.

7 MR. ONSDORFF: It's about halfway down.

8 A (Continuing) I don't know if this is correct, but
9 I'll have counsel correct me if I am wrong.

10 I believe -- it was Mr. Zimmerman at one point who
11 did an analysis on employment projections as part of his
12 expert report for this.

13 MR. LATZER: I don't know.

14 A Yeah, because he used that as part of his input,
15 I believe, for determining this region.

16 At least in discussions with the information he was
17 using, I personally felt that his employment projections in
18 Morris County were high.

19 Q I'm not sure I am clear on your answer.

20 A One of the experts in the case, Mr. David Zimmerman--
21 and Mr. Copola, for that matter --

22 I have had discussions with them and I believe I
23 have seen written material on employment projections for
24 Morris County. It's my opinion that they did not take into
25 account the limiting factor of transportation, and I feel --

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Q Based upon your knowledge of the limiting factor of transportation, have you reached a conclusion as to what you would deem to be appropriate employment projections for Morris County?

A I did not do an independent employment projection for Morris County. So, the answer would be: no.

MR. ONSDORFF: Let us take a break for two or three minutes.

(A short recess is taken.)

Q Referring to Page 10, still in that same paragraph, I quote, "Given the fact that the existing zoning cannot be supported by the transportation system, to overlay on top of existing as well as future transportation demands resulting from development within the County, a large number of home to work oriented trips requiring people to drive significant distances from residential housing units in Morris County to work locations outside the county can only further aggravate the transportation system."

Would you be more specific as to what you mean by "further aggravating the transportation system," in the context of that statement?

A Okay.

1 of the business. It's a given fact. But certainly, a
2 trip which is going to be 10 or 15 miles, I would not expect
3 it to be made on local streets, as a general statement.

4 Q Your statement here discusses trips outside
5 the county. Would your analysis as to aggravating the
6 transportation system be altered if we were discussing
7 employment within the county where people were living also
8 within the county?

9 A Obviously, it becomes site specific.

10 But, I would anticipate -- as a general statement,
11 because if the employment was within the county and the
12 trip from work to residence was fairly short -- the housing
13 was located in a reasonable proximity -- and I'm not sure
14 I want to define that other than five or seven miles,
15 I would not anticipate the same impact on the road system.

16 Q Directing your attention to the bottom of
17 Page 10, going over to the top of Page 11, you state,
18 "The improvement of the Erie Lackawanna Railroad, scheduled
19 and planned in the early '60's, has had no major improvements
20 and, in fact, the users will indicate there has been a
21 deterioration in service."

22 Will you elaborate on that?

23 A Certainly.

24 I used to ride the Erie Lackawanna Railroad which
25 is probably as good a representation as I can make. But,

1 Specific roadways are designed to accomodate
2 specific types of trips. You take the two extremes:
3 high level arterials such as Route 80. If you were to
4 analyze the characteristics of the traffic on it from a
5 traffic standpoint, you would find that most of those
6 trips are to travel a long distance between their origin
7 and destination.

8 Take the opposite extreme, a local cul-de-sac --
9 let me go back -- if you also look at the characteristics
10 of the trips, the origin and destination is not on the
11 road itself, it's on the highway.

12 If you take the opposite extreme and go to a
13 cul-de-sac, the local and residential neighborhood has
14 a high percentage of trips that are local in character.
15 because now you have people coming and going to other than
16 the business "home to work trip" using that cul-de-sac.

17 You design the transportation system to accomodate
18 both the volume of traffic and the characteristic of trip
19 involved. Consequently, if you start locating the home --
20 the residence of an employee a significant distance from
21 the place of work, his trip will not utilize, to the
22 highest degree possible, a high level roadway which is
23 designed to accomodate, both from a standpoint and a volume
24 standpoint, that type of traffic.

25 If the opposite -- if the place of employment is

1 relatively close by the place of residence and it is an
2 automobile trip, the employee will make use of local roads
3 and what I'll define as a lower level county road to get
4 between his place of employment and his home, for that
5 "home to work trip".

6 What I'm basically indicating is that if given the
7 existing development patterns in the county, if you overlay
8 on top of that a large number of employees who will now be
9 required to travel a significant distance to their place
10 of employment, you will be forcing traffic which was not
11 anticipated on the network to occur.

12 As opposed to that, the employees' place of employ-
13 ment is relatively close by, the travel from home to work
14 will take place, to a larger extent, over these major
15 arterials, which are currently experiencing capacity pro-
16 blems -- or I anticipate they will.

17 Q Define the context of the answer, what you
18 mean by "driving a significant distance from the home to
19 the work place?"

20 A I could find a reference that probably cites the
21 distance, but I can't do it off the top of my head.

22 Q When you wrote your report you had a specific
23 distance in mind?

24 A No.

25 I've been in the business 15 years, and that's part

1 if you happen to live in a community which is serviced by the
2 Erie Lackawanna Railroad which probably developed because
3 of the Erie Lackawanna, and if you evaluate the ridership
4 of that railroad, you will find that there has been a
5 decline in the service of the Erie Lackawanna, in my opinion.
6 While the rolling stock may not have been the greatest, it
7 was on time.

8 To say that there has been no improvement, certainly
9 there has been some rolling stock purchased. But, the
10 improvements which were talked about, scheduled and theory,
11 I believe money from the bond issue was to be there for
12 the improvements and still have not gone into effect. So,
13 I would say that the comment is based both upon specific
14 technical information as well as general knowledge of the
15 use of the facility.

16 Q You indicated that you used to ride it.
17 Does that mean that you ceased to ride the railroad on
18 a regular basis?

19 A Not because of the service, however.

20 Q When did you stop using it?

21 A When I started my own business and located my office
22 in the same town that I live in.

23 On a regular basis: that was in '74.

24 Q Okay.

25 A But, I've used it since, but not on a daily basis.

1 Q Towards the end of this paragraph on Page 11
2 it states, "It seems probable that the current level of
3 funding will allow the construction of the missing links
4 by the year 1990. However, with the exception of the Route 24
5 corridor, this construction will improve accessibility and
6 not bring about an increase in capacity."

7 What missing links do you believe is probable or
8 will have specific funding by the year 1990? What are you
9 referring to there?

10 MR. PANTEL: Objection.

11 Mr. Onsdorff has not even stated as to
12 what transportation system is the so-called missing
13 link.

14 MR. ONSDORFF: Mr. Pantel, can I ask you to
15 possibly move to the other end of the table, and
16 if you wish to tell Mr. Latzer an objection --

17 MR. PANTEL: Absolutely not.

18 The Public Advocate has sued 26 municipalities --
19 27 municipalities in this lawsuit and can, therefore,
20 not expect one counsel, one attorney, to be present
21 in any proceeding. You have chosen to sue 26 munici-
22 palities.

23 I don't think I've been obstructive through
24 the deposition. I believe this is my third objec-
25 tion and you're making a federal case out of every

1 objection. I think if you proceed to the question
2 instead of raising frivolous answers, the proceeding
3 can go forward much more smoothly.

4 MR. ONSDORFF: Mr. Pantel, my purpose of the
5 question is to fill the answer.

6 I'll note that that objection is not one
7 that I'll pay for. You will.

8 MR. PANTEL: I sincerely doubt that. You
9 will.

10 MR. LATZER: You can answer the question.

11 A Yes.

12 The statement specifically refers to missing links
13 in the road system. When I say "probably," I suppose to a
14 certain extent that's an optimistic statement, or at least
15 I hope so. But, I think it's probably personal, that the
16 missing link of 287 will be completed.

17 While it is not in Morris County, I would anticipate
18 that it would improve access to the county -- segments of
19 the county to have the missing link of 78 completed.

20 And the other major link that I see completed --
21 I say "probably" and I will say "hopefully", now will be
22 24 which would be the only one of those really which provide
23 a new corridor.

24 Although, in my opinion, while it would improve the
25 east - west capacity, there will not be a significant

1 improvement because the demand is currently so great on
2 existing 24 and the level of development projected in
3 Madison, Short Hills, and Morristown is high enough, that
4 I believe that the plan of development in that area is
5 already taken into account and the capacity of the Route 24
6 freeway.

7 Q Directing your attention to the last para-
8 graph appearing on Page 11, the sentence in the middle of
9 the paragraph says, "Furthermore, because many of these
10 roads have existing development along the right-of-way,
11 it can be expected that any improvement will require a
12 lengthy process to gain public acceptance so that they
13 can be implemented."

14 Which roads are you referring to?

15 A I think I'll start off -- I did not specifically
16 analyze --

17 One of the principal problems which I'm sure you're
18 aware of is when an attempt is made to upgrade these
19 roads because of abutting development, there are significant
20 problems both environmentally, politically, in ^{the} general
21 sense of the term. It is very difficult to make those
22 improvements and, in fact, in a number of instances the
23 need for improvement no matter how well demonstrated does
24 not bring about the improvement because of pressures environ-
25 mentally and, again, politically.

1 Q Finally, on Page 11 it says, "Without the
2 necessary mobility, regardless of the zoning that is develop-
3 ed, implementation will not occur or will result in serious
4 congestion throughout the area."

5 What do you mean "implementation will not occur?"
6 What do you mean by that?

7 A What I'm saying is that given a specific zoning --
8 zone plan, that unless you have adequate transportation
9 to serve that zoning, that development will not occur to
10 the level anticipated in the zoning that was developed.
11 If it does occur there will be serious congestion as a
12 result of it because of the inability to provide the trans-
13 portation system.

14 Unfortunately, both will occur. There will be
15 areas where development does not take place because of
16 the level of congestion and there will be those areas that
17 development may proceed and the transportation system will
18 not function in its intended manner.

19 I think it's stated as part of the Municipal Land
20 Use Law, one of the considerations is traffic and trans-
21 portation. Unfortunately, that requirement is not always
22 interpreted in a way to preclude some developers from
23 proceeding no matter what.

24 Q In the area of residential development, is
25 there any impact on transportation mobility as that

1 residential development occurs in a high density cluster
2 development such as apartments or townhouses of 12 to the
3 acre, or higher as compared to scatter site housing of
4 single family, detached houses on one acre or larger lots?

5 A Define "density" for me.

6 Q That's what I endeavored to do.

7 A Let's take 100 acres.

8 Is there a difference between 100 acres and 12 units
9 to the acre or is there a density -- a hundred acres of one
10 unit to the acre --

11 Q My question would be to an area where you had
12 a tract or a number of tracts and you had higher density
13 utilizing cluster development involving apartments/townhouses
14 at 12 to the acre or a greater density?

15 However many total acres may be involved in which
16 you had one acre or larger lots for single family, detached
17 homes --

18 A I'm not trying to be difficult, but you recognize --
19 as I understand the term "cluster development," it does
20 not change the density. We are talking about a hundred
21 homes, either way.

22 Q My question would be gross density would
23 increase in certain areas.

24 A Then there would be an impact on the transportation
25 system.

1 Q What would that be?

2 A Assuming the increase is measureable, if you go from
3 one unit to the acre to 12 units to the acre over the
4 entire hundred acre tract, there would be an increase.

5 Q What would be the impact on transportation
6 mobility?

7 A There have been problems associated with it. As
8 a general statement, I would say that there would be a
9 problem with site. Specifically, there might not be
10 a problem. I have to know the site, the roads that service
11 it, the traffic already on the road.

12 Q Is your answer in the context of private
13 automobile transportation traffic problems or / it also
14 encompass mass transportation?

15 A That's why I say I have to be very site specific.
16 And, we are not being so.

17 Q Have you done any analysis or study on quanti-
18 fying the number of people that commute to jobs in Morris
19 County from locations outside of the county?

20 A As part of this study, one of the people that worked
21 for me attempted to make use of information from the 1970
22 census. Frankly, the problem that we ran into was trying
23 to bring that to an acceptable base year. So, we never
24 included it in the study.

25 Q Directing your attention to these documents

1 that have the notation on the right-hand corner: File 5A,
2 P-5, I show you those documents.

3 Q Can you identify them?

4 A I believe this is one of the two items the gentleman
5 from Harding -- this was the document where we couldn't
6 figure out what was what.

7 You zeroxed this out of one of the files we had. It's
8 a summary of a computer printout, approximately two inches
9 thick. It represents -- I believe it says people not living
10 in Morris County, but working there.

11 I, frankly, did not prepare it.

12 When I went to discuss it with a number of the staff
13 I have some serious problems relating the information context
14 what we were doing.

15 As I indicated, it's part of a very large computer
16 printout. It does indicate by income levels where people
17 work and where they live.

18 MR. ONSDORFF: At this time, we will mark
19 that.

20 The document comprises five pages of statistics
21 concerning commutation trips in and out of Morris
22 County.

23 Q Is that correct?

24 A Yes, sir, it does.

25

1 (P-8 for identification is a document consist-
2 ing of five pages of statistics concerning commutation
3 trips in and out of Morris County.)
4

5 MR. LATZER: I raise an objection to
6 questioning on that particular item. It does
7 not form a part of this expert's report and we
8 do not, at this time, envision that it will form
9 a part of this report. We expect to be bound by that
10 representation unless you have something else.

11 MR. ONSDORFF: I understand it.

12 I just want to identify the source of these
13 materials. That was my only question.

14 Q You may have stated that, but if you can,
15 just indicate what these materials constitute and what the
16 source was?

17 A The source for the materials, as I can best describe
18 it, is a printout of a summary performed by Tri-State --
19 that summary made use of 1970 census tapes.

20 Q You say Tri-State. What is that?

21 A Tri-State Transportation Commission which is the
22 North - East Transportation Study Group.

23 Q Directing your attention to Page 12 of your
24 report, the second paragraph, approximately halfway through
25 that paragraph there is a statement, "In general, bus

1 We utilized a bus route for the purpose of Figure 4.
2 That gave a reasonable graphic representation.

3 Q What period of time was this study performed?

4 A Since the spring of '79.

5 I can't tell specifically, I would say somewhere --
6 I'll say about the beginning of the summer of '79.

7 Q Later down in that same paragraph on Page 12
8 it says, "However, providing bus service from all of the
9 outlying communities to Newark or Hudson County would be
10 economically unfeasible."

11 Have you defined or quantified what constitutes
12 the cost of economic unfeasibility?

13 A If I might?

14 I have -- the revenue generated by the fares on the
15 bus would cover the operation of the bus.

16 Q The statement appears just after that says,
17 "Manhattan with its huge job market will always remain
18 the focal point of bus commutation from New Jersey."

19 What is the basis for your opinion as reflected in
20 that statement?

21 A Dealing with bus transportation over the past 15
22 years in New York and New Jersey and the Manhattan area.

23 Q Have you evaluated or studied the job market
24 in Manhattan over the period from World War II to determine
25 trends in employment in that city?

1 commutation serves the same corridors as the railroad,
2 reflecting population centers and overall demand."

3 What is the basis for that statement?

4 MR. PANTEL: Objection, as stated.

5 The question on this record makes reference
6 only to "the railroad", and as such, the question
7 is too ambiguous.

8 MR. LATZER: Do you understand the question?

9 THE WITNESS: I thought I did.

10 MR. LATZER: Answer it as you understand.

11 A I think we're indicating that if you look at a bus
12 route map you will find that bus routes are generally
13 directed along the same corridor and serving the same
14 population as the rail lines.

15 Q Have you done any study of the cost of bus
16 commutation from Morris County to employment centers in
17 the east?

18 A I believe in Table IV, Page 13 -- I am sorry -- yes,
19 Table IV on Page 13 includes both monthly commutation costs
20 for bus and railroads. We also figure on Page 14 -- gives
21 a monthly commutation cost as reflected by straight line
22 mileage reflecting the TNJ Number 116. It is an information-
23 al piece of information because we do not go through the
24 analysis of actual traffic distance of the bus and that
25 has a very real impact on the commutation cost.

1 A Have I studied or evaluated it?

2 I have not studied or evaluated it and I'm aware
3 of it.

4 Q How did you become aware of it?

5 A It's difficult not to be aware of it if you've
6 worked in the New York Metropolitan area for the past
7 15 years. It's part of the business.

8 Q Based upon your knowledge, what is your
9 opinion as to the trend that has occurred in the Manhattan
10 job market since World War II?

11 A A general statement I believe is: It's declined.
12 It's still in absolute numbers a very large market.

13 For mass transit to work effectively it has to
14 serve in absolute numbers, the large numbers that make
15 the trip.

16 Manhattan, the job market is such that given an
17 increase or a decrease, the absolute numbers are so high
18 that they will always have associated with it mass transit.

19 If for no other reason, it is almost impossible to
20 get into the city without it.

21 However, without mass transit, however --

22 I would point out, however, that even with that
23 high population and high level of demand, mass transit
24 associated with New York City has not been profitable to
25 operate.

1 MR. LATZER: Just before you continue: On
2 Table IV the cost per month -- is that one way or
3 is that a round trip?

4 THE WITNESS: That's round trip commutation
5 costs. They reflect wherever available.

6 MR. PANTEL: The traveling time is each
7 way, is it not?

8 THE WITNESS: I believe, yes.

9 MR. LATZER: The travel time is one way and
10 the distance is one way?

11 THE WITNESS: The cost represents the total
12 cost per month.

13 MR. LATZER: So that would be?

14 THE WITNESS: Of the mass transit portion,
15 only.

16 MR. LATZER: I want to understand that some-
17 one taking the bus -- in the cost per month -- that's
18 the total cost. Is that a round trip?

19 THE WITNESS: It's a round trip of the
20 mass transit portion, only.

21 MR. LATZER: What do you mean by that?

22 THE WITNESS: It reflected the cost of
23 getting to the mass transit system or leaving the
24 mass transit system and getting to the place of
25 employment.

1 MR. LATZER: You assumed in the cost per
2 month figure -- you took the straight line miles,
3 I suppose, and multiplied it by two, then by the
4 work week. Is that how you would come up with the
5 cost of --

6 THE WITNESS: I'm sorry?

7 MR. LATZER: How --

8 THE WITNESS: How did I get the cost per
9 month?

10 We called the railroad and asked them what
11 the monthly commutation fee was from Chatam. Or,
12 we called the bus line and said, "What is the cost
13 from getting here to there and back?"

14 Q I was trying --

15 THE WITNESS: That's out of pocket cost
16 to the user, not on a theoretical analysis of
17 what it costs to run the railroad.

18 Q Just one other statement.

19 On Page 12, which I overlooked, it appears in the
20 first paragraph: "However, service is limited to a narrow
21 corridor providing no access to the southwest and northern
22 areas of the County."

23 Have you defined the geographics of the narrow
24 corridor which you referred to in that sentence?

25 A No.

1 If you wish, I will bring a map with me to try to
2 outline it.

3 MR. ONSDORFF: Off the record.

4
5 (An off the record discussion takes place.)
6

7 Q By the phrase "no access," what specifically
8 do you mean by that? You can't get there from here, or what?

9 A Rail access in a suburban area is, to a large extent,
10 dependant upon the availability of that mass transit system
11 to the riding public. In an area such as Morris County the
12 use of the rail facility is, in a very real way, impacted
13 by the convenience with which one can get to the facility.
14 In this particular case, we're talking about a railroad
15 station, and, again to a large degree, the availability
16 of parking when you get to that station.

17 What we're referring to there is that while you
18 look for information of ridership for a particular station
19 you may find a surprisingly large disbursement of home loca-
20 tions for people who make use of that station. A majority
21 of the people are going to be located nearby. And as such,
22 a rail line tends to only serve a fairly narrow corridor.

23 One of the reasons can be parking, and other reasons:
24 if you have to drive your car 15 or 20 minutes to get to
25 a train, chances are you may be able to take that same

1 15 or 20 minutes and head towards your place of work. And,
2 it's both from a standpoint in time and a dollar standpoint
3 cheaper to keep going in an automobile.

4 So, there is a defineable corridor, in a theoretical
5 sense, that the rail line serves in a suburban area.

6 Q I direct your attention to Page 15 of your
7 report.

8 In evaluating energy considerations in regard to
9 commutation trips into and out of Morris County to employ-
10 ment centers to the east, have you endeavored to quantify,
11 by number of trips, the amount of additional energy that
12 would be consumed?

13 A I think we give an example.

14 For purposes of discussion, an increase of 20 miles
15 round trip a day in a private automobile, it would consume
16 250 gallons of gasoline per household, because of that
17 increase in distance.

18 I think we also indicate that while 250 for an
19 individual household may not be significant, if large
20 numbers of households are relocated, and assuming that
21 their place of employment remains where their current
22 household is today, there would be a serious impact upon
23 the -- there would be a significant increase in the use
24 of gasoline.

25 Q Have you performed an analysis to determine

1 if, say, those same jobs are relocated to Morris County and
2 housing is provided -- and, excuse me, the housing remains
3 in the present location in these employment centers to the
4 east and the commutation is from the home in the eastern
5 employment centers to the employment in Morris County, does
6 that have the same impact on the consumption of -- the
7 analysis that you've utilized in the --

8 A We've used the same, which is Morris County to Newark.
9 And, if we move them to Morris County and they still have
10 to go work in Newark we have a serious impact. If we
11 reverse the situation, there's the same thing.

12 Q There's no difference whether you're going
13 east or west?

14 A Assuming you always go home at night.

15 Q Directing your attention to Page 17, the first
16 full paragraph, the last sentence in that paragraph, "While
17 the numbers may change for any set of circumstances, the
18 artificial creation of housing will result in increased and
19 unnecessary expense to those occupying the housing unit."

20 What do you mean by the term "artificial creation
21 of housing?"

22 A If I read through the depositions -- I will stipulate
23 I have not made it through any of them of the witnesses of
24 the Public Advocate. I reach the conclusion that there is
25 a desire on the part of the experts of the Public Advocate,

1 and I would, therefore, assume a concurrence of the
2 Public Advocate's office to relocate --

3 I think the last number I saw was 94,000 units into
4 Morris County by some particular year. I have not seen
5 demonstrated, to my satisfaction, that either the number
6 of jobs, or frankly, the type of jobs are also to be avail-
7 able in Morris County, given the economic constraints as well
8 as the demographic characteristics that people wish to live
9 relatively close to work.

10 In my opinion, to bring that number of units into
11 Morris County, is an artificial location of housing that
12 does not reflect either from a transportation standpoint
13 the desires of the people to locate close to their place
14 of work or the economic reality of placing the transportation
15 burden on these individuals. So, when we talk about 94,000
16 units into Morris County, I consider that to be artificial
17 as opposed to market and economic conditions.

18 Also, I think it's absolutely wrong, from a trans-
19 portation standpoint.

20 Q Have you done any analysis of the transporta-
21 tion needs of persons not seeking employment in Morris
22 County but requiring affordable housing within the county?
23 Examples would be senior citizens and Welfare recipients.

24 A Specifically, as part of this study, or have I
25 analyzed that type of need? If I say I analyzed or looked

1 at that type of need, I have not done so in Morris County.
2 I have done so elsewhere. But, only if you talk in general
3 terms.

4 Q Elsewhere, you mean other areas besides
5 Morris County?

6 A Yes.

7 Q Directing your attention to Page 18 of your
8 report, the first paragraph, the second sentence, "No one
9 questions that an improvement in the housing stock must
10 occur."

11 What housing stock are you referring to in that
12 sentence?

13 A I'll say in the general housing stock in New Jersey
14 and, certainly, in the central cities.

15 Q Have you done any analysis to quantify the
16 number of housing units which require improvement?

17 A I have not, no.

18 Q Directing your attention to the second
19 paragraph on Page 18 of the report, the statement reads,
20 "The increase in governmental spending will be financed
21 by households involved."

22 What increase in governmental spending are you
23 talking about in that sentence?

24 A I recognize the sentence, but I have not found it
25 yet.

1 Q It's third from the end of that paragraph,
2 I believe.

3 A I think I say, "To add the need for additional trans-
4 portation facilities will, if in fact they can ever be
5 built, increase the cost."

6 And, I'm referring to the cost of completing what
7 is already planned. That cost is typically borne by the
8 government and is financed through taxes. Therefore, it
9 will be, to a degree, financed by the households involved
10 because they will be paying taxes. At least that's my
11 assumption, that they will be paying taxes.

12 Q When you say: financed by the households
13 involved, you're referring to tax payments that these
14 households will make?

15 A Certainly.

16 Q What type of taxes?

17 A We have the State Income Tax; we have a real estate
18 tax; we have a Federal Income Tax, all of which at one
19 point or another contribute to the cost of making transporta-
20 tion improvements. Whether that's on bonds, or whatever,
21 tax revenue like anything else is a limited resource.

22 I would like to think that it would be better used
23 than paying for unnecessary transportation improvements.

24 Q Directing your attention to the last paragraph
25 on Page 18, last sentence in that paragraph it reads,

1 "Rehabilitation of existing structures will allow household
2 transportation costs to remain at their current levels."

3 How is it that such rehabilitation will allow trans-
4 portation costs to remain constant?

5 A You raised the subject.

6 If I consider, for the purposes of the exam. as
7 we've done through this report, the Newark employment region,
8 and I include -- and I assume that the large numbers of the
9 residential units in that region -- that the people that
10 live there are employed in that region and there is a short
11 journey to work, which the data indicates there is, if we
12 can improve that housing stock and maintain that journey
13 to work at a short distance, it will not bring an unnecessary
14 increase in transportation costs.

15 If we relocate those people a significant distance
16 from their place of employment, we will increase the
17 transportation costs unless the jobs move, also.

18 So, from my standpoint, the rehabilitation of
19 existing housing stock or at least the utilization of the
20 existing residential land would allow the transportation
21 cost to remain at their relative position.

22 MR. ONSDORFF: Thank you.

23 At this time, that will conclude the
24 deposition of Mr. Frost.

25 MR. LATZER: When you say: at this time

1 this concludes the deposition -- I'm not saying
2 you can't make an application at a later time to
3 continue, but as of now you are finished with
4 Mr. Frost?

5 MR. ONSDORFF: Yes, I have no further
6 intentions to depose him, at this time.

7 MR. PANTEL: I have one question.
8

9 CROSS-EXAMINATION

10 BY MR. PANTEL:

11 Q Mr. Frost, in the beginning of your deposition,
12 I believe in response to one of the Public Advocate's ques-
13 tions, you suggested that 20 to 25 minutes would be a possible
14 mean commutation time from Morris County to Essex County?

15 A No, I wasn't referring from Morris County to
16 Essex County. I was referring to a mean transportation
17 time. That's the magnitude, yes.

18 Q Of course, the transportation time cannot
19 have significance unless it's defined as to the point
20 of origin, the point of destination.

21 Correct?

22 A It certainly -- you would have to have those two
23 to measure it, yes.

24 Q Do you recall having defined that transportation
25 time with reference to a point of origin and point of

1 destination?

2 A In the report?

3 Q In the earlier questions today?

4 A I don't recall how I answered it. I don't remember
5 the 20 to 25 minutes. I don't know if I was using specific--

6 Q Is it your opinion that there would be a great
7 range of different transportation times for different
8 commutation origins from Morris County to job sites in
9 Essex County?

10 A Given the same destination. If the origin moved
11 further and further away, I would expect that the transporta-
12 tion time would increase.

13 Is that what you are saying?

14 Q Yes.

15 I don't believe that within Morris County there are
16 so many different possible commutation origin points of
17 such great difference in distance between job sites in
18 Essex County that you would have a great variation in
19 commutation from job sites in Morris County to -- and
20 Newark employment centers to which you referred to yesterday.

21 A Certainly, Morris County is very large, and spot to
22 spot throughout the county there would be a great difference
23 in traffic times involved.

24 MR. LATZER: I have no questions.

25 MR. PANTEL: I have no further questions.

MR. ONSDORFF: No questions.

(The deposition adjourns at 11:15 a.m.)

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