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letter propositioning to consensus on  
~~computerized~~ figures.

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June 21, 1984

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JUDGE SERPENTELLI'S CHAMBERS

The Honorable Eugene D. Serpentelli  
Judge of the Superior Court of New Jersey  
Ocean County Court House  
CN 2191  
Toms River, New Jersey 08754

Dear Judge Serpentelli:

In the course of assessing the commutershed region for Warren Township in Somerset County I had an opportunity to give thought to the regional determination approach as framed in the concensus report. As you may know, a number of issues have emerged in recent months as various planners actually began applying the methodology to different municipalities. I am taking the liberty of sharing my observations with the Court in the hope they be of some assistance in resolving these matters.

Firstly, it is helpful to recount the principles which guided the planners in developing the concensus definition of region for the allocation of prospective lower income housing need. To the best of my recollection, there were three such principles:

1. the definition must be consonant with the Mount Laurel II decision;
2. the regions should be readily susceptible to the kind of statistical analysis which is necessary for fair share purposes; and
3. the application of the methodology should be relatively straightforward so that regional determinations would be predictable and consistent.

The decision contains extensive guidance on the concept of region and the Mount Laurel doctrine. These passages are familiar to the Court and need not be reviewed in detail. However, it is noteworthy that the planners involved in drafting the concensus were mindful of the Court's citation of its prior observation (in Oakwood at Madison v. Township of Madison) that "harm to the objective of securing adequate opportunity for lower income housing is less likely from imperfect allocation models than from undue restriction of the pertinent region" (72 N.J. at 541).

The planners had agreed on the legitimacy of two types of regions - a fixed region for allocation of Present Need and a commutershed region for Prospective Need - as described in Carla Lerman's Fair Share Report. Thus, the objective with regard to Prospective Need was to utilize journey-to-work data to define relatively generous or expansive commutershed regions while still adhering to the second and third principles noted above.

The 1980 Census reports on Journey-to-Work are critical to this definition. The results for the United States are summarized as follows:

<u>Travel time to work</u>	<u>Percentage of total work force</u>
Less than 15 minutes	36.3
15 - 29 minutes	36.5
30-44 minutes	16.0
45-59 minutes	5.7
60 minutes or more	5.4
Travel time not reported	.1
	<u>100.0</u>

As is evident from these national statistics, a significant break occurs at the 45 minute commuting limit. In their recent report the Rutgers Center for Urban Policy Research reviews these figures and identifies 45 minutes as the threshold of what could be considered a "burdensome" commute for purposes of regional determinations (Mount Laurel II, Challenge and Delivery of Low-Cost Housing, p.39-40).

The concensus planners consciously chose a shorter commuting limit but balanced it with the stipulation that "the entire area of a county will be considered within the commutershed when the 30-minute drive time enters into that county at any point" (Fair Share Report, Urban League of Greater New Brunswick v. Carteret et al. by Carla Lerman, p.9). As mentioned in the opening paragraph, concerns over boundary interpretations have prompted discussion among the planning community as to whether this language should be taken literally or rather whether a different standard ought to apply when only a municipality on the fringe of a county is entered within the 30 minute commute.

I believe the regional definition ought to be applied quite literally for two reasons. The first follows directly from the context in which it was developed. If not for the superior availability of data at the county level the commutershed could (and probably would) have used municipalities as components instead of counties. However, in all likelihood the drive time would have been lengthened (logically to 45 minutes)

in order to prescribe the expansive regions which Mount Laurel II requires. Should any county be partly, even barely, within the 30-minute drive time of a subject municipality it is likely that a very substantial portion of that county would be within a 45-minute drive from the same location.

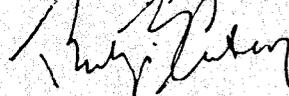
The second reason is practical, not theoretical. Regardless of the standard used, ultimately a decision must be made to include or exclude a given county based at least in part on geographic proximity. Rather than judging whether a municipality is "half" within the commutedshed or whether a "substantial" portion of a county is included, the simple test in the consensus approach is all that is necessary. The county line - not the first exit ramp off a limited access highway, nor the first house or place of employment - is a predictable, recognizable boundary and a standard more than adequate for regional determinations according to the consensus approach.

As noted in my letter of June 20 regarding Warren Township's region, the opportunity for error in measuring drive times can be diminished by use of a standard map series. The best maps I have seen for this purpose are the General Highway Map series published by the NJ Department of Transportation at a convenient scale of 1" : .5 miles. While the detail on these maps is quite good, a finer scale municipal map may be appropriate to measure distances from the functional center of the community to the regional road network.

In summary, I believe the consensus approach to the commutedshed region to be very responsive to the principles which guided its creation. Further, for the reasons stated above I am not persuaded that the methodology should be made more elaborate by broadening the interpretation of county boundary conditions. Such a change would be counterproductive to the goal of "consistency and predictability" in regional determinations which was emphasized so strongly in Mount Laurel II.

Please feel free to request further information on these observations if it would be of assistance to the Court.

Sincerely,



Philip B. Caton, AICP

PBC:cjl