

April 11, 2011

TO: Members of the MAG Regional Council Executive Committee

FROM: Mayor Thomas Schoaf, City of Litchfield Park, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA FOR
THE MAG REGIONAL COUNCIL EXECUTIVE COMMITTEE

Monday, April 18, 2011 - 12:00 p.m.
MAG Office, Suite 200 - Cholla Room
302 North 1st Avenue, Phoenix

A meeting of the MAG Regional Council Executive Committee has been scheduled for the time and place noted above. Members of the Committee may attend the meeting either in person, by telephone conference, or by videoconference.

Please park in the garage under the building. Bring your ticket to the meeting, parking will be validated. For those using transit, the Regional Public Transportation Authority will provide transit tickets for your trip. For those using bicycles, please lock your bicycle in the bike rack in the garage.

Pursuant to Title II of the Americans with Disabilities Act (ADA), MAG does not discriminate on the basis of disability in admissions to or participation in its public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Denise McClafferty at the MAG office. Requests should be made as early as possible to allow time to arrange the accommodation.

If you have any questions regarding the Executive Committee agenda items, please contact me at (623) 935-5033. For MAG staff, please contact Dennis Smith, MAG Executive Director, at (602) 254-6300.

MAG EXECUTIVE COMMITTEE
TENTATIVE AGENDA
APRIL 18, 2011

COMMITTEE ACTION REQUESTED

1. Call to Order

The meeting of the Executive Committee will be called to order.

2. Call to the Audience

An opportunity will be provided to members of the public to address the Executive Committee on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Members of the public will be requested not to exceed a three-minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Executive Committee requests an exception to this limit. Please note that those wishing to comment on action agenda items will be given an opportunity at the time the item is heard.

3. Approval of Executive Committee Consent Agenda

Prior to action on the consent agenda, members of the audience will be provided an opportunity to comment on consent items that are being presented for action. Following the comment period, Committee members may request that an item be removed from the consent agenda. Consent items are marked with an asterisk (*).

2. Information and discussion.

3. Approval of Executive Committee Consent Agenda.

ITEMS PROPOSED FOR CONSENT*
BY THE EXECUTIVE COMMITTEE

*3A. Approval of the March 21, 2011 Executive Committee Meeting Minutes

*3B. Consultant Selection for the MAG Managed Lanes Network Development Strategy - Phase One

The Transportation Policy Committee, at its October 20, 2010 meeting, passed a motion to conduct the MAG Managed Lanes Network

3A. Review and approval of the March 21, 2011 Executive Committee meeting minutes.

3B. Approval of the selection of Parsons Brinckerhoff to conduct Phase I of the MAG Managed Lanes Network Development for an amount not to exceed \$500,000.

Development Strategy - Phase I project. From this motion, the fiscal year (FY) 2011 MAG Unified Planning Work Program and Annual Budget, as approved by the MAG Regional Council in May 2010, was amended in November 2010 to include \$500,000 to conduct the project. This is a multi-phase project for a study that begins with an examination of the entire freeway system for introducing managed lanes as a strategy for congestion relief and as a potential private-public-partnership for implementation. A consultant selection process began on December 10, 2010 with a Request for Proposals to interested consultants to conduct the study. Proposals were due to MAG on January 6, 2011. The seven proposals that were received were evaluated by a member agency review team and MAG staff. Based upon the evaluation process, the committee conducted an interview process of four teams on March 8, 2011. At the conclusion of the interview process, the review team recommended to MAG the selection of Parsons Brinckerhoff to conduct the first phase of study. This item is on the April 13, 2011 Management Committee agenda for recommendation to approve. Please refer to the enclosed material.

*3C. Amendment of the FY 2011 MAG Unified Planning Work Program and Annual Budget to Increase the Funding for the Transportation Planning Services On-Call Project

The FY 2011 Work Program included \$100,000 for Transportation Planning On-Call Services. Staff is proposing that an additional \$200,000 be added to the project to enable additional planning projects to be performed. One project currently being considered is to update a 2000 study conducted by the Arizona Department of Transportation that examined the cost of putting the Wellton Branch railroad line back in service. Also to be examined would be the cost for a new railroad line in the Hassayampa Valley, to connect the Union Pacific Railroad line to the Burlington Northern Santa Fe Railroad line. In addition, the cost of a new railroad line from Buckeye to the

3C. Approval to amend the FY 2011 MAG Unified Planning Work Program to add \$200,000 to the Transportation Planning Services On-Call Project.

Union Pacific main line in Gila Bend would be examined. This item is on the April 13, 2011 Management Committee agenda for recommendation to approve.

***3D Amendment to the FY 2011 MAG Unified Planning Work Program and Annual Budget to Provide Additional Funding for the MAG Air Quality Associate**

The FY 2011 MAG Unified Planning Work Program and Annual Budget includes an associate contract for air quality technical services not to exceed \$130,000. The air quality technical assistance includes air quality modeling, emission inventories, air quality plan preparation, tracking implementation of committed control measures, transportation conformity and other technical analyses. The modeling and plan development workload has increased with the preparation of the new Five Percent Plan for PM-10. Also, the Environmental Protection Agency (EPA) sent a letter to MAG on March 14, 2011 indicating that additional modeling analyses need to be conducted for the MAG Eight-Hour Ozone Maintenance Plan that was submitted to EPA in February 2009. The additional federal funding requested from the Work Program is \$24,000 which would increase the current associate contract amount from \$130,000 to \$154,000.

3D. Approval to amend the FY 2011 MAG Unified Planning Work Program and Annual Budget to add \$24,000 to the associate contract for MAG Air Quality Technical Assistance.

**ITEMS PROPOSED TO BE HEARD
BY THE EXECUTIVE COMMITTEE**

4. Development of the FY 2012 MAG Unified Planning Work Program and Annual Budget

Each year, the MAG Unified Planning Work Program and Annual Budget is developed incrementally in conjunction with member agency and public input. The Work Program is reviewed each year in April by the federal agencies and approved by the Regional Council in May. The Intermodal Planning Group meeting was held March 29, 2011, and any recommendations from that review, as well as any other significant budget

4. Information and input on the development of the fiscal year (FY) 2012 MAG Unified Planning Work Program and Annual Budget.

revisions, will be brought to the Executive Committee. Please refer to the enclosed material.

5. Annual Regional Council Meeting

On July 22, 2009, the MAG Regional Council approved the MAG Committee Operating Policies and Procedures. The policies outline that the officers for the Regional Council would change every year, with the election taking place during the June Annual Meeting. In the past, officers typically changed every two years, which coincided with the biennial Desert Peaks Awards Program. The Annual Meeting included election of officers, with a formal passing of the gavel taking place during the Desert Peaks ceremony. Due to the fact that this year's Annual Meeting will not coincide with the Desert Peaks program, staff is requesting guidance on planning for the 2011 Annual Meeting. Also, due to the remodeling of the MAG Office space during the June, July and August, an alternative site for the Regional Council meeting for June and July will be needed.

6. Remodel of MAG Office Space Update

On April 18, 2010, the MAG Executive Committee was briefed on the proposed Tenant Improvement (T.I.) project that would remodel and expand the current MAG office and meeting space. This item was heard as part of the development of the Draft FY 2011 MAG Unified Planning Work Program and Annual Budget. At that time, the MAG Executive Committee provided input and direction that allowed MAG to proceed with a contract with DFDG, an Architectural and Engineering team based locally. The scope of work for this T.I. project includes partial demolition and reconstruction of the second floor to add four additional meeting rooms, a remodeled prep kitchen and lobby, as well as a complete build out of office space on the fourth floor of the Phoenix Transit building. Staff will provide an update on the status of the project.

5. Information, discussion and input on planning for the 2011 Annual Meeting and the July Regional Council meeting.

6. Information and discussion.

7. Open Meeting Law Update

At the March 30, 2011 Regional Council meeting, it was requested that information be provided regarding The Arizona Open Meeting Law and how it applies, or does not apply, to the loss of a quorum and continued discussion of non-action items on the agenda, as well as other matters. An update will be provided by the MAG General Counsel.

The Executive Committee may vote to recess the meeting and go into executive session with MAG's General Counsel for discussion and consultation regarding the Open Meeting Law. A.R.S. 38-431.03(A)(3).

The Executive Committee may reconvene the meeting to provide direction to staff if needed.

8. Update on the MAG Five Percent Plan for PM-10

It is anticipated that a new Five Percent Plan for PM-10 would need to be submitted to the Environmental Protection Agency in January 2012. On April 1, 2011, Maricopa County provided the Revised 2008 Annual PM-10 Emissions Inventory that would be used as the basis for the new plan. The Arizona Department of Environmental Quality has also been preparing a proposed amendment to HB 2208 to address the early implementation of measures to reduce PM-10 on days that are at high risk for exceeding the standard. Please refer to the enclosed material.

The Executive Committee may vote to recess the meeting and go into executive session with MAG's attorney(s) for legal advice regarding the MAG Five Percent Plan for PM-10. The authority for such an executive session is in A.R.S. § 38-431.03(A)(3).

The Executive Committee may reconvene the meeting to provide direction to staff if needed.

7. Information, discussion and possible motion to adjourn to executive session with MAG's General Counsel for discussion and consultation regarding the Open Meeting Law. A.R.S. 38-431.03(A)(3).

8. Information, discussion and possible motion to adjourn to executive session with MAG's attorney(s) for legal advice regarding the MAG 2007 Five Percent Plan for PM-10. A.R.S. § 38-431.03(A)(3).

9. Request for Future Agenda Items

Topics or issues of interest that the Executive Committee would like to have considered for discussion at a future meeting will be requested.

10. Comments from the Committee

An opportunity will be provided for the Executive Committee members to present a brief summary of current events. The Executive Committee is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Adjournment

9. Information and discussion.

10. Information

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
MAG REGIONAL COUNCIL EXECUTIVE COMMITTEE

March 21, 2011

MAG Offices, Cholla Room
302 N. 1st Avenue, Phoenix, Arizona

MEMBERS ATTENDING

Mayor Thomas L. Schoaf, Litchfield Park,
Chair
#Mayor Hugh Hallman, Tempe, Vice Chair
#Mayor Marie Lopez Rogers, Avondale,
Treasurer

Mayor Jim Lane, Scottsdale
Mayor Michael LeVault, Youngtown
#Councilwoman Peggy Neely, Phoenix
Mayor Scott Smith, Mesa

* Not present

Participated by video or telephone conference call

1. Call to Order

The Executive Committee meeting was called to order by Chair Schoaf at 12:13 noon. Chair Schoaf stated that public comment cards were available for those members of the public who wish to comment. Transit tickets were available from Valley Metro for those using transit to come to the meeting. Parking validation was available from MAG staff for those who parked in the parking garage.

2. Call to the Audience

Chair Schoaf stated that, according to the MAG public comment process, members of the audience who wish to speak are requested to fill out the public comment cards. He stated that there is a three-minute time limit. Public comment is provided at the beginning of the meeting for items that are not on the agenda that are within the jurisdiction of MAG, or non-action agenda items that are on the agenda for discussion or information only. Chair Schoaf noted that no public comment cards had been received.

3. Consent Agenda

Chair Schoaf noted that prior to action on the consent agenda, members of the audience are provided an opportunity to comment on consent items that are being presented for action. Following the comment period, Committee members may request that an item be removed from the consent agenda. Chair Schoaf noted that no public comment cards had been received.

Chair Schoaf requested a motion to approve the consent agenda. Mayor LeVault moved to approve items #3A through #3C. Mayor Smith seconded the motion and the motion carried unanimously.

3A. Approval of the February 14, 2011 Executive Committee Meeting Minutes

The Regional Council Executive Committee, by consent, approved the February 14, 2011 Executive Committee meeting minutes.

3B. Amendment to the FY 2011 MAG Unified Planning Work Program and Annual Budget to Include Funding for Two Public/Business Forums in Coordination With the Sustainable Transportation Study

The Executive Committee, by consent, approved the budget amendment to the FY 2011 MAG Unified Planning Work Program and Annual Budget to include \$48,650 to conduct two (2) public and business forums in support of the Sustainable Transportation and Land Use Integration Study. As part of the FY 2011 MAG Unified Planning Work Program and Annual Budget approved by MAG Regional Council in May 2010, MAG is currently conducting a Sustainable Transportation and Land Use Integration Study. To increase participation in the planning process, MAG is requesting that the FY 2011 MAG Unified Planning Work Program and Annual Budget be amended to provide MAG federal planning funds in the amount of \$48,650 to conduct two (2) public and business outreach forums. The forums will be conducted by the Urban Land Institute (ULI), a national leader in promoting best practices in all aspects of the real estate industry. On March 9, 2011, the MAG Management Committee recommended approval to amend the FY 2011 MAG Unified Planning Work Program and Annual Budget to include the \$48,650.

3C. Amendment to the FY 2011 MAG Unified Planning Work Program and Annual Budget to Accept Funding from Virginia G. Piper Charitable Trust to Support Aging Services Planning

The Executive Committee, by consent, approved the budget amendment to the FY 2011 MAG Unified Planning Work Program and Annual Budget to include grant funding in the amount of \$110,800 from the Virginia G. Piper Charitable Trust to support Aging Services Planning. The FY 2011 MAG Unified Planning Work Program and Annual Budget (UPWP) was approved by the MAG Regional Council on May 26, 2010. A grant for Human Services was awarded on February 14, 2011 to Regional Community Partners (RCP) for work on the MAG Municipal Aging Services Project. This project work includes an inventory of municipal aging services, community engagement to determine the needs of older adults, and the development of an aging services model for local governments. This item is to accept this grant and approve an amendment to the MAG 2011 Unified Planning Work Program and Annual Budget (UPWP) increasing the budget for Regional Community Partners by \$110,800.

4. Development of the FY 2012 MAG Unified Planning Work Program and Annual Budget

Becky Kimbrough stated that the draft work program is presented to the Executive Committee in January each year beginning with the proposed dues and assessments. She noted that for FY 2012 MAG staff is proposing that the dues and assessments be maintained at the 50 percent level. She stated that the 2010 Census population was finalized and a revised Dues and Assessments draft was provided. Ms. Kimbrough stated that in February staff brought forward the draft proposed projects. She commented that one change to the proposed projects for FY 2012 was the addition of \$25,000 to the Gila Bend Small Area Transportation Study. She stated that the Maricopa County Department of Transportation will contribute an additional \$20,000 and the Town of Gila Bend will

contribute an additional \$5,000. She stated the revised project will total \$95,000. Ms. Kimbrough also stated that MAG will potentially be adding \$50,000 to use as match for a grant from the Federal Railroad Administration for Western High Speed Rail through the Nevada Department of Transportation.

Ms. Kimbrough stated that this month staff is presenting the draft MAG FY 2012 budget including the program narratives by division and the estimated budget amounts by project, funding source, as well as the division budgets. She noted that the draft budget is approximately 70 percent complete. Ms. Kimbrough stated being mindful of the economic conditions facing all of our members, the FY 2012 draft budget does not include projected salary increases for FY 2012. She noted that there may be some minor salary adjustments during this fiscal year, but there will not be budgeting for any type of salary increase for staff in FY 2012.

Ms. Kimbrough stated that the remodel of the MAG floors that was included in this year's capital budget has gone much slower than anticipated. She noted that because of the delay in the schedule, MAG has had to carry forward the remodel budget into our draft FY 2012 work program in order to accommodate the Title 34 procurement that slowed the project down. She stated the proposed capital budget for FY 2012 is located on page A-16 in the appendix of the draft budget.

Ms. Kimbrough reported that the Intermodal Planning Group meeting is scheduled for the morning of Tuesday, March 29, 2011. She stated this meeting is a review of the MAG budget by the Federal Highway Administration, the Federal Transit Administration, and the Environmental Protection Agency. She noted the budget review will also include MAG's partners, such as the City of Phoenix, Maricopa County, the Regional Public Transportation Authority (RPTA), Valley METRO, the Arizona Department of Environmental Quality, as well as other interested parties. Ms. Kimbrough stated that information and comments from that meeting will be brought to the Executive Committee in April. She thanked the Executive Committee for their time and stated she would be happy to answer any questions. Chair Schoaf asked if there were any questions

Vice Chair Hallman noted that he has a meeting with MAG staff tomorrow to discuss the budget, mainly processing issues, and looks forward to this conversion. There were no further questions or comments.

5. Update on the MAG Five Percent Plan for PM

Lindy Bauer stated that on February 14, 2011, the Environmental Protection Agency (EPA) published a Finding of Failure to Submit for the withdrawal of the MAG 2007 Five Percent Plan for PM-10. She noted that this is a key date and all action will be based off this date. She stated that the current thinking is that a new plan would need to be submitted to EPA by January of 2012, which would give EPA six months to do a completeness finding so that the first sanction would not be imposed by August 14, 2012. Ms. Bauer stated that work has continued on the new Plan, specifically the emissions inventory. She noted that there are efforts underway to revise the 2008 emissions inventory and work has focused on windblown dust and rule effectiveness. She stated that this inventory will serve as the foundation for the new Plan.

Ms. Bauer stressed that on a parallel track, MAG, Maricopa County and the Arizona Department of Environmental Quality (ADEQ) will work on activities designed to prevent exceedances from

occurring at the monitors. She noted that EPA indicated, informally, that 2009 may very well be a clean year. EPA stated that most of the exceedances in 2009 were due to dust storm activity. Ms. Bauer stated that 2010 was a clean year, and if this region can stay clean in 2011 that means three years of clean data at the monitors. She noted the EPA has a Clean Data Policy that they have applied to PM-10 and other pollutants. She explained that would mean if this region had three years of clean data at the monitors, EPA would issue an attainment finding under the EPA Clean Data Policy. She noted that if an attainment finding is issued, Clean Air Act requirements would be suspended for reasonable further progress, attainment demonstration, and contingency measures, as long as the area remains in attainment. Ms. Bauer explained that this means the region would be relieved of submitting a Five Percent Plan for PM-10, as long as the monitors stay clean.

Ms. Bauer stated that a workshop was held on March 7, 2011 and was attended by Maricopa County, ADEQ and several cities. She explained that ADEQ has a forecast that they are now sending out to many of the cities, and more cities will be joining in this effort. Ms. Bauer explained that we are asking cities that have monitors in their jurisdictions to be aware and also to look at the existing dust control ordinances. She stated that the idea is to prevent exceedances at the monitors so that the region can have clean data. She added that last Friday, a stakeholders meeting was held by ADEQ and Representative Reeve to discuss measures on this issue. She noted that the discussion was regarding a process that would be patterned after the agriculture best management practices process that has been in place. This process includes a menu of options to choose from to keep dust down on high risk days. Ms. Bauer noted that today, ADEQ will provide a draft concept paper as well as draft legislation. She stated that staff will provide that information to the Executive Committee as soon as it is received.

Dennis Smith stated that staff recommends proceeding into executive session. Chair Schoaf asked for a motion to move into executive session. Mayor Hallman moved that the Executive Committee go into executive session to discuss the Five Percent Plan for PM-10. Mayor Smith seconded the motion and the motion carried unanimously.

The Executive Committee reconvened regular session at 12:50 p.m.

Chair Schoaf asked representatives from Maricopa County if they have heard of Clark County's Natural Event Action Plan and what they think of this plan. Jo Crumbaker from Maricopa County Air Quality Department stated that Maricopa County does have a Monitor Surveillance Program, but one of the things that the County has not done is alarm the after hours. She noted that Inspectors are not sent out when events occur after hours. Ms. Crumbaker stated this is one of the efforts that Maricopa County is working with MAG to address. She stated that the County does have surveillance and inspectors during working hours. She noted the inspectors work extended hours from very early in the morning to late into the evening. Chair Schoaf asked if the Clark County plan was 24/7. Ms. Bauer stated that she did not know but would find the answer to that question. Ms. Crumbaker stated that she believes Clark County has one staff that works from 3:30 a.m. to 11:30 a.m. Chair Schoaf requested that staff obtain more detail regarding Clark County's Natural Event Action Plan. Vice Chair Hallman stated that this is a very serious matter and believes that we need to find the resources to monitor the monitors 24/7.

Chair Schoaf asked if there were any other comments. There were none.

6. Amendment to the FY 2011 MAG Unified Planning Work Program and Annual Budget to Provide More Timely Air Quality Monitoring Resources for Maricopa County

Dennis Smith stated that it is critical to get as close to real-time monitoring as you can get at the monitors. He noted that the County had less than a day to prepare the information provided to you today on the cost of software to provide more timely air quality monitoring. He stated that he was told today that the cost may be more than what was initially expected. Mr. Smith asked someone from the County to explain the increased cost of this software. Chair Schoaf asked if the total cost could be an additional \$60,000 totaling \$90,000 or a total of \$60,000. Mr. Smith asked the County to address that question. Ben Davis replied that it could be a total of \$90,000. He began by stating that most pollution is based on an hourly average. He noted that to receive that information faster, the County had to upgrade the connections at each monitor from dial-up to Internet. Mr. Davis stated that we hope to increase that average to a five or 15 minute average. He noted that there is only one thing worse than no data and that is inaccurate data. Chair Schoaf asked if the \$90,000 would increase the average of information provided to as little as five minute. Mr. Davis replied that the goal is every 15 minutes. He explained that it is all about how the information is stored and pulled from the site, and time must be allowed for the computer to catch up. Chair Schoaf asked if that would be adequate time to react. Mr. Davis agreed that is the challenge and notification is the first step. Chair Schoaf stated that a computer should be able to gauge the degree of a spike when it comes to notification. Mayor Lane asked when there is timely reaction to an incident, under what authority does Maricopa County or cities have to stop the violators. Ms. Crumbaker replied that the County's authority is bound by statute. She noted that a violator would have to be violating a condition of a rule or a condition in their permit. She also noted that the County does not have the authority to shut a site down, only to issue notices of violation. Ms. Crumbaker stated that inspectors would have the ability to contact the local law enforcement agency to remove a violator based on city ordinances.

Dennis Smith stated that staff recommends providing up to \$90,000 to Maricopa County for this software. Chair Schoaf asked for a motion.

Vice Chair Hallman moved to approve amending the FY 2011 MAG Unified Planning Work Program and Annual Budget to provide up to \$90,000 to Maricopa County to acquire software and related equipment to provide more timely air quality monitoring information. Mayor LeVault seconded the motion and motion carried unanimously.

7. Amendment to the FY 2011 MAG Unified Planning Work Program and Annual Budget to Develop a PM-10 Prevention Video

Dennis Smith stated that the strategy is a prevention strategy. Lindy Bauer explained the concept of the video would be to create public awareness and to prevent exceedances, especially on high risk days. She noted that this video would be shown on local channel 11 stations and on You Tube. She explained that the theme of the video would be everyone doing their part, including industry and private individuals.

Mayor LeVault commented that we live in a desert. He also noted that dust in the desert was, and will continue to be, a problem for this region for a long time. Chair Schoaf asked if there were any other comments or questions. There were none.

Mayor LeVault moved to approve amending the FY 2011 MAG Unified Planning Work Program and Annual Budget to add \$12, 000 to the Video Outreach Associate contract to assist MAG in developing an air quality prevention video. Mayor Smith seconded the motion and the motion carried unanimously.

8. Request for Future Agenda Items

Chair Schoaf asked if there were any requests for future agenda items. There were no requests.

9. Comments from the Committee

Chair Schoaf asked if there were any comments for the committee members. There were no comments.

Adjournment

Mayor Smith moved to adjourn the Executive Committee meeting. Vice Chair Hallman seconded the motion and the motion carried unanimously. There being no further business, the Executive Committee adjourned at 1:07 p.m.

Chair

Secretary

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

April 11, 2011

SUBJECT:

Consultant Selection for the MAG Managed Lanes Network Development Strategy - Phase I

SUMMARY:

The Transportation Policy Committee, at its October 20, 2010 meeting, passed a motion to conduct the MAG Managed Lanes Network Development Strategy - Phase I project. From this motion, the fiscal year (FY) 2011 MAG Unified Planning Work Program and Annual Budget, as approved by the MAG Regional Council in May 2010, was amended in November 2010 to include \$500,000 to conduct the project.

Arizona House Bill (HB) 2396, passed by the Arizona Legislature and signed by Governor Brewer on July 13, 2009, enables the state, through the Arizona Department of Transportation (ADOT), to consider the use of Public-Private-Partnerships (P3) as a tool for financing transportation infrastructure in Arizona. This new law grants ADOT broad authority to partner with the private sector to build or improve Arizona transportation facilities. Since the program's inception, ADOT has established an Office of P3 Initiatives to establish program guidelines and create a process for implementing the program.

In the Phoenix metropolitan region, ADOT has been coordinating with MAG to identify the potential for using P3 as a tool for funding transportation improvements, especially in light of recent shortfalls that have been realized by declining Proposition 400 revenues. While it is possible to develop managed lane facilities along individual corridors, it might be difficult to assess the ability of an individual corridor to function within the context of the entire MAG Regional Freeway System. Given this opportunity, a multi-phase MAG Managed Lanes Network Development Strategy is proposed to establish the feasibility for introducing this concept to the Phoenix metropolitan area. In the initial phase, as envisioned by the Transportation Policy Committee in their October 2010 motion, the following would be conducted:

1. Assessment of Existing and Future HOV (High Occupancy Vehicle) lane use
2. Identification of critical gaps in the system
3. Assessment of basic soundness of a Managed Lanes Network in the MAG region
4. Formulation of a MAG Managed Lanes policy
5. Selection of pilot Managed Lane corridors

Pending the acceptance of the findings from this first phase, the MAG Managed Lanes Network Development Strategy could continue into additional phases. A second phase is envisioned to analyze the pilot Managed Lanes corridors identified in this initial effort. A third and final phase would analyze

all remaining promising Managed Lanes corridors. In both phases the work programs would encompass identifying demand projections, revenue projections, investment options, and a corridor implementation strategy.

A consultant selection process for the project began on December 10, 2010 with a Request for Proposals to interested consultants to conduct the study. Proposals were due to MAG on January 6, 2011. Seven proposals were received from the teams led by Ave Solutions, LLC, Wilbur Smith Associates, Inc., URS, Inc., HNTB, Inc., Cambridge Systematics, AECOM, Inc., and Parsons Brinckerhoff, Inc. The proposals were evaluated by a committee of representatives from member agencies and MAG staff. Based upon the evaluation process, the committee conducted an interview process of the four teams on March 8, 2011. At the conclusion of the interview process, the team recommended to MAG the selection of Parsons Brinckerhoff to conduct the first phase of study.

PUBLIC INPUT:

The Managed Lanes concept was presented to the Transportation Policy Committee for their comments in September and October 2010. During these meetings, public comment was taken on P3 projects in general.

PROS & CONS:

PROS: Public-Private-Partnerships (P3) represent a new direction for Arizona to consider in financing future transportation infrastructure. While numerous applications could be applied to the MAG region, Managed Lanes could provide an introduction to P3 as an option in a corridor without requiring all commuters to pay a toll. As this capacity could be implemented on individual corridors, it is important to consider the overall feasibility of a system to ensure the potential success of Managed Lanes in the region.

CONS: At this time, none. This request is to conduct a feasibility study of a Managed Lanes network on the MAG Regional Freeway System. It represents the first of multiple phases of study prior to any implement strategy. At the conclusion of the study, the results will be accepted by MAG and assessed before proceeding to a subsequent phase.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The outcome and subsequent actions taken by the Regional Council based upon the findings of this first phase study could influence development and implementation of future transportation corridors identified in the Regional Transportation Plan. As this effort is to examine the potential for Managed Lanes, other tolling options could be considered as part of a P3 implementation. This study could provide guidance for these options as well in the overall context of delivering the future transportation infrastructure.

POLICY: The outcomes of this study will provide guidance to MAG, ADOT, and other affected jurisdictions and agencies on the development of Managed Lanes as a P3 option in the MAG region. A significant task within this project will be to examine various policies the Regional Council and State Transportation Board may need to consider to ensure the success of a Managed Lanes Network in the MAG region. These policies could include HOV occupancy, design guidance, and target travel speeds to ensure network reliability.

ACTION NEEDED:

Approval of the selection of Parsons Brinckerhoff to conduct Phase I of the MAG Managed Lanes Network Development for an amount not to exceed \$500,000.

PRIOR COMMITTEE ACTIONS:

This item is on the April 13, 2011 Management Committee agenda for recommendation to approve.

On March 8, 2011, the proposal evaluation team unanimously recommended to MAG the selection of Parsons Brinckerhoff to conduct the MAG Managed Lanes Network Development Strategy - Phase I for an amount not to exceed \$500,000.

COMMITTEE MEMBERS:

Robert Samour, Arizona Department of Transportation

Gail Lewis, Arizona Department of Transportation

Robert Yabez, City of Tempe

David Moody, City of Peoria

Eric Anderson, MAG

Bob Hazlett, MAG

Tim Strow, MAG

Micah Henry, MAG

CONTACT PERSON:

Bob Hazlett, MAG Senior Engineer, 602 254-6300.

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

April 11, 2011

SUBJECT:

Development of the Fiscal Year 2012 MAG Unified Planning Work Program and Annual Budget

SUMMARY:

Each year staff develops the MAG Unified Planning Work Program and Annual Budget. The Work Program is reviewed in early spring by the federal agencies and considered for approval by the Regional Council in May. The proposed budget information is being presented incrementally in parallel with the development of the budget (see Prior Committee Actions below for the presentation timeline of the budget). This presentation and review of the draft fiscal year (FY) 2012 MAG Unified Planning Work Program and Annual Budget represent the budget document development to-date.

The MAG Management Committee reviewed the development of the Work Program and Annual Budget at its meetings on January 12, 2011, February 9, 2011, March 9, 2011 and April 13, 2011. MAG Regional Council Executive Committee reviewed the development of the Work Program and Annual Budget at its meetings on January 18, 2011, February 14, 2011 and March 21, 2011. The Regional Council reviewed the development of the Work Program and Annual Budget at its meetings on January 26, 2011, February 23, 2011 and March 30, 2011. The estimated dues and assessments were presented at these meetings. Because of the uncertainty of economic conditions, the MAG Dues and Assessments were reduced by fifty percent in FY 2010 and FY 2011. Staff is proposing to continue with the overall reduction to the FY 2012 draft Dues and Assessments of fifty percent with changes for individual members due to population shifts.

Each year new projects are proposed for inclusion in the MAG planning efforts. These new project proposals come from the MAG technical committees and policy committees and through discussions with members and stakeholders through MAG staff regarding joint efforts within the region. These projects are subject to review and input by the committees as they go through the budget process. The proposed new projects for FY 2012 were first presented to the MAG Executive Committee at the February 14, 2011, meeting. Revisions to the proposed projects for FY 2012 are described below and these project updates are reflected in the MAG "Programs in Brief":

- An additional \$25,000 has been added to the Gila Bend Small Area Transportation Study. Maricopa County is contributing \$25,000 and the Town of Gila Bend is contributing \$5,000 for a total project amount of \$95,000. This project will assist with the formal acceptance of the recommended transportation framework identified in the MAG Interstates 8/10 Hidden Valley Transportation Framework Study as part of the Town of Gila Bend's transportation network.
- The Western High Speed Rail Alliance through the Nevada Department of Transportation has been awarded a Federal Railroad Administration grant and \$50,000 has been added as match for this grant.

MAG is requesting the following staff positions for FY 2012:

- ITS and Safety Engineer. This position would be hired to provide continuing technical support in the program areas of Transportation Safety and Intelligent Transportation Systems. MAG will also be able to provide increased technical support to member agencies, particularly in the area of Transportation Safety that has very recently become a new source of federal funds for road safety improvements in the region.

- Transportation Engineer. This position is needed to support the MAG regional travel forecasting model. Additional resources in this area will help ensure that MAG continues to maintain state-of-the-art regional travel forecast and updates for the increasing transportation modeling needs.
- Socioeconomic Research Analyst. This position will assist with the increased needs for current data, research, analysis and Geographic Information System support to member agencies and MAG staff.
- Four interns are included in the proposed budget. The number of interns may vary throughout the year depending on the number of projects and potential for intern assistance.

The Intermodal Planning Group meeting was held on March 29, 2011. This meeting includes a review and comments on the draft FY 2012 MAG budget by the Federal Highway Administration, the Federal Transit Administration, the Arizona Department of Transportation (ADOT), and other related parties. The comments from this meeting are extremely helpful regarding the project work that MAG has underway in meeting the federal requirements. We anticipate receiving formal comments from this meeting in the next few weeks and this will be presented to you.

In addition to the detailed MAG Unified Planning Work Program and Annual Budget, a summary budget document, "MAG Programs in Brief," is produced that allows our members to quickly decipher the financial implications of the MAG budget. The summary budget highlights the changes from the prior year budget in a summarized form. The summary document also includes the list of new projects with summary narratives, any changes to staff positions if necessary, and the budgeted resources needed to implement these items.

Information for this presentation of the draft budget documents is included for your early review and input. Enclosed for your information are the proposed budget revisions to the draft FY 2012 MAG Unified Planning Work Program and Annual Budget.

The information is considered draft and is subject to change as the budget continues through the review process.

The draft of the FY 2012 MAG Unified Planning Work Program and Annual Budget has narrative by division and associated program costs, and draft schedules in the budget appendix, including overall program allocations, allocation of funding by funding source, budgeted positions, dues and assessments, and consultant pages for new and carryforward consultants.

PUBLIC INPUT:

No input has been received to-date. The draft budget for FY 2012 was first presented in January beginning with a review of proposed dues and assessments. In February the new projects were presented, and in March, the preliminary draft including narratives and financial tables was presented. Each month the draft budget along with the updates are on the committee agendas for Management Committee, Executive Committee and Regional Council for review and comments.

PROS & CONS:

PROS: In January and February proposed new projects and dues and assessments were reviewed. MAG is presenting a draft summary for the FY 2012 budget document, "MAG Programs in Brief." The format for this document is included for continuous review. The budget summary will allow our members to quickly decipher the financial implications of the MAG budget.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The Federal Intermodal Surface Transportation Efficiency Act of 1991 requires a metropolitan planning organization to develop a unified planning work program that meets the requirements of federal law. Additionally, the MAG By-Laws require approval and adoption of a budget for each fiscal year and a service charge schedule.

POLICY: As requested by the MAG Executive Committee and subsequently approved by the Regional Council in May 2002, the MAG Work Program and Annual Budget detail is being presented earlier to the Management Committee and there is increased notice to members on the budget. MAG is providing a budget summary that outlines new programs and presents the necessary resources to implement these programs. This summary allows member agencies to quickly decipher the financial implications of such programs prior to their approval for implementation.

ACTION NEEDED:

Information and input on the development of the fiscal year FY 2012 MAG Unified Planning Work Program and Annual Budget.

PRIOR COMMITTEE ACTIONS:

Management Committee: This item was on the April 13, 2011, Management Committee agenda for information and input.

Regional Council: This item was on the March 30, 2011, Regional Council agenda for information and input.

MEMBERS ATTENDING

- Mayor Thomas Schoaf, Litchfield Park, Chair
- # Mayor Hugh Hallman, Tempe, Vice Chair
- * Councilwoman Robin Barker, Apache Junction
- Mayor Marie Lopez Rogers, Avondale
- Mayor Jackie Meck, Buckeye
- Mayor David Schwan, Carefree
- Councilman Dick Esser, Cave Creek
- # Mayor Jay Tibshraeny, Chandler
- Mayor Lana Mook, El Mirage
- * President Clinton Pattea, Fort McDowell Yavapai Nation
- # Mayor Jay Schlum, Fountain Hills
- * Mayor Ron Henry, Gila Bend
- * Governor William Rhodes, Gila River Indian Community
- Mayor John Lewis, Gilbert
- * Mayor Elaine Scruggs, Glendale
- Mayor Georgia Lord, Goodyear
- * Mayor Yolanda Solarez, Guadalupe
- Supervisor Mary Rose Wilcox, Maricopa Co.
- # Vice Mayor Scott Somers for Mayor Scott Smith, Mesa
- Vice Mayor Mary Hamway for Mayor Scott LeMarr, Paradise Valley
- * Mayor Bob Barrett, Peoria
- Councilwoman Peggy Neely, Phoenix
- # Mayor Gail Barney, Queen Creek
- * President Diane Enos, Salt River Pima-Maricopa Indian Community
- # Mayor Jim Lane, Scottsdale
- Councilwoman Sharon Wolcott, Surprise
- * Mayor Adolfo Gamez, Tolleson
- # Mayor Kelly Blunt, Wickenburg
- # Mayor Michael LeVault, Youngtown
- * Felipe Zubia, State Transportation Board
- * Victor Flores, State Transportation Board
- Roc Arnett, Citizens Transportation Oversight Committee

* Those members neither present nor represented by proxy.

Attended by telephone conference call.

+ Attended by videoconference call.

Executive Committee: This item was on the March 21, 2011, Executive Committee agenda for information and input.

MEMBERS ATTENDING

- Mayor Thomas L. Schoaf, Litchfield Park, Chair
- # Mayor Hugh Hallman, Tempe, Vice Chair
- # Mayor Marie Lopez Rogers, Avondale
- Mayor Scott Smith, Mesa
- # Councilwoman Peggy Neely, Phoenix
- Mayor Jim Lane, Scottsdale
- Mayor Michael LeVault, Youngtown

* Those members not present.

Participated by telephone conference call.

Management Committee: This item was on the March 9, 2011, Management Committee agenda for information and input.

MEMBERS ATTENDING

- Carl Swenson, Peoria, Chair
- Charlie Meyer, Tempe, Vice Chair
- # George Hoffman, Apache Junction
- Charlie McClendon, Avondale
- Stephen Cleveland, Buckeye
- Gary Neiss, Carefree
- Wayne Anderson for Usama Abujbarah, Cave Creek
- Patrice Kraus for Rich Dlugas, Chandler
- # Spencer Isom, El Mirage
- Alfonso Rodriguez for Phil Dorchester, Fort McDowell Yavapai Nation
- Rick Davis, Fountain Hills
- Rick Buss, Gila Bend
- * David White, Gila River Indian Community
- Collin DeWitt, Gilbert
- Jamsheed Mehta for Ed Beasley, Glendale
- Romina Khananisho for John Fischbach, Goodyear

- Bill Hernandez, Guadalupe
- Sonny Culbreth for Darryl Crossman, Litchfield Park
- Miranda Culver for Christopher Brady, Mesa
- Jim Bacon, Paradise Valley
- Karen Peters for David Cavazos, Phoenix
- # John Kross, Queen Creek
- * Bryan Meyers, Salt River Pima-Maricopa Indian Community
- David Richert, Scottsdale
- Michael Celaya for Mark Coronado, Surprise
- Reyes Medrano, Tolleson
- # Gary Edwards, Wickenburg
- Lloyce Robinson, Youngtown
- Steve Hull for John Halikowski, ADOT
- Kenny Harris for David Smith, Maricopa Co.
- Paul Hodgins for David Boggs, Valley Metro/RPTA

- * Those members neither present nor represented by proxy.
- # Participated by telephone conference call. + Participated by videoconference call.

Regional Council: This item was on the February 23, 2011, Regional Council agenda for information and input.

MEMBERS ATTENDING

- Mayor Thomas Schoaf, Litchfield Park, Chair
- Mayor Hugh Hallman, Tempe, Vice Chair
- # Councilwoman Robin Barker, Apache Jct.
- Mayor Marie Lopez Rogers, Avondale
- Mayor Jackie Meck, Buckeye
- # Mayor David Schwan, Carefree
- Councilman Dick Esser, Cave Creek
- # Mayor Jay Tibshraeny, Chandler
- # Mayor Lana Mook, El Mirage
- * President Clinton Pattea, Fort McDowell Yavapai Nation
- # Mayor Jay Schlum, Fountain Hills
- * Mayor Ron Henry, Gila Bend
- * Governor William Rhodes, Gila River Indian Community
- Mayor John Lewis, Gilbert
- # Mayor Elaine Scruggs, Glendale
- # Vice Mayor Joe Pizzillo, Goodyear
- * Mayor Yolanda Solarez, Guadalupe

- * Supervisor Mary Rose Wilcox, Maricopa Co.
- Vice Mayor Scott Somers for Mayor Scott Smith, Mesa
- * Mayor Scott LeMarr, Paradise Valley
- * Mayor Bob Barrett, Peoria
- # Councilwoman Peggy Neely, Phoenix
- # Mayor Gail Barney, Queen Creek
- * President Diane Enos, Salt River Pima-Maricopa Indian Community
- # Mayor Jim Lane, Scottsdale
- # Councilwoman Sharon Wolcott, Surprise
- * Mayor Adolfo Gamez, Tolleson
- * Mayor Kelly Blunt, Wickenburg
- Mayor Michael LeVault, Youngtown
- * Felipe Zubia, State Transportation Board
- * Victor Flores, State Transportation Board
- Roc Arnett, Citizens Transportation Oversight Committee

- * Those members neither present nor represented by proxy.
- # Attended by telephone conference call. + Attended by videoconference call.

Executive Committee: This item was on the February 14, 2011, MAG Executive Committee agenda for information and input.

MEMBERS ATTENDING

Mayor Thomas L. Schoaf, Litchfield Park,
Chair
Mayor Hugh Hallman, Tempe, Vice Chair
Mayor Marie Lopez Rogers, Avondale

Mayor Scott Smith, Mesa
Councilwoman Peggy Neely, Phoenix
Mayor Jim Lane, Scottsdale
Mayor Michael LeVault, Youngtown

* Those members not present.

Participated by telephone conference call.

Management Committee: This item was on the February 9, 2011, MAG Management Committee agenda for information and input.

MEMBERS ATTENDING

Carl Swenson, Peoria, Chair
Charlie Meyer, Tempe, Vice Chair
George Hoffman, Apache Junction
Charlie McClendon, Avondale
Stephen Cleveland, Buckeye
* Gary Neiss, Carefree
Wayne Anderson for Usama Abujbarah,
Cave Creek
Rich Dlugas, Chandler
Spencer Isom, El Mirage
Phil Dorchester, Fort McDowell Yavapai
Nation
Rick Davis, Fountain Hills
Rick Buss, Gila Bend
* David White, Gila River Indian Community
Collin DeWitt, Gilbert
Brent Stoddard for Ed Beasley, Glendale

Romina Khananisho for John Fischbach,
Goodyear
Bill Hernandez, Guadalupe
Darryl Crossman, Litchfield Park
Christopher Brady, Mesa
* Jim Bacon, Paradise Valley
Tom Remes for David Cavazos, Phoenix
John Kross, Queen Creek
* Bryan Meyers, Salt River Pima-Maricopa
Indian Community
David Richert, Scottsdale
Michael Celaya for Mark Coronado, Surprise
* Reyes Medrano, Tolleson
Gary Edwards, Wickenburg
Lloyce Robinson, Youngtown
John Halikowski, ADOT
Mike Sabatini for David Smith, Maricopa Co.
David Boggs, Valley Metro/RPTA

* Those members neither present nor represented by proxy.

Participated by telephone conference call. + Participated by videoconference call.

Regional Council: This item was on the January 26, 2011, MAG Regional Council agenda for information and input.

MEMBERS ATTENDING

Mayor Thomas Schoaf, Litchfield Park, Chair
Mayor Hugh Hallman, Tempe, Vice Chair
* Councilwoman Robin Barker, Apache Jct.
Mayor Marie Lopez Rogers, Avondale
Mayor Jackie Meck, Buckeye
Mayor David Schwan, Carefree
* Councilman Dick Esser, Cave Creek
Mayor Jay Tibshraeny, Chandler
Mayor Lana Mook, El Mirage
* President Clinton Pattea, Fort McDowell
Yavapai Nation
Mayor Jay Schlum, Fountain Hills
* Mayor Ron Henry, Gila Bend

* Governor William Rhodes, Gila River Indian
Community
Mayor John Lewis, Gilbert
Mayor Elaine Scruggs, Glendale
Vice Mayor Joe Pizzillo, Goodyear
Mayor Yolanda Solarez, Guadalupe
* Supervisor Mary Rose Wilcox, Maricopa Co.
Mayor Scott Smith, Mesa
Mayor Scott LeMarr, Paradise Valley
Mayor Bob Barrett, Peoria
Councilwoman Peggy Neely, Phoenix
Mayor Gail Barney, Queen Creek
* President Diane Enos, Salt River

____ FLOOR AMENDMENT
 SENATE AMENDMENTS TO H.B. 2208
 (Reference to House engrossed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Section 49-424, Arizona Revised Statutes, is amended to
 3 read:

4 49-424. Duties of department

5 The department shall:

6 1. Determine whether the meteorology of the state is such that
 7 airsheds can be reasonably identified and air pollution, therefore, can be
 8 controlled by establishing air pollution control districts within well
 9 defined geographical areas.

10 2. Make continuing determinations of the quantity and nature of
 11 emissions of air contaminants, topography, wind and temperature conditions,
 12 possible chemical reactions in the atmosphere, the character of development
 13 of the various areas of the state, the economic effect of remedial measures
 14 on the various areas of the state, the availability, use, and economic
 15 feasibility of air-cleaning devices, the effect on human health and danger to
 16 property from air contaminants, the effect on industrial operations of
 17 remedial measures, and other matters necessary to arrive at a better
 18 understanding of air pollution and its control. In a county with a
 19 population in excess of one million two hundred thousand persons according to
 20 the most recent United States decennial census, the department shall locate a
 21 monitoring system in at least two remote geographic sites.

22 3. ~~By July 1, 1997,~~ Establish substantive policy statements for
 23 identifying air quality exceptional events that take into consideration this
 24 state's unique geological, geographical and climatological conditions and any
 25 other unusual circumstances. These substantive policy statements shall be
 26 developed with the planning agency certified pursuant to section 49-406,
 27 subsection A and the county air pollution control department or district.

1 4. Determine the standards for the quality of the ambient air and the
2 limits of air contaminants necessary to protect the public health, and to
3 secure the comfortable enjoyment of life and property by the citizens of the
4 state or in any defined geographical area of the state where the
5 concentration of air pollution sources, the health of the population, or the
6 nature of the economy or nature of land and its uses so require, and develop
7 and transmit to the county boards of supervisors minimum state standards for
8 air pollution control.

9 5. Conduct investigations, inspections and tests to carry out the
10 duties of this section under the procedures established by this article.

11 6. Hold hearings relating to any aspect of or matter within the duties
12 of this section, and in connection therewith, compel the attendance of
13 witnesses and the production of records under the procedures established by
14 section 49-432.

15 7. Prepare and develop a comprehensive plan or plans for the abatement
16 and control of air pollution in this state.

17 8. Encourage voluntary cooperation by advising and consulting with
18 persons or affected groups or other states to achieve the purposes of this
19 chapter, including voluntary testing of actual or suspected sources of air
20 pollution.

21 9. Encourage political subdivisions of the state to handle air
22 pollution problems within their respective jurisdictions, and provide as it
23 deems necessary technical and consultative assistance therefor.

24 10. Compile and publish from time to time reports, data, ~~and~~
25 statistics with respect to those matters studied and investigated by the
26 department.

27 11. DEVELOP AND DISSEMINATE AIR QUALITY DUST FORECASTS FOR THE MARICOPA
28 COUNTY PM-10 NONATTAINMENT AREA. EACH FORECAST SHALL IDENTIFY A LOW,
29 MODERATE OR HIGH RISK OF DUST GENERATION FOR THE NEXT FIVE CONSECUTIVE DAYS
30 AND SHALL BE ISSUED BY NOON ON EACH DAY THE FORECAST IS GENERATED. AT A
31 MINIMUM, THE FORECASTS SHALL BE POSTED ON THE DEPARTMENT'S WEBSITE AND

1 WIND, TO REDUCE OR TO PREVENT PM-10 PARTICULATE EMISSIONS AS SOON AS
2 PRACTICABLE BEFORE AND DURING A DAY THAT IS FORECAST TO BE AT HIGH RISK OF
3 DUST GENERATION UNDER A FORECAST ISSUED BY THE DEPARTMENT PURSUANT TO SECTION
4 49-424.

5 D. A DUST ACTION GENERAL PERMIT MAY BE REQUIRED FOR ANY PERSON THAT
6 OWNS OR CONDUCTS A DUST-GENERATING OPERATION THAT IS FOUND BY THE DIRECTOR TO
7 HAVE FAILED TO CHOOSE AND IMPLEMENT AN APPLICABLE BEST MANAGEMENT PRACTICE
8 LISTED IN THE DUST ACTION GENERAL PERMIT AS SOON AS PRACTICABLE BEFORE AND
9 DURING A DAY THAT IS FORECAST TO BE AT HIGH RISK OF DUST GENERATION.

10 E. THE DUST ACTION GENERAL PERMIT SHALL:

11 1. CONFORM TO THE REQUIREMENTS OF SECTION 49-426, SUBSECTIONS H,
12 PARAGRAPHS 2 THROUGH 6.

13 2. SPECIFY CATEGORIES AND LISTS OF BEST MANAGEMENT PRACTICES THAT MAY
14 VARY ACCORDING TO REGIONAL, SITE-SPECIFIC OR ACTIVITY-SPECIFIC CONDITIONS.

15 3. INCLUDE THE APPROPRIATE MONITORING, RECORD KEEPING AND REPORTING
16 REQUIREMENTS TO ENSURE THE ENFORCEABILITY OF THE PROVISIONS.

17 4. SPECIFY THE PROCESS BY WHICH THE DIRECTOR WILL DETERMINE THAT A
18 PERSON HAS FAILED TO CHOOSE AND IMPLEMENT AN APPLICABLE BEST MANAGEMENT
19 PRACTICE AND IS THEREFORE SUBJECT TO A PERMIT PRESCRIBED BY SUBSECTION D OF
20 THIS SECTION. THE PROCESS SHALL INCLUDE A MEANS OF PROVIDING NOTICE TO THE
21 PERSON OF THE PERSON'S FAILURE AND A MEANS BY WHICH THE PERSON MAY CHALLENGE
22 THE DETERMINATION.

23 5. EXPIRE AFTER A PERIOD OF FIVE YEARS, AND MAY BE RENEWED AS
24 PRESCRIBED BY THIS SECTION.

25 F. THE DIRECTOR MAY PERIODICALLY REEXAMINE, EVALUATE AND MODIFY THE
26 DUST ACTION GENERAL PERMIT AS PRESCRIBED IN SECTION 49-426, SUBSECTION H,
27 PARAGRAPHS 2 THROUGH 6. AFTER APPROVAL BY THE DIRECTOR, ANY MODIFICATIONS TO
28 THE DUST ACTION GENERAL PERMIT SHALL BE PROVIDED TO THE CONTROL OFFICER AND
29 SHALL BE SUBMITTED TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AS A
30 REVISION TO THE APPLICABLE IMPLEMENTATION PLAN.

31 G. A BEST MANAGEMENT PRACTICE ADOPTED PURSUANT TO THIS SECTION DOES
32 NOT AFFECT ANY APPLICABLE REQUIREMENT IN AN APPLICABLE IMPLEMENTATION PLAN OR

1 ANY OTHER APPLICABLE REQUIREMENTS OF THE CLEAN AIR ACT, INCLUDING SECTION
2 110(1) OF THE ACT (42 UNITED STATES CODE SECTION 7410(1)).

3 H. VOLUNTARY BEST MANAGEMENT PRACTICES THAT ARE IMPLEMENTED DURING A
4 DAY THAT IS FORECAST BY THE DEPARTMENT PURSUANT TO SECTION 49-424 TO BE AT
5 MODERATE RISK FOR DUST GENERATION SHALL BE CONSIDERED BY THE DIRECTOR OR
6 CONTROL OFFICER AS A MITIGATING FACTOR IN ANY ACTION TAKEN AGAINST THAT
7 PERSON FOR FAILING TO IMPLEMENT A DUST CONTROL MEASURE FOR THAT DAY AS
8 REQUIRED BY THIS CHAPTER, A RULE OR ORDINANCE ADOPTED PURSUANT TO THIS
9 CHAPTER OR A PERMIT ISSUED PURSUANT TO THIS CHAPTER.

10 I. FOR THE PURPOSES OF THIS SECTION:

11 1. "APPLICABLE IMPLEMENTATION PLAN" MEANS THAT TERM AS DEFINED IN 42
12 UNITED STATES CODE SECTION 7602(q).

13 2. "BEST MANAGEMENT PRACTICES" MEANS TECHNIQUES THAT ARE VERIFIED BY
14 SCIENTIFIC RESEARCH AND THAT ON A CASE-BY-CASE BASIS ARE PRACTICAL,
15 ECONOMICALLY FEASIBLE AND EFFECTIVE IN REDUCING PM-10 PARTICULATE EMISSIONS
16 FROM A REGULATED ACTIVITY.

17 3. "CONTROL OFFICER" HAS THE SAME MEANING PRESCRIBED IN SECTION
18 49-471.

19 4. "DISTURBED SURFACE AREA" MEANS A PORTION OF THE EARTH'S SURFACE OR
20 MATERIAL THAT IS PLACED ON THE EARTH'S SURFACE THAT HAS BEEN PHYSICALLY
21 MOVED, UNCOVERED, DESTABILIZED OR OTHERWISE MODIFIED FROM ITS UNDISTURBED
22 NATIVE CONDITION IF THE POTENTIAL FOR THE EMISSION OF FUGITIVE DUST IS
23 INCREASED BY THE MOVEMENT, DESTABILIZATION OR MODIFICATION.

24 5. "DUST-GENERATING OPERATION" MEANS DISTURBED SURFACE AREAS,
25 INCLUDING THOSE OF OPEN AREAS OR VACANT LOTS THAT ARE NOT DEFINED AS
26 AGRICULTURAL LAND AND ARE NOT USED FOR AGRICULTURAL PURPOSES ACCORDING TO
27 SECTIONS 42-12151 AND 42-12152, OR ANY OTHER AREA OR ACTIVITY CAPABLE OF
28 GENERATING FUGITIVE DUST, INCLUDING THE FOLLOWING:

29 (a) LAND CLEARING, MAINTENANCE, AND LAND CLEAN-UP USING MECHANIZED
30 EQUIPMENT.

31 (b) EARTHMOVING.

32 (c) WEED ABATEMENT BY DISCING OR BLADING.

- 1 (d) EXCAVATING.
- 2 (e) CONSTRUCTION.
- 3 (f) DEMOLITION.
- 4 (g) BULK MATERIAL HANDLING, INCLUDING HAULING, TRANSPORTING, STACKING,
5 LOADING AND UNLOADING OPERATIONS.
- 6 (h) STORAGE OR TRANSPORTING OPERATIONS, INCLUDING STORAGE PILES.
- 7 (i) OPERATION OF OUTDOOR EQUIPMENT.
- 8 (j) OPERATION OF MOTORIZED MACHINERY.
- 9 (k) ESTABLISHING OR USING STAGING AREAS, PARKING AREAS, MATERIAL
10 STORAGE AREAS OR ACCESS ROUTES.
- 11 (l) ESTABLISHING OR USING UNPAVED HAUL OR ACCESS ROADS.
- 12 (m) INSTALLING INITIAL LANDSCAPES USING MECHANIZED EQUIPMENT.
- 13 6. "FUGITIVE DUST" MEANS PARTICULATE MATTER THAT COULD NOT REASONABLY
14 PASS THROUGH A STACK, CHIMNEY, VENT OR OTHER FUNCTIONALLY EQUIVALENT OPENING,
15 THAT CAN BE ENTRAINED IN THE AMBIENT AIR AND THAT IS CAUSED BY HUMAN OR
16 NATURAL ACTIVITIES, INCLUDING THE MOVEMENT OF SOIL, VEHICLES, EQUIPMENT,
17 BLASTING AND WIND. FUGITIVE DUST DOES NOT INCLUDE PARTICULATE MATTER EMITTED
18 DIRECTLY FROM THE EXHAUST OF MOTOR VEHICLES AND OTHER INTERNAL COMBUSTION
19 ENGINES, FROM PORTABLE BRAZING, SOLDERING OR WELDING EQUIPMENT OR FROM PILE
20 DRIVERS.
- 21 7. "REGULATED ACTIVITY" MEANS ALL DUST-GENERATING OPERATIONS EXCEPT
22 FOR THE FOLLOWING:
 - 23 (a) NORMAL FARM CULTURAL PRACTICES AS PRESCRIBED IN SECTION 49-504,
24 PARAGRAPH 4 OR SECTION 49-457.
 - 25 (b) EMERGENCY ACTIVITIES THAT MAY DISTURB THE SOIL AND THAT ARE
26 CONDUCTED BY ANY UTILITY OR GOVERNMENT AGENCY IN ORDER TO PREVENT PUBLIC
27 INJURY OR TO RESTORE CRITICAL UTILITIES TO A FUNCTIONAL STATUS.
 - 28 (c) ESTABLISHMENT OF INITIAL LANDSCAPES WITHOUT THE USE OF MECHANIZED
29 EQUIPMENT, CONDUCTING LANDSCAPE MAINTENANCE WITHOUT THE USE OF MECHANIZED
30 EQUIPMENT AND PLAYING ON OR MAINTAINING A FIELD USED FOR NONMOTORIZED SPORTS,
31 EXCEPT THAT THESE ACTIVITIES SHALL NOT INCLUDE GRADING OR TRENCHING PERFORMED
32 TO ESTABLISH INITIAL LANDSCAPES OR TO REDESIGN EXISTING LANDSCAPES.

1 (d) ROOFTOP OPERATIONS FOR CUTTING, DRILLING, GRINDING OR CORING
2 ROOFING TILE IF THAT ACTIVITY IS OCCURRING ON A PITCHED ROOF."

3 Renumber to conform

4 Page 1, after line 13, insert:

5 "Sec. 4. Legislative findings; intent

6 A. The legislature finds the following:

7 1. Previous particulate matter ten microns in size and smaller (PM-10)
8 air quality plans for the Maricopa county area, including the Maricopa
9 association of governments 2007 five per cent plan for PM-10 for the Maricopa
10 county nonattainment area, relied heavily on reductions in particulate matter
11 emissions from improving the effectiveness of existing rules for construction
12 and other sources.

13 2. As a direct result of the air quality plans that have been
14 submitted between 1990 and 2009, the annual average concentration of PM-10
15 within the Phoenix area has declined approximately twenty-five per cent, even
16 while the population in the Phoenix area nearly doubled during that same time
17 period.

18 3. The air quality monitor near 43rd Avenue and Broadway Road, in
19 Phoenix, Arizona, is considered to be a location where the maximum
20 concentrations of PM-10 are expected to occur.

21 4. If a monitor records more than three exceedances of the national
22 air quality standard for PM-10 over the course of a three year period, and
23 none of those exceedances are excused under EPA's exceptional events rule,
24 the area represented by the monitor is considered to be in nonattainment for
25 the PM-10 standard.

26 5. In 2009, there were seven exceedances of the national air quality
27 standard for PM-10 at the monitor near 43rd Avenue and Broadway Road, in
28 Phoenix, Arizona. All seven of these events were related to meteorological
29 conditions. Meteorological conditions that may lead to a risk of dust
30 generation include wind speed and direction, stagnation, recent precipitation
31 and potential for precipitation.

1 6. In 2010, although there was one exceedance of the national air
2 quality standard for PM-10 at another monitor in Maricopa county, there were
3 zero exceedances of that standard at the monitor near 43rd Avenue and
4 Broadway Road, in Phoenix Arizona.

5 7. To date in 2011, there has been one exceedance of the national air
6 quality standard for PM-10 recorded by a separate monitor in Maricopa county,
7 but there have been zero exceedances of that standard at the monitor near
8 43rd Avenue and Broadway Road, in Phoenix, Arizona.

9 8. To satisfy EPA's requirement to achieve attainment with the
10 national air quality standard for PM-10 in the Maricopa county area, it is
11 necessary to further reduce or to prevent PM-10 particulate emissions,
12 especially during those days at high risk of dust generation.

13 B. The legislature declares that the intent of this act is as follows:

14 1. Require the reduction or prevention of PM-10 particulate emissions
15 from both permitted and unpermitted sources of PM-10 particulate emissions.

16 2. Require the department of environmental quality to predict days
17 that are at high risk of dust generation and provide that information to any
18 source that could potentially emit PM-10 particulate emissions.

19 3. Require the establishment of best management practices for those
20 sources that are not already subject to dust prevention requirements during
21 high wind events. When establishing the best management practices, those
22 control measures that apply to dust-generating operations in county
23 ordinances or permits issued by the control officer shall be considered.

24 4. Require application of the existing control measures required in
25 county permits and the applicable best management practices adopted pursuant
26 to this act to reduce or to prevent dust emissions as soon as practicable
27 before and during a day that the department of environmental quality predicts
28 to be at high risk of dust generation.

29 5. Require the department of environmental quality, the Maricopa
30 county air quality department and other governmental entities to develop and
31 implement a communications plan to educate unpermitted sources regarding
32 their new obligations.

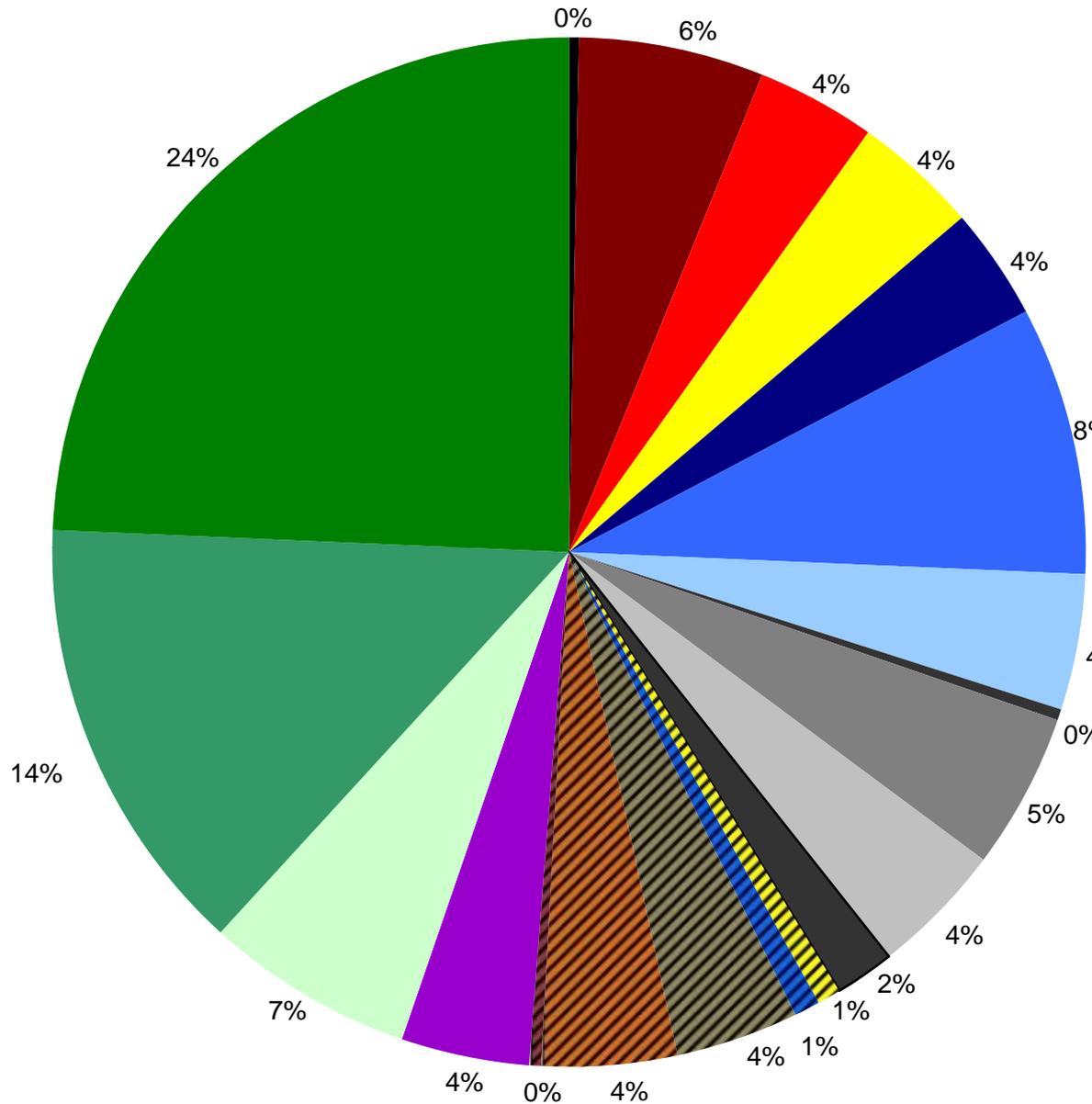
Senate Amendments to H.B. 2208

1 6. Require the director of the department of environment quality to
2 delegate the authority under section 49-457.05, subsection D, Arizona Revised
3 Statutes, as added by this act, to the appropriate control officer."
4 Amend title to conform

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04/04/2011
12:23 PM
C: myr

REVISED 2008 PM₁₀ Emissions Inventory (March 2011)

PM₁₀ NAA Total = 48,148 tons/yr

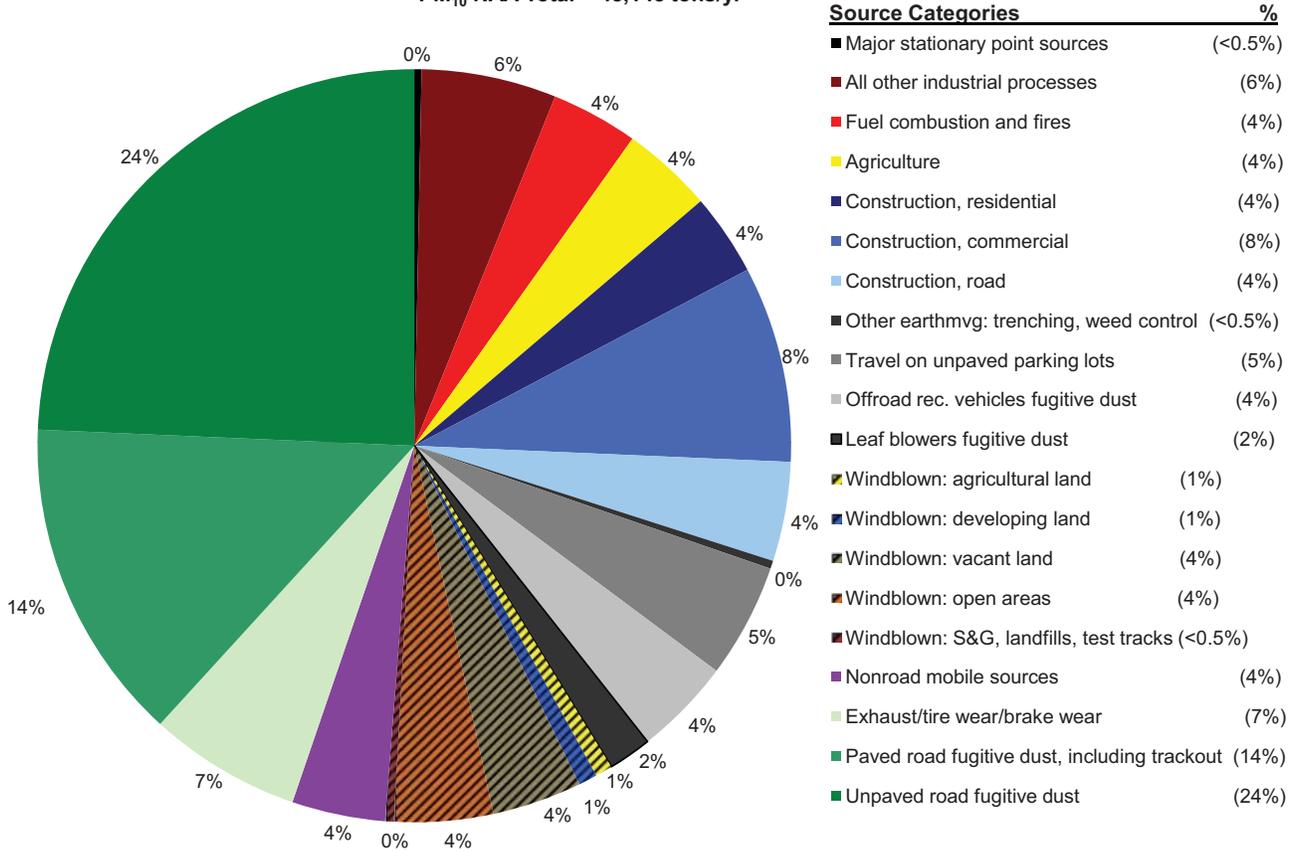


Source Categories

Source Categories	%
Major stationary point sources	<0.5%
All other industrial processes	(6%)
Fuel combustion and fires	(4%)
Agriculture	(4%)
Construction, residential	(4%)
Construction, commercial	(8%)
Construction, road	(4%)
Other earthmvg: trenching, weed control	<0.5%
Travel on unpaved parking lots	(5%)
Offroad rec. vehicles fugitive dust	(4%)
Leaf blowers fugitive dust	(2%)
Windblown: agricultural land	(1%)
Windblown: developing land	(1%)
Windblown: vacant land	(4%)
Windblown: open areas	(4%)
Windblown: S&G, landfills, test tracks	<0.5%
Nonroad mobile sources	(4%)
Exhaust/tire wear/brake wear	(7%)
Paved road fugitive dust, including trackout	(14%)
Unpaved road fugitive dust	(24%)

REVISED 2008 PM₁₀ Emissions Inventory (March 2011)

PM₁₀ NAA Total = 48,148 tons/yr

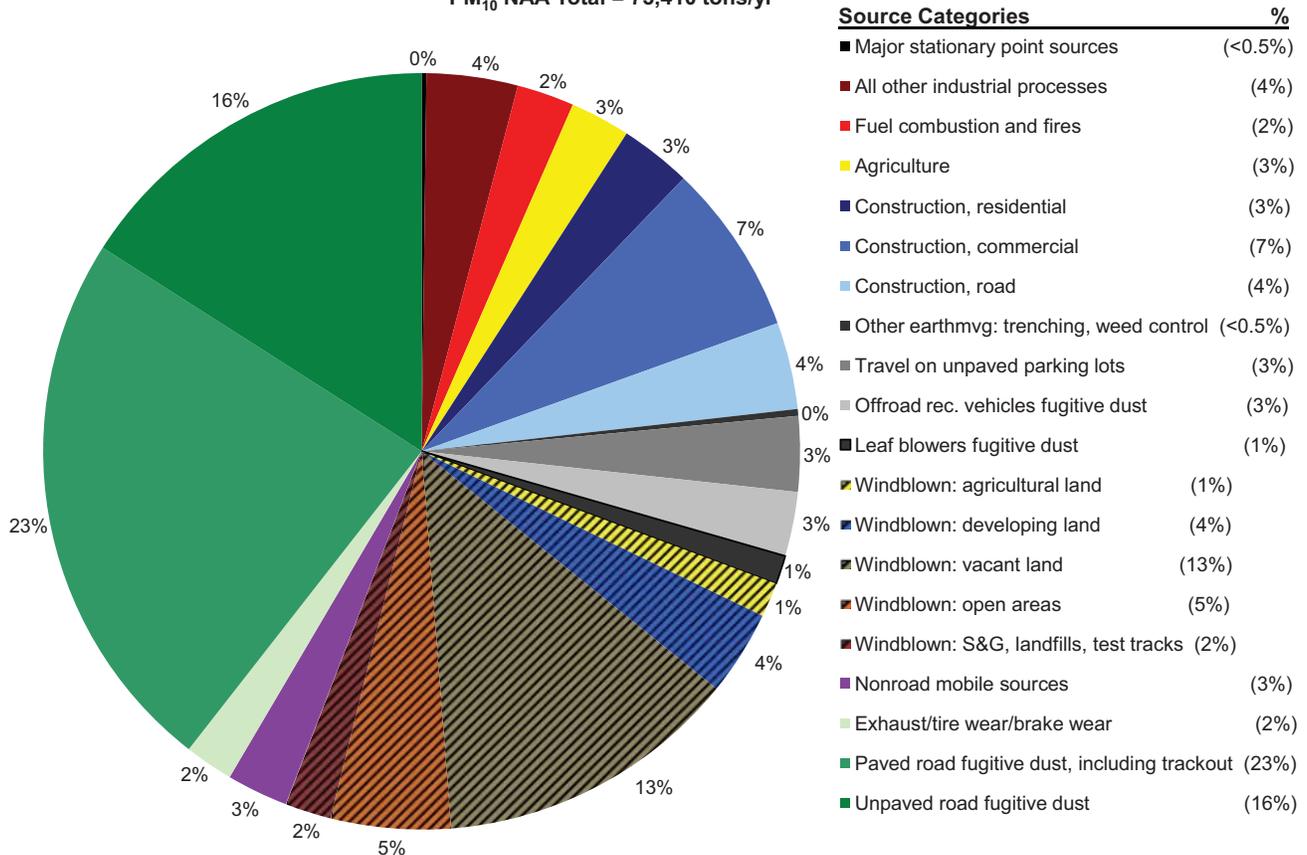


Emissions Inventory Unit, MCAQD

March 2011

2008 PM₁₀ Emissions Inventory (original published June 2010)

PM₁₀ NAA Total = 73,410 tons/yr



Emissions Inventory Unit, MCAQD

June 30, 2010

2008 Annual PM₁₀ Emissions in the PM₁₀ Nonattainment Area
 Comparison of original inventory (published June 2010) vs. March 2011 revisions (highlighted)

SOURCE CATEGORY	Original (June 2010)		Revised (March 2011)		
	Tons/yr	% of total	Tons/yr	% of total	% change
STATIONARY POINT SOURCES:	149.84	0.2%	149.84	0.3%	n/a
AREA SOURCES:					
–Industrial Processes:					
Chemical manufacturing	186.94		186.94		
Commercial cooking	993.04		993.04		
Grain handling/processing	16.73		16.73		
Secondary metal production	60.56		60.56		
Non-metallic mineral processes	190.45		187.73		–1.4%
Mining and quarrying	184.25		156.60		–15.0%
Wood product manufacturing	216.69		216.69		
Rubber/plastic product mfg.	140.57		140.57		
Fabricated metal products mfg.	51.35		51.35		
Electrical equipment mfg.	13.94		13.94		
State-permitted portable sources	59.00		59.00		
Industrial paved/unpaved road travel	511.29		472.36		–7.6%
Engine testing	0.18		0.18		
Crematories	0.93		0.93		
Accidental releases	0.01		0.01		
Landfills	60.25		60.25		
On-site incineration	0.06		0.06		
Other industrial waste disposal	32.78		32.78		
Other industrial processes	136.00		136.00		
–Subtotal, Industrial Processes:	2,855.04	3.9%	2,785.74	5.8%	–2.4%
–Fuel Combustion:					
Industrial natural gas	30.70		30.70		
Industrial fuel oil	457.60		457.60		
Commercial/institutional natural gas	66.20		66.20		
Commercial/institutional fuel oil	223.00		223.00		
Residential natural gas	61.73		61.73		
Residential wood	461.41		461.41		
Residential fuel oil	0.01		0.01		
–Subtotal, Fuel Combustion:	1,300.65	1.8%	1,300.65	2.7%	n/a
–Fires:					
Open burning	27.67		27.67		
Wildfires	423.56		423.56		
Prescribed fires	0.21		0.21		
Structure fires	15.10		15.10		
Vehicle fires	30.16		30.16		
–Subtotal, Fires:	496.71	0.7%	496.71	1.0%	n/a
–Agricultural Activities:					
Tilling	834.20		834.20		
Harvesting	54.14		54.14		
Travel on unpaved farm roads	731.03		731.03		
Cotton ginning	4.86		4.86		
Livestock	260.95		260.95		
–Subtotal, Agricultural Activities:	1,885.19	2.6%	1,885.19	3.9%	n/a

2008 Annual PM₁₀ Emissions in the PM₁₀ Nonattainment Area (continued)

SOURCE CATEGORY	Original (June 2010)		Revised (March 2011)		
	Tons/yr	% of total	Tons/yr	% of total	% change
–Construction:					
Residential (single- and multi-family)	2,245.39		1,692.38		–24.6%
Commercial	5,380.95		4,057.29		–24.6%
Road construction	2,724.87		2,051.78		–24.7%
All other (trenching, site prep., etc.)	215.70		162.41		–24.7%
–Subtotal, Construction:	10,566.91	14.4%	7,963.87	16.5%	–24.6%
–Miscellaneous Area Sources:					
Travel on unpaved parking lots	2,365.07		2,365.07		
Offroad recreational vehicles fugitive dust	2,014.17		2,014.17		
Leaf blowers fugitive dust	894.98		894.98		
Windblown dust (by land use type):	18,468.36	25.2%	4,814.80	10.0%	–73.9%
–Agricultural	1,083.26		354.24		–67.3%
–Commercial Construction	2,664.48		391.00		–85.3%
–Residential Construction					
–Transportation Construction					
–Vacant	9,522.43		1,852.19		–80.5%
–Open Areas	3,762.38		2,036.54		–45.9%
–Sand & Gravel, Mining, Landfills, Test Tracks	1,435.81		180.84		–87.4%
–Subtotal, Miscellaneous Area Sources:	23,742.58	32.3%	10,089.02	21.0%	–57.5%
TOTAL, ALL AREA SOURCES:	40,847.07	55.6%	24,521.17	50.9%	–40.0%

NONROAD MOBILE SOURCES:

Agricultural equipment	15.13		15.13		
Airport ground support equipment and APUs	26.99		26.99		
Commercial equipment	117.66		117.66		
Construction and mining equipment	1,249.88		1,249.88		
Industrial equipment	101.42		101.42		
Commercial & residential lawn/garden	183.02		183.02		
Logging equipment	0.00		0.00		
Pleasure craft	7.02		7.02		
Railway maintenance equipment	1.13		1.13		
Recreational equipment	7.68		7.68		
Aircraft	183.80		183.80		
Locomotives	34.16		34.16		
TOTAL, NONROAD MOBILE:	1,927.89	2.6%	1,927.89	4.0%	n/a

ONROAD MOBILE SOURCES:

Exhaust / tire wear / brake wear	1,529.54		3,144.17		+105.6%
Paved road fugitive dust	17,245.10		6,694.22		–61.2%
Unpaved road fugitive dust	11,710.70		11,710.70		
TOTAL, ONROAD MOBILE:	30,485.34	41.5%	21,549.09	44.8%	–29.3%

GRAND TOTAL, ALL CATEGORIES:	73,410.1	100%	48,148.0	100%	–34.4%
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Key to highlighting of individual source categories:

Source category revised applying updated rule effectiveness (RE) calculations.

Source category revised using improved windblown dust methodology.

Source category revised using new MOVES2010a model (vs. MOBILE6.2 previously).

Source category revised using new EPA AP-42 emission factor published January 2011.