

September 2, 2010

TO: Members of the MAG Management Committee

FROM: Carl Swenson, Peoria, Chair

SUBJECT: **REVISED** - MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Wednesday, September 8, 2010 - 12:00 noon
MAG Office, Suite 200 - Saguaro Room
302 North 1st Avenue, Phoenix

The next Management Committee meeting will be held at the MAG offices at the time and place noted above. Members of the Management Committee may attend the meeting either in person, by videoconference or by telephone conference call. The agenda and summaries are also being transmitted to the members of the Regional Council to foster increased dialogue between members of the Management Committee and Regional Council. You are encouraged to review the supporting information enclosed. Lunch will be provided at a nominal cost.

Please park in the garage under the building, bring your ticket, parking will be validated. For those using transit, Valley Metro/RPTA 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 Valerie Day at the MAG office. Requests should be made as early as possible to allow time to arrange the accommodation.

Members are reminded of the importance of attendance by yourself or a proxy. Any time that a quorum is not present, we cannot conduct the meeting. Please set aside sufficient time for the meeting, and for all matters to be reviewed and acted upon by the Management Committee. Your presence and vote count.

c: MAG Regional Council

**MAG MANAGEMENT COMMITTEE
REVISED TENTATIVE AGENDA
September 8, 2010**

COMMITTEE ACTION REQUESTED

1. Call to Order

2. Pledge of Allegiance

3. Call to the Audience

An opportunity is provided to the public to address the Management Committee on 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. Citizens 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 Management Committee requests an exception to this limit. Please note that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

4. Executive Director's Report

The MAG Executive Director will provide a report to the Management Committee on activities of general interest.

5. Approval of 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 (*).

3. Information.

4. Information and discussion.

5. Recommend approval of the Consent Agenda.

ITEMS PROPOSED FOR CONSENT*

MINUTES

*5A. Approval of July 14, 2010, Meeting Minutes

5A. Review and approval of the July 14, 2010, meeting minutes.

TRANSPORTATION ITEMS

*5B. American Recovery and Reinvestment Act (ARRA) Status Report

A Status Report on the American Recovery and Reinvestment Act (ARRA) funds dedicated to transportation projects in the MAG region details the status of project development. The report covers highway, local, transit, and enhancement projects programmed with ARRA funds and the status of project development milestones per project. Please refer to the enclosed material.

*5C. Amendment of the MAG Regional Transportation Plan 2010 Update

On July 28, 2010, the MAG Regional Council approved the Fiscal Year (FY) 2011-2015 Transportation Improvement Program (TIP) and the MAG Regional Transportation Plan (RTP) 2010 Update. In late July, due to reductions in revenues, including repeal of the Local Transportation Assistance Fund (LTAF), transit service level adjustments were finalized by transit service providers and reflected in transit schedules published in July 2010. These changes impacted the transit service levels in the RTP 2010 Update and the corresponding transportation network modeling assumptions. An air quality conformity regional emissions analysis (addressed under a separate agenda item) reflecting the new modeling assumptions has been conducted and indicates that the TIP and RTP will not contribute to violations of federal air quality standards. The MAG Transportation Review Committee recommended approval on August 31, 2010. Please refer to the enclosed material.

*5D. Consultant Selection for the Sustainable Transportation and Land Use Integration Study

On May 26, 2010, the MAG Regional Council approved the Fiscal Year (FY) 2011 MAG Unified Planning Work Program and Annual Budget, which provides \$750,000 to conduct a Sustainable Transportation and Land Use Integration Study. A Request for Proposals was advertised on June 29, 2010, and nine proposals were received. On

5B. Information and discussion.

5C. Recommend approval of an amendment to the MAG Regional Transportation Plan 2010 Update to incorporate public transit service level adjustments resulting from reductions in revenues, including repeal of the Local Transportation Assistance Fund, that were reflected in public transit service schedules published in July 2010, contingent upon a finding of conformity of the FY 2011-2015 MAG Transportation Improvement Program and the MAG Regional Transportation Plan 2010 Update with applicable air quality plans.

5D. Recommend approval of the selection of Arup North America, Ltd. as the consultant to develop the Sustainable Transportation and Land Use Integration Study for an amount not to exceed \$750,000.

August 26, 2010, a multi-agency review team evaluated the proposals, conducted consultant interviews, and recommended to MAG that Arup North American, Ltd. be hired to develop the study at a cost not to exceed \$750,000. Please refer to the enclosed material.

*5E. Consultant Selection for the On-Call Transportation Planning Consultant Services Program

The Fiscal Year (FY) 2010 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2009, was amended in February 2010 to include \$150,000 to conduct the On-Call Transportation Planning Consultant Services Program. The FY 2011 Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2010, provides an additional \$100,000 for this On-Call Program. The purpose of the program is for expediting the delivery of consultant services at MAG. For the purposes of this On-Call Transportation Planning Consultant Services program, qualified consultants were sought to assist staff in the following five services areas: (1) Civil Engineering, (2) Transportation Planning, (3) Transportation Operations, (4) Policy and Finance, and (5) Public Involvement. A Request for Statements of Qualifications was issued on April 15, 2010 and a total of 37 Statements of Qualifications were received by the due date of May 27, 2010. An internal team of MAG staff reviewed the Statements of Qualifications and on July 22, 2010, recommended to MAG selecting six consultants for participation in the On-Call Transportation Planning Consultant Services program. Please refer to the enclosed material.

*5F. Programming of FY 2011 Highway Safety Improvement Projects and Amendment to the FY 2011 MAG Unified Planning Work Program and Annual Budget

The Arizona Department of Transportation (ADOT) distributes 20 percent of the federal Highway Safety Improvement Program (HSIP) funds the State receives to the Metropolitan Planning Organizations and Councils of

5E. Recommend that Cambridge Systematics, Inc., AECOM Technical Services, Inc., PB Americas, Inc., HDR Engineering, Inc., Kimley-Horn and Associates, Inc., and Burgess & Niple, Inc. be selected as the consultants to participate in the On-Call Transportation Planning Consultant Services Program for a two-year period.

5F. Recommend approval of an amendment to the FY 2011 MAG Unified Planning Work Program and Annual Budget to provide \$200,000 of MAG Federal Highway Administration (FHWA) funds and \$200,000 of FHWA Highway Safety Improvement Program (HSIP) funds allocated to MAG by the Arizona Department of Transportation, to perform Road Safety Assessments (RSAs), develop Project Assessments (PAs)/Design Concept Reports (DCRs) for high

Governments. The share received by MAG, starting in Fiscal Year (FY) 2010, is \$1 million each year and needs to be programmed for qualifying safety projects. For FY 2011, MAG-HSIP funded safety projects must be obligated by the ADOT deadline of May 1, 2011. The Transportation Safety Committee reviewed the availability of federal HSIP funds for road safety improvements in the MAG region, the urgency for FY 2011 MAG-HSIP project obligation, and generated a recommendation for the programming of safety projects in FY 2011. The Safety Committee recommendation not only addresses FY 2011, but also will be helpful in developing a systematic multi-year program for implementing road safety improvements across the MAG region. The MAG Transportation Review Committee recommended approval on August 31, 2010. Please refer to the enclosed material.

*5G. Update of the Federal Functional Classification System

The most recent update to the federal functional classification of roadways in Maricopa County occurred in 2005 and primarily focused on the urban area. Since then, substantial growth has occurred and the Federal Highway Administration (FHWA) has modified the definitions used in the system and introduced significant data collection requirements. To address these issues, MAG staff is proposing a two-phase update to the system in the MAG region. The first phase will develop an updated arterial network for Regional Council approval by January 2011. The second phase will develop an updated collector network for approval by March 2011. The primary work would be performed by the MAG Street Committee with final review and approval conducted through the MAG Committee process. Please refer to the enclosed material.

risk intersections identified through the network screening process based on the Top 100 Intersection List and the state's Top Five Percent Report, and hold a regional workshop on RSAs (in the amount of \$2,000), and to recommend approval of the programming process for the remaining \$800,000 of FY 2011 safety projects for systematic safety improvements involving projects that are classified as Categorical Exclusion Group I.

5G. Information and discussion.

AIR QUALITY ITEMS

*5H. New Finding of Conformity for the FY 2011-2015 MAG Transportation Improvement Program and Regional Transportation Plan 2010 Update, As Amended

On July 28, 2010, the MAG Regional Council approved a Finding of Conformity for the FY 2011-2015 MAG Transportation Improvement Program (TIP) and MAG Regional Transportation Plan 2010 Update. Since that time, an amendment to the Regional Transportation Plan 2010 Update is required to incorporate public transit service level adjustments resulting from reductions in revenues, including the repeal of the Local Transportation Assistance Fund (LTAF), that were reflected in public transit service schedules published in July 2010. The conformity assessment for the proposed amendment, which includes a regional emissions analysis, concludes that the TIP and Regional Transportation Plan 2010 Update meet all applicable federal conformity requirements and are in conformance with applicable air quality plans. On August 19, 2010, a 30-day public review period began on the conformity assessment and amendment. Comments are requested by September 20, 2010. Please refer to the enclosed material.

*5I. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2011-2015 MAG Transportation Improvement Program (TIP). The proposed amendment and administrative modification involve several American Recovery and Reinvestment Act (ARRA) funded projects, including a City of Phoenix pavement preservation project and a Scottsdale park-and-ride project. In addition, the City of Mesa has proposed an amendment involving transit projects. The amendment includes projects that may be categorized as exempt from conformity determinations. The administrative modification includes minor project revisions that do not

5H. Recommend approval of the new Finding of Conformity for the FY 2011-2015 MAG Transportation Improvement Program and Regional Transportation Plan 2010 Update, as amended.

5I. Consultation.

require a conformity determination. Please refer to the enclosed material.

ITEMS PROPOSED TO BE HEARD

TRANSPORTATION ITEMS

6. Proposal to Advance the Construction for a Portion of the Williams Gateway Freeway

Mesa has requested consideration of a proposal to advance the construction for the segment of the Williams Gateway Freeway from the Santan Freeway to Ellsworth Road. Funding for the construction of this segment is programmed in Fiscal Year (FY) 2016 and Mesa is proposing to advance construction to FY 2012. A request to accelerate the design, right of way and construction of this segment was originally approved by MAG in January 2009. The legislature subsequently swept the funds that had been designated for the interest expense for the accelerated project. In May 2009, MAG approved a request by Mesa to accelerate only the design and right of way and that the funding that has been programmed for the advanced acquisition of right of way in the corridor be used to cover the interest expense associated with the financing necessary to accelerate the design and right of way activity. The Arizona Department of Transportation (ADOT) is currently acquiring the right of way and is starting the final design for the segment. To advance construction, Mesa is proposing to issue Highway Project Advancement Notes (HPANs), which are secured by the city's excise tax, to fund the accelerated construction. Since Mesa would issue the debt, there is no impact on the freeway program's financing capacity. The program currently estimates construction costs at \$158.3 million. Recent ADOT estimates place construction costs at \$119 million due in large part to the competitive bidding environment. Advancing construction of this project to January 2012 could potentially save the Program a substantial amount of money. The financial analysis for the proposed acceleration includes issuing \$130 million of HPANs to support the construction of the project. The net interest expense on the debt to advance construction is

6. Recommend approval of the Mesa request to advance the construction of an interim connection of the Williams Gateway Freeway between the Santan Freeway and Ellsworth Road by approximately four years, to be incorporated into the MAG FY 2011 to FY 2015 Transportation Improvement Program for FY 2012 and the Regional Transportation Plan 2010 Update for an air quality conformity analysis, and authorize the MAG Executive Director to enter into an agreement with ADOT and Mesa.

estimated to be \$21.2 million. The interest expense would be funded in part using the \$10 million set aside by the State Legislature to fund the acceleration of the SR-802. In addition, interest expense would be reduced by any savings from the original \$8 million that was allocated for interest expense from the advancement of design and right of way acquisition for the SR-802 due to lower than anticipated interest costs. This is estimated to be approximately \$2.0 million. The net interest expense after the \$10 million state set aside and any savings from the original interest expense fund allocation, would be divided equally between the Freeway Program and Mesa, as stated in the MAG Highway Acceleration Policy adopted in February 2008. Mesa and the Freeway Program would be responsible for about \$4.6 million each of interest expense based on the financial analysis. The Program share of the interest cost represents an additional cost to the Program, however, this added cost would be offset by the accelerated construction for the project as long as the rate of inflation exceeds one half of the interest rate on the financing. The financial analysis assumes an interest rate of 4.25 percent on the notes. ADOT currently uses a three percent inflation rate for construction, so there would be a net cost savings to the program as a result of the proposed acceleration. Mesa understands and agrees that if the schedule for the project is delayed due to higher program costs and/or lower program revenues, the reimbursement to Mesa would be delayed as other projects are also delayed. Please refer to the enclosed material.

7. State of Transit in the Region

Through the MAG Committee process starting at the Transit Committee, MAG programs transit projects to be funded with federal funds while working cooperatively with MAG member agencies, the designated grant recipient (City of Phoenix), and the transit operators in the region: the City of Glendale, the City of Peoria, the City of Phoenix, the Regional Public Transportation Authority (RPTA), the City of Scottsdale, the City of Surprise, the City of Tempe, and Valley Metro Rail (METRO). Fiscal Year (FY) 2010 was a

7. Information and discussion.

transition year for transit programming. In the past, the effort was led by RPTA, using prioritized guidelines as explained in the attachment. Last year, the responsibility shifted to MAG. FY 2011 will continue to be a transition year for transit programming. MAG needs to develop regional transit programming guidelines/priorities/evaluation criteria for federal funds and a process on how to integrate Transportation Life Cycle Program (TLCP) material changes to the Regional Transportation Plan (RTP) through the MAG Committee process. An overview of the State of Transit in the Region will be presented to aid member agency leaders in providing input to staff and the MAG Transit Committee in developing the regional transit programming guidelines/priorities/evaluation criteria for federal funds. Please refer to the enclosed material.

8. ARRA Local Highway Funds: Project Changes - Amendment to the FY 2011-2015 MAG Transportation Improvement Program

The Fiscal Year (FY) 2011-2015 MAG Transportation Improvement Program (TIP) and Regional Transportation Plan 2010 Update were approved by the MAG Regional Council on July 28, 2010. Since that time, there has been a request from the City of Phoenix to move ARRA funds from the PHX09-804 project, which will now be funded with local funds to the PHX09-801 project to increase the project budget and the number of miles of roadway to be repaved. This request is time sensitive as the Federal Highway Administration stops accepting obligation requests on September 16, 2010. Please refer to the enclosed material.

9. ARRA Transit Funds: Project Changes - Amendment to the FY 2011-2015 MAG Transportation Improvement Program

The Fiscal Year (FY) 2011-2015 MAG Transportation Improvement Program (TIP) and Regional Transportation Plan 2010 Update were approved by the MAG Regional Council on July 28, 2010. Since that time, there has been a request from the City of Scottsdale to move ARRA funds from a construction project to a design

8. Possible recommendation to approve an amendment to the FY 2011-2015 MAG Transportation Improvement Program, and as appropriate, to the Regional Transportation Plan 2010 Update to move \$1,281,693 of ARRA funds to PHX09-801 and increase the project budget accordingly.

9. Possible recommendation to approve an amendment to the FY 2011-2015 MAG Transportation Improvement Program, and as appropriate, to the Regional Transportation Plan 2010 Update for the Scottsdale request to move \$183,498 in ARRA funds from a construction project to a design project and to recommend the city of Mesa request to program \$1,771,250 of ARRA transit funds for the construction of the Gilbert/L202 park-and-ride project, MES10-805T, and \$126,250 of ARRA transit funds for the

project. Additionally, the Federal Transit Administration has deemed three design projects led by the City of Mesa ineligible for federal funding including ARRA funds. The three projects are MES10-801T, MES10-803T, and MES10-804T with a total of \$1,897,500 in ARRA funds. On December 9, 2009, the MAG Regional Council approved a set of Prioritization Guidelines for Unspent or Redistributed ARRA Funds. Following the approved Prioritization Guidelines coupled with the project status, the unspent \$1,897,500 of ARRA funds would be allocated to the 2.1 priority to increase operating assistance for bus and rail. There is currently \$1,750,000 of ARRA Transit funds programmed for bus and rail operating assistance, which is below the ceiling of ten percent of ARRA Transit funds, up to \$6,442,122, that can be used for bus and rail operating assistance. The City of Mesa is requesting that \$1,771,250 of ARRA transit funds be programmed for the construction of the Gilbert/L202 park-and-ride, MES10-805T and \$126,250 is programmed for the construction of L202/Power park-and-ride, MES08-801T. The MES10-805T project is currently programmed with \$517,750 of ARRA Transit, \$1,417,000 of federal 5309-rail and fixed guideway modernization (FGM), \$218,471 of regional funds, and \$135,780 of local funds. The funding changes for MES08-801T would decrease the 5309-FGM by \$101,000 from \$1,025,800 to \$924,800 and decrease local funds by \$25,250 from \$256,450 to \$231,200. This request is explained in the attached table. This request also affects the programming for FY 2009 federal transit 5309-FGM funds. MAG would have to reprogram \$1,517,999 of 5309-FGM in the next committee cycle. 5309-FGM funds have limited eligibility requirements and uses in comparison to ARRA 5307 transit funds. Please refer to the enclosed material.

construction of L202/Power park-and-ride, MES08-801T.

AIR QUALITY ITEMS

- 10. Update on Exceptional Events and MAG Five Percent Plan for PM-10

- 10. Information and discussion.

On July 2, 2010, the Environmental Protection Agency (EPA) published the proposed consent

decreed in the Federal Register, which indicated that EPA would propose action on the MAG Five Percent Plan for PM-10 by September 3, 2010, and finalize the action by January 28, 2011. The Arizona Department of Environmental Quality (ADEQ) submitted comments requesting that the schedule in the consent decree be delayed for at least six months to ensure that a final decision on exceptional events will be made by EPA based upon the best scientific information available. The Salt River Pima-Maricopa Indian Community, Maricopa County and MAG submitted comments in support of the ADEQ comments. On August 2, 2010, the ADEQ transmitted supplemental information to EPA regarding the June 4, 2008 exceptional event and again requested that Region IX revisit its May 21, 2010 decision to not concur with the ADEQ exceptional events documentation. MAG has been providing assistance with the supplemental information and more will be forthcoming. On August 24, 2010, EPA sent a letter to ADEQ indicating that EPA will be proposing action on the Five Percent Plan on September 3, 2010, and that EPA will be addressing the exceptional events in that action. MAG has also been conducting outreach to the Congressional Delegation as directed by the Regional Council. On August 30, 2010, the Arizona Congressional Delegation sent a letter to EPA expressing concern with recent EPA decisions on exceptional events and the MAG Five Percent Plan for PM-10. In addition, the California Air Resources Board sent a letter to EPA expressing concern with the EPA denial of the Imperial County exceptional events. On August 17, 2010, the Imperial County Air Pollution Control District approved the pursuit of all appropriate legal remedies to challenge EPA's limited disapproval of their dust control rules, tied to the disapproval of the exceptional events. Please refer to the enclosed material.

GENERAL ITEMS

11. Sustainable Communities Regional Planning Grant Program

In August 2010, MAG submitted an application for the Sustainable Communities Regional Planning

11. Information and discussion.

Grant Program on behalf of the Sun Corridor Consortium. The grant requests nearly \$5 million to support the creation of a regional plan for sustainable development. The purpose of the plan is to integrate housing, economic development, and transportation planning in order to enhance the economy, the environment, and social equity. In total, 120 partners formally supported the grant application by leveraging nearly \$21 million. The Sustainable Communities Planning Grant Program is offered through the U.S. Department of Housing and Urban Development (HUD) in partnership with the U.S. Department of Transportation and the Environmental Protection Agency. The application process is expected to be very competitive for the \$98 million available nationally. MAG began convening stakeholders in April 2010 to explore possible opportunities to position the region well. Six initiatives were proposed in the application to inform the process to develop the Sun Corridor Regional Plan for Sustainable Development. These initiatives address issues such as transportation and housing. Securing funding now may be advantageous for the region if regional plans for sustainable development become a requirement with the re-authorization of federal transportation funding. An update is offered on the activities and partners included in the grant application. Please refer to the enclosed material.

12. Request for Future Agenda Items

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

13. Comments from the Committee

An opportunity will be provided for Management Committee members to present a brief summary of current events. The Management 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.

12. Information and discussion.

13. Information.

Adjournment

MINUTES OF THE
MAG MANAGEMENT COMMITTEE MEETING
July 14, 2010
MAG Office Building - Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Carl Swenson, Peoria, Chair	Mark Gaillard for John Fischbach, Goodyear
Charlie Meyer, Tempe, Vice Chair	Bill Hernandez, Guadalupe
# Matt Busby for George Hoffman, Apache Junction	Darryl Crossman, Litchfield Park
Charlie McClendon, Avondale	Christopher Brady, Mesa
David Johnson for Stephen Cleveland, Buckeye	David Andrews for Jim Bacon, Paradise Valley
* Gary Neiss, Carefree	David Cavazos, Phoenix
Wayne Anderson for Usama Abujbarah, Cave Creek	# John Kross, Queen Creek
Rich Dlugas, Chandler	* Bryan Meyers, Salt River Pima-Maricopa Indian Community
Pat Dennis for B.J. Cornwall, El Mirage	Brad Lundahl for Dave Richert, Scottsdale
* Phil Dorchester, Fort McDowell Yavapai Nation	# Michael Celaya for Mark Coronado, Surprise
# Julie Ghetti for Rick Davis, Fountain Hills	# Chris Hagen for Reyes Medrano, Tolleson
* Rick Buss, Gila Bend	Gary Edwards, Wickenburg
* David White, Gila River Indian Community	* Lloyce Robinson, Youngtown
Collin DeWitt, Gilbert	Steve Hull for John Halikowski, ADOT
Ed Beasley, Glendale	Kenny Harris for David Smith, Maricopa Co.
	Bryan Jungwirth for David Boggs, Valley Metro/RPTA

* Those members neither present nor represented by proxy.

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

1. Call to Order

The meeting was called to order by Chair Carl Swenson at 12:01 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Chair Swenson noted that John Kross, Matt Busby, Chris Hagen, Julie Ghetti, and Michael Celaya were participating in the meeting via teleconference.

Chair Swenson introduced new members to the Management Committee: Collin DeWitt, Town Manager for Gilbert, and Rich Dlugas, Interim City Manager for Chandler.

Chair Swenson noted that at each place were the following materials: For agenda item #5D, a revised Attachment Two; for agenda item #5E and 5I a revised table and consultation memorandum that were updated to reflect the addition of an ADOT embankment project to the requested project changes; for agenda item #5G, the Arterial Life Cycle Program; for agenda item #5H, a revised summary transmittal that was updated to include language in the requested action that allows for the FY 2008-2012 MAG TIP to be modified; for agenda item #5L, updated heat relief maps that show additional locations; and for agenda item #8, a packet of material regarding MAG's comments on the EPA technical support document.

Chair Swenson announced that public comment cards were available to members of the public who wish to comment. He noted that parking garage validation and transit tickets were available from Valley Metro/RPTA for those using transit to come to the meeting.

3. Call to the Audience

Chair Swenson stated that Call to the Audience provides an opportunity to the public to address the Management Committee on 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 Swenson noted that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard. Public comments have a three minute time limit and there is a timer to help the public with their presentations.

Chair Swenson recognized public comment from Dianne Barker, who extended her congratulations to Chair Swenson on being elected Chair of the Management Committee. She noted that her nonprofit organization, which assists people who use transit, received an award from the MAG Transportation Ambassador Program. Ms. Barker stated that she also recently assisted in an effort to get the City of Phoenix to install an ADA-compliant door at the City and a bike rack at the City Council building. She informed the committee that she sometimes gives the transit tickets she receives at MAG meetings to people who might need some monetary help to ride transit. Ms. Barker stated that she began participating at MAG when she moved to the Valley 23 years ago. She says that there are many stories about the ruffians about town, and then she related her recent experience with the good people of Phoenix who helped her when she was stranded without a way home. Chair Swenson thanked Ms. Barker for her comments.

4. Executive Director's Report

Dennis Smith, MAG Executive Director, reported on items of interest in the MAG region.

Mr. Smith stated that this was the last Management Committee meeting for Rita Walton, who will be retiring in August. He stated that Ms. Walton, the Manager of the MAG Information Services Division, has done the population projections and estimates in the MAG region since the 1980s. Mr. Smith stated that Ms. Walton was fundamental in ensuring the cities and towns received their state shared revenue. He noted that she was a mentor to many staff members, and the Communications Division and the Information Technology Division sprang from her division. Mr. Smith commented that Ms. Walton is an outstanding manager and will be missed at MAG. Ms. Walton was applauded.

Mr. Smith stated that the Governor's Blue Ribbon Panel for Water Sustainability was formed by Governor Brewer on August 29, 2009, to advance the statewide sustainability of water. He said that the Panel has a number of working groups and MAG had no issue the original objectives developed by the Panel's Infrastructure/Retrofit Working Group, which were to recommend measures that will facilitate the design, construction, operation, and maintenance of new and retrofitted reclaimed and recycled water systems; and develop reclaimed water distribution standards in Arizona. However, the working group added a new objective, which is to bring as many standards as possible into state rule, so there is less disparity among jurisdictions within Arizona. He noted that a final report by the Blue Ribbon Committee is anticipated in November 2010.

Mr. Smith stated that in the first MAG Regional Council meeting on April 12, 1967, the Regional Council discussed uniformity between Public Works Construction and development of specifications and details. He added that cities had started the effort in 1966. Mr. Smith stated that the MAG Specifications and Details were first published in 1979, and are available to everyone in the region and used throughout the state. Mr. Smith advised that MAG representatives serve on the Infrastructure/Retrofit Working Group and have been voicing their objections to a statewide standard. Mr. Smith said that MAG's issue is local control, for example, there are local conditions that require a supplement to be issued, which is then written and added to the MAG Specifications and Details. He advised that the Blue Ribbon Committee wants to add the Specifications and Details to state rule, which may be updated every five years or so, but MAG feels that keeping local control will be more responsive and flexible. Mr. Smith noted that the Directors of the Arizona Municipal Water Users Association and the League of Arizona Cities and Towns serve on the Committee and support MAG's position.

Mr. Smith announced that the MAG Continuum of Care Regional Committee on Homelessness was awarded \$1,393,580 for two new local programs. He reported that the funding will provide 67 permanent housing units and an end to homelessness for more than 100 people living on the streets in the region. Mr. Smith stated that the new project funding, combined with the renewal project funding, results in a total funding award of \$23,567,138 this year for the region. He advised that since 1999, the Committee has been responsible for securing more than \$196 million in homeless assistance funding for the MAG region. Mr. Smith advised that the unfortunate issue, however, there is no permanent funding source to continue this program in the region. He stated that the new federal program may contain planning funds for this program.

Mr. Smith introduced the newly produced MAG "I Ride" bicycle video. He said that the video focuses on commuting to work, using multimodal facilities, providing an asset that is important to knowledge workers, emphasized bike routes/trails and the beauty of Arizona, and health benefits. Mr. Smith stated that a copy of the video was at each member's place and will be provided to municipal channel 11s. He recognized Jason Stephens and Gary Stafford for their work on the video. A short clip of the video was shown.

Chair Swenson expressed that it was a great video. He asked members if they had questions for Mr. Smith.

Vice Chair Meyer asked how long the homeless grant was expected to last. Brande Mead, MAG Human Services staff, replied that MAG will continue to apply for a renewal of this grant, so it

is ongoing funding. Mr. Meyer asked if this was supplemental to what MAG already has in place and was a new, continuing funding stream. Ms. Mead replied that was correct.

5. Approval of Consent Agenda

Chair Swenson stated that agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, #5I, #5J, #5K, #5L, #5M, #5N, and #5O were on the Consent Agenda. He reviewed the public comment guidelines for the Consent Agenda. Chair Swenson noted that no public comment cards had been received.

Chair Swenson asked if any member of the Committee had questions or a request to have a presentation on any Consent Agenda item. None were noted.

Mr. Crossman moved to recommend approval of the Consent Agenda. Mr. Hernandez seconded, and the motion passed unanimously.

5A. Approval of June 9, 2010, Meeting Minutes

The Management Committee, by consent, approved the June 9, 2010, meeting minutes.

5B. American Recovery and Reinvestment Act (ARRA) Status Report

A Status Report on the American Recovery and Reinvestment Act (ARRA) funds dedicated to transportation projects in the MAG region details the status of project development. The report covers highway, local, transit, and enhancement projects programmed with ARRA funds and the status of project development milestones per project.

5C. Enhancement Peer Review Group Round 18 Recommendations

The Management Committee, by consent, recommended that the list of ranked applications from the MAG Enhancement Peer Review Group be forwarded to the Arizona Department of Transportation for consideration by the State Transportation Enhancement Review Committee. The Enhancement Peer Review Group, (EPRG), formerly the Enhancement Funds Working Group, was formed by the MAG Regional Council in April 1993 to review and recommend a ranked list of Enhancement Fund applications from this region to the Arizona Department of Transportation (ADOT) Transportation Enhancement Review Committee (TERC). In January 2010, after MAG was notified by ADOT that Round 18 Enhancement Fund applications would be due on August 13, 2010, MAG member agencies were informed of the availability of the funding and a schedule was distributed for the ranking and evaluation for transportation enhancement projects. Transportation enhancement funds can be used for many types of non-traditional transportation projects, including the design and construction of pedestrian walkways and bicycle paths, bicycle education, landscaping, scenic and historic preservation, billboard removal, archaeological research, and other projects that are related to the surface transportation system. This year, twelve enhancement fund applications for projects on local roads were received totaling \$7,442,160 with approximately \$12 million available statewide. Two applications for projects on the ADOT right-of-way were received totaling \$1,886,000 with approximately \$8 million available statewide. Projects were evaluated and ranked by the EPRG

using criteria established by ADOT. The EPRG reviewed applications and recommended changes to strengthen the applications and improve their ability to compete on a statewide basis. Applicants were then requested to revise their applications based upon EPRG input. After the revised applications were reviewed, the EPRG ranked the applications. The Enhancement Peer Review Group recommended that the list of ranked applications be forwarded to ADOT for consideration by the TERC.

5D. Consultant Selection for the MAG Intelligent Transportation Systems and Transportation Safety On-Call Services Request for Qualifications

The Management Committee, by consent, recommended approval of the selected list of consultants for the ITS and Transportation Safety on-call services, for the following areas of expertise: (1) Traffic Engineering, (2) ITS Planning, (3) ITS Operations Planning, (4) ITS Training, (5) ITS Evaluation & Feasibility Studies, (6) ITS Modeling and Supporting Services (7) Regional Fiber Network Planning and Management (8) Transportation Safety Planning. The FY 2011 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2010, includes a number of projects to be launched in the areas of Intelligent Transportation Systems (ITS) and Transportation Safety. These projects will be executed through on-call consultant contracts with qualified consultants selected in eight areas of technical expertise. A request for qualifications was advertised on April 26, 2010. Two selection panels, each appointed by the ITS Committee and the Transportation Safety Committee, evaluated the statements of qualifications and recommended to MAG the selection of a number of qualified consultant teams, in each of the areas of expertise. On June 22, 2010, the MAG Transportation Safety Committee recommended approval of the list of consultants for Transportation Safety Projects. On July 7, 2010, the ITS Committee recommended approval of the on-call list of consultants for ITS projects.

5E. Project Changes – Amendment and Administrative Modification to the FY 2008-2012 MAG Transportation Improvement Program

The Management Committee, by consent, recommended approval of amendments and administrative modifications to the FY 2008-2012 MAG Transportation Improvement Program, and as appropriate, to the Regional Transportation Plan 2007 Update. The fiscal year (FY) 2008-2012 MAG Transportation Improvement Program (TIP) and Regional Transportation Plan 2007 Update were approved by the MAG Regional Council on July 25, 2007. Since that time, there has been a request from Phoenix to add a new transit project. This transit project received federal discretionary funds and needs to be programmed in the TIP. On July 1, 2010, the Transportation Review Committee (TRC) recommended approval. Since the TRC recommendation, the Arizona Department of Transportation requested the addition of a new embankment project on SR-87.

5F. Final Closeout of the Federal Fiscal Year 2010 MAG Federally Funded Program

The Management Committee, by consent, recommended approval of the Final Closeout for federal fiscal year 2010 and amending/adjusting the FY 2008-2012 MAG Transportation Improvement Program and the Regional Transportation Plan 2007 Update as needed. The Interim federal fiscal year (FFY) 2010 MAG Closeout, approved on June 30, 2010, by the MAG Regional Council, includes the deferral and deletion of federal funds from totaling close to \$20 million.

In addition, the Interim FFY 2010 MAG Closeout identified three projects to be funded with funds available. Since the Interim FFY 2010 Closeout was approved, there has been one request to defer a project, which was recommended for approval by the Transportation Review Committee on July 1, 2010.

5G. Draft Fiscal Year 2011 Arterial Life Cycle Program

The Management Committee, by consent, recommended approval of the Draft fiscal year (FY) 2011 Arterial Life Cycle Program contingent on a finding of conformity of the FY 2011-2015 MAG Transportation Improvement Program and Regional Transportation Plan 2010 Update with applicable air quality plans. The Regional Transportation Plan (RTP) identified 94 arterial street projects to receive funding from the regional sales tax extension and from MAG Federal Funds. The Arterial Life Cycle Program (ALCP) provides information for each project spanning a 20-year life cycle. Information contained in the ALCP includes project location, regional funding, fiscal year (FY) or work, type of work, status of project and the Lead Agency. As part of the ALCP process, Lead Agencies update project information annually, at a minimum. MAG staff has programmed the Draft FY 2011 ALCP based on the information provided by Lead Agencies and from projected revenue streams of the Regional Area Road Fund (RARF), MAG Surface Transportation Program (STP-MAG) funds, and Congestion Mitigation and Air Quality (CMAQ) funds. Please refer to the enclosed material for a memorandum, a list of project changes, and the Draft FY 2011 Arterial Life Cycle Program. An electronic copy of the Draft FY 2011 ALCP also is available for download from the MAG website. On July 1, 2010, the Transportation Review Committee voted to recommend approval.

5H. L101 High Occupancy Vehicle Lane Budget Increase

The Management Committee, by consent, recommended approval that the L101 HOV project budget be increased by \$9.0 million, that the project include the proposed realignment of the freeway in the vicinity of Maryland Avenue, that the FY 2008-2012 MAG Transportation Improvement Program be modified, and that the Maryland Avenue Overpass Ramps be included as an illustrative project in the Regional Transportation Plan 2010 Update. In January 2010, the Regional Council approved a design-build project to construct High Occupancy Vehicle (HOV) lanes on Loop 101 from Tatum Boulevard to the junction with Interstate-10 in the West Valley as a project to use a potential second round of stimulus funding. In May 2010, the Regional Council was informed that the prospects for the second round of stimulus funding had diminished. However, the Arizona Department of Transportation (ADOT) and MAG determined that the \$138.5 million project could be funded from the available cash flow of the Freeway Life Cycle Program. The available cash flow stemmed from project savings on other Freeway Life Cycle Program projects, such as right-of-way expenditures for the Loop 303. ADOT has recommended that the proposed project budget be increased by \$9.0 million to include the realignment of the freeway in the vicinity of the Maryland Overpass as part of the design-build project in order to accommodate planned direct access ramps in the future. The initial plan for the Maryland Overpass included direct connection ramps to provide access to a nearby park-and-ride lot and the Westgate/University of Phoenix stadium complex. After reviewing the program cash flow, MAG staff recommends the project budget be increased by \$9.0 million to \$147.5 million. A modification to the FY 2008-2012 MAG Transportation Improvement Program will be needed. In addition, the City of Glendale has requested that the Maryland Overpass Ramps be included

in the Draft Regional Transportation Plan (RTP) 2010 Update as an illustrative project. The Draft RTP 2010 Update is scheduled for approval by the MAG Regional Council on July 28, 2010.

5I. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2008-2012 MAG Transportation Improvement Program (TIP). The amendment and administrative modification involve several projects, including a new City of Phoenix project to design a park-and-ride facility for FY 2010, and minor project revisions to an Arizona Department of Transportation Loop 101 High Occupancy Vehicle project and a Town of Buckeye project to construct sidewalks, curb and gutter. The amendment includes projects that may be categorized as exempt from conformity determinations. The administrative modification includes minor project revisions that do not require a conformity determination. This item was on the agenda for consultation.

5J. Finding of Conformity for the Draft FY 2011-2015 MAG Transportation Improvement Program and Draft Regional Transportation Plan 2010 Update

The Management Committee, by consent, recommended approval of the Finding of Conformity for the Draft FY 2011-2015 MAG Transportation Improvement Program and Draft MAG Regional Transportation Plan 2010 Update. The Draft 2010 Conformity Analysis concludes that the draft Transportation Improvement Program (TIP) and the Regional Transportation Plan 2010 Update meet all applicable federal conformity requirements and are in conformance with applicable air quality plans. On June 21, 2010, a public hearing was conducted on the Draft TIP, Draft Regional Transportation Plan 2010 Update, and Draft Conformity Analysis. On June 24, 2010, the MAG Air Quality Technical Advisory Committee recommended approval of the Draft 2010 MAG Conformity Analysis for the Draft FY 2011-2015 MAG Transportation Improvement Program and Draft Regional Transportation Plan 2010 Update. Approval of the conformity finding by the Regional Council is required for MAG adoption of the TIP and RTP.

5K. Status of Remaining MAG Approved PM-10 Certified Street Sweeper Projects That Have Not Requested Reimbursement

A status report is being provided to members of the MAG Management Committee on the remaining PM-10 certified street sweeper projects that have received approval, but have not requested reimbursement. To assist MAG in reducing the amount of obligated federal funds carried forward in the MAG Unified Planning Work Program and Annual Budget, MAG is requesting that street sweepers be purchased and reimbursement be requested by the agency within one year plus ten calendar days from the date of the MAG authorization letter.

5L. 2010 Heat Relief Maps

The summer heat in Arizona can be deadly. Vulnerable populations like older adults, children, people who are experiencing homelessness and those who work outdoors, need to take extra precautions. The MAG Human Services Division has partnered with nonprofit organizations, the faith-based community, cities and towns in the region, and others to provide heat relief maps. Two maps have been created to indicate resources available in the community. The collection

map provides regional locations that are collecting bottled water and other donations such as clothing, unopened sun block, and food items for those who are in need. The hydration and refuge map indicates regional locations that people can go to for water, refuge or both.

5M. Consultant Selection for Building and Employment Databases Project

The Management Committee, by consent, recommended approval of the selection of Applied Economics to conduct the Building and Employment Database project in an amount not to exceed \$100,000. The fiscal year (FY) 2010 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2009, includes \$100,000 to create a unified Building and Employment Database. This database will allow for better modeling and visualization capabilities for MAG staff and MAG member agencies. MAG has been preparing subregional socioeconomic projections for the region for more than twenty-five years to provide input to transportation and air quality modeling. With the increase in population in the region – from 1.5 million in 1980 to four million in 2009 – sound socioeconomic projections are crucial to properly plan for and manage this growth. Recently, MAG initiated a behavioral socioeconomic model, Arizona’s Socioeconomic Model, Analysis and Reporting Toolbox (AZ-SMART) to enhance the MAG socioeconomic modeling and to prepare for the transportation activity model currently being developed. A clear understanding of the built space and employment in the region is an important input to this model. MAG staff currently maintains a Geographic Information System (GIS) database of employers and employment in Maricopa County. This database represents a synthesis of employer location and employment data purchased or acquired from a private clearinghouse, government agencies, and local knowledge. MAG’s 2009 draft Employer database contains more than 45,000 distinct locations for employers in Maricopa County with five or more employees. MAG recently created a Built Space database of data on residential and non-residential built space by MAG parcel. This project will then compile additional building and employment inventory databases for the MAG Region and link all of these databases together for a unified Building and Employment Database. The Request for Proposals was advertised on April 7, 2010. Five proposals were received: Applied Economics, ARCADIS, Belfiore Real Estate Consulting, InfoGroup and TerraSystems Southwest. A multi-agency proposal evaluation team consisting of MAG member agencies and MAG staff reviewed the proposal documents and, on June 15, 2010, the proposal evaluation team recommended to MAG the selection of Applied Economics to conduct this project in an amount not to exceed \$100,000.

5N. Amendment of the FY 2011 MAG Unified Planning Work Program and Annual Budget to Accept FY 2010 Federal Highway Administration Metropolitan Planning Funding

The Management Committee, by consent, recommended amending the FY 2011 MAG Unified Planning Work Program and Annual Budget to decrease the FY 2010 Federal Highway Administration Metropolitan Planning funding by \$4,479.64. Each year, MAG prepares a Unified Planning Work Program and Annual Budget that lists anticipated revenues for the coming year. Recently, MAG was notified by the Arizona Department of Transportation of the official amount of FY 2010 Federal Highway Administration Metropolitan Planning (PL) funding. An amendment to the FY 2011 MAG Unified Planning Work Program and Annual Budget is needed to decrease this amount by \$4,479.64.

50. Sustainable Communities Planning Grant Program

The purpose of the Sustainable Communities Planning Grant Program offered through the U.S. Department of Housing and Urban Development (HUD) in partnership with the U.S. Department of Transportation and the Environmental Protection Agency is to integrate housing, economic development, and transportation planning in order to enhance the economy, environment, and social equity. Since April 2010, MAG staff have collected feedback from the MAG Executive Committee and community partners. In May 2010, additional direction was offered by the MAG Regional Council and the officers of the MAG technical Committees. In June 2010, MAG staff completed a survey of MAG member agencies and offered a report on the results to the MAG Executive Committee. To date, feedback indicates support for MAG to submit an application on behalf of the MAG region or the Sun Corridor, defined as Maricopa, Pima, and Pinal Counties. A potential focus could be developing green housing and jobs along high capacity transit routes and completing paths along the canal system. HUD released the Notice of Funding Availability on June 24, 2010 with a deadline for the grant of August 23, 2010. Per HUD, large metropolitan areas are eligible to receive up to \$5 million to develop a regional plan for sustainable development. Additional funding is available for technical assistance and implementation of the plans. In total, up to \$100 million is available nationally. The application process is expected to be very competitive. Feedback will be solicited from the Committee to ensure the region's response to this grant will be competitive and reflect local priorities and activities.

6A. FY 2010 MAG Final Phase Public Input Opportunity

Jason Stephens, MAG Public Involvement Planner, reported on MAG's public involvement process conducted on transportation plans and programs for the Final Phase public input opportunity. He noted that all of the information presented today is included in the Final Phase report. Mr. Stephens stated that MAG participated in a variety of special events and small group presentations, and also gathered comments from MAG committee meetings and e-mail, telephone and website correspondence. He stated that the process also included a transportation public hearing on June 21, 2010, hosted by MAG with representatives from Arizona Department of Transportation, Citizen's Transportation Oversight Committee, Valley Metro, METRO and the City of Phoenix Public Transit Department in attendance. Mr. Stephens stated that a majority of the comments received from the public focused on transit and expressed concerns for cuts in service, the loss of Local Transportation Assistance Funding, the need for Dial-a-Ride service, and cuts to routes on the Super Grid. He advised that all of the questions are answered on the spot or within 48 hours. Chair Swenson thanked Mr. Stephens for his report. No public comments were noted. No questions for Mr. Stephens were noted.

Vice Chair Meyer moved to recommend acceptance of the Draft FY 2010 MAG Final Phase Public Input Opportunity Report. Mr. McClendon seconded, and the motion passed unanimously.

6B. Approval of the Draft MAG Regional Transportation Plan 2010 Update

Roger Herzog, MAG Senior Project Manager, stated that the Draft MAG Regional Transportation Plan (RTP) 2010 Update is a comprehensive, performance based, multimodal and coordinated plan, identifying transportation improvements in the region over the next 20 years. Mr. Herzog noted that the Draft RTP 2010 Update includes a number of elements, including transportation

modes of freeways, highways, arterial streets, public transit, freight, and bicycles, and the elements of travel demand management, safety, regional development, and transportation revenues.

Mr. Herzog stated that the major modal programs in the RTP total approximately \$59 billion. That total broken down includes about \$24 billion for arterial streets, about \$18 billion for freeways and highways, and about \$17 billion for transit. He said that about half of the RTP is funded by local/other funds and half of the RTP is funded by regional funds, which include federal transit and highway funds, ADOT funds, and the half cent sales tax for transportation.

Mr. Herzog stated that the RTP 2010 Update includes the 20-year planning period through FY 2031 – a federal planning requirement. He indicated that one of the major issues addressed since the 2007 Update was the historic decline of revenue that resulted in a 25 percent decrease in the long range revenue forecast. Mr. Herzog stated that reduced revenues presented a major challenge to balance the modal program, which was addressed through the MAG committee process for more than one year and resulted in balanced programs included in the RTP 2010 Update.

Mr. Herzog stated that an important element is the public input process, which began about one year ago, and culminated in the public hearing in June. He said that these public hearings were held in addition to the public input opportunities provided at MAG committee meetings.

Mr. Herzog stated that the Draft 2010 Update was approved by the Regional Council for air quality conformity analysis on April 28, 2010. A technical air quality conformity analysis was performed on the RTP and concluded that the Plan and the FY 2011-2015 MAG Transportation Improvement Plan meet all air quality conformity requirements. Mr. Herzog noted that on June 24, 2010, the MAG Air Quality Technical Advisory Committee recommended acceptance of the Draft Air Quality Conformity Analysis. Mr. Herzog stated that the final step is the approval process of the Draft RTP 2010 Update through the MAG committee process. He noted that the MAG Transportation Review Committee recommended approval of the RTP 2010 Update on July 1, 2010. Chair Swenson thanked Mr. Herzog for his presentation. No public comment cards were received. No questions from the Committee were noted.

Ms. Dennis moved to recommend approval of the Draft MAG Regional Transportation Plan (RTP) 2010 Update, contingent on a finding of conformity of the FY 2011-2015 MAG Transportation Improvement Program and RTP 2010 Update with applicable air quality plans. Mr. Cavazos seconded, and the motion passed unanimously.

6C. Approval of the Draft FY 2011-2015 MAG Transportation Improvement Program

Eileen Yazzie, MAG Transportation Programming Manager, reported on the Draft FY 2011-2015 MAG Transportation Improvement Program (TIP). She said that the TIP provides a five year window of the Regional Transportation Plan and provides specific project details, costs, and schedules. She said that this is done to comply with federal regulations for the fiscal constraint of the short range plan and planning and environmental guidance.

Ms. Yazzie stated that MAG is operating under the current federal legislation, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, known as

SAFETEA-LU. She noted that this transportation act expired this past year, and Congress has since approved Continuing Resolutions while working on a new transportation act. Ms. Yazzie advised that MAG will have the opportunity to adjust the TIP if Congress passes new legislation. She said the Transportation Improvement Program is required to report on all federally funded projects and regionally significant projects, and that enough information is provided to run an air quality analysis. Ms. Yazzie stated that the federal regulations also mandate that the TIP covers a minimum four-year time period, and is reported every four years. She noted that the MAG 2011-2015 TIP covers five years.

Ms. Yazzie stated that data for the TIP comes from current MAG transportation programs, the MAG Work Program, member agencies, and federal, state, and local agencies and programs through the Transportation Programming Guidebook and the TIP Data Entry System. Ms. Yazzie stated that input is provided by members of the public, MAG technical advisory committees, and MAG staff.

Ms. Yazzie then spoke of the great undertaking by the MAG technical committees to rebalance the freeway program and program the federal funds. She noted that the FY 2011-2015 MAG TIP includes more than 1,200 projects, the majority of which are street and transit projects.

Ms. Yazzie then reviewed the funding for the FY 2011-2015 MAG TIP, which totals more than \$7 billion. She stated that highway projects include street, bicycle, pedestrian, safety, freeway, Intelligent Transportation System (ITS), and bridge projects in the region, and about two-thirds of their funding comes from regional and local revenue sources. Ms. Yazzie then addressed transit projects by stating that 5307, 5309, and CMAQ are types of federal transit funds that account for 45 percent of the \$1.3 billion in transit funding in the FY 2011-2015 MAG TIP. She advised that this does not include transit operations. Ms. Yazzie stated that about \$360 million of the \$412 million of committed local transit funds are associated with the City of Phoenix airport Sky Train project, and the remaining \$64 million is for transit capital projects.

Ms. Yazzie reviewed the approval schedule. She said that during July 2010, the Management Committee, Transportation Policy Committee, and Regional Council review and take action on the Draft FY 2011-2015 MAG TIP, the Draft Regional Transportation Plan 2010 Update, and Draft air quality conformity analysis, followed by action by the Governor's designee, the Federal Highway Administration and the Federal Transit Administration.

Chair Swenson thanked Ms. Yazzie for her presentation. No public comment cards were received. No questions from the Committee were noted.

Mr. McClendon moved to recommend approval of the Draft FY 2011-2015 MAG Transportation Improvement Program (TIP), contingent on a finding of conformity of the TIP and Regional Transportation Plan 2010 Update with applicable air quality plans and that the programming of transit preventive maintenance be reviewed for potential amendments/modifications no later than December 2010. Mr. Crossman seconded, and the motion passed unanimously.

7. Resolution Supporting the Expansion of Amtrak Passenger Service into the Metropolitan Phoenix Region as Part of the National Intercity Rail Network

Marc Pearsall, MAG Transit Planner, reported on a resolution supporting the expansion of Amtrak passenger service into the metropolitan Phoenix region as part of the National Intercity Rail Network, an element identified in President Obama's high speed rail plan. He stated that Amtrak service was discontinued to the Phoenix/Tempe metropolitan area in the summer of 1996, when the existing rail was rerouted to a more direct rail line between Tucson to Yuma. Mr. Pearsall noted that the maintenance costs of the old line were deemed excessive, and neither Amtrak, the State of Arizona, nor Union Pacific had the funds for maintenance.

Mr. Pearsall displayed a list of United States cities without Amtrak passenger service and noted that Phoenix is currently the largest city in this category, followed by Las Vegas, Columbus, and Nashville. He displayed a map of the current Amtrak routes and noted that the President's vision is to return Amtrak service to most of the cities shown on the list. Mr. Pearsall stated that the plan of the Western High Speed Rail Alliance, of which MAG is a member, is to connect high speed rail service in Phoenix, Las Vegas, and Reno to Los Angeles.

Mr. Pearsall displayed a map of the current Union Pacific railroad line and the out-of-service Wellton line. Mr. Pearsall stated that 40 to 60 freight trains operate on the current southern Gila Line daily, and two Amtrak trains operate every other day. He said that staff has heard that Amtrak plans to operate daily passenger service between Los Angeles and San Antonio beginning in October.

Mr. Pearsall stated that the goal of the resolution is to bring Amtrak service through the Phoenix metro area. He advised that the Wellton line needs some upgrading and is currently used for rail car storage. Mr. Pearsall indicated that Union Pacific is not opposed to upgrading the track, it just does not want to be responsible for the entire cost. He remarked that passenger service could benefit their schedules by rerouting the Amtrak service through Phoenix and away from their busy southern Arizona freight corridor.

Mr. Pearsall stated that a study and a grant application are underway. He reported that a study is expected to be awarded this week by the Arizona Department of Transportation (ADOT) for a study of Phoenix to Tucson passenger rail. Mr. Pearsall stated that ADOT is also in the process of preparing a grant application for federal funds to evaluate the opportunities of reopening the Wellton Branch in the Southwest Valley, which would be needed for future Amtrak service. He noted that MAG has committed to provide the matching funds for this study.

Mr. Pearsall stated that there was some passenger rail service as far back as the 1880s in southern and northern Arizona, but passenger rail service in Phoenix began in the 1920s and was a part of the route of Los Angeles to the east coast. He said that up to 12 passenger trains daily served Union Station in downtown Phoenix in the 1960s, and this service dwindled to one train every other day by the 1970s. Mr. Pearsall stated that this demonstrates the switch from trains to cars and airplanes as a mode of passenger travel. He stated that Union Station is currently owned by Qwest, which has done a superb job of preservation, including a new roof, and Qwest has also secured the site. Mr. Pearsall stated that the building is on the National Register of Historic Places and is a potential candidate for a future passenger rail terminal.

Mr. Pearsall then showed examples of terminals in other cities that have been revitalized through partnerships of the federal government with regions and the private sector. He noted that the Denver terminal revitalization was a public private partnership that cost \$900 million, \$300 million of which came from federal funds. He said that there are other opportunities for revitalization in the MAG region, including the Tempe depot, on which Macayo's has done an excellent job of preservation and could provide dual use through a connection of commuter rail with light rail; and the old Litchfield depot preserved by the City of Goodyear, which could be converted to a terminal for passenger service in the West Valley. Mr. Pearsall stated that the resolution could provide a step toward returning passenger rail to the Valley, and will be considered by the Regional Council later this month.

Chair Swenson thanked Mr. Pearsall for his presentation. No requests for public comment were received. No questions from the Committee were noted.

Mr. Meyer moved to recommend approval of a resolution supporting the expansion of Amtrak passenger service into the metropolitan Phoenix region as part of the national intercity rail network. Mr. McClendon seconded, and the motion passed unanimously.

8. Update on Exceptional Events and MAG Five Percent Plan for PM-10

Lindy Bauer, MAG Environmental Director, stated that on May 26, 2010, staff reported to the MAG Regional Council that the Environmental Protection Agency (EPA) decided not to concur with four exceptional events at the West 43rd Avenue monitor in 2008 and on EPA's decision to disapprove the MAG Five Percent Plan for PM-10 for reducing dust pollution in the Valley. Ms. Bauer stated that at the May meeting, the MAG Regional Council directed staff to bring recommendations to the Executive Committee on obtaining legal advice and suggested that staff work with the Governor and the Arizona Congressional Delegation to stay the action of EPA until EPA corrects its flawed Exceptional Events Rule. She said that on June 21, 2010, the MAG Executive Committee directed staff to retain legal counsel and other consultants on administrative action needed regarding the EPA nonconcurrence. Ms. Bauer stated that MAG staff has been considering potential legal firms for legal counsel and anticipates the need for legal advice as a result of EPA's action.

Ms. Bauer noted that on June 23, 2010, the EPA indicated that the proposed consent decree had been lodged with the court. She advised that EPA and the Arizona Center for Law in the Public Interest have agreed to a settlement on the timetable for EPA to take action on the Five Percent Plan for PM-10. Ms. Bauer noted that EPA has to propose action on the MAG Five Percent Plan for PM-10 by September 3, 2010, and then deliver the proposed action to the Federal Register office for publication. Ms. Bauer stated that the EPA will sign a notice of final action by January 28, 2011. She indicated that publication in the Federal Register starts the clock ticking for potential sanctions.

Ms. Bauer pointed out that the EPA notes that this is a proposed consent decree. She said that the publication in the Federal Register provides for a reasonable opportunity for public comments. Ms. Bauer stated that if the comments do not disclose facts or other considerations which indicate that the consent decree is inappropriate or inconsistent with the Clean Air Act, EPA will move to ask the court to officially enter the consent decree.

Ms. Bauer stated that MAG staff have been working on comments on EPA's technical document supporting its decision to not concur with the exceptional events at the West 43rd Avenue monitor. She noted that the Arizona Department of Environmental Quality (ADEQ) submitted these comments to EPA on June 30, 2010, and a copy of the comments was at each place. Ms. Bauer stated that there are three principal concerns with EPA's review: 1) The EPA is not always consistent with its own Exceptional Events Rule; 2) The EPA failed to take into account some of the ADEQ supporting data and analysis; 3) The EPA is not always consistent with how they have treated other areas, for example, EPA's concurrence with California's request that the best control measures for the San Joaquin Valley had been approved and were in place, while EPA rejected ADEQ's identical demonstration for the MAG region.

Ms. Bauer stated that in addition, MAG and ADEQ feel the process has been unfair. She said that MAG, its consultants, and ADEQ submitted supplemental information regarding the four exceptional events. Ms. Bauer pointed out that a letter from Westar, a group of 15 Western states that had problems with EPA's Exceptional Events Rule, was also at each place. Ms. Bauer noted that the Westar letter states that EPA indicated it would address concerns with the Exceptional Events Rule, but to date, has done nothing. She commented that the letter goes on to state that this is critical for EPA to address.

Ms. Bauer stated that MAG staff continues to work on the supplemental information and with the Executive Committee. She reported that MAG region could go into a conformity freeze and only the first four years of projects of the conforming TIP and RTP could proceed until the plan is fixed and EPA approves a new motor vehicle emissions budget and there is a new finding of conformity. She added that some projects, such as safety and mass transit projects, would be exempt. Ms. Bauer advised that Clean Air Act sanctions would be imposed if the problem is not corrected, and the imposition of highway sanctions may trigger a conformity lapse. She stated that the TIP could not proceed and there could be a loss of federal highway funds. Ms. Bauer stated that there could be tighter controls on the private sector of 2:1 offsets in emissions, which would be quite expensive. She remarked that these threats from EPA could present severe economic consequences to the MAG region.

Chair Swenson thanked Ms. Bauer for her report and asked members if they had questions.

Mr. Harris asked about the timeline for potential legal action and if funding was in place or needed for such a significant action. He remarked that this is a high level, serious issue that affects many. Ms. Bauer replied that there is not a specific timeline but the Executive Committee would be discussing the selection of legal counsel next week. After that, there would be a better understanding of a timeline. Ms. Bauer pointed out that the Executive Committee previously gave direction to staff to pursue administrative action.

Mr. Smith stated that funds are available for the administrative action, and he added that there might be other groups, such as Westar and perhaps the state, who might join MAG in the lawsuit. He advised that the interviews with the attorneys have been completed and they hope to begin work shortly.

Chair Swenson expressed appreciation for the aggressive focus and commented that there is a lot at stake for the MAG region. He requested that updates be provided on future Management Committee agendas.

9. Request for Future Agenda Items

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

No requests from the Committee were noted.

10. Comments from the Committee

An opportunity will be provided for Management Committee members to present a brief summary of current events. The Management 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.

Mr. Smith noted that the August meeting would be canceled unless there were agenda items.

Adjournment

With no further business, Mr. Crossman moved, Mr. Meyer seconded, and the motion passed to adjourn the meeting at 12:55 p.m.

Chair

Secretary

Project Status Report
Transportation Projects – MAG Region JULY 20, 2010
American Recovery & Reinvestment Act (ARRA) Funding

On February 17, 2009, President Obama signed the American Recovery and Reinvestment Act (ARRA) of 2009. The national Highway Infrastructure Investment component of the legislation is \$27.5 billion. All projects in the MAG region have been obligated.

For the highway portion, the Arizona Department of Transportation (ADOT) has 120 days to obligate 50 percent of the funding, and a year – by March 2, 2010, to obligate the remaining funds. Of the ADOT portion, \$129.4 million was directed for Highway projects in the MAG Region. The legislation also sub-allocates 30 percent of the funding (\$156.57 million) to local jurisdictions. The amount being sub-allocated to the MAG Region is \$104.6. Metropolitan planning organizations and Local Agencies have one year to obligate the funds, by March 2, 2010.

The MAG regional portion for transit is \$66.4 million. The legislation requires that 50 percent of the transit funds be obligated within 180 days, and the remainder to be obligated within one year by March 2, 2010.

REPORT COMPONENTS – TABLE OF CONTENTS
Project Status Report

p. 3 – 12

Project Status Report

The Project Status Report highlights three areas of project details as noted below:

Project Information: Lists information about the project as reported on in the MAG Transportation Improvement Program (TIP) including the project location and description.

Project Funding: Explains the project funding sources and amounts as listed in the MAG TIP.

Project Development Status: This section reports on the status of project development steps. This section will most likely change in the future as projects are under construction. The project development steps are:

- Project Approved by MAG RC (Date): Project approved by the MAG Regional Council for inclusion in the current MAG TIP
- Design & Federal Clearances: The required design and federal clearances have been complete or have estimated completion dates. Or other notes may be provided regarding status with FHWA or FTA. Check mark indicates that work is completed.
- Obligate: The project has obligated, which means that the Federal Highway Administration agrees that the project has completed the necessary federal steps and the federal funds can be promised for the project. This date is the projected obligation date based on submittal of final PS&E. Actual date will depend on FHWA processing time.
- Advertise Date – The date the project scheduled to be advertised.
- Award Date – The date the project is awarded to contractor.
- Estimated Completion – The contractor has estimated that construction will be completed by this date.

**This information can also be found at the MAG Website:
<http://www.mag.maricopa.gov/detail.cms?item=9615>**

PROJECT STATUS REPORT TRANSPORTATION PROJECTS IN MAG REGION
American Recovery & Reinvestment Act (ARRA) Funding
JULY 20 2010

Project Information				Project Funding			Project Development Status						Comments		
TIP #	Federal ID	Project Location	Project Description	Fund Type	Federal - ARRA	Total	Award Amount	Approval Date	Design	Environmental	Obligated	Advertise Date		Award Date	Estimated Complete
State Sponsored Projects - Roadways															
DOT09-815	010-B(205)	I-10: Verrado Way - Sarival Rd	Construct General Purpose Lane	ARRA	\$27,635.1	\$27,635.1	\$27,635.1	05/27/09	✓	✓	✓	✓	7/17/09	2/12/2011	Admin Mod: Change project costs from \$28.2M to \$26.3M.
DOT09-818	017-A(207)	I-17: SR74-Anthem Way	Construct General Purpose Lane	ARRA	\$13,994.1	\$13,994.1	\$13,994.1	05/27/09	✓	✓	✓	✓	6/19/09	5/31/2010	Admin Mod: Change project costs from \$13.4M to \$13.3M
DOT09-6C00R	060-B(201)	US 60: SR 303L - 99th Ave	Road Widening	ARRA	\$23,899.3	\$23,923.5	\$23,923.5	03/25/09	✓	✓	✓	✓	11/20/09	12/31/2011	Admin Mod: Change project costs from \$45.0M to \$22.3M
DOT07-323	101-A(203)	99th Ave from I-10 to MC-85	Road Widening	STP-AZ & ARRA	\$1,519.1	\$2,251.2	\$2,089.1	04/22/09	✓	✓	✓	✓	6/18/10		Regional cost includes \$652,890 in Toleson local ARRA funds. Bids open
DOT09-801	060-B(201)	US 60: 99th Ave to Thunderbird Rd (within the city limits of El Mirage)	Transportation Landscaping Enhancement	ARRA	\$212.8	\$212.8	\$212.8	04/22/09	✓	✓	✓	✓	11/20/09	12/31/2011	El Mirage local ARRA funds used for local costs in ADOT project
DOT07-332	060-B(200)	US 60: 99th Ave - 83rd Ave	Road Widening	ARRA	\$8,046.8	\$8,046.8	\$8,046.8	03/25/09	✓	✓	✓	✓	8/14/09	10/31/2010	Admin Mod: Change project costs from \$11.2 mill to \$7.6M.
DOT06-613	085-B(200)	SR 85: Southern Ave - I 10	Widen roadway, adding 2 through lanes	ARRA	\$11,147.3	\$11,147.3	\$11,147.3	05/27/09	✓	✓	✓	✓	9/18/09	11/26/2010	Admin Mod: Change project costs from \$18.6 mill to \$11.0M - pending contract award
DOT12-840	101-A(204)	101 (Agua Fria Fwy) at Union Hills Dr/Beardsley Rd	Construct traffic interchange, construct new frontage road and Texas U-Turn structure over L101	ARRA, STP MAG & Local	\$5,667.4	\$17,173.9	\$17,173.9	04/22/09	✓	✓	✓	✓	10/16/09	7/31/2011	Admin Mod: Change project costs from \$27.5 mill to \$17.1M
DOT08-673	074-A(200)	74: US-60 (Grand Ave) to Loop 303 (Estrella Fwy); MP 20-22	Construct eastbound and westbound passing lanes	ARRA	\$2,440.9	\$2,440.9	\$2,324.6	05/27/09	✓	✓	✓	✓	10/16/09	09/31/2011	Admin Mod: Change project costs from \$3.9 mill to \$2.3M
DOT12-841	101-A(206)	Loop 101: Northern to Grand 5B	Auxiliary lane - 3 miles	ARRA	\$2,186.1	\$2,186.1	\$1,927.9	09/30/09	✓	✓	✓	✓	5/4/10		
DOT10-815	101-A(201)	Loop 101: Olive Avenue	TI Improvements	ARRA	\$2,172.4	\$2,172.4	\$2,172.4	09/30/09	✓	✓	✓	✓	3/19/10		Admin Mod: Change project costs from \$3M mill to \$2.17M - pending contract award
DOT10-6C32	074-A(201)	SR 74: MP 13 - MP 15	Construct Passing Lanes	ARRA	\$3,395.0	\$3,395.0	\$3,484.7	09/30/09	✓	✓	✓	✓	7/14/10		Estimate based on low bid.
DOT10-816	017-A(211)	I-17: I-10 to Indian School	Southbound Roadway Improvements	ARRA	\$1,100.0	\$1,100.0	\$1,174.3	09/30/09	✓	✓	✓	✓	6/18/10		Estimate based on low bid.
DOT10-813	101-A(205)	Loop 101: 51st Ave to 27th Ave EB	Auxiliary lane	ARRA	\$2,085.1	\$2,085.1	\$1,606.9	09/30/09	✓	✓	✓	✓	5/4/10		Estimate based on low bid.
DOT10-828	087-B(205)A	SR 87: Four Peaks - Dos S Ranch Road	Construct Roadway Improvements	ARRA	\$18,500.0	\$18,500.0	\$12,931.9	09/30/09	✓	✓	✓	✓	5/21/10		Estimate based on low bid.

PROJECT STATUS REPORT TRANSPORTATION PROJECTS IN MAG REGION
American Recovery & Reinvestment Act (ARRA) Funding
JULY 20 2010

Project Information				Project Funding			Project Development Status						Comments		
TIP #	Federal ID	Project Location	Project Description	Fund Type	Federal - ARRA	Total	Award Amount	Approval Date	Design	Environmental	Obligated	Advertise Date		Award Date	Estimated Complete
State Sponsored Projects - Roadways															
DOT08-828	087-A(206)A	SR 87: MP 211.8 to 213.0	Repair cut slopes for erosion control	ARRA	\$1,600.0	\$1,600.0	\$1,200.8	12/09/09	✓	✓	✓	✓	5/21/10		To be done in conjunction with project SR 87: Four Peaks - Dos S Ranch Road
DOT08-839	143-A()	143 Hohokam: SR 143/Sky Harbor Blvd TI	TI Improvements, Adding Ramps	ARRA	\$35,100.0	\$35,100.0		12/09/09	✓	✓	✓	✓			
DOT10-851		US 60: San Domingo - Whitmann	Pavement Preservation	ARRA	\$9,000.0	\$9,000.0		02/24/10	✓	✓					State project to be funded with Local ARRA STP-AZ funds will be used if full amount of ARRA funds are not available
					\$160,701.4	\$172,964.1	\$131,045.9								

PROJECT STATUS REPORT TRANSPORTATION PROJECTS IN MAG REGION
American Recovery & Reinvestment Act (ARRA) Funding
JULY 20 2010

Project Information			Project Funding				Project Development Status						Comments		
TIP#	Project Location	Project Description	Fund Type	Federal - ARRA	Federal - Other	Regional/ Local	Estimated Total	Approval Date	Design	Environment	Obligate	Bid Open Date		Award Date	Estimated Complete
Local Projects - Roadway															
APJ09-801	Ironwood Drive: Southern Avenue to 16th Avenue	Design and Reconstruction of Pavement	ARRA	\$1,348.3	\$0.0	\$0.0	\$1,348.3	4/22/09	✓	✓	✓	2/3/10	4/24/10		
AVN09-801	Dysart Road-I-10 to Indian School Road	Preliminary engineering, design and construction for Mill & Replace	ARRA	\$1,681.9	\$0.0	\$0.0	\$1,681.9	4/22/09	✓	✓	✓	3/5/10	4/6/10		Permanent striping will be completed by the end of June. Video detection cameras are scheduled for delivery in early July.
AVN10-801ABS	Avondale City Hall Traffic Operations Center (TOC)	Construct Interim TOC	ARRA	\$328.2	\$0.0	\$560.0	\$888.2	6/30/10							Funds from AVN09-801 bid savings.
AVN09-802	Dysart Road -Van Buren to the I-10	Preliminary engineering, design and construction for Mill & Replace	ARRA & Local	\$179.7	\$0.0	\$222.1		4/22/09	N/A	N/A	N/A	N/A	N/A	N/A	Combined with AVN09-801
BKY09-801	Various Locations Townwide - Functionally Classified Roads	Pre-engineer/Design and Pavement Rehabilitation and Preservation	ARRA	\$1,118.9			\$1,118.9	4/22/09	✓	✓	✓	2/12/10	3/19/10		Crews are working on the milled shoulder on Yuma Road. Contractor has completed second lift of slurry seal on Broadway Road.
BKY07-704	Various Locations: MC-85/Monroe, Southern Ave, Apache Rd	Pave dirt shoulders	ARRA & CMAQ	\$196.0	\$51.4		\$247.4	6/30/10							Program ARRA savings to project. Project originally programmed with \$113K of CMAQ - remaining funds moved to new paving design project.
CFR09-801	Intersection of Tom Darlington Drive and Ridgeview Place	Pre-engineer/Design and construct Pedestrian crossing	ARRA	\$35.0			\$35.0	4/22/09	N/A	N/A	N/A	N/A	N/A	N/A	Combined Project: ARRA-CFE-0(200),Town of Carefree has been combined with Cave Creek Road ARRA-CFE-0(201)A.
CFR09-802	Cave Creek Road: Scopa Trail to Carefree Eastern Border	Pre-engineer/Design and construct, repair and restoration of Cave Creek Road	ARRA	\$553.3			\$553.3	4/22/09	#####	✓	✓	3/12/10	4/6/10		Partnering/Preconstruction meeting was held on May 20, 2010. Crews are working on crack sealing, milling and AC replacement.
CVK09-807	Various Locations - Functionally Classified Roadways	Pre-Engineer/Design and Construct Pavement Rehab projects	ARRA	\$614.8			\$614.8	5/27/09	✓	✓	✓	4/2/10	5/4/10		Construction work will start on June 21st.
CHN120-07C	Chandler Blvd/Dobson Road Intersection, and Dobson Road from Chandler Blvd to Frye Road	Intersection and Capacity Improvement	ARRA, Local & RARF	\$3,949.4		\$464.2	\$4,413.6	4/22/09	✓	✓	✓	2/5/10	3/25/10	Feb-11	
CHN09-801	Price Road from Germann Road south to Queen Creek Road	Design and reconstruction of pavement	ARRA	\$201.9			\$201.9	4/22/09	✓	✓	✓	3/3/10	4/22/10	Nov-10	
ELM09-801	Various Locations Citywide - Functionally Classified Roadways	Pre-Engineer/Design and Mill and Replace Existing Road.	ARRA	\$571.8	\$0.0	\$0.0	\$571.8	4/22/09	✓	✓	✓	4/16/10	5/21/10		Contract time begins June 23, 2010. Partnering/Preconstruction meeting is scheduled for June 28.
ELM08-801ABS	El Mirage Rd: Olive to Cactus	Micro-seal pavement surface	ARRA/STP-AZ	\$0.0	\$167.8	\$8.1	\$175.8	6/30/10							Program ARRA savings from ELM09-801as STP-AZ and ARRA to project.
FTH07-301	Shea Blvd. (Palisades Blvd. to Fountain Hills Blvd.)	Widen for 3rd (westbound) lane, bike lane, sidewalk, and turn pockets.	ARRA, STP, & Local		\$2,164.0	\$131.0	\$2,295.0	6/24/09	✓	✓	✓	12/11/09	2/19/10		Paving is tentatively scheduled for the end of June.
FTH11-101ABS	Shea Blvd.: Saguaro Blvd. to Fountain Hills Blvd.	Mill and overlay	ARRA	\$1,081.6		\$65.4	\$1,147.0								Program ARRA savings to project.

PROJECT STATUS REPORT TRANSPORTATION PROJECTS IN MAG REGION
American Recovery & Reinvestment Act (ARRA) Funding
JULY 20 2010

Project Information			Project Funding				Project Development Status							Comments	
TIP #	Project Location	Project Description	Fund Type	Federal - ARRA	Federal - Other	Regional/ Local	Estimated Total	Approval Date	Design	Environment	Obligate	Bid Open Date	Award Date		Estimated Complete
Local Projects - Roadway															
GBD09-801	Pima Street/SR-85 Various Locations	Design and Construct Signage Improvements	ARRA	\$33.0	\$0.0	\$0.0	\$33.0	4/22/09	N/A	N/A	N/A	N/A	N/A	N/A	Combined with GBD09-802
GBD09-802	Pima Street/SR-85 Various Locations	Design and Construct Pedestrian and Landscape Improvements	ARRA	\$339.5	\$0.0	\$0.0	\$339.5	4/22/09	✓	✓	✓	4/23/10	5/21/10		
GBD09-803	Gila Bend Airport on SR-85	Design and Construct Carpool and Transit Park & Ride Lot	ARRA	\$170.0	\$0.0	\$0.0	\$170.0	5/27/09	✓	✓	✓	4/2/10	5/4/10		
GRC09-801	Various Locations - Functionally Classified Roadways	Pre-Engineer/Design and Construct Pavement Rehab projects	ARRA	\$561.3			\$561.3	4/22/09	✓	✓	✓	4/9/10	5/4/10		Tentative Contractor start date is June 28, 2010. Contractor is working on obtaining required GRIC permits.
GLB09-801	Various Locations - Functionally Classified Roadways	Pre-Engineer/Design and Construct Nova Chip Overlays- arterial roadways	ARRA	\$4,366.6	\$0.0	\$0.0	\$4,366.6	4/22/09	✓	✓	✓	2/12/10	3/19/10		Contractor has started paving and will continue for 15-20 days. Final striping will be completed in August 2010.
GLB06-201R/ GLB07-302/ GLB05-107R	Eastern Canal: Baseline Rd to Guadalupe Rd (Santan Vista Trail phase I)	Design and construct multi-use path	ARRA & CMAQ	\$939.7	\$1,685.8	\$200.0	\$2,825.5	6/30/10							Reprogramming of ARRA savings, \$939,703 for a current CMAQ project
GLN09-801	Various Locations Citywide - Functionally Classified Roadways	New traffic signal cabinets and controllers	ARRA	\$1,286.0	\$0.0	\$0.0	\$1,286.0	4/22/09	✓	✓	✓	4/23/10	5/21/10		Preconstruction meeting is scheduled for June 10, 2010.
GLN09-802	Various Locations Citywide - Functionally Classified Roadways	Modernize traffic signals	ARRA	N/A	N/A	N/A	N/A	4/22/09	✓	✓	✓	N/A	N/A	N/A	Combined with GLN-0(219)
GLN09-803	Various Locations Citywide - Functionally Classified Roadways	CCTV Camera Installations	ARRA	N/A	N/A	N/A	N/A	4/22/09	✓	✓	✓	N/A	N/A	N/A	Combined with GLN-0(219)
GLN09-804	Camelback Rd. - 47th to 83rd Aves.	Install wireless communication with traffic signals	ARRA	\$210.7	\$0.0	\$0.0	\$210.7	4/22/09	✓	✓	✓	4/16/10	5/21/10		Partnering and Preconstruction meeting is scheduled on June 15, 2010.
GLN09-805	Bethany Home Rd. - 63rd to 83rd Aves.	Install wireless communication with traffic signals	ARRA	N/A	N/A	N/A	N/A	4/22/09	✓	✓	✓	N/A	N/A	N/A	Combined with GLN-0(215)
GLN09-806	Glendale Ave. - 51st to 66th Aves.	Pre-Engineer/Design and construct pavement overlay	ARRA	\$1,667.8	\$0.0	\$0.0	\$1,667.8	4/22/09	✓	✓	✓	4/23/10	5/11/10		Estimated start date for construction is June 24th.
GLN09-807	Litchfield Rd. - Missouri to Northern Ave.	Pre-Engineer/Design and construct pavement surface treatment	ARRA	\$639.0	\$0.0	\$0.0	\$639.0	4/22/09	✓	✓	✓	5/14/10	6/18/10		This project is scheduled to be awarded at the June 18, 2010, board meeting.
GLN09-808	25 Miles on Arterial Streets	Install thermoplastic pavement markings	ARRA	\$260.9	\$0.0	\$0.0	\$260.9	4/22/09	✓	✓	✓	4/23/10	5/21/10		Partnering and preconstruction meeting is scheduled on June 15, 2010.
GLN08-604	63rd Avenue at Loop 101 Expressway	Design and construct multi-use overpass over Loop 101 (Agua Fria Fwy) (Phase 2)	ARRA, CMAQ, & Local	\$266.9	\$3,557.4	\$0.0	\$3,824.2	4/22/09	✓	✓	✓	3/5/10	4/16/10		Temporary concrete barrier setup for median pier construction on L 101 is scheduled for June 24, 2010.
GLN08-801ABS	Bell Rd: 51st Ave. to 59th Ave.	Pavement Overlay	ARRA/STP-AZ	\$481.8		\$332.0	\$813.9	6/30/10							Program ARRA savings to project.

PROJECT STATUS REPORT TRANSPORTATION PROJECTS IN MAG REGION
American Recovery & Reinvestment Act (ARRA) Funding
JULY 20 2010

Project Information			Project Funding					Project Development Status					Comments		
TIP #	Project Location	Project Description	Fund Type	Federal - ARRA	Federal - Other	Regional/ Local	Estimated Total	Approval Date	Design	Environment	Obligate	Bid Open Date		Award Date	Estimated Complete
Local Projects - Roadway															
GLN08-802ABS	Various Locations Citywide	Upgrade traffic signal controllers	STP-AZ		\$235.8	\$14.3	\$250.0	6/30/10							Program ARRA savings to project.
GLN08-803ABS	Bell Rd: 59th Ave. to 70th Ave.	Pavement Overlay	ARRA/STP-AZ	\$800.0		\$595.0	\$1,395.0	6/30/10							Program ARRA savings to project.
GLN09-609	Skunk Creek/Union Hills Dr.	Design and construct multi-use path under Union Hills Dr.	STP-AZ		\$199.5	\$12.1	\$211.6	6/30/10							Program ARRA savings to project.
GDY09-801	Various Locations Citywide - Functionally Classified Roadways	Pre-Engineer/Design and construct mill, patch and replace	ARRA & Local	\$782.4	\$0.0	\$16.0	\$798.4	4/22/09	✓	✓	✓	3/26/10	4/16/10		Tentative start date for contractor is June 21st.
GDL09-801	Various Locations Townwide - Functionally Classified Roadways	Design and Mill & Asphalt overlay roadways	ARRA	\$634.0	\$0.0	\$0.0	\$634.0	4/22/09	✓	✓	✓	4/9/10	5/4/10		Contract time starts on June 7, 2010.
LPK09-801	Various Locations Citywide - Functionally Classified Roadways	Pre-Engineer/Design and mill and replace pavement resurfacing/ reconstruction	ARRA	\$455.9	\$0.0		\$455.9	4/22/09	✓	✓	✓	4/2/10	5/21/10		Contract work to start end of June and the field office is working on setting up partnering and preconstruction meeting.
LPK10-801ABS	Litchfield Rd: Wigwam Blvd to Camelback Rd	Roadway rehabilitation and restoration, including patching and microseal	ARRA	\$128.1			\$128.1	6/30/10							Program ARRA savings to project.
MMA09-801	Various Locations Countywide - Functionally Classified Roadways	Pre-Engineer/Design and construct AR Overlay	ARRA & Local	\$6,469.2	\$0.0	\$8.9	\$6,478.1	4/22/09	✓	✓	✓	2/18/10	3/24/10		
MES09-801R	Various Locations Citywide - Functionally Classified Roadways	Pre-Engineer/Design and pavement reconstruct and ADA upgrades	ARRA	\$1,610.9			\$1,610.9	5/27/09	✓	✓	✓	3/11/10	4/5/10		
MES09-802R	Various Locations Citywide - Functionally Classified Roadways	Pre-Engineer/Design and construct mill and replace pavement	ARRA	\$1,281.2			\$1,281.2	5/27/09	✓	✓	✓	2/3/10	3/22/10	Aug-10	
MES09-803	Various Locations Citywide - Functionally Classified Roadways	Pre-Engineer/Design and pavement reconstruct and ADA upgrades, Group 1	ARRA	\$2,336.4			\$2,336.4	5/27/09	✓	✓	✓	2/10/10	4/5/10	Sep-10	
MES09-804	Various Locations Citywide - Functionally Classified Roadways	Pre-Engineer/Design and pavement reconstruct and ADA upgrades, Group 2	ARRA	\$1,975.7			\$1,975.7	5/27/09	✓	✓	✓	2/3/10	3/22/10	Jun-10	
MES09-805	Various Locations Citywide - Functionally Classified Roadways	Pre-Engineer/Design and pavement reconstruct and ADA upgrades Group 3	ARRA	\$3,476.4			\$3,476.4	5/27/09	✓	✓	✓	2/3/10	3/22/10	Nov-10	
MES09-809	Phase 4A	Fiber, cameras, detection, cabinets, controllers.	CMAQ & ARRA	\$549.3	\$644.0		\$1,193.4	6/30/10							Lower CMAQ from \$651,254 to \$644,031, and add ARRA Savings \$549,334.
PVY09-801	Various Locations Townwide - Functionally Classified Roadways	Pre-Engineer/Design and construct pavement resurface projects	ARRA & Local	\$823.2	\$0.0	\$0.6	\$823.8	4/22/09	✓	✓	✓	6/25/10			
PEO100-07AC1	Beardsley Rd Connection: Loop 101 (Agua Fria Fwy) to Beardsley Rd at 83rd Av/Lake Pleasant Pkwy	Construct Beardsley Road extension and bridge over New River	ARRA, STP-MAG & Local	\$2,850.4	\$5,991.5	\$2,647.8	\$11,489.7	4/22/09	✓	✓	✓	10/22/09	12/18/09		Crews are also working on screen walls, curb and gutter placement and grading for roundabout construction.

PROJECT STATUS REPORT TRANSPORTATION PROJECTS IN MAG REGION
American Recovery & Reinvestment Act (ARRA) Funding
JULY 20 2010

Project Information			Project Funding				Project Development Status						Comments		
TIP #	Project Location	Project Description	Fund Type	Federal - ARRA	Federal - Other	Regional/ Local	Estimated Total	Approval Date	Design	Environment	Obligate	Bid Open Date		Award Date	Estimated Complete
Local Projects - Roadway															
PEO09-801	Various Locations	Pavement Preservation: Major Arterial mill, overlay and re-striping	ARRA & Local	\$2,042.7			\$2,042.7	6/24/09	✓	✓	✓	3/12/10	4/16/10		Paving operations are scheduled to begin June 14th and will be completed by June 23rd.
PEO10-805	Lake Pleasant Parkway; Dynamite to CAP	Design New Four Lane Arterial Roadway	STP		\$2,259.0	\$465.7	\$2,724.8	6/30/10							Allocate ARRA savings as STP-AZ from Pavement Preservation to LPP design as part of Peoria's local match.
PHX07-306	7th Ave at the ACDC Canal	Multi-Use Underpass	ARRA & CMAQ	\$900.0	\$1,750.0	\$258.3	\$2,908.3	6/30/10							
PHX07-316	7th St & McDowell Rd	Design & Construction of Intersection Improvements	ARRA & CMAQ	\$100.0	\$1,256.0	\$1,244.0	\$2,600.0	4/22/09	✓	✓	✓	10/27/09	11/18/09	Jul-10	
PHX09-801	Various Locations (North Area) - Functionally Classified Roadways	Design & Construction of Pavement Preservation	ARRA	\$7,136.2	\$0.0	\$0.0	\$7,136.2	4/22/09	✓	✓	✓	1/26/10	3/3/10	Dec-10	
PHX09-802	Various Locations (Central Area) - Functionally Classified Roadways	Design & Construction of Pavement Preservation	ARRA	\$7,150.0	\$0.0	\$0.0	\$7,150.0	4/22/09	✓	✓	✓	1/26/10	3/3/10	Dec-10	
PHX09-803	Various Locations (South Area) - Functionally Classified Roadways	Design & Construction of Pavement Preservation	ARRA	\$7,150.0	\$0.0	\$0.0	\$7,150.0	4/22/09	✓	✓	✓	1/26/10	3/3/10	Dec-10	
PHX09-804	Various Locations - (North Area)	Design & Construction of Removal/Replacement of Existing ADA Ramps or Construction of New ADA Ramps	ARRA	\$1,750.0	\$0.0	\$0.0	\$1,750.0	4/22/09	✓	✓	✓	2/2/10	3/3/10	Dec-10	
PHX09-805	Various Locations - (South Area)	Design & Construction of Removal/Replacement of Existing ADA Ramps or Construction of New ADA Ramps	ARRA	\$1,750.0	\$0.0	\$0.0	\$1,750.0	4/22/09	✓	✓	✓	2/2/10	3/3/10	Dec-10	
PHX09-806	11 Locations Citywide	Design & Construct Bridge Deck Rehabilitations	ARRA	\$2,250.0	\$0.0	\$0.0	\$2,250.0	4/22/09	✓	✓	✓	3/23/10	TBD	Dec-10	
PHX09-807	6 Locations Citywide	Design & Construct Bridge Joint Rehabilitations	ARRA	\$1,250.0	\$0.0	\$0.0	\$1,250.0	4/22/09	✓	✓	✓	2/9/10	TBD	Dec-10	
PHX09-808	Citywide Corridors	Inventory / Programming & Procure / Install Traffic Control Signs	ARRA	\$3,000.0	\$0.0	\$0.0	\$3,000.0	4/22/09	✓	✓	✓	3/23/10	TBD	Dec-10	
PHX09-809	Citywide Corridors	Design & Procure/Install Fiber Optic Backbone System	ARRA	\$1,500.0	\$0.0	\$0.0	\$1,500.0	4/22/09	✓	✓	✓	3/9/10	TBD	Dec-10	
PHX09-810	Citywide Corridors	Design & Procure/Install CCTV	ARRA	\$1,000.0	\$0.0	\$0.0	\$1,000.0	4/22/09	✓	✓	✓	6/15/10	6/21/10	Feb-11	
PHX09-811	Citywide Corridors	Design & Procure/Install Wireless Communications	ARRA	\$500.0	\$0.0	\$0.0	\$500.0	4/22/09	✓	✓	✓	6/22/10		Feb-11	
QNC09-801	Combs Rd: UPRR/Rittenhouse Rd to approx. 1,000 ft west of Gantzel Rd	Pre-Engineer/Design and construct resurfacing roadway	ARRA	\$227.3	\$0.0	\$0.0	\$227.3	4/22/09	N/A	N/A	N/A	N/A	N/A	N/A	
QNC09-802	Various Locations on Rittenhouse Rd	Pre-Engineer/Design and construct resurfacing roadway and shoulder paving	ARRA	\$805.8	\$0.0	\$0.0	\$805.8	4/22/09	✓	✓	✓	4/16/10	5/21/10		Contractor is scheduled to start on June 23rd and the Field office is working on scheduling partnering/ preconstruction conference.

PROJECT STATUS REPORT TRANSPORTATION PROJECTS IN MAG REGION
American Recovery & Reinvestment Act (ARRA) Funding
JULY 20 2010

Project Information			Project Funding				Project Development Status					Comments			
TIP #	Project Location	Project Description	Fund Type	Federal - ARRA	Federal - Other	Regional/ Local	Estimated Total	Approval Date	Design	Environment	Obligate		Bid Open Date	Award Date	Estimated Complete
Local Projects - Roadway															
SRP09-801	Various Locations - Functionally Classified Roadways	Design & Construction of Pavement Preservation/Chip-Seal	ARRA	\$653.9			\$653.9	5/27/09	✓	✓	✓	3/26/10	4/16/10		Contractor anticipates entire work to take approximately 2- 2½ weeks. Work anticipated to start on July 6, 2010.
SCT09-802	Various Locations	Preliminary engineering, design and construction for Mill & Replace	ARRA	\$4,600.0			\$4,600.0	7/22/09	✓	✓	✓	3/2/10			
SCT12-813	Various Locations in Southern Scottsdale	Replace traffic signal controllers and cabinets	ARRA, & Local	\$461.7			\$461.7	4/22/09	✓	✓	✓	3/12/10			
SCT08-803	Various Locations	Construction for Mill & Replace	ARRA	\$831.9			\$831.9	6/30/10							Program additional ARRA funds \$831,860 to project
SUR09-801	Bell Road-Parkview to West City Limit	Pre-Engineer/Design and construct pavement Reconstruction and ITS Conduit Installation	ARRA	\$2,933.4	\$0.0	\$0.0	\$2,933.4	4/22/09	✓	✓	✓	3/5/10	4/6/10		Contractor has started working on this project.
TMP09-801	Baseline Road between Kyrene Road and the Union Pacific Railroad, over the Western Canal	Construct replacement bridge over the Western Canal	ARRA, & Local	\$2,083.1	\$0.0		\$2,083.1	4/22/09	✓	✓	✓	3/23/10*	4/22/10	Jan-10	Contract Award date April 22, 2010. Notice to proceed May 1, 2010.
TMP15-138	Broadway Road: Mill Avenue to Evergreen	Asphalt Mill and Overlay	ARRA	\$1,384.9			\$1,384.9	6/30/10							Reprogram ARRA Savings
WKN09-801	North Vulture Mine Rd: US 60 to Northern Town Limits	Design and Complete Pavement Mill and Replace	ARRA	\$644.1	\$0.0	\$0.0	\$644.1	4/22/09	✓	✓	✓				Waiting for utility improvements.
YTN09-801	Peoria Ave: 111th Avenue west by 1950 feet/approx. 115th Avenue	Pre-Engineer/Design and construct mill and replace - pavement resurfacing	ARRA	\$324.9			\$324.9	4/22/09	✓	✓	✓	4/23/10	5/21/10		Contract work to start end of June and the field office is working on setting up partnering and preconstruction meeting.
YTN09-802	Peoria Ave & 115th Ave Re-alignment	Design	STP-AZ		\$137.1	\$7.4	\$144.5	6/30/10							Reprogrammed to STP-AZ funds.
				\$98,937.3	\$19,962.2	\$99,687.3	\$125,346.0								

PROJECT STATUS REPORT TRANSPORTATION PROJECTS IN MAG REGION
American Recovery & Reinvestment Act (ARRA) Funding
JULY 20 2010

Project Information			Project Funding			Project Development Status						Comments	
TIP #	Project Location	Project Description	Federal - ARRA	Estimated Total	Award Amount	Approval Date	Design	Environment	Obligated	Bid Opened	Award Date		Estimated Complete
Local Projects - Transit Projects													
AVN09-804T	Citywide	Purchase 2 replacement dial-a-ride vehicles	\$126.0	\$126.0		6/24/09	NA	✓	✓				
GDY05-202T	I-10: Litchfield Rd to Dysart Rd (ADOT Basin between Litchfield and Dysart)	Park and Ride Land Acquisition	\$352.2	\$1,847.1		6/24/09	✓	✓	✓			Mar-10	The design is completed. The EA is completed. The land was acquired. Estimated construction cost is about \$5M.
GDY06-204T	I-10: Litchfield Rd to Dysart Rd (ADOT Basin between Litchfield and Dysart)	Construct regional park-and-ride (I/10 - Litchfield)	\$2,036.2	\$4,193.8		6/24/09	✓	✓	✓			Mar-10	The design is completed. The EA is completed. The land was acquired. Estimated construction cost is about \$5M.
GDY08-800T	I-10: Litchfield Rd to Dysart Rd (ADOT Basin between Litchfield and Dysart)	Acquire land- regional park and ride	\$186.5	\$977.6		6/24/09	✓	✓	✓			Mar-10	The design is completed. The EA is completed. The land was acquired. Estimated construction cost is about \$5M.
GLN10-807T	Citywide	Operating Assistance - Glendale	\$4.6			3/2/10	NA	NA	✓	NA			
GLN10-808T	Citywide	ADA Complimentary Assistance - Glendale	\$70.3			3/2/10	NA	NA	✓	NA			
MES08-801T	Loop 202/Power	Construct regional park-and-ride (Loop 202/Power)	\$517.8	\$1,800.0		9/30/09		✓	✓				Admin Mod: Modify project costs to lower amount and change funding type to ARRA-Transit and 5309.
MES10-801T	US60/Country Club	Park-and-Ride design	\$367.5	\$367.5		9/30/09		✓	✓				Amend: Add new ARRA-Transit project to list.
MES10-802T	US60/Country Club	Park-and-Ride land acquisition	\$3,238.3	\$3,238.3		9/30/09		✓	✓				Amend: Add new ARRA-Transit project to list.
MES10-803T	Loop 202/Power	Design regional park-and-ride (Loop 202/Power)	\$765.0	\$765.0		9/30/09		✓	✓				Amend: Add new ARRA-Transit project to list.
MES10-804T	Gilbert/McDowell	Design regional park-and-ride	\$765.0	\$765.0		9/30/09		✓	✓				Amend: Add new ARRA-Transit project to list.
MES10-805T	Gilbert/McDowell	Construct regional park-and-ride	\$517.8	\$2,289.0		9/30/09		✓	✓				Amend: Add new ARRA-Transit project to list.
MES10-809T	Country Club/US 60	Park-and-Ride construction	\$3,228.8	\$3,228.8		3/25/09	✓	✓	✓				Admin Mod: Modify project costs to lower amount.
PEO10-803T	Citywide	ADA Complimentary Assistance - Peoria	\$0.7			3/2/10	NA	NA	✓	NA			
PHX08-704T	27th Ave/Baseline Rd	27th Ave/Baseline Park and Ride Construct	\$1,100.0	\$1,100.0		5/27/09		✓	✓	✓		Jun-12	Staff is reviewing a revised design scope of work and fee proposal from Premier Engineering.
PHX08-705T	I-17/Happy Valley	Happy Valley/I-17 Park and Ride - construct	\$5,500.0	\$5,500.0		3/25/09	✓	✓	✓	✓		Dec-10	Construction is in it's initial stage. Contractor is clearing the site and beginning excavation for underground utilities.
PHX09-611T	Regionwide	Preventive Maintenance	\$5,400.0	\$11,964.0		3/25/09	NA	NA	✓	✓		Jun-10	Ongoing
PHX09-837T	Bell Rd/SR-51	Bus access crossover	\$640.1	\$640.1		3/25/09	✓	✓	✓	✓		Jul-10	Comments on the revised scope of work by the Deputy Director were forwarded to EAS on March 18. A cost analysis on the proposal and a negotiation summary/memorandum will be prepared by EAS.

PROJECT STATUS REPORT TRANSPORTATION PROJECTS IN MAG REGION
American Recovery & Reinvestment Act (ARRA) Funding
JULY 20 2010

Project Information			Project Funding			Project Development Status							Comments
TIP #	Project Location	Project Description	Federal - ARRA	Estimated Total	Award Amount	Approval Date	Design	Environment	Obligated	Bid Opened	Award Date	Estimated Complete	
Local Projects - Transit Projects													
PHX09-838T	Pecos Road/40th Street	Pecos/40th St Park and Ride Expansion	\$3,000.0	\$3,000.0		3/25/09	✓	✓	✓	✓		Dec-10	Contractor finished laying out underground utilities, concrete curbs and sidewalks, and is getting ready to grade site for aggregate base course placement
PHX09-839T	Regionwide	Intelligent Transportation System Enhancement: Regional Transit Stop Data Overhaul	\$300.0	\$300.0		3/25/09	NA	✓	✓	✓		Sep-10	Operational Review has been completed by Trapeze was on site March 2 - 5, 2010 installing the BSM software and providing training on System Admin, field staff using laptop and GPS for adding and updating bus stops, and map updates. Issue list has been cr
PHX09-840T	Citywide	Bus Stop Improvements	\$4,321.2	\$4,321.2		3/25/09	✓	✓	✓	✓		Dec-11	Southwest Fabrication received the Notice to Proceed work on 2/22/10. SW is now repairing concrete transit pads and is manufacturing transit furniture. The first batch of new furniture is scheduled to be placed at sites by the end of April
PHX10-804T	Citywide	Operating Assistance - Phoenix	\$870.7			3/2/10	NA	NA	✓	NA		Mar-10	
PHX10-805T	Citywide	ADA Complimentary Assistance - Phoenix	\$972.0			3/2/10	NA	NA	✓	NA		Mar-10	
PHX10-818T	Central Avenue/Van Buren	Central Station Transit Center Refurbishments	\$5,000.0	\$5,000.0		3/25/09		✓	✓	✓		Jan-11	The construction plans were approved on March 16 after one review. The Statement of Readiness for Central Station has been approved by Budget & Research. Discussions are continuing on the revised CA services proposal from the consultant team. A draft RCA
SCT09-803T	Loop 101/Scottsdale Rd	Park-and-Ride construction	\$5,000.0	\$5,000.0		3/25/09	✓	✓	✓				Receiving FTA guidance on Scottsdale's request to secure a lease for potential site. Environmental documentation underway. Part of second 50%.
SCT10-801T	Citywide	Operating Assistance - Scottsdale	\$20.4			3/2/10	NA	NA	✓	NA			
TMP09-806T	East Valley Operations and Maintenance Facility	Expansion/ Updgrade	\$6,500.0	\$6,500.0		3/25/09	✓	✓	✓			Mar-11	Final Design Contract Awarded
TMP10-801T	Citywide	Operating Assistance - Tempe	\$331.0			3/2/10	NA	NA	✓	NA			

PROJECT STATUS REPORT TRANSPORTATION PROJECTS IN MAG REGION
American Recovery & Reinvestment Act (ARRA) Funding
JULY 20 2010

Project Information					Project Funding			Project Development Status						Comments		
TIP #	Federal ID	Project Location	Project Description	Length	Fund Type	Federal - ARRA	Estimated Total	Award Amount	Approval Date	Design	Environment	Obligated	Advertise Date		Award Date	Estimated Complete
Local Projects - Transportation Enhancements																
CHN09-805	CHN-0(014)	Paseo Trail, Consolidated Canal: Galveston to Pecos Rd.	Construction of multi-use path	n/a	TEA-ARRA	\$750,000	\$1,161,610	\$893.6	5/27/09	✓	✓	✓	6/4/10			Estimate based on low bid plus contingency.
GLB04-303R	GIL-0(015)	Canal Crossing Project	Design and construction pedestrian bridges over canal crossing	n/a	TEA-ARRA	\$270,000	\$680,000	\$297.6	5/27/09	✓	✓	✓	9/9/09	9/18/09		
GLB08-801	GIL-0(202)	Heritage District Downtown Ped Project	Design and construct sidewalks, landscaping and other pedestrian improvements	1	TEA-ARRA	\$578,670	\$578,670	\$376.0	5/27/09	✓	✓	✓	9/9/09			Adjusted to include contingency.
GLN08-611	GLN-0(201)	Old Roma Alley	Design and construct pedestrian enhancements and landscape	0.05	TEA-ARRA	\$732,562	\$732,562	\$437.5	5/27/09	✓	✓	✓	12/3/09			Not yet issued. Pending City Signatures.
MMA09-725	MMA-0(201)	Bush Hwy from Usery Pass Rd to Stewart Mtn Rd	Design and construct bicycle lane	4.6	TEA-ARRA	\$750,000	\$1,117,817	\$561.1	5/27/09	✓	✓	✓	6/25/09	7/21/09	Dec-09	Construction complete
ME509-806	MES-0(021)	Consolidated Canal Pathway, 8th Street and Lindsay	Design and construct 12-foot wide multi-use pathway with lighting and signing	1.3	TEA-ARRA	\$750,000	\$1,509,375	\$678.0	6/24/09	✓	✓	✓	6/3/10			Estimate based on low bid plus contingency.
MMA09-725	MMA-0(201)	Bush Hwy from Usery Pass Rd to Stewart Mtn Rd	Design and construct bicycle lane	4.6	TEA-ARRA	\$750.0	\$1,117.8	\$552.4	5/27/09	✓	✓	✓	3/24/10	7/21/09	Mar-10	Construction is complete; final close-out in process. (This is an ADOT TE project, so ADOT will keep savings in their TE program, if any.)
SCT09-703	SCT-0(200)	Crosscut Canal, Thomas Rd to Indian School Rd	Construct new pedestrian/bicycle bridge and multi-use path	0.75	ARRA; TEA-ARRA	\$763,490	\$763,490	\$763.5	5/27/09	✓	✓	✓	✓			Project is using \$750,000 TE ARRA funds plus \$882,333 MAG ARRA funds.
SCT09-801	SCT-0(203)	Downtown Canal Bank Improvements	Design and construct transportation enhancements to connect Sun Circle Trail to Goldwater Underpass	n/a	TEA-ARRA	\$600,000	\$625,402	\$284.0	5/27/09	✓	✓	✓	11/2/09			Includes estimated salaries and overhead
TMP09-704	TMP-0(202)	Crosscut Canal from Papago Park to Mouer Park - Tempe	Design and construct multi-use path (phase II)	1	TEA-ARRA	\$823,772	\$1,695,302	\$1,644.6	5/27/09	✓	✓	✓	5/19/10			
						\$5,255,004	\$8,100,738									

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

August 31, 2010

SUBJECT:

Amendment of the MAG Regional Transportation Plan 2010 Update

SUMMARY:

On July 28, 2010, the MAG Regional Council approved the Fiscal Year (FY) 2011-2015 MAG Transportation Improvement Program (TIP) and the MAG Regional Transportation Plan (RTP) 2010 Update. In order to adhere to TIP and RTP update schedules, an air quality conformity analysis had been conducted on the TIP and RTP in May 2010, which indicated that all conformity requirements had been met. In addition, a public hearing on the Draft TIP, RTP and Air Quality Conformity Analysis was held on June 21, 2010. Also, during this period, the Regional Public Transportation Authority (RPTA) and several cities were in the process of conducting public meetings on potential transit service adjustments due to reductions in revenues, including repeal of the Local Transportation Assistance Fund (LTAF). Since this process was still ongoing in late June and early July, any resulting changes to transit service levels were not reflected in the conformity analysis conducted for the TIP and RTP. In late July, the transit service level adjustments were finalized and reflected in transit schedules published in July 2010. These changes impacted the transit service levels in the RTP and the corresponding transportation network modeling assumptions. An air quality conformity regional emissions analysis reflecting the new modeling assumptions has been conducted and indicates that the TIP and RTP will not contribute to violations of federal air quality standards (addressed under a separate agenda item). The MAG Transportation Review Committee recommended approval of an amendment to the RTP 2010 Update on August 31, 2010.

PUBLIC INPUT:

A public hearing on the Draft FY 2011-2015 MAG Transportation Improvement Program (TIP), the Draft MAG Regional Transportation Plan (RTP) 2010 Update, and the Draft Air Quality Conformity Analysis was conducted on June 21, 2010. At this hearing comment was received that the RTP and Conformity Analysis did not account for the reduction of funding caused by the State Legislature's stripping of the Local Transportation Assistance Fund (LTAF II), resulting in inaccurate forecasts of the region's vehicle miles of travel, congestion and emissions.

PROS & CONS:

PROS: Amendment of the MAG Regional Transportation Plan (RTP) 2010 Update would make it consistent with recent changes to public transit schedules.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: MAG transportation modeling networks corresponding to the MAG Regional Transportation Plan (RTP) 2010 Update will be updated to reflect the most recent public transit schedules.

POLICY: Amending the MAG Regional Transportation Plan (RTP) 2010 Update will provide an up-to-date foundation for future decision-making on the Plan.

ACTION NEEDED:

Recommend approval of an amendment to the MAG Regional Transportation Plan 2010 Update to incorporate public transit service level adjustments resulting from reductions in revenues, including repeal of the Local Transportation Assistance Fund, that were reflected in public transit service schedules published in July 2010, contingent upon a finding of conformity of the FY 2011-2015 MAG Transportation Improvement Program and the MAG Regional Transportation Plan 2010 Update with applicable air quality plans.

PRIOR COMMITTEE ACTIONS:

Transportation Review Committee: On August 31, 2010, the MAG Transportation Review Committee recommended approval of an amendment to the MAG Regional Transportation Plan 2010 Update to incorporate public transit service level adjustments resulting from reductions in revenues, including repeal of the Local Transportation Assistance Fund, that were reflected in public transit service schedules published in July 2010, contingent upon a finding of conformity of the FY 2011-2015 MAG Transportation Improvement Program and the MAG Regional Transportation Plan 2010 Update with applicable air quality plans.

MEMBERS ATTENDING

- Peoria: David Moody
- ADOT: Steve Hull for Floyd Roehrlich
- * Avondale: David Fitzhugh
- # Buckeye: Scott Lowe
- Chandler: RJ Zeder for Patrice Kraus
- El Mirage: Lance Calvert
- Fountain Hills: Randy Harrel
- * Gila Bend: Eric Fitzer
- Gila River: Sreedevi Samudrala for Doug Torres
- * Gilbert: Tami Ryall
- Glendale: Terry Johnson
- Goodyear: Cato Esquivel
- # Guadalupe: Gino Turrubiarres

- Litchfield Park: Paul Ward for Woody Scoutten
- Maricopa County: John Hauskins
- Mesa: Scott Butler
- Paradise Valley: Bill Mead
- Phoenix: Rick Naimark
- Queen Creek: Tom Conduit
- RPTA: Bob Antilla for Bryan Jungwirth
- Scottsdale: Dave Meinhart
- * Surprise: Bob Beckley
- # Tempe: Chris Salomone
- Valley Metro Rail: John Farry
- * Wickenburg: Rick Austin
- Youngtown: Grant Anderson for Lloyce Robinson

EX-OFFICIO MEMBERS ATTENDING

- Street Committee: Dan Cook, City of Chandler
- * ITS Committee: Nicolaas Swart, Maricopa County

- Bicycle/Pedestrian Committee: Peggy Rubach, RPTA
- * Transportation Safety Committee: Julian Dresang, City of Tempe

* Members neither present nor represented by proxy.
Attended by Audioconference

+ Attended by Videoconference

CONTACT PERSON:

Roger Herzog, MAG, 602-254-6300.

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

August 31, 2010

SUBJECT:

Consultant Selection for the Sustainable Transportation and Land Use Integration Study

SUMMARY:

On May 26, 2010, the MAG Regional Council approved the Fiscal Year 2011 MAG Unified Planning Work Program and Annual Budget, which provides \$750,000 to conduct a Sustainable Transportation and Land Use Integration Study. MAG issued a Request for Proposals on June 29, 2010 and received proposals from Arup North America, Ltd.; Design, Community & Environment; Fregonese Associates; HDR Engineering, Inc.; IBI Group; Nelson/Nygaard Consulting Associates; Otak, Inc.; PB Americas, Inc.; and Steer Davies Gleave. A multi-agency review team reviewed the proposals and conducted interviews with the top four ranked firms on August 26, 2010. The Evaluation Team recommended to MAG that Arup North America, Ltd. be selected to develop the Sustainable Transportation and Land Use Integration Study for an amount not to exceed \$750,000.

The study will build upon the Regional Transit Framework Study and the Commuter Rail System Study by identifying appropriate transportation and land use strategies to increase the effectiveness of future high capacity transit corridors. The study will provide "best practice" recommendations in the following areas: (1) overall strategies necessary to promote sustainable transportation and to enhance the land use/transportation connection; (2) development patterns and densities necessary to support high capacity transit service options; and (3) economic viability of implementing alternative land use scenarios along the targeted transit corridors. Study recommendations will identify strategies to improve transportation mobility through increased transit ridership, and to enhance economic opportunities through public and private investments around transit station areas.

PUBLIC INPUT:

None.

PROS & CONS:

PROS: This study will provide a coordinated, comprehensive approach for promoting sustainable transportation and transit supportive land use patterns.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The study will provide planning tools to assist local jurisdictions in preparing for future high capacity transit services.

POLICY: The study will define how transit can help support the development of a sustainable transportation system in the MAG region. The study will also recommend development patterns and densities necessary to support various types of high capacity transit service (e.g., bus rapid transit and commuter rail).

ACTION NEEDED:

Recommend approval of the selection of Arup North America, Ltd. as the consultant to develop the Sustainable Transportation and Land Use Integration Study for an amount not to exceed \$750,000.

PRIOR COMMITTEE ACTIONS:

A multi-agency review team reviewed the proposals and conducted interviews with the top four ranked firms on August 26, 2010. The Evaluation Team recommended to MAG that Arup North America, Ltd. be selected to develop the Sustainable Transportation and Land Use Integration Study for an amount not to exceed \$750,000.

Proposal Evaluation Team

City of Avondale: Ken Galica

El Mirage: Pat Dennis

Mesa: Mike James

City of Phoenix: Jorie Bresnahan and Carol Johnson

City of Tempe: Robert Yabes

METRO: Jim Mathien

RPTA: Stuart Boggs

MAG: Anubhav Bagley and Kevin Wallace

CONTACT PERSON:

Kevin Wallace, MAG, (602) 254-6300.

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

August 31, 2010

SUBJECT:

Consultant Selection for the On-Call Transportation Planning Consultant Services Program

SUMMARY:

The Fiscal Year (FY) 2010 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2009, was amended in February 2010 to include \$150,000 to conduct the On-Call Transportation Planning Consultant Services Program. The FY 2011 Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2010, provides an additional \$100,000 for this On-Call Program.

The purpose of an On-Call Consultant Services list is for expediting the delivery of consultant services at MAG. The intent of this program is to enable MAG staff to augment existing resources by forming a pool of qualified consultants to provide specialized services that are required for executing tasks and projects in identified areas. It is anticipated that the selected consultants will use state-of-the-art engineering and planning tools to execute task orders. For this proposed On-Call Transportation Planning Consultant Services program, qualified consultants are sought to assist staff in the following five service areas:

1. Civil Engineering - To assist and facilitate MAG staff review and comment of Regional Transportation Plan generated projects in the areas of roadway design, transit facility design, and environmental design. No design services for construction will be sought as part of this On-Call consultant services program.

2. Transportation Planning - For assistance and preparation of transportation planning projects by MAG staff. Potential tasks may include, but not be limited to, multimodal and mode-specific corridor studies, sub-area and community plans, and focused studies that may be incorporated into future updates of the Regional Transportation Plan.

3. Transportation Operations - Supplement MAG staff capabilities in monitoring Valley multimodal transportation operations. Efforts may include capacity analyses, travel time and delay studies, and assistance in providing review and comment of the impact land use proposals may have on the regional transportation network.

4. Policy and Finance - For assistance in preparing data and conducting research into transportation planning issues for projects and efforts that are underway by MAG staff. Example tasks a consultant may be asked to complete could include research on present High Occupancy Vehicle (HOV) policies and practices throughout the country and their potential application in the Valley, a review of the current Public Private Partnership (PPP) and its implication on MAG and the Regional Transportation Plan, and data development - financial and engineering - in future balancing efforts for the Regional Freeway and Highway Program.

5. Public Involvement - Supplement MAG transportation division staff capabilities in coordinating with stakeholders affected by the Regional Transportation Plan and its programs. Efforts may include an analysis of public comments on potential actions, development of strategies to improve coordination, and in conjunction with MAG Communications staff the preparation of materials related to Regional Transportation Plan and projects by the Transportation Division.

MAG issued a Request for Statements of Qualifications for interested consultants to submit on April 15, 2010, with a due date of May 27, 2010, for their response. A total of 37 Statements of Qualification were received from the following consultants:

AECOM Technical Services, Inc., Phoenix, AZ	Michael Baker Jr., Inc., Phoenix, AZ
ARUP North America Ltd., San Francisco, CA	Morrison Maierle, Inc., Tucson, AZ
Ayres Associates, Inc., Tempe, AZ	Nelson Nygaard Consulting Associates, Inc., San Francisco, CA
Aztec Engineering Arizona, LLC, Phoenix, AZ	Parsons Corporation, Phoenix, AZ
Bernardin Lochmueller & Associates, Inc., Evansville, IN	PB Americas, Inc. (dba Parsons Brinckerhoff), Tempe, AZ
Burgess & Niple, Inc., Tempe, AZ	PBS&J, Phoenix, AZ
Cambridge Systematics, Inc., Oakland, CA	Shea, Carr & Jewell, Olympia, WA
CivTech, Inc., Scottsdale, AZ	Southwest Traffic Engineering, LLC, Phoenix, AZ
Community Design + Architecture, Inc., Oakland, CA	Stantec Consulting Services, Inc., Phoenix, AZ
David Evans and Associates, Inc., Denver, CO	Strand Associates, Inc., Phoenix, AZ
Fehr & Peers Transportation Consultants, San Diego, CA	the CK Group, Inc., Phoenix, AZ
Gunn Communications, Inc., Peoria, AZ	Traffic Research & Analysis, Inc., Phoenix, AZ
HDR Engineering, Inc., Phoenix, AZ	United Civil Group Corporation, Phoenix, AZ
IBI Group, San Diego, CA	URS Corporation, Phoenix, AZ
InfraConsult, LLC, Scottsdale, AZ	W.C. Scoutten, Inc., Goodyear, AZ
Jacobs Engineering Group, Inc., Phoenix, AZ	Wilbur Smith Associates, Scottsdale, AZ
Kimley-Horn and Associates, Inc., Phoenix, AZ	Wilson & Company, Inc., Engineers & Architects, Phoenix, AZ
Lee Engineering, LLC, Phoenix, AZ	Y.S. Mantri & Associates, LLC, Chandler, AZ
Lockwood, Andrews & Newman, Inc., Phoenix, AZ	

An internal team of MAG staff reviewed the Statements of Qualifications and recommended to MAG selecting the following six consultants to participate in the On-Call Transportation Planning Consultant Services Program, for a two-year period, in their accompanying service areas:

1. Cambridge Systematics, Inc. - Policy and Finance, Transportation Planning, Public Involvement
2. AECOM Technical Services, Inc. - Transportation Planning, Civil Engineering, Transportation Operations, Public Involvement
3. PB Americas, Inc. - Civil Engineering, Transportation Planning, Transportation Operations, Policy and Finance, Public Involvement
4. HDR Engineering, Inc. - Public Involvement, Civil Engineering, Transportation Planning, Transportation Operations, Policy and Finance
5. Kimley-Horn and Associates, Inc. - Transportation Operations, Civil Engineering, Transportation Planning, Policy and Finance, Public Involvement
6. Burgess & Niple, Inc. - Civil Engineering, Transportation Planning, Transportation Operations, Policy and Finance, Public Involvement

PUBLIC INPUT:

No public input has been received.

PROS & CONS:

PROS: On-Call Consultant Services programs will enable MAG to deliver information, data, and projects within a relatively short timeframe. The On-Call nature of the program affords the opportunity to engage a qualified consultant in a matter of weeks with a task order versus a considerably longer conventional procurement process that is followed for much larger project engagements. This program also increases the Transportation Division capabilities to provide rapid and strategic responses to critical issues that periodically face MAG.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The added capabilities of this On-Call Transportation Planning Consultant Services program will ensure that MAG receives information to move forward the initiatives of the overall transportation planning program. Data received from the task orders will be used in current and future projects. This program will be implemented in a manner that is consistent with the other current On-Call Consultant Services programs that are presently being administered at MAG.

POLICY: Timely regional transportation planning and analyses will provide policy makers with accurate information upon which to make decisions.

ACTION NEEDED:

Recommend that Cambridge Systematics, Inc., AECOM Technical Services, Inc., PB Americas, Inc., HDR Engineering, Inc., Kimley-Horn and Associates, Inc., and Burgess & Niple, Inc. be selected as the consultants to participate in the On-Call Transportation Planning Consultant Services Program for a two-year period.

PRIOR COMMITTEE ACTIONS:

On July 22, 2010, the proposal evaluation team recommended selecting Cambridge Systematics, Inc., AECOM Technical Services, Inc., PB Americas, Inc., HDR Engineering, Inc., Kimley-Horn and Associates, Inc., and Burgess & Niple, Inc. for participation in the On-Call Transportation Planning Consultant Services Program for a two-year period, and for an amount not to exceed \$250,000 as provided for in the FY 2010 and FY 2011 Unified Planning Work Programs and Annual Budgets. Members of the team included:

- Eric Anderson, Maricopa Association of Governments
- Bob Hazlett, Maricopa Association of Governments
- Roger Herzog, Maricopa Association of Governments
- Monique de Los Rios-Urban, Maricopa Association of Governments
- Vladimir Livshits, Maricopa Association of Governments
- Sarath Joshua, Maricopa Association of Governments
- Jason Stephens, Maricopa Association of Governments
- Tim Strow, Maricopa Association of Governments
- Marc Pearsall, Maricopa Association of Governments
- Micah Henry, Maricopa Association of Governments

CONTACT PERSON:

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

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

August 31, 2010

SUBJECT:

Programming of FY 2011 Highway Safety Improvement Projects and Amendment to the FY 2011 MAG Unified Planning Work Program and Annual Budget

SUMMARY:

The Arizona Department of Transportation (ADOT) receives approximately \$30 million each year as federal Highway Safety Improvement Program (HSIP) funds. Ten (10) percent of the funds are utilized by ADOT to implement non-engineering safety projects. Starting in FY 2010, twenty (20) percent of HSIP funds are being distributed to all MPOs and COGs, with MAG region receiving \$1.0 million each fiscal year, referred to as MAG-HSIP. Seventy (70) percent of the HSIP funds are now available for safety improvements at high priority sites on all public roads in the state. This is a significant change as, in the past, only 25 percent of all federal safety funds were available for local agencies statewide. These funds are referred to as 70 Percent HSIP. In the next few months, ADOT plans to establish a programming process for these funds. This process is expected to be in place for programming FY 2014 projects.

For FY 2011, MAG-HSIP projects must be obligated by the ADOT deadline of May 1, 2011. Having considered all sources of federal HSIP funds for road safety improvements in the region, and the urgency for FY 2011 MAG-HSIP project obligation, the Transportation Safety Committee had developed a recommendation for programming of FY 2011 funds. This recommendation will guide the programming of \$1.0 million in federal Highway Safety Improvement Program (HSIP) funds that MAG receives from ADOT for FY 2011, plus an additional \$200,000 from an amendment to the MAG Work Program for FY 2011.

In addition to the immediate need to program the \$1.0 million in MAG-HSIP for FY 2011, the Transportation Safety Committee recognized the need to develop a list of larger safety improvement projects that could qualify in future years for the 70 Percent HSIP funds from ADOT. Developing such a list of projects to meet both FHWA and ADOT criteria requires project feasibility investigations. Road Safety Assessments are increasingly being adopted across the country as a best practice for identifying road safety improvement needs. Recommendations that typically result from RSAs can lead to safety improvement projects that range from low cost improvements to major infrastructure changes, depending on site conditions. Projects that involve major infrastructure changes may require additional investigations that could lead to Project Assessments (PAs) or Design Concept Reports (DCRs). MAG is currently developing on-call consulting contracts with several engineering firms that are qualified for this purpose.

To compete effectively for federal HSIP funds safety projects must demonstrate that it improves safety at a location that is ranked high for severe crash consequences. There are two lists of high crash risk sites available for this purpose. The first is an annual report submitted by ADOT to FHWA identifying the top five percent sites of high crash risk in Arizona called the Five Percent Report. The second is the list of top 100 intersections in the MAG region that have the most severe crash consequences. The latter is based on the MAG Network Screening Methodology for Intersections,

developed by MAG staff, with oversight from the Transportation Safety Committee, to identify and rank intersections with high crash consequences. The analysis examined crashes at 17,000 intersections in the region, and is based on a well reviewed methodology currently being used by the Wisconsin DOT. Both these high crash risk lists are referred to in the recommendation.

PUBLIC INPUT:

None has been received.

PROS & CONS:

PROS: The recommended programming process would help utilize FY 2011 funds not only to implement some systematic road safety improvements at intersections, but would also help develop projects for high priority crash locations that would qualify for additional HSIP funds from ADOT, under the all HSIP program area for all public roads.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The short time frame available for generating a MAG recommendation for FY 2011 projects and preparing HSIP project application for processing through the ADOT Local Government Section by the May 1, 2011, deadline requires a high level of support and coordination from agency staff.

POLICY: The state's HSIP program is required to follow the national HSIP guidelines that stipulate that road safety resources need to be allocated to locations with road safety issues. This is very likely to result in additional HSIP funds being made available for deserving road safety improvement projects on arterial streets in the MAG region. Local agencies need to plan ahead to participate in this process.

ACTION NEEDED:

Recommend approval of an amendment to the FY 2011 MAG Unified Planning Work Program and Annual Budget to provide \$200,000 of MAG Federal Highway Administration (FHWA) funds and \$200,000 of FHWA Highway Safety Improvement Program (HSIP) funds allocated to MAG by the Arizona Department of Transportation, to perform Road Safety Assessments (RSAs), develop Project Assessments (PAs)/Design Concept Reports (DCRs) for high risk intersections identified through the network screening process based on the Top 100 Intersection List and the state's Top Five Percent Report, and hold a regional workshop on RSAs (in the amount of \$2,000), and to recommend approval of the programming process for the remaining \$800,000 of FY 2011 safety projects for systematic safety improvements involving projects that are classified as Categorical Exclusion Group 1.

PRIOR COMMITTEE ACTIONS:

The MAG Transportation Review Committee unanimously recommended approval of the FY 2011 programming process on August 31, 2010.

MEMBERS ATTENDING

Peoria: David Moody
ADOT: Steve Hull for Floyd Roehrich
* Avondale: David Fitzhugh
Buckeye: Scott Lowe
Chandler: RJ Zeder for Patrice Kraus
El Mirage: Lance Calvert

Fountain Hills: Randy Harrel
* Gila Bend: Eric Fitzer
Gila River: Sreedevi Samudrala for Doug Torres
* Gilbert: Tami Ryall
Glendale: Terry Johnson

Litchfield Park: Paul Ward for Woody Scoutten
Maricopa County: John Hauskins
Mesa: Scott Butler
Paradise Valley: Bill Mead
Phoenix: Rick Naimark
Queen Creek: Tom Conduit
RPTA: Bob Antilla for Bryan Jungwirth

Scottsdale: Dave Meinhart
* Surprise: Bob Beckley
Tempe: Chris Salomone
Valley Metro Rail: John Farry
* Wickenburg: Rick Austin
Youngtown: Grant Anderson for Lloyce Robinson

EX-OFFICIO MEMBERS ATTENDING

Street Committee: Dan Cook, City of Chandler
* ITS Committee: Nicolaas Swart, Maricopa County

Bicycle/Pedestrian Committee: Peggy Rubach, RPTA
* Transportation Safety Committee: Julian Dresang, City of Tempe

* Members neither present nor represented by proxy. + Attended by Videoconference
Attended by Audioconference

The MAG Transportation Safety Committee unanimously recommended approval of the FY 2011 programming process on July 27, 2010.

MEMBERS ATTENDING

Tempe: Julian Dresang (Chair)
AAA Arizona: Megan Sigl for Linda Gorman
AARP: Tom Burch
* ADOT: Kohinoor Kar
Apache Junction: Dan Sayre for Shane Kiesow
Avondale: Margaret Boone-Pixley
Chandler: Martin Johnson
* DPS: Lt. Jenna Mitchell
El Mirage: Jorge Gastelum
Gilbert: Kurt Sharp
Goodyear: Hugh Bigalk

FHWA: Karen King
* Glendale: Chris Lemka
Maricopa County: Bob Woodring for Chris Plumb
Mesa: Renate Ehm
* Paradise Valley: William Mead
Peoria: Jamal Rahimi
Phoenix: Kerry Wilcoxon
Scottsdale: Paul Porell
* ValleyMetro: Gardner Tabon
Surprise: Tracy Eberlein

* not present

CONTACT PERSON:

Sarath Joshua, MAG, (602) 254-6300

August 31, 2010

TO: Members of the MAG Management Committee
FROM: Stephen Tate, Transportation Planner
SUBJECT: UPDATE OF THE FEDERAL FUNCTIONAL CLASSIFICATION

The federal functional classification system of roadways was last updated in 2005 and focuses on the urbanized area. Since then the roadway network in the MAG area has increased by more than 1,400 miles and federal data collection requirements for functionally classified roadways have been expanded. The federal functional classification system is used for two primary reasons: federal data reporting and eligibility for Federal Highway Administration (FHWA) federal funding. *(Please see Appendix B for more information on eligibility requirements.)*

Working through the MAG Street Committee, in coordination with the Arizona Department of Transportation (ADOT) and the FHWA, it is proposed to update the federal functional classification system in two steps:

1. Undertake a count of public roadways, and review the arterial streets for "Principal" and "Minor" classifications. The results of this step will be forwarded through the MAG Committee process for potential approval by the Regional Council in January 2011.
2. The second step will review and expand the classification of collector roadways. Information required for reclassification of roadways include: ownership, road description, length in miles, number of through lanes, posted speed limit, average annual daily traffic, and the international roughness index (IRI) data for principal arterial classified roadways. The results of this review would then be forwarded through the MAG Committee process for potential approval by the Regional Council in March 2011.

It is anticipated that this update will have no significant funding impacts. The total federal highway funding received by the State is determined by its contribution to the Highway Trust Fund. The division between different categories of federal funding could be affected as the update will probably increase federally functionally classified mileage and potentially decrease the mileage of roadway classified as principal arterial. Both of these changes could increase total Surface Transportation Program (STP) funding (and possibly STP sub allocated to MAG) at the expense of other federal funding categories, however, based on previous communications with FHWA it is anticipated that

such changes would be very minor – somewhere in the range of \$300,000 per year statewide. *(Please see the Appendix A for more information.)*

Historical Background

In 1993, MAG in conjunction with the Arizona Department of Transportation (ADOT), acted to classify roadways in accord with federal guidelines. These guidelines indicated that procedures “for functional classification in urbanized areas should be developed within the framework of the continuing, comprehensive and cooperative planning process carried out pursuant to Section 134 of Title 23, U.S. Code”¹ and set ranges of vehicle miles of travel (VMT) and of centerline mileage to be carried by each system.

To meet the VMT guidelines, numerous urban area arterial roadways owned by member agencies were classified as principal arterials since the MAG region's freeway system was small at the time. Nationwide, approximately 90 percent of all principal arterials are owned by states.

In 2005, the federal functional classification system was updated to account for changes in the urbanized area boundary that were approved by the FHWA in 2004. This effort focused on the urbanized area, substantially increasing urban arterial street mileage and somewhat reducing member agency urban principal arterial mileage. The rural area largely was not affected by this update and the collector street network saw only minimum expansion.

Since 2005, the MAG region has added more than 1,400 miles of publicly owned roadways and federal data collection requirements for federally functionally classified roadways have been clarified and increased. These requirements include: traffic counts on all major and minor arterial and collector streets every six years, traffic counts on all principal arterial streets every three years and the collection of international roughness (IRI) data on principal arterial streets every two years. *(Please see Appendix C for detailed information.)* IRI data collection requires special equipment and the City of Phoenix and Maricopa County are the only member agencies in the MAG region that own and operate this equipment.

It should be noted that the ultimate responsibility for collection of this data resides with ADOT² and that a federal funding source does exist. However, most of these facilities are on roadways owned, operated and maintained by local governments and ADOT has limited resources to perform this data collection function.

¹ Highway Functional Classification, Concepts, Criteria and Procedures (US Department of Transportation, FHWA, March 1989), pg 1-2.

² Highway Performance Monitoring System, Field Manual (FHWA, October 2010), pg. 1-7.

APPENDIX A

Funding Impacts

The update will have little or no impact on federal funding. Per the Federal regulations, the minimum funding allotment to a state for 2009 (and as extended in continuing legislation) must equate to at least 92 percent of that State's contribution to the Highway account of the Highway Trust Fund (HTF) -- 23USC 105(a). Arizona is a minimum allocation state, so the total funding it receives is based on its contributions to the HTF.

The division of funding among the major federal highway programs is primarily driven by funding formulas for these programs. These funding formulas do strongly incorporate data based on functional classification. However, as total funding is guaranteed at a fixed level of contributions to the HTF, increased funding in one program will generally be offset by decreases in other programs. These formulas are described in the following table.

Federal Funding Formulas for Major Federal Highway Programs	
Program/Recipients	Funding Formula
National Highway System (NHS) - 23USC 104(b)(1) Arizona Recipient: ADOT for use on NHS Highways	<ul style="list-style-type: none"> • 25% on lane miles of principal arterials excluding interstate facilities. • 35% on VMT on principal arterials excluding interstate facilities. • 10% on lane miles of principal arterials including interstates. • 30% on diesel fuel sales.
Surface Transportation Program (STP) - 23USC 104(b)(3) Arizona Recipients: ADOT with some directly distributed to local governments as Enhancement funding; MAG and PAG	<ul style="list-style-type: none"> • 25% on federal-aid highways³ lane miles. • 40% on VMT on federal highways. • 35% on taxes paid to Highway Trust Fund.
Interstate Maintenance - 23USC 104(b)(4) Arizona Recipient: ADOT for use on Interstate Highways	<ul style="list-style-type: none"> • 1/3 on interstate lane miles. • 1/3 on interstate vehicle miles of travel. • 1/3 on taxes paid to Highway Trust Fund.
Highway Improvement Safety Program - 23USC 104(b)(5) Arizona Recipient: ADOT with some distributed to MPO/COGs and local governments	<ul style="list-style-type: none"> • 1/3 on federal-aid highway lane miles. • 1/3 on federal-aid vehicle miles of travel. • 1/3 on number of fatalities on federal-aid highways.
Congestion Air Quality Mitigation (CMAQ) - 23USC 104(b)(2) Arizona Recipient: ADOT with all distributed to MAG for use redistribution per the Regional Transportation Plan	<ul style="list-style-type: none"> • Population in non attainment and maintenance areas.

³ The term "Federal-aid highway" means a highway eligible for assistance under Title 23, Chapter 1, other than a highway classified as a local road or rural minor collector - 23USC 101(5).

APPENDIX B

Eligibility Requirements for Major Federal Highway Programs

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) significantly reduced the role of functional classification in determining the eligibility of projects for federal funding. Of those programs that make funding available to local governments, only Surface Transportation Program (STP) funds retained functional classification requirements for roadway projects, and eliminating the classification requirement for bicycle, pedestrian, Intelligent Transportation Systems (ITS) and Enhancement projects.

The following summarizes key eligibility requirements for major federal highway funding programs:

Key Eligibility Requirements for Major Federal Highway Funding Programs	
Program/Recipients	Eligibility Requirements
National Highway System – 23USC 103(b)(6) Arizona Recipient: ADOT	Limited to work related to the National Highway System (NHS). The NHS is a special roadway network designated by the Congress as specified by a FHWA map dated May 24, 1996; the NHS may not exceed 178,250 miles and consists largely of Principal Arterials (including the Interstate, other freeways and expressways, and other categories).
Surface Transportation Program (STP) – 23USC 133(b)-(c) Arizona Recipients: ADOT with some directly distributed to local governments as Enhancement funding; MAG and PAG	Projects are eligible for STP funding if they are one of the following types of projects: <ul style="list-style-type: none"> • Roadway projects on federally functionally classified facilities such as principal arterials, minor arterials, urban collectors, or rural major collectors • Bicycle and pedestrian projects • ITS projects • Enhancement projects (Enhancement funding is a type of STP) • Carpool projects and parking projects • Highway and transit safety infrastructure improvements and programs • Hazard elimination projects • Projects to mitigate hazards caused by wildlife, and railway-highway grade crossings • Transit projects eligible under Chapter 53
Interstate Maintenance - 23USC 104(b)(4) Arizona Recipient: ADOT	Limited to work related to the resurfacing, restoring, rehabilitating, and reconstructing the Interstate System. Interstate facilities are classified as Principal Arterials.
Highway Safety Improvement Program (HSIP) - 23USC 148 and 23CFR 924 Arizona Recipient: ADOT with some distributed to MPO/COGs and local governments.	Ninety million dollars per year of HSIP funding is set aside nationally for "high risk rural roads." The term "high risk rural road" means any roadway functionally classified as a rural major or minor collector or a rural local road. Other than this amount, functional classification is not an eligibility requirement for HSIP funding. Eligibility for funding is to be determined largely by a data driven, technical process developed by the state highway agency.
Congestion Air Quality Mitigation (CMAQ) – 23USC 149(b) ADOT with all distributed to MAG for use redistribution per the Regional Transp. Plan	Functional classification is not an eligibility requirement for projects using this funding source. The primary eligibility requirements relate to location in non attainment areas.

APPENDIX C

Data Collection Requirements for Functionally Classified Routes

All data for the federal functional classification system is housed in the Highway Performance Monitoring System (HPMS). HPMS is a federally mandated, state maintained database of roadway information “for all of the Nation’s public road mileage as certified by the States’ Governors on an annual basis. All roads open to public travel are reported in HPMS regardless of ownership, including Federal, State, county, city, and privately owned roads such as toll facilities. Each State is required to annually furnish all data per the reporting requirements specified in” in the HPMS Field Manual.⁴

Required Data for Federally Functionally Classified Roadways ⁵			
Classification	Data Item	Description	Update Cycle
All classifications except rural minor collectors and local roads	AADT	Annual Average Daily Traffic.	Every 3-years for Principal Arterials; Every 6-years for Minor Arterials and Collectors
	Through Lanes	The number of lanes designated for through-traffic.	When changed
	Speed Limit	The posted speed limit.	When changed
	Facility Type	The operational characteristic of the roadway (e.g., One-Way Road, Two-Way Road, etc.)	When changed
	Structure	Roadway section that is entirely on a bridge, tunnel or causeway.	When changed
	Ownership	The entity that has legal ownership of a roadway.	When changed
Principal and minor arterial roads	Route Number	The signed route number.	When changed
	Route Signing	The type of route signing.	When changed
	Route Qualifier	The route signing descriptive qualifier.	When changed
	Alternative Route Name	A familiar, non-numeric designation for a route.	When changed
Principal arterial roads	International Roughness Index	A statistic used to estimate the amount of roughness in a measured longitudinal profile. The IRI is computed from a single longitudinal.	Every 2-years
Urban principal arterial roads	Access Control	The degree of access control for a given section of road.	When changed

The focus of data collection is for roadways classified as principal arterials. Nationwide state highway agencies own approximately 90 percent of all principal arterial roadways.

⁴ Highway Performance Monitoring System, Field Manual (FHWA, February, 2010), pg. 1-1.

⁵ The table does not include data: items that are required only for HPMS sample panels or National Highway System roadways, data items that are not applicable such as those related to toll and HOV facilities; and items that may be obtained from GIS boundary files such as County and Urban Area Code.

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

August 31, 2010

SUBJECT:

New Finding of Conformity for the FY 2011-2015 MAG Transportation Improvement Program and Regional Transportation Plan 2010 Update, As Amended

SUMMARY:

On July 28, 2010, the MAG Regional Council approved a Finding of Conformity for the FY 2011-2015 MAG Transportation Improvement Program (TIP) and MAG Regional Transportation Plan 2010 Update. Since that time, an amendment to the Regional Transportation Plan 2010 Update is required to incorporate public transit service level adjustments resulting from reductions in revenues, including the repeal of the Local Transportation Assistance Fund (LTAF), that were reflected in public transit service schedules published in July 2010. The conformity assessment for the proposed amendment, which includes a regional emissions analysis, concludes that the TIP and Regional Transportation Plan 2010 Update meet all applicable federal conformity requirements and are in conformance with applicable air quality plans. A copy of the August 19, 2010 conformity assessment is attached. Approval of the new conformity finding by the Regional Council is required prior to MAG approval of the amendment to the TIP and Regional Transportation Plan 2010 Update. Comments are requested by September 20, 2010.

PUBLIC INPUT:

On August 19, 2010, a 30-day public review period began on the conformity assessment and proposed amendment to the TIP and Regional Transportation Plan 2010 Update.

PROS & CONS:

PROS: Approval of the conformity finding is required prior to approval of a major amendment to a TIP or Regional Transportation Plan by a metropolitan planning organization. The purpose of conformity is to ensure that transportation actions will not cause or contribute to violations of federal air quality standards.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: Implementation of the TIP and Regional Transportation Plan 2010 Update will not cause or contribute to new violations of ambient air quality standards, increase the frequency or severity of any existing violations, or delay timely attainment of any standard or required emission reduction.

POLICY: The amendment to the TIP and Regional Transportation Plan 2010 Update may not be adopted until the conformity finding is approved. The conformity assessment is being prepared in accordance with federal and state regulations. In addition, federal guidance is followed in response to court rulings regarding transportation conformity.

ACTION NEEDED:

Recommend approval of the new Finding of Conformity for the FY 2011-2015 MAG Transportation Improvement Program and the Regional Transportation Plan 2010 Update, as amended.

PRIOR COMMITTEE ACTIONS:

None.

CONTACT PERSON:

Dean Giles, MAG, (602) 254-6300.



August 19, 2010

302 North 1st Avenue, Suite 300 ▲ Phoenix, Arizona 85003
Phone (602) 254-6300 ▲ FAX (602) 254-6490
E-mail: mag@mag.maricopa.gov ▲ Web site: www.mag.maricopa.gov

TO: Leslie Rogers, Federal Transit Administration
Robert Hollis, Federal Highway Administration
John Halikowski, Arizona Department of Transportation
Benjamin Grumbles, Arizona Department of Environmental Quality
David Boggs, Regional Public Transportation Authority
Stephen Banta, Valley Metro Rail
Debbie Cotton, City of Phoenix Public Transit Department
Max Porter, Maricopa County Air Quality Department
Maxine Brown, Central Arizona Association of Governments
Donald Gabrielson, Pinal County Air Quality Control District
Gregory Nudd, U.S. Environmental Protection Agency, Region IX
Other Interested Parties

FROM: Dean Giles, Air Quality Planning Program Specialist

SUBJECT: CONSULTATION ON CONFORMITY ASSESSMENT FOR A PROPOSED
AMENDMENT TO THE REGIONAL TRANSPORTATION PLAN 2010 UPDATE

The Maricopa Association of Governments is distributing for consultation a conformity assessment for a proposed amendment to the Regional Transportation Plan 2010 Update. The proposed amendment to the Regional Transportation Plan 2010 Update is to incorporate public transit service level adjustments resulting from reductions in revenues, including the repeal of the Local Transportation Assistance Fund (LTAF), that were reflected in public transit service schedules published in July 2010. The changes impact the modeling assumptions used in the most recent conformity analysis and a new regional emissions analysis was conducted. The proposed amendment requires a new conformity determination on the TIP and Regional Transportation Plan 2010 Update.

The results of the regional emissions analysis for the proposed amendment, when considered together with the TIP and Regional Transportation Plan 2010 Update as a whole, meet the transportation conformity requirements for carbon monoxide, ozone, and particulate matter PM-10 (see attachment). The proposed amendment and the corresponding regional emissions analysis are being provided for review and comment through the MAG Conformity Consultation Process. The amendment, as well as the corresponding consultation, will be on the agenda for the September 8, 2010 MAG Management Committee meeting and the September 22, 2010 MAG Regional Council meeting. Comments are requested by September 20, 2010.

If you have any questions or comments, please contact me at (602) 254-6300.

Attachments

cc: Eric Massey, Arizona Department of Environmental Quality
Jennifer Toth, Arizona Department of Transportation
Mark Hodges, Arizona Department of Transportation

A Voluntary Association of Local Governments in Maricopa County

ATTACHMENT

CONSULTATION ON CONFORMITY ASSESSMENT FOR A PROPOSED AMENDMENT TO THE REGIONAL TRANSPORTATION PLAN 2010 UPDATE

MAG is conducting consultation on a conformity assessment for a proposed amendment to the Regional Transportation Plan 2010 Update (RTP). The proposed amendment to the Regional Transportation Plan 2010 Update is to incorporate public transit service level adjustments resulting from reductions in revenues, including the repeal of the Local Transportation Assistance Fund (LTAF) by the Arizona Legislature in 2010, that were reflected in public transit service schedules published in July 2010. The conformity assessment indicates that the proposed amendment to the Regional Transportation Plan 2010 Update satisfies the criteria specified in the federal transportation conformity rule for a conformity determination. A finding of conformity is therefore supported.

The federal conformity regulations at 40 CFR Parts 51 and 93 specify the criteria and procedures for conformity determinations for transportation plans, programs, and projects and their respective amendments. Under the federal transportation conformity rule, the principal criteria for a determination of conformity for transportation plans and programs are: (1) the Transportation Improvement Program (TIP) and Regional Transportation Plan must pass an emissions budget test with a budget that has been found to be adequate or approved by the U.S. Environmental Protection Agency (EPA) for transportation conformity purposes, or an interim emissions test; (2) the latest planning assumptions and emissions models specified for use in air quality implementation plans must be employed; (3) the TIP and Regional Transportation Plan must provide for the timely implementation of transportation control measures (TCMs) specified in the applicable air quality implementation plans; and (4) consultation.

On July 28, 2010, the MAG Regional Council made a Finding of Conformity on the FY 2011-2015 MAG Transportation Improvement Program and Regional Transportation Plan 2010 Update and a Finding of Conformity on the TIP and RTP from the Federal Highway Administration and Federal Transit Administration is pending. The results of the regional emissions analysis for the FY 2011-2015 MAG Transportation Improvement Program and Regional Transportation Plan 2010 Update, as amended, are described below and in Table A.

Regional Emissions Analysis

The proposed amendment to the Regional Transportation Plan 2010 Update must pass the emission budgets tests with budgets that have been found to be adequate or approved by the EPA for transportation conformity purposes. The MAG transportation and air quality models were utilized in the regional emissions analysis to assess the effect of the estimated emissions from the amendment, when considered together with the emissions from the TIP and Regional Transportation Plan as a whole.

The modeling results indicate that for each pollutant and each modeled year the regional emissions from the projects in the proposed amendment considered together with the TIP and Regional Transportation Plan 2010 Update are less than the motor vehicle emissions budgets for carbon monoxide, eight-hour ozone precursors (volatile organic compounds and nitrogen oxides), and particulate matter (PM-10). In the regional emissions analysis for carbon monoxide, eight-hour ozone, and PM-10, 2025 was modeled since it is an intermediate year that meets the federal conformity rule requirement that horizon years be no more than ten years apart. The analysis year 2031 was modeled since it is the last year of the Regional Transportation Plan 2010 Update.

The EPA approved the MAG Carbon Monoxide Maintenance Plan and 2006 emissions budget for carbon monoxide of 699.7 metric tons per day and a 2015 budget of 662.9 metric tons per day, effective April 8, 2005. The regional emissions analysis was conducted for carbon monoxide for the years 2010, 2015, 2025, and 2031. Carbon monoxide was modeled in 2010 since 2010 is less than ten years from the 2002 calibration year for the transportation models. The year 2015 was modeled since it is a maintenance year in the MAG Carbon Monoxide Maintenance Plan. For carbon monoxide, the total regional vehicle-related emissions for the analysis year 2010 is projected to be less than the approved emissions budget of 699.7 metric tons per day, and the emissions for the analysis years 2015, 2025, and 2031 are projected to be less than the approved emissions budget of 662.9 metric tons per day. The applicable conformity test for carbon monoxide is therefore satisfied.

For eight-hour ozone, the EPA made a finding that the 2008 emission budgets for volatile organic compounds (VOC) of 67.9 metric tons per day and nitrogen oxides (NO_x) of 138.2 metric tons per day in the MAG 2007 Eight-Hour Ozone Plan are adequate for transportation conformity purposes, effective November 9, 2007. The regional emissions analysis was conducted for the eight-hour ozone precursors VOC and NO_x for the years 2010, 2015, 2025, and 2031. The year 2010 was modeled for VOC and NO_x since 2010 is less than ten years from the 2002 calibration year for the transportation models. The year 2015 was also modeled for VOC and NO_x since 2015 is an intermediate year that meets the federal conformity requirement that analysis years be no more than ten years apart. For VOC, the total regional vehicle-related emissions for the analysis years 2010, 2015, 2025, and 2031 are projected to be less than the adequate emissions budget of 67.9 metric tons per day. For NO_x, the total regional vehicle-related emissions for the analysis years 2010, 2015, 2025, and 2031 are projected to be less than the adequate emissions budget of 138.2 metric tons per day. The applicable conformity tests for eight-hour ozone are therefore satisfied.

For particulate matter (PM-10), the EPA made a finding that the 2010 emissions budget for PM-10 of 103.3 metric tons per day in the MAG Five Percent Plan for PM-10 is adequate for transportation conformity purposes, effective July 1, 2008. The regional emissions analysis was conducted for PM-10 for the years 2010, 2015, 2025, and 2031. The year 2010 was modeled for PM-10, because it is the attainment year in the MAG 2007 Five Percent Plan for PM-10 and is in the timeframe of the TIP. The year 2015 was also modeled for PM-10 since 2015 is an intermediate year that meets the federal conformity requirement that analysis years be no more than ten years apart. For PM-10, the total vehicle-related emissions for the analysis years of 2010, 2015, 2025, and 2031 are projected to be less than the 2010 emissions budget of 103.3 metric tons per day. The conformity test for PM-10 is therefore satisfied.

Latest Planning Assumptions and Emissions Models

In accordance with federal conformity requirements, the latest planning assumptions and emissions models specified for use in air quality implementation plans were employed for this conformity determination. The latest planning assumptions used for this conformity determination are consistent with the models, associated methods, and assumptions described in the Proposed Transportation Conformity Processes document distributed for interagency consultation in March 2010. A summary of the latest planning assumptions, including population, employment, and vehicle registration data used in the regional emissions analysis, is provided in Table B. All analyses were conducted using the latest planning assumptions and transportation and emissions models in force at the time the conformity analysis started on August 7, 2010.

Timely Implementation of Transportation Control Measures

For this amendment to the Regional Transportation Plan 2010 Update, the 2010 MAG Conformity Analysis is relied on for reporting the timely implementation of transportation control measures. In addition, nothing in the

TIP and Regional Transportation Plan interferes with the implementation of any transportation control measures in the applicable air quality implementation plans, and priority is given to TCMs.

On July 28, 2010, the MAG Regional Council approved the Regional Transportation Plan 2010 Update. The RTP provides for the timely implementation of transportation control measures, including programs for improved public transit. In the RTP, the Public Transit element includes a description of the transit services planned and the corresponding transit funding plan through the horizon year of 2031. The elimination of LTAF represents a reduction of two percent of the total transit funding of \$16.8 billion projected over the 20-years identified in the RTP.

Consultation

In compliance with federal and state rules, MAG is required to provide reasonable opportunity for consultation with state air and transportation agencies, local agencies, U.S. Department of Transportation, Environmental Protection Agency and other interested parties. For this amendment, a 30-day consultation period is being provided on the conformity assessment contained in this memorandum. Consultation is concluded by notifying the agencies and other interested parties of any approval action taken by the MAG Regional Council and any comments received during the period of consultation.

TABLE A

CONFORMITY TEST RESULTS FOR CO, VOC, NO_x, AND PM-10 (METRIC TONS/DAY)

Pollutant	Carbon Monoxide ^a		Eight-Hour Ozone ^b		PM-10 ^c		
	2006	2015	2008 VOC	2008 NO _x	Onroad Mobile	Road Construction	2010 Total PM-10
<i>Budget Test</i>	699.7	662.9	67.9	138.2	N/A	N/A	103.3
2010	485.5		47.1	119.5	72.9	5.3	78.2
2015		452.8	43.5	68.1	73.0	7.4	80.4
2025		458.8	38.1	40.0	82.5	7.4	89.9
2031		475.1	41.1	40.0	87.2	7.4	94.6

- a The Carbon Monoxide Maintenance Plan established a 2006 budget and a 2015 budget. The onroad mobile source emissions correspond to a Friday in December episode day conditions.
- b The MAG 2007 Eight-Hour Ozone Plan established 2008 budgets for volatile organic compounds (VOCs) and nitrogen oxides (NO_x). The onroad mobile source emissions correspond to a Thursday in June episode day conditions.
- c The MAG 2007 Five Percent Plan for PM-10 established a 2010 emissions budget corresponding to an average annual day.

TABLE B. LATEST PLANNING ASSUMPTIONS FOR MAG CONFORMITY DETERMINATIONS

<u>Assumption</u>	<u>Source</u>	<u>MAG Models</u>	<u>Next Scheduled Update</u>
Population and Employment	Under Governor's Executive Order 95-2, official County projections are updated every five years after a census. These official projections must be used by all agencies for planning purposes. Following the release of 2005 U.S. Census Survey data in June 2006, the Arizona Department of Economic Security (DES) prepared a new set of Maricopa County projections. MAG has also developed a set of employment projections for Maricopa County that are consistent with the DES population projections. The MAG Regional Council approved subcounty socioeconomic projections consistent with the 2005 Census Survey in May 2007.	DRAM/ EMPAL; SAM-IM	Official Maricopa County socioeconomic projections based on Arizona Department of Commerce (DOC) county projections may be approved by the MAG Regional Council after the 2010 U.S. Census.
Traffic Counts	Transportation models were validated in 2010 using approximately 2,200 traffic counts collected in 2006-2008.	TransCAD	Region-wide traffic counts are typically collected by MAG every 2-4 years, if funds are available.
Vehicle Miles of Travel	The highway models were calibrated in 2006 using the 2001 home interview survey. The base year for the calibration was 2002. The transit models were re-calibrated in 2008-2009 based on data from the 2007 on-board bus survey.	TransCAD	The FY 2008 Unified Planning Work Program and Annual Budget contained \$300,000 for an External Travel Survey and \$750,000 for a Household Travel Survey. MAG received this data in early 2010 and will re-calibrate the highway models by 2011.
Speeds	The highway models were validated in 2010 using travel time survey data collected in 2007.	TransCAD	Travel speed studies are conducted periodically to validate the transportation models.
Vehicle Registrations	July 2009 vehicle registrations were provided by ADOT.	MOBILE6.2	When newer data become available from ADOT in MOBILE6 format.
Implementation Measures	Latest implementation status of commitments in prior SIPs.	N/A	Updated for every conformity analysis.

MARICOPA ASSOCIATION OF GOVERNMENTS INFORMATION SUMMARY... for your review

DATE:

August 31, 2010

SUBJECT:

Conformity Consultation

SUMMARY:

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2011-2015 MAG Transportation Improvement Program (TIP). The proposed amendment and administrative modification involve several American Recovery and Reinvestment Act (ARRA) funded projects, including a City of Phoenix pavement preservation project and a Scottsdale park-and-ride project. In addition, the City of Mesa has proposed an amendment involving transit projects. The amendment includes projects that may be categorized as exempt from conformity determinations. The administrative modification includes minor project revisions that do not require a conformity determination. A description of the projects is provided in the attached interagency consultation memorandum. Comments on the conformity assessment are requested by September 10, 2010.

PUBLIC INPUT:

Copies of the conformity assessment have been distributed for consultation to the Federal Transit Administration, Federal Highway Administration, Arizona Department of Transportation, Arizona Department of Environmental Quality, Regional Public Transportation Authority, City of Phoenix Public Transit Department, Valley Metro Rail, Maricopa County Air Quality Department, Central Arizona Association of Governments, Pinal County Air Quality Control District, U.S. Environmental Protection Agency and other interested parties including members of the public.

PROS & CONS:

PROS: Interagency consultation for the amendment and administrative modification notifies the planning agencies of project modifications to the TIP.

CONS: The review of the conformity assessment requires additional time in the project approval process.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The amendment and administrative modification may not be considered until the consultation process for the conformity assessment is completed.

POLICY: Federal transportation conformity regulations require interagency consultation on development of the transportation plan, TIP, and associated conformity determinations to include a process involving the Metropolitan Planning Organization, State and local air quality planning agencies, State and local transportation agencies, Environmental Protection Agency, Federal

Highway Administration, and the Federal Transit Administration. Consultation on the conformity assessment has been conducted in accordance with federal regulations, MAG Conformity Consultation Processes adopted by the Regional Council in February 1996 and MAG Transportation Conformity Guidance and Procedures adopted by the Regional Council in March 1996. In addition, federal guidance is followed in response to court rulings regarding transportation conformity.

ACTION NEEDED:

Consultation.

PRIOR COMMITTEE ACTIONS:

None.

CONTACT PERSON:

Dean Giles, Air Quality Planning Program Specialist III, (602) 254-6300.

August 31, 2010

TO: Leslie Rogers, Federal Transit Administration
Robert Hollis, Federal Highway Administration
John Halikowski, Arizona Department of Transportation
Benjamin Grumbles, Arizona Department of Environmental Quality
David Boggs, Regional Public Transportation Authority
Debbie Cotton, City of Phoenix Public Transit Department
Stephen Banta, Valley Metro Rail
William Wiley, Maricopa County Air Quality Department
Maxine Brown, Central Arizona Association of Governments
Donald Gabrielson, Pinal County Air Quality Control District
Gregory Nudd, U.S. Environmental Protection Agency, Region IX
Other Interested Parties

FROM: Dean Giles, Air Quality Planning Program Specialist

SUBJECT: CONSULTATION ON A CONFORMITY ASSESSMENT FOR A PROPOSED AMENDMENT
AND ADMINISTRATIVE MODIFICATION TO THE FY 2011-2015 MAG TRANSPORTATION
IMPROVEMENT PROGRAM

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2011-2015 MAG Transportation Improvement Program (TIP). The proposed amendment and administrative modification involve several American Recovery and Reinvestment Act (ARRA) funded projects, including a City of Phoenix pavement preservation project and a Scottsdale park-and-ride project. In addition, the City of Mesa has proposed an amendment involving transit projects. A description of the projects is provided in the attached interagency consultation memorandum. Comments on the conformity assessment are requested by September 10, 2010.

MAG has reviewed the projects for compliance with the federal conformity rule and has found that consultation is required on the conformity assessment. The amendment includes projects that may be categorized as exempt from conformity determinations. The administrative modification includes minor project revisions that do not require a conformity determination. The conformity finding of the TIP and the associated Regional Transportation Plan 2010 Update that was made by the Federal Highway Administration and Federal Transit Administration on August 25, 2010 remains unchanged by this action. The conformity assessment is being transmitted for consultation to the agencies listed above and other interested parties. If you have any questions or comments, please contact me at (602) 254-6300.

Attachment

cc: Eric Massey, Arizona Department of Environmental Quality
Jennifer Toth, Arizona Department of Transportation
Mark Hodges, Arizona Department of Transportation

ATTACHMENT

CONFORMITY ASSESSMENT FOR A PROPOSED AMENDMENT AND ADMINISTRATIVE MODIFICATION TO THE FY 2011-2015 MAG TRANSPORTATION IMPROVEMENT PROGRAM

The federal transportation conformity rule (40 CFR 93.105) requires interagency consultation when making changes to a Transportation Improvement Program (TIP) and Transportation Plan. The consultation processes are also provided in the Arizona Conformity Rule (R18-2-1405). This information is provided for consultation as outlined in the MAG Conformity Consultation Processes document adopted by the MAG Regional Council on February 28, 1996. In addition, federal guidance is followed in response to court rulings regarding transportation conformity.

The amendment includes projects that may be categorized as exempt from conformity determinations. Types of projects considered exempt are defined in the federal transportation conformity rule at 40 CFR 93.126. The administrative modification includes minor project revisions that do not require a conformity determination. Examples of minor project revisions include design, right-of-way, and utility projects. The proposed amendment and administrative modification to the FY 2011-2015 MAG Transportation Improvement Program includes the projects on the attached table. The project number, agency, and description is provided, followed by the conformity assessment.

MAG has reviewed the projects for compliance with the federal conformity rule and consultation is required on the conformity assessment. The projects are not expected to create adverse emission impacts or interfere with Transportation Control Measure implementation. The conformity finding of the TIP and the associated Regional Transportation Plan that was made by the Federal Highway Administration and Federal Transit Administration on August 25, 2010 remains unchanged by this action.

Amendment and Administrative Modification to the FY 2011-2015 MAG Transportation Improvement Program

TIP #	Agency	Project Location	Project Description	Fiscal Year	Length	Fund Type	Local Cost	ARRA Cost	Federal Cost	Regional Cost	Total Cost	Requested Change	Conformity Assessment
PHX09-801	Phoenix	Various Locations (North Area Phase 1/Citywide Phase 2)-Functionally Classified	Design & Construction of Pavement Preservation	2011	30.19	ARRA	\$ -	\$ 13,481,483			\$ 13,481,483	Amend: Increase project location by 2.19 miles and increase ARRA funding by \$1,281,693 from PHX09-804.	The project is considered exempt under the category "Pavement resurfacing and/or rehabilitation." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
PHX09-804	Phoenix	Various Locations - (North Area)	Design & Construction of Removal/ Replacement of Existing ADA Ramps or Construction of New ADA Ramps	2011	n/a	Local	\$ 1,281,693				\$1,281,693	Admin Mod: Change funding source from 100% ARRA to 100% Local	A minor project revision is needed to change funding source. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.

TIPIDN	Agency	Location	Work_Type	FY	A.L.I	Fund Type	ARRA	Federal	Regional	Local	Total Cost	Comments	Conformity Assessment
SCT09-801T	Scottsdale	Loop 101/ Scottsdale Rd.	Pre-design/design for regional park-and-ride (Scottsdale/101). 5309-FGM funds are from 2008 and ARRA funds are from 2009.	2011	11.31.04	5309/ARRA	\$ 183,498	\$ 293,202	\$ 73,300	\$ -	\$ 550,000	Admin. Modify: Increase project costs by \$183,498 with ARRA funds from SCT09-803T	A minor project revision is needed to increase funding amount. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
SCT09-803T	Scottsdale	Loop 101/ Scottsdale Rd	Construct regional park-and-ride (Loop 101/Scottsdale)	2011	11.33.04	ARRA	\$ 4,816,502	\$ -	\$ -	\$ -	\$ 4,816,502	Admin. Modify: Decrease project costs by \$183,498.	A minor project revision is needed to decrease funding amount. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
MES10-801T	Mesa	US60/Country Club	Park-and-Ride design	2010	11.31.04	Local				\$ 367,500	\$ 367,500	Admin Mod: Change project costs from ARRA to Local. Design ineligible for ARRA funds, unspent ARRA to be programmed: \$367,000	A minor project revision is needed to change funding source. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
MES10-803T	Mesa	Loop 202/Power	Design regional park-and-ride (Loop 202/Power)	2010	11.31.04	Local				\$ 765,000	\$ 765,000	Admin Mod: Change project costs from ARRA to Local. Design ineligible for ARRA funds, unspent ARRA to be programmed: \$765,000	A minor project revision is needed to change funding source. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.

Amendment and Administrative Modification to the FY 2011-2015 MAG Transportation Improvement Program

TIPIDN	Agency	Location	Work_Type	FY	A.L.I	Fund Type	ARRA	Federal	Regional	Local	Total Cost	Comments	Conformity Assessment
MES10-804T	Mesa	Gilbert/McDowell	Design regional park-and-ride	2010	11.31.04	Local				\$ 765,000	\$ 765,000	Admin Mod: Change project costs from ARRA to Local. Design ineligible for ARRA funds, unspent ARRA to be programmed: \$765,000	A minor project revision is needed to change funding source. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.

TIPIDN	Agency	Location	Work_Type	FY	A.L.I	Fund Type	ARRA	Federal	Regional	Local	Total Cost	Comments	Conformity Assessment
MES08-801T	Mesa	Loop 202/Power	Construct regional park-and-ride (Loop 202/Power) (ARRA FY2010 Funds)	2011	11.33.04	ARRA-Transit/5309-FGM	\$ 644,000	\$ 924,800	\$ -	\$ 231,200	\$ 1,800,000	Admin Mod: Increase ARRA funds by \$126,250 from \$517,750 to \$644,000 from MES10-801T, MES10-803T, MES10-804T. Decrease the 5309-FGM by \$101,000 from \$1,025,800 to \$924,800 and decrease local funds by \$25,250 from \$256,450 to \$231,200.	A minor project revision is needed to modify funding source(s) and amounts. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
MES10-805T	Mesa	Gilbert/McDowell	Construct regional park-and-ride (ARRA FY2010 Funds)	2011	11.33.04	ARRA	\$ 2,289,000				\$ 2,289,000	Admin Mod: Modify funding type to ARRA; project is 100% funded with ARRA - \$1,771,250 from MES10-801T, MES10-803T, MES10-804T. \$1,416,999 of 5309-FGM funds, \$218,471 of PTF, and \$135,780 of local is freed up.	A minor project revision is needed to modify funding source(s) and amounts. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

August 31, 2010

SUBJECT:

Proposal to Advance the Construction for a Portion of the Williams Gateway Freeway

SUMMARY:

Mesa has requested consideration of a proposal to advance the construction for the segment of the Williams Gateway Freeway from the Santan Freeway to Ellsworth Road. Funding for the construction of this segment is programmed in Fiscal Year (FY) 2016 and Mesa is proposing to advance construction to FY 2012.

A request to accelerate the design, right of way and construction of this segment was originally approved by MAG in January 2009. The legislature subsequently swept the funds that had been designated for the interest expense for the accelerated project. In May 2009, MAG approved a request by Mesa to accelerate only the design and right of way and that the funding that has been programmed for the advanced acquisition of right of way in the corridor be used to cover the interest expense associated with the financing necessary to accelerate the design and right of way activity. The Arizona Department of Transportation (ADOT) is currently acquiring the right of way and is starting the final design for the segment.

To advance construction, Mesa is proposing to issue Highway Project Advancement Notes (HPANs), which are secured by the city's excise tax, to fund the accelerated construction. Since Mesa would issue the debt, there is no impact on the freeway program's financing capacity. The program currently estimates construction costs at \$158.3 million. Recent ADOT estimates place construction costs at \$119 million due in large part to the competitive bidding environment. Advancing construction of this project to January 2012 could potentially save the Program a substantial amount of money. The financial analysis for the proposed acceleration includes issuing \$130 million of HPANs to support the construction of the project.

The net interest expense on the debt to advance construction is estimated to be \$21.2 million. The interest expense would be funded in part using the \$10 million set aside by the State Legislature to fund the acceleration of the SR-802. In addition, interest expense would be reduced by any savings from the original \$8 million that was allocated for interest expense from the advancement of design and right of way acquisition for the SR-802 due to lower than anticipated interest costs. This is estimated to be approximately \$2.0 million. The net interest expense after the \$10 million state set aside and any savings from the original interest expense fund allocation, would be divided equally between the Freeway Program and Mesa as stated in the MAG Highway Acceleration Policy adopted in February 2008. Mesa and the Freeway Program would be responsible for about \$4.6 million each of interest expense based on the financial analysis.

The Program share of the interest cost represents an additional cost to the Program, however, this added cost would be offset by the accelerated construction for the project as long as the rate of inflation exceeds one half of the interest rate on the financing. The financial analysis assumes an interest rate of 4.25 percent on the notes. ADOT currently uses a three percent inflation rate for

construction, so there would be a net cost savings to the program as a result of the proposed acceleration.

Mesa understands and agrees that if the schedule for the project is delayed due to higher program costs and/or lower program revenues, the reimbursement to Mesa would be delayed as other projects are also delayed.

PUBLIC INPUT:

None.

PROS & CONS:

PROS: Accelerating the Williams Gateway Freeway construction for the connection to Ellsworth Road should result in significant cost savings to the program given the current bidding environment and will result in a more direct connection between the Santan Freeway and Ellsworth and will improve the access to the east side of Phoenix Mesa Gateway Airport.

CONS: The proposed acceleration does increase the interest expense to the Program although the increase is likely to be offset by the reduced costs related to avoiding future increases in inflation and property values.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The acquisition of right of way is underway and the final design activities are beginning.

POLICY: The proposed acceleration project meets the MAG Highway Acceleration Policy that was adopted on February 27, 2008.

ACTION NEEDED:

Recommend approval of the Mesa request to advance the construction of an interim connection of the Williams Gateway Freeway between the Santan Freeway and Ellsworth Road by approximately four years, to be incorporated into the MAG FY 2011 to FY 2015 Transportation Improvement Program for FY 2012 and the Regional Transportation Plan 2010 Update for an air quality conformity analysis, and authorize the MAG Executive Director to enter into an agreement with ADOT and Mesa.

PRIOR COMMITTEE ACTIONS:

None.

CONTACT PERSON:

Eric Anderson, (602) 254-6300.

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

August 31, 2010

SUBJECT:

State of Transit in the Region

SUMMARY:

MAG is the agency responsible for programming federal funds on transit projects while working cooperatively with MAG member agencies, the designated grant recipient (City of Phoenix), and the transit operators in the region. Fiscal Year (FY) 2010 was a transition year for transit programming. In the past, the programming effort was led by the Regional Public Transportation Authority (RPTA), using prioritized guidelines as explained in the attachment. Last year, the responsibility shifted to MAG. Additionally, both the MAG Regional Council and the RPTA Board approved prioritization guidelines for the programming of unspent ARRA transit funds. FY 2011 will continue to be a transition year for transit programming.

The MAG Transit Committee worked this past spring and summer in programming federal funds for transit projects in 2009 - 2015, which are reflected in the current FY 2011-2015 MAG Transportation Improvement Program (TIP). On July 28, 2010, the MAG Regional Council approved the draft FY 2011-2015 MAG TIP contingent on a finding of conformity . . . and that the programming of preventive maintenance be reviewed for potential amendments/administrative modifications no later than December 2010.

With the action approved by the Regional Council, coupled with the out-of-date and prioritization guidelines, MAG needs to develop regional transit prioritization guidelines/evaluation criteria for federal funds. At a minimum, these need to address preventive maintenance as the July Regional Council action noted.

An overview of the State of Transit in the Region will be presented to aid member agency leaders in providing input to MAG staff and the MAG Transit Committee in developing the regional transit prioritization guidelines for programming federal funds. The overview will focus on: the current prioritization guidelines, governance, the history of transit funding, how we compare as a region to our peer regions, and the recent highs and low of transit service.

PUBLIC INPUT:

None.

PROS & CONS:

PROS: This presentation is intended to provide information to regional leaders in responding to the July 28, 2010 Regional Council approval of the draft FY 2011-2015 MAG TIP contingent on a finding of conformity . . . and that the programming of preventive maintenance be reviewed for potential amendments/administrative modifications no later than December 2010.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: Projects that are currently programmed with federal transit funds may be affected by the impacts of new prioritization guidelines for programming federal funds.

POLICY: Currently there is not an approved set of prioritization guidelines; yet, the transit component of the Regional Transportation Plan (RTP) outlines the prioritized projects in the region. These prioritization guidelines will need to be evaluated in the context of cause and effect to the Transit Life Cycle Program/the transit component of the RTP, and the FY 2011-2015 MAG Transportation Improvement Program (TIP).

ACTION NEEDED:

Information and discussion.

PRIOR COMMITTEE ACTIONS:

This item was on the August 31, 2010, Transportation Review Committee agenda for information and discussion.

CONTACT PERSON:

Eileen O. Yazzie (602) 254-6300.

Transit Capital Project Prioritization Guidelines

Prior to the RTP and in coordination with the development of the RTP, RPTA used the below prioritization guidelines to program projects.

1. Provide Services and Improvements Required by Law.

- 1.1 Purchase dial-a-ride fleet for service expansion required by ADA
- 1.2 Upgrade facilities to comply with environmental laws.

2. Provide Replacement Equipment and Facilities for Existing Service.

- 2.1 Purchase replacement revenue fleet or parts.
- 2.2 Provide essential service support.*
- 2.3 Maintain existing operating and passenger facilities.
- 2.4 Purchase revenue fleet to replace contractor owned vehicles.
- 2.5 Capitalize cost of contracting for existing service.
- 2.6 Support service costs.*

3. Expand Service.

- 3.1 Purchase revenue fleet for regional service expansion.
- 3.2 Purchase revenue fleet for local service expansion.
- 3.3 Provide essential service support.*
- 3.4 Construct regional park-and-rides.

4. Passenger Enhancements.

- 4.1 Provide bus stop improvements.
- 4.2 Construct transit centers.

5. Other Desired Support Services.

- 5.1 Capitalize cost of contracting for service expansion.
- 5.2 Other support purchases.

* In 2002, VMOS, which was a staff run working group that lead to the development of the formal committee Valley Metro Operations and Capital Committee (VMOCC), froze the funding for preventative maintenance/associated capital maintenance at approximately \$5.6 million. The freeze includes a small increase year-over-year for inflation of 2%, which results in programming \$6,446,073 in 2009, and \$6,574,992 in 2010 for preventative maintenance/associated capital maintenance. Preventative maintenance/associated capital maintenance is represented in the priorities above as 2.2, 2.6, and 3.3.

The reasoning behind this decision was that the VMOCC did not want the transit operators to rely on federal funds for operations, and if the region would provide all funding for preventative maintenance/associated capital maintenance, there would most likely be a small amount remaining to be programmed for other lower priorities like 3.4 – Construct regional park and rides and 4.2 – Construct transit centers.

Transit Capital Project
Prioritization Guidelines
Unspent or Redistributed ARRA Funds
Approved by MAG Regional Council on December 9, 2009

- 1. Provide Services and Improvements Required by Law**
 - 1.1. Upgrade facilities and fleet to comply with applicable laws

- 2. Provide Equipment and Facilities for Existing Service**
 - 2.0 Current ARRA projects that require additional funds without changes to scope
 - 2.1. Operating assistance – bus and rail operations
 - 2.2. ADA operating assistance
 - 2.3. Preventive maintenance costs
 - 2.4. Maintain existing operating facilities
 - 2.5. Maintain existing passenger facilities
 - 2.6. Construct regional park and rides to support existing services
 - 2.7. Construct transit centers to support existing services

- 3. Passenger Enhancements**
 - 3.1. Provide bus stop improvements for existing bus stops (no NEPA issues)
 - 3.2. Provide enhancements to existing passenger facilities

- 4. Provide Equipment and Facilities for Expansion of Service**
 - 4.1. Expand existing operating facilities
 - 4.2. Construct new operating facilities
 - 4.3. Construct regional park and rides for service expansion
 - 4.4. Construct BRT capital improvements
 - 4.5. Construct transit centers for service expansion

- 5. Other Desired Support Services**
 - 5.1. Purchase replacement fleet
 - 5.2. Purchase fleet for service expansion
 - 5.3. Other support costs and enhancements

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

August 31, 2010

SUBJECT:

ARRA Local Highway Funds: Project Changes - Amendment to the FY 2011-2015 MAG Transportation Improvement Program

SUMMARY:

The Fiscal Year (FY) 2011-2015 MAG Transportation Improvement Program (TIP) and Regional Transportation Plan 2010 Update were approved by the MAG Regional Council on July 28, 2010. Since that time, there has been a request from the City of Phoenix to move ARRA funds from the PHX09-804 project, which will now be funded with local funds to the PHX09-801 project to increase the project budget and the number of miles of roadway to be repaved. This request is time sensitive as the Federal Highway Administration stops accepting obligation requests on September 16, 2010. This will be heard for the first time at the Management Committee.

PUBLIC INPUT:

None.

PROS & CONS:

PROS: Approval of this TIP amendment and administrative modification will allow the projects to proceed in a timely manner.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: Projects that wish to utilize transportation federal funds need to be shown in the TIP in the year that they expect to commence and may need to undergo an air quality conformity analysis or consultation.

POLICY: This amendment and administrative modification request is in accord with MAG guidelines for ARRA Local funds.

ACTION NEEDED:

Possible recommendation to approve an amendment to the FY 2011-2015 MAG Transportation Improvement Program, and as appropriate, to the Regional Transportation Plan 2010 Update to move \$1,281,693 of ARRA funds to PHX09-801 and increase the project budget accordingly.

PRIOR COMMITTEE ACTIONS:

None.

CONTACT PERSON:

Eileen Yazzie, Transportation Programming Manager

Request for Project Change - 2011-2015 MAG Transportation Improvement Program

HIGHWAY

TIP #	Agency	Project Location	Project Description	Fiscal Year	Length	Fund Type	Local Cost	ARRA Cost	Federal Cost	Regional Cost	Total Cost	Requested Change
PHX09-801	Phoenix	Various Locations (North Area Phase 1/Citywide Phase 2)-Functionally Classified	Design & Construction of Pavment Preservation	2010	30.19	ARRA	\$ -	\$ 13,481,483			\$ 13,481,483	Amend: Increase project location by 2.19 miles and increase ARRA funding by \$1,281,693 from PHX09-804.
PHX09-804	Phoenix	Various Locations - (North Area)	Design & Construction of Removal/Replacement of Existing ADA Ramps or Construction of New ADA Ramps	2010	n/a	Local	\$ 1,281,693				\$1,281,693	Admin Mod: Change funding source from 100% ARRA to 100% Local

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

September 2, 2010

SUBJECT:

ARRA Transit Funds: Project Changes - Amendment to the FY 2011-2015 MAG Transportation Improvement Program

SUMMARY:

The Fiscal Year (FY) 2011-2015 MAG Transportation Improvement Program (TIP) and Regional Transportation Plan 2010 Update were approved by the MAG Regional Council on July 28, 2010.

Since that time, there has been a request from the City of Scottsdale to move American Recovery and Reinvestment Act (ARRA) funds from a construction project to a design project. On Tuesday, August 31, 2010, the Federal Transit Administration deemed three design projects led by the City of Mesa ineligible for federal funding including ARRA funds. The three projects, MES10-801T, MES10-803T, and MES10-804T are programmed with a total of \$1,897,500 in ARRA funds. These are outlined in the attached table.

On December 9, 2009, the MAG Regional Council approved a set of Prioritization Guidelines for Unspent or Redistributed ARRA Funds. Please see the attached Prioritization Guidelines. Following the approved Prioritization Guidelines coupled with the project status, the unspent \$1,897,500 of ARRA transit funds would be allocated to the 2.1 priority to increase operating assistance for bus and rail. There is currently \$1,750,000 of ARRA Transit funds programmed for bus and rail operating assistance, which is below the ceiling of ten percent of ARRA Transit funds, up to \$6,442,122, that can be used for bus and rail operating assistance.

The City of Mesa is requesting that \$1,771,250 of ARRA transit funds be programmed for the construction of the Gilbert/L202 park-and-ride, MES10-805T and \$126,250 is programmed for the construction of L202/Power park-and-ride, MES08-801T. The MES10-805T project is currently programmed with \$517,750 of ARRA Transit, \$1,417,000 of federal 5309-rail and fixed guideway modernization (FGM), \$218,471 of regional funds, and \$135,780 of local funds. The funding changes for MES08-801T would decrease the 5309-FGM by \$101,000 from \$1,025,800 to \$924,800 and decrease local funds by \$25,250 from \$256,450 to \$231,200. This request is explained in the attached table. This request also affects the programming for FY 2009 federal transit 5309-FGM funds. MAG would have to reprogram \$1,517,999 of 5309-FGM in the next committee cycle. 5309-FGM funds have limited eligibility requirements and uses in comparison to ARRA 5307 transit funds.

This will be heard for the first time at Management Committee.

PUBLIC INPUT:

None.

PROS & CONS:

PROS: Approval of this TIP amendment and administrative modification will allow the projects to proceed in a timely manner.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: Projects that wish to utilize transportation federal funds need to be shown in the TIP in the year that they expect to commence and may need to undergo an air quality conformity analysis or consultation. If the Mesa request is approved, MAG will need to reprogram \$1.5 million of 5309-FGM. This would affect the FY2009 and FY2010 Transit Program of Projects, and the programming of the FY2011-2015 MAG TIP.

POLICY: In December 2009, MAG Regional Council approved prioritization guidelines on how to program Unspent and Redistributed ARRA Transit funds.

ACTION NEEDED:

Possible recommendation to approve an amendment to the FY 2011-2015 MAG Transportation Improvement Program, and as appropriate, to the Regional Transportation Plan 2010 Update for the Scottsdale request to move \$183,498 in ARRA funds from a construction project to a design project and to recommend the city of Mesa request to program \$1,771,250 of ARRA transit funds for the construction of the Gilbert/L202 park-and-ride project, MES10-805T, and \$126,250 of ARRA transit funds for the construction of L202/Power park-and-ride, MES08-801T.

PRIOR COMMITTEE ACTIONS:

None.

CONTACT PERSON:

Eileen O. Yazzie, Transportation Programming Manager, (602) 254-6300.

Transit Capital Project
Prioritization Guidelines
Unspent or Redistributed ARRA Funds
Approved by MAG Regional Council on December 9, 2009

1. Provide Services and Improvements Required by Law

- 1.1. Upgrade facilities and fleet to comply with applicable laws

2. Provide Equipment and Facilities for Existing Service

- 2.0 Current ARRA projects that require additional funds without changes to scope
- 2.1. Operating assistance – bus and rail operations
- 2.2. ADA operating assistance
- 2.3. Preventive maintenance costs
- 2.4. Maintain existing operating facilities
- 2.5. Maintain existing passenger facilities
- 2.6. Construct regional park and rides to support existing services
- 2.7. Construct transit centers to support existing services

3. Passenger Enhancements

- 3.1. Provide bus stop improvements for existing bus stops (no NEPA issues)
- 3.2. Provide enhancements to existing passenger facilities

4. Provide Equipment and Facilities for Expansion of Service

- 4.1. Expand existing operating facilities
- 4.2. Construct new operating facilities
- 4.3. Construct regional park and rides for service expansion
- 4.4. Construct BRT capital improvements
- 4.5. Construct transit centers for service expansion

5. Other Desired Support Services

- 5.1. Purchase replacement fleet
- 5.2. Purchase fleet for service expansion
- 5.3. Other support costs and enhancements

Request for Project Change - 2011-2015 MAG Transportation Improvement Program

TRANSIT

TIPIDN	Agency	Location	Work_Type	FY	A.L.I	Fund Type	ARRA	Federal	Regional	Local	Total Cost	Comments
SCT09-801T	Scottsdale	Loop 101/Scottsdale Rd.	Pre-design/design for regional park-and-ride (Scottsdale/101). (2008 5309-FGM and ARRA FY2010 funds)	2011	11.31.04	5309/ARRA	\$ 183,498	\$ 293,202	\$ 73,300	\$ -	\$ 550,000	Admin. Modify: Increase project costs by \$183,498 with ARRA funds from SCT09-803T
SCT09-803T	Scottsdale	Loop 101/Scottsdale Rd	Construct regional park-and-ride (Loop 101/Scottsdale) - (ARRA FY2010 Funds)	2011	11.33.04	ARRA	\$ 4,816,502	\$ -	\$ -	\$ -	\$ 4,816,502	Admin. Modify: Decrease project costs by \$183,498.
MES10-801T	Mesa	US60/Country Club	Park-and-Ride design	2010	11.31.04	Local				\$ 367,500	\$ 367,500	Admin Mod: Change project costs from ARRA to Local. Design ineligible for ARRA funds, unspent ARRA to be programmed: \$367,000
MES10-803T	Mesa	Loop 202/Power	Design regional park-and-ride (Loop 202/Power)	2010	11.31.04	Local				\$ 765,000	\$ 765,000	Admin Mod: Change project costs from ARRA to Local. Design ineligible for ARRA funds, unspent ARRA to be programmed: \$765,000
MES10-804T	Mesa	Gilbert/McDowell	Design regional park-and-ride	2010	11.31.04	Local				\$ 765,000	\$ 765,000	Admin Mod: Change project costs from ARRA to Local. Design ineligible for ARRA funds, unspent ARRA to be programmed: \$765,000
MES08-801T	Mesa	Loop 202/Power	Construct regional park-and-ride (Loop 202/Power) (ARRA FY2010 Funds)	2011	11.33.04	ARRA-Transit/5309-FGM	\$ 644,000	\$ 924,800	\$ -	\$ 231,200	\$ 1,800,000	Admin Mod: Increase ARRA funds by \$126,250 from \$517,750 to \$644,000 from MES10-801T, MES10-803T, MES10-804T. Decrease the 5309-FGM by \$101,000 from \$1,025,800 to \$924,800 and decrease local funds by \$25,250 from \$256,450 to \$231,200.
MES10-805T	Mesa	Gilbert/McDowell	Construct regional park-and-ride (ARRA FY2010 Funds)	2011	11.33.04	ARRA	\$ 2,289,000				\$ 2,289,000	Admin Mod: Modify funding type to ARRA; project is 100% funded with ARRA - \$1,771,250 from MES10-801T, MES10-803T, MES10-804T. \$1,416,999 of 5309-FGM funds, \$218,471 of PTF, and \$135,780 of local is freed up.



The Bottom Line

A weekly commentary from inside the business community

Greater Phoenix transportation funds could be gone with the wind



July 29, 2010
by Glenn Hamer

The Environmental Protection Agency's plan to sanction the region encompassing most of Maricopa County over the area's air quality could initially jeopardize over \$1 billion worth of federal transportation funding, grinding project design and construction to a halt while eliminating thousands of jobs. The ultimate sanctions that EPA could impose could cause a loss of \$7 billion in transportation funds with devastating consequences. The emerging state versus federal showdown over an overly aggressive regulatory position by the EPA could make the battle between Washington, D.C. and Arizona over immigration look like a game of Tiddlywinks.

What unleashed the federal attack dogs on Arizona? The answer is blowing in the wind.

At issue is the level of particulate matter, known as PM-10. The Maricopa Association of Governments has investigated why an air quality monitor at West 43rd Avenue was registering unusually elevated concentrations of PM-10 above the EPA standard during high wind conditions.

MAG's analysis, along with that of the Arizona Department of Environmental Quality and consultant Sierra Research, indicated that the monitor's location adjacent to a dusty riverbed was responsible for the high PM-10 readings during exceptionally high wind conditions.

EPA, however, despite reams of data-backed documentation and strict adherence to EPA's own procedures for analyzing the documentation, has told MAG and ADEQ that it does not concur with the state's finding of four high wind exceptional events in 2008.

As MAG Executive Director Dennis Smith wrote in his May report, "We live in a desert, the monitor is on a riverbank where the wind blows toward the monitor over a smooth terrain and the soil is silty. Paving the riverbed is not an

option!"

Because the high PM-10 readings from the West 43rd Avenue monitor are not being classified as exceptional events, the PM-10 concentrations measured by that monitor will not be excluded from the determination of whether the region is meeting the PM-10 standards. Citing the PM-10 concentrations, EPA has indicated that it intends to deny approval of MAG's Five Percent Plan for PM-10. The plan describes how the region will reduce PM-10 by five percent per year until PM-10 readings reach their EPA-mandated levels and contains control measures for PM-10 that are as stringent as any in the country

The potential sanctions facing Arizona for its perceived failure to attain proper air quality levels and the disapproval of its Five Percent Plan are stiff ones.

If the EPA finds that the region failed to attain three years of clean data for 2008, 2009 and 2010 and the Five Percent Plan is disapproved and that decision is finalized in the Federal Register, the region will enter a conformity freeze 30-90 days after the decision appears in the Register. That will mean that only those projects in the first four years of the Transportation Improvement Plan and Regional Transportation Plan can proceed. Projects would not move forward unless a new Five Percent Plan is submitted that meets Clean Air Act requirements.

If the problems are not corrected within 18 months, then harsher sanctions would be carried out, including stiff limits on the issuance of air quality permits for industry. Finally, if air quality standards haven't been met within 24 months, then over \$1 billion worth of federal highway funds could be withheld, putting over \$7 billion worth of transportation funds from all sources - and the jobs that come with them - at risk.

The EPA exceptional event rule specifically mentions high wind as legitimate cause of an exceptional event. EPA acknowledges that its exceptional event rule is flawed, but, despite its shortcomings, the rule must still be implemented. Moreover, the Arizona submission strictly followed the data requirements used by California's San Joaquin Valley when it successfully obtained EPA's approval of its demonstration. As a result of EPA's decision, the entire MAG region's transportation funding is in jeopardy due to naturally occurring high wind, local soil conditions and a flawed rule.

MAG and ADEQ are staffed by highly capable and dedicated public servants. They cannot, however, control the weather. ADEQ, which submits the exceptional event documentation on behalf of MAG, intends to submit documentation of seven more exceptional events for 2009. One can only wonder how the EPA will view those submittals. It's worth noting that, following a wet winter and spring, there have been no PM-10 exceedances in 2010. Sometimes Mother Nature works in our favor.

A clear rule with specific, rational requirements prescribing what constitutes an exceptional event needs to be issued by the EPA and codified through the rulemaking process. There are too many outstanding issues over the implementation of the current rule. As the 15-state Western State Air Resources Council recently wrote in a letter to EPA, "Our scarce air quality management resources need to focus on problems we can solve, not on problems over which we have little or no control."

MAG is exploring a legal challenge against the capricious EPA determination and is informing our congressional delegation of the potentially crippling

consequences of the sanctions.

One can't help but think of another more high profile issue when considering this latest difference of opinion between Arizona and the federal government.

The aggressive regulatory position taken by EPA in this air quality case stands in stark contrast to the federal government's passive approach to immigration. While the government drags its feet on immigration reform, yet lectures and litigates over Arizona's response to federal inaction, it ignores scientifically verifiable air quality data and pursues a set of draconian sanctions that could irreparably harm the region's economy. More than just a case of misplaced priorities, the EPA's actions constitute a serious abuse of government power.

Glenn Hamer is the president and CEO of the Arizona Chamber of Commerce and Industry.

The Arizona Chamber of Commerce and Industry is committed to advancing Arizona's competitive position in the global economy by advocating free-market policies that stimulate economic growth and prosperity for all Arizonans. <http://www.azchamber.com/>.



Forward email

SafeUnsubscribe®

This email was sent to mag@mag.maricopa.gov by gghamer@azchamber.com.
[Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).

Email Marketing by



Arizona Chamber of Commerce & Industry | 1850 N. Central Ave. | Ste. 1433 | Phoenix | AZ | 85004



302 North 1st Avenue, Suite 300 • Phoenix, Arizona 85003
Phone (602) 254-6300 • FAX (602) 254-6490
E-mail: mag@mag.maricopa.gov • Web site: www.mag.maricopa.gov

July 30, 2010

VIA ELECTRONIC, U.S. MAIL AND OVERNIGHT DELIVERY

Lisa Jackson
Administrator
U. S. Environmental Protection Agency
EPA Docket Center
Mailcode: 2822T
1200 Pennsylvania Avenue, NW.
Washington, DC 20460-0001

RE: Docket ID No. EPA-HQ-OGC-2010-0428
MAG Comments on the EPA/ACLP Proposed Consent Decree

Dear Administrator Jackson:

In a separate submission, the State of Arizona, through its Department of Environmental Quality ("ADEQ"), has submitted comments on the above-referenced proposed Consent Decree. The primary purpose of this letter is to express the strong support of the Maricopa County, Arizona cities, towns, and member agencies that constitute the Maricopa Association of Governments ("MAG"), for those comments.

The "MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area" (the "Plan") that is the subject of the Consent Decree was developed by MAG in concert with ADEQ and Maricopa County. It contains controls on PM-10 emissions that are as stringent as any in the country. The ADEQ comments request that the schedule for action on the Plan be postponed for at least six months so that MAG and the other Arizona governmental entities and stakeholders can work cooperatively with EPA to determine what issues, if any, represent barriers to the approvability of the Plan and to resolve those issues cooperatively.

First, it is important to note that the issues raised by the Plan and the Exceptional Events Demonstration that are directly relevant to the effectiveness of the Plan, are not public health issues. As elected officials, our first priority is protection of the health of our citizens. These issues, to the extent that EPA has disclosed them to us, involve elevated levels of PM-10 measured at a single, somewhat isolated ambient air quality monitor. The elevated levels were caused primarily by the effect on the monitor of unusually high winds in a desert environment.

A Voluntary Association of Local Governments in Maricopa County

City of Apache Junction • City of Avondale • Town of Buckeye • Town of Carefree • Town of Cave Creek • City of Chandler • City of El Mirage • Fort McDowell Yavapai Nation • Town of Fountain Hills • Town of Gila Bend
Gila River Indian Community • Town of Gilbert • City of Glendale • City of Goodyear • Town of Guadalupe • City of Litchfield Park • Maricopa County • City of Mesa • Town of Paradise Valley • City of Peoria • City of Phoenix
Town of Queen Creek • Salt River Pima-Maricopa Indian Community • City of Scottsdale • City of Surprise • City of Tempe • City of Tolleson • Town of Wickenburg • Town of Youngtown • Arizona Department of Transportation

Second, what the ADEQ and MAG comments are about is fairness. MAG and ADEQ have submitted exceptional events demonstrations with voluminous technical support that followed the standards exactly that are set forth in Section 319 of the Clean Air Act and the EPA rules implementing that section. Indeed, EPA has approved a demonstration with substantially less technical support for a California Air Quality Control District. Also, the basis for EPA's initial action on the demonstration is entirely inconsistent with the agency's own rules for exceptional events. Fairness demands that EPA considers these facts as it acts upon the exceptional events demonstration.

Finally, few counties, if any, in the country have been as devastated by this recession as Maricopa County. The effect of even a proposed disapproval of the Plan as proposed in the Consent Decree, due to the uncertainty it would create about future transportation infrastructure, could further substantially damage our economic situation with significant negative impacts on individual families and communities. Since EPA's creation in 1970, we have always been able to work with the agency to resolve our differences informally through candid communications prior to formal agency action. That kind of communication takes time and the willingness of EPA to work with us. The schedule proposed in the Consent Decree is counterproductive as far as resolution of the issues since it precludes such a process. The six-month delay ADEQ is seeking, and that we endorse, will provide the needed time for us to work out our differences.

Thank you for your attention.

Sincerely,

The Regional Council of the Maricopa Association of Governments



Thomas L. Schoaf
Mayor, City of Litchfield Park
Chair, MAG Regional Council



Hugh Hallman
Mayor, City of Tempe
Vice Chair, MAG Regional Council



Marie Lopez Rogers
Mayor, City of Avondale
Treasurer, MAG Regional Council



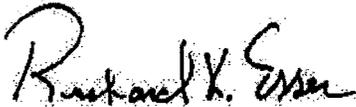
Robin Barker
Councilmember, City of Apache Junction



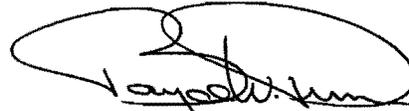
Jackie Meck
Mayor, Town of Buckeye



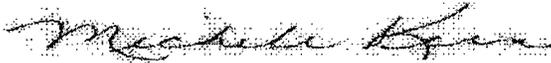
David Schwan
Mayor, Town of Carefree



Richard K. Esser
Councilmember, Town of Cave Creek



Boyd W. Dunn
Mayor, City of Chandler



Michele Kern
Mayor, City of El Mirage



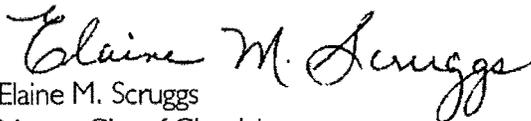
Jay Schlum
Mayor, Town of Fountain Hills



Ron Henry
Mayor, Town of Gila Bend



John Lewis
Mayor, Town of Gilbert



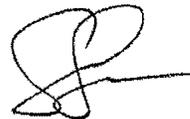
Elaine M. Scruggs
Mayor, City of Glendale



James M. Cavanaugh
Mayor, City of Goodyear



Mary Rose Wilcox
Supervisor, District 5, Maricopa County



Scott Smith
Mayor, City of Mesa



Scott LeMarr
Mayor, Town of Paradise Valley



Bob Barrett
Mayor, City of Peoria



Peggy Neely
Councilmember, City of Phoenix



Gail Barney
Mayor, Town of Queen Creek



Jim Lane
Mayor, City of Scottsdale



Sharon Wolcott
Councilmember, City of Surprise



Adolfo Gamez
Mayor, City of Tolleson



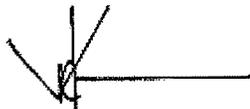
Kelly Blunt
Mayor, Town of Wickenburg



Michael LeVault
Mayor, Town of Youngtown



F. Rockne Arnett
Chair, Citizens Transportation Oversight
Committee



Victor Flores
State Transportation Board

cc: Jared Blumenfeld, EPA Region IX Administrator
Joy E. Herr-Cardillo, Arizona Center for Law in the Public Interest



SALT RIVER
PIMA-MARICOPA INDIAN COMMUNITY

10005 East Osborn Road / Scottsdale, Arizona 85256-9722 / Phone (480) 362-7465 / Fax (480) 278-7188

July 30, 2010

VIA ELECTRONIC AND U.S. MAIL

Lisa Jackson
Administrator
U. S. Environmental Protection Agency
EPA Docket Center
Mailcode: 2822T
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001

RE: Docket ID No. EPA-HQ-OGC-2010-0428

MAG Comments on the EPA/ACLPI Proposed Consent Decree

Dear Administrator Jackson:

In a separate submission, the State of Arizona, through its Department of Environmental Quality ("ADEQ"), has submitted comments on the above-referenced proposed Consent Decree. The primary purpose of this letter is to express the strong support of each of the Maricopa County, Arizona cities, towns, and member agencies that constitute the Maricopa Association of Governments ("MAG"), for those comments.

The "MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area" (the "Plan") that is the subject of the Consent Decree was developed by MAG in concert with ADEQ and Maricopa County. It contains controls on PM-10 emissions that are as stringent as any in the country. The ADEQ comments request that the schedule for action on the Plan be postponed for at least six months so that MAG and the other Arizona governmental entities and stakeholders can work cooperatively with EPA to determine what issues, if any, represent barriers to the approvability of the Plan and to resolve those issues cooperatively.

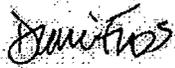
First, it is important to note that the issues raised by the Plan and the Exceptional Events Demonstration that are directly relevant to the effectiveness of the Plan, are not public health issues. As elected officials, our first priority is protection of the health of our citizens. These issues, to the extent that EPA has disclosed them to us, involve elevated levels of PM-10 measured at a single, somewhat isolated ambient air quality monitor. The elevated levels were caused primarily by the effect on the monitor of unusually high winds in a desert environment.

Second, what the ADEQ and our comments are about is fairness. MAG and ADEQ have submitted exceptional events demonstrations with voluminous technical support that followed the standards exactly that are set forth in Section 319 of the Clean Air Act and the EPA rules implementing that section. Indeed, EPA has approved a demonstration with substantially less technical support for a California Air Quality Control District. Also, the basis for EPA's initial action on the demonstration is entirely inconsistent with the agency's own rules for exceptional events. Fairness demands that EPA consider these facts as it acts upon the exceptional events demonstration.

Finally, few counties, if any, in the country have been as devastated by this recession as Maricopa County. The effect of even a proposed disapproval of the Plan as proposed in the Consent Decree, because of the uncertainty it would create about future transportation infrastructure, could further substantially damage our economic situation with significant negative impacts on individual families and communities. Since its creation in 1970, we have always been able to work with EPA to resolve our differences informally through candid communications prior to formal agency action. That kind of communication takes time and the willingness of EPA to work with us. The schedule proposed in the Consent Decree is counterproductive as far as resolution of the issues because it precludes such a process. The six-month delay ADEQ is seeking and that we endorse, will provide the needed time for us to work out our differences.

Thank you for your attention.

Sincerely,



Diane Enos
President



Janice K. Brewer
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov



Benjamin H. Grumbles
Director

VIA U.S. Mail and Electronic Mail

August 2, 2010

Ms. Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Docket ID Number EPA-HQ-OGC-2010-0428
EPA Docket Center, Mailcode 2822T
1200 Pennsylvania Ave, N.W.
Washington, DC 20460-001

Subject: Docket ID Number EPA-HQ-OGC-2010-0428 – Comments on Proposed Consent Decree

Dear Administrator Jackson:

The Arizona Department of Environmental Quality (ADEQ) provides the following comments on the proposed Consent Decree in Docket ID Number EPA-HQ-OGC-2010-0428. This proposed Consent Decree would resolve a lawsuit that seeks to compel EPA's Administrator to take final action under section 110(k)(2) of the Clean Air Act on the "MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area" (the 5% Plan) developed by the Maricopa Association of Governments in 2007, and submitted by the State of Arizona to EPA as a revision to the State Implementation Plan (SIP) for the Maricopa County serious PM-10 non-attainment area. For the reasons stated below, the schedule agreed upon within the Consent Decree, without consultation with the State of Arizona, should be delayed for at least six months.

BACKGROUND

Based upon the 1990 Clean Air Act amendments, the Maricopa County nonattainment area was initially classified as Moderate for PM-10 particulate pollution. Since that time, ADEQ has provided EPA with a series of plans that continue to reduce the amount PM-10 particulate pollution generated by man-made activity. Despite scientific studies indicating that implementation of the increasingly stringent control measures in these plans would achieve compliance with the EPA PM-10 National Ambient Air Quality Standards (NAAQS), the area had not achieved compliance with the standard. On June 6, 2007, EPA published a final notice finding that the Maricopa County nonattainment area failed to comply with the national ambient air quality standard. As a result, the State of Arizona was required to submit a plan to reduce PM-10 emissions within the nonattainment area by at least five percent per year until the standards is attained (aka the 5% Plan).

Northern Regional Office
1801 W. Route 66 • Suite 117 • Flagstaff, AZ 86001
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

In December of 2007, ADEQ submitted the 5% Plan within the deadlines set by EPA. According to the 5% Plan, implementation of new and more stringent control measures would sufficiently reduce emissions in the nonattainment area to reach attainment of the PM-10 standard by calendar year 2010. In fact, the predicted reductions associated with these additional control measures exceeded the annual 5% reduction targets for calendar years 2008, 2009 and 2010. Despite submission of the plan in 2007, and its successful implementation beginning in 2008, EPA has failed to act on the plan. Now, after almost three years, the State of Arizona is being asked to quickly resolve with EPA a very complicated issue that will determine whether EPA can approve the 5% Plan.

EXCEPTIONAL EVENTS

To demonstrate compliance with the PM-10 NAAQS, the State has established an array of ambient air quality monitors throughout the non-attainment area. According to the requirements for the PM-10 NAAQS, if any of these ambient air quality monitors records a daily PM-10 concentration greater than the standard more than once per year on average, over a three-year period (i.e., four or more exceedances in a three year period), then the area is deemed to be nonattainment for the standard. During 2008, the monitoring network observed 11 days with concentrations of PM-10 in excess of the standard. In 2009, the monitoring network observed another seven days in excess of the standard.

The exception to this standard is when an exceedance is determined to be the result of an "Exceptional Event" as defined in 40 CFR § 50.1(j). Under 40 CFR § 50.14(a)(1):

A State may request EPA to exclude data showing exceedances or violations of the national ambient air quality standard that are directly due to an exceptional event from use in determinations by demonstrating to EPA's satisfaction that such event caused a specific air pollution concentration at a particular air quality monitoring location.

While 40 CFR § 50.14(b) requires EPA to exclude exceedances caused by exceptional events from a determination of nonattainment, EPA's rule does not specify with particularity the minimum requirements for documenting such events. As a result, the exceptional event demonstration process is wrought with uncertainty, delay, and potentially unjustifiable decisions. On July 6, 2010, the Western States Air Resources (WESTAR) Council, an association of 15 western state air quality managers, wrote EPA's Assistant Administrator for the Office of Air and Radiation expressing concern about "...wait[ing] for decisions from EPA that, in some cases, are several years old." The letter went on to state that "...EPA has recently issued decisions not to concur with California and Arizona requests for several exceptional events where both states are highly confident that these exceedances do, in fact, meet all the criteria in the rule for qualifying as exceptional events" (see Attachment 1). Conversations with other WESTAR members revealed that other Western States did not clearly understand EPA's criteria either, resulting in WESTAR's reminder to EPA that there is a need for "...following through on [EPA's] commitment to work with WESTAR on this important issue..."

Despite the lack of clarity in the exceptional event regulations, ADEQ has provided EPA with what it believes to be documentation demonstrating that ten of the exceedances measured in 2008, and seven exceedances measured in 2009 were the result of exceptional events. ADEQ made numerous efforts to consult with EPA Region IX on the exceptional events that occurred in 2008, but did not receive a definitive position from EPA until May 21, 2010, only a few weeks before the announcement of the schedule within this proposed Consent Decree. ADEQ is still trying to work with EPA to document that the exceedances in 2008 were due to exceptional events. We simply need more time to ensure that a final decision on exceptional events will be made upon the best scientific information available.

CONSULTATION PROCESS

Throughout the process of demonstrating that the exceedances in 2008 were due to exceptional events, ADEQ has invited EPA Region IX's participation and direction. Between October 2009 and May of 2010, ADEQ and EPA staff attended numerous technical meetings regarding the 5% Plan, but EPA rarely provided ADEQ with feedback regarding exceptional events. The most substantive discussions occurred at a technical meeting in December of 2009. During the meeting, EPA provided a brief presentation identifying several concerns with ADEQ's 2008 exceptional events demonstrations. On March 17, 2010, ADEQ provided a supplemental response intended to satisfy EPA's concerns (see Attachment 2). On May 21, 2010, with no additional consultation and with no apparent review of ADEQ's supplemental response, EPA provided ADEQ with a letter explaining its non-concurrence with four exceptional event demonstrations for calendar year 2008. On June 30, 2010, ADEQ provided EPA with documentation responsive to the concerns raised in EPA's May 21, 2010 letter (see Attachment 3). On July 2, 2010, ADEQ also submitted comments from the Maricopa Association of Governments (see Attachment 4). We have not yet heard back from EPA on this supplemental information. Again on August 2, 2010, ADEQ submitted additional documentation on the June 4, 2008 exceptional event (see Attachment 5). EPA needs time to review this information before making a decision on the 5% plan.

In the absence of additional consultation regarding the documentation that continues to be submitted, EPA may have no other recourse than to propose the disapproval of the 5% Plan. The potential consequences of such a decision could have a devastating impact on Arizona's already battered economy. Some estimates project that EPA sanctions resulting from disapproval of the 5% Plan would jeopardize over \$1 billion worth of federal transportation funding, halting growth and potentially eliminating thousands of Arizona jobs. Those same projections estimate that final sanctions could be seven times more severe. As a result, we ask the court provide us enough time to complete the exceptional events consultation process, prior to EPA's having to make such an important decision on the 5% Plan under the proposed Consent Decree.

Ms. Lisa Jackson

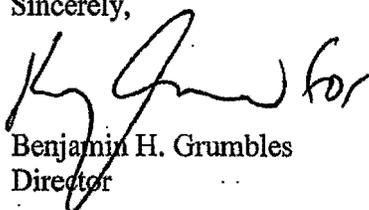
August 2, 2010

Page 4 of 4

PROPOSED SCHEDULE

The Arizona Department of Environmental Quality respectfully requests that the schedule in the proposed Consent Decree be extended by a total of six months, such that EPA's proposed action on the 5% Plan occur no later than March 3, 2011, and that EPA's final action occur no later than July 28, 2011. These additional six months will provide EPA with the time that is necessary to review the additional information that ADEQ has submitted in response to EPA's May 21, 2010 letter, and consult with ADEQ on the exceptional event demonstrations that will play a dispositive role in the final decision that EPA must propose pursuant to this Consent Decree. If you have any questions regarding this correspondence, please contact Eric Massey, the Director of ADEQ's Air Quality Division, at (602) 771-2288.

Sincerely,



Benjamin H. Grumbles
Director

Attachments (5):

1. July 6, 2010, WESTAR Letter to EPA Assistant Administrator of the Office of Air and Radiation
2. March 17, 2010, DRAFT – Supplemental Report – Assessment of Qualification for Treatment under the Federal Exceptional Events Rule: High Particulate (PM10) Concentration Events in the Phoenix and Yuma Areas on July 4, 2008
3. June 30, 2010, ADEQ response to EPA May 21, 2010 Letter and Enclosure
4. July 2, 2010, ADEQ transmission of comments prepared by Maricopa Association of Governments and Enclosure.
5. August 2, 2010, ADEQ transmission of Supplemental Information Letter and Enclosure

cc: Jared Blumenfeld, EPA Region IX (w/o attachments)
Dennis Smith, Maricopa Association of Governments (w/o attachments)
Joy Rich, Maricopa County (w/o attachments)



Janice K. Brewer
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov



Benjamin H. Grumbles
Director

August 2, 2010

Mr. Jared Blumenfeld
Regional Administrator
U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, California 94105

Re: Transmittal of supplemental information regarding June 4, 2008, Exceptional Event

Dear Mr. Blumenfeld:

I am writing to transmit a revised draft report addressing the issues raised by you and your staff regarding the exceptional event documentation for the PM₁₀ exceedances at four monitors in Arizona on June 4, 2008, and to ask that you reconsider the position articulated in your May 21, 2010, letter as it relates to implementation of the EPA Exceptional Events Regulation (EER) and its ultimate impact on the approvability of the *MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area* (MAG 5% Plan).

ADEQ is again requesting that Region 9 revisit its May 21, 2010, decision not to concur with ADEQ's request to exclude for determination of compliance with the PM₁₀ NAAQS at the West 43rd monitor because those exceedances were the result of exceptional events. ADEQ disagrees with the statement that the ADEQ submittal of November 17, 2009, was inconsistent with the EER and the preamble for the final rule (72 Fed. Reg. 13560, March 22, 2007). At the same time, ADEQ is concerned that the decision did not take into consideration much of the supporting data and analysis that ADEQ submitted in support of its request.

ADEQ also believes that EPA's decision is not consistent with the August 27, 2007, concurrence with California's request to exclude data from the determination of the attainment status for the San Joaquin Valley. According to the EER preamble:

The EPA's final rule concerning high wind events states that ambient particulate matter concentrations due to dust being raised by unusually high winds will be treated as due to uncontrollable natural events where ... the dust originated from anthropogenic sources within the State, that are determined to have been reasonably well-controlled at the time that the event occurred....

Northern Regional Office
1801 W. Route 66 • Suite 117 • Flagstaff, AZ 86001
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

Mr. Jared Blumenfeld
August 2, 2010
Page 2 of 2

73 Fed. Reg. at 13576. California and Arizona submitted substantially identical demonstrations that anthropogenic sources were sufficiently controlled, with opposite results.

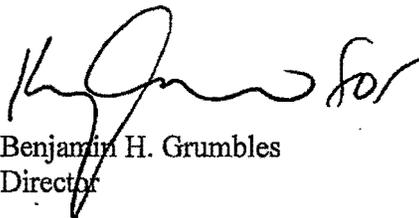
The reports ADEQ submitted to EPA on November 17, 2009, met all of the requirements of Section 319 of the Clean Air Act and the EER to qualify the exceedances measured on June 4, 2008, as being the result of exceptional events. The reports were released for public review and discussed at a public meeting followed by a formal comment period. ADEQ received no comments from any member of the public, including EPA Region 9.

ADEQ is disappointed that EPA Region 9 did not work with ADEQ to "ensure that proper documentation is submitted to justify data exclusion." (See 72 Fed. Reg. 13560 at 13574). Had the collaborative process envisioned in the EER been followed, the additional information and analyses contained in the enclosed report would have been prepared and submitted before EPA's taking a written position on such an important issue. ADEQ did not receive comprehensive feedback on its attempts to submit documentation "demonstrating to EPA's satisfaction that such event[s] caused a specific air pollution concentration ..." (40 CFR 50.14(a)(1)) until your May 21, 2010 letter. ADEQ believes that the information that we are providing today should be used to reconsider non-concurrence with ADEQ's demonstration that the exceedances measured on June 4, 2008, were the result of exceptional events.

I am also requesting to continue the consultation process with Region 9 under the EER and that no final decision be made on these exceptional events until ADEQ and EPA have an opportunity to publicly discuss the enclosed report and complete the research regarding sources contributing to windblown dust in the Salt River.

Thank you for your consideration. If your staff has any questions, please have them contact Nancy Wrona at (602) 771-2311.

Sincerely,



Benjamin H. Grumbles
Director

Enclosure

cc: Colleen McKaughan, EPA Region 9 (w/o attachments)
Deborah Jordon, EPA Region 9 (w/o attachments)
Joy Rich, Maricopa County (w/o attachments)
Dennis Smith, MAG (w/o attachments)



Maricopa County

Board of Supervisors

301 West Jefferson Street
10th Floor
Phoenix, AZ, 85003-2143
Phone: 602-506-3406
www.maricopa.gov

August 4, 2010

VIA ELECTRONIC MAIL

Lisa Jackson
Administrator
U. S. Environmental Protection Agency
EPA Docket Center
Mailcode: 2822T
1200 Pennsylvania Avenue NW
Washington, DC 20460-0001

RE: Docket ID No. EPA-HQ-OGC-2010-0428
Maricopa County Arizona Comments on the EPA/ACLPI
Proposed Consent Decree

Dear Administrator Jackson:

On July 30, 2010, you received a letter from the Maricopa Association of Governments ("MAG") that was signed by representatives of Arizona cities, towns and member agencies of MAG. Also signing the letter was Maricopa County Supervisor Mary Rose Wilcox. Supervisor Wilcox' signature was intended to show the strong support of the County Board of Supervisors for the comments of MAG and the Arizona Department of Environmental Quality ("ADEQ") on which the MAG comments were based. More specifically, Maricopa County urges your agreement to delay any action on the MAG 2007 Five Percent Plan for PM-10 (the "Plan") for six months to allow Maricopa County and the other public and private stakeholders to resolve any issues that jeopardize the approvability of the Plan.

This letter is intended to further support each of the comments described above from the perspective of a county that has devoted thousands of hours and millions of dollars to develop, implement and enforce regulations that are a key component of the Plan and that are the most stringent regulations for the control of PM-10 emissions in the country. These regulations were developed in consultation with and with the benefit of direct input from your agency. After all of this effort by all concerned, we think it would be extremely unfortunate if the agency would rush to judgment on the Plan as compelled by the schedule in the proposed Consent Decree and we would urge you and the Arizona Center for Law in the Public Interest to consider the six-month delay in acting on the Plan as proposed by ADEQ and the other parties we have named.

Maricopa County comments on proposed consent decree
August 4, 2010
Page 2 of 2

Very truly yours,

A handwritten signature in black ink that reads "Don Stapley". The signature is written in a cursive, slightly slanted style.

Don Stapley, Chairman
Maricopa County Board of Supervisors, District 2

cc: Jared Blumenfeld
EPA Region 9 Administrator

Joy E. Herr-Cardillo
Arizona Center for Law in the Public Interest



Air Resources Board



Linda S. Adams
Secretary for
Environmental Protection

Mary D. Nichols, Chairman
1001 I Street • P.O. Box 2815
Sacramento, California 95812 • www.arb.ca.gov

Arnold Schwarzenegger
Governor

July 22, 2010

Ms. Gina McCarthy
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Ms. McCarthy:

We need your assistance to improve the procedure for addressing uncontrollable events such as high winds and wildfires in the federal air quality planning process. The intent of U.S. Environmental Protection Agency's (U.S. EPA) rule on exceptional events is to exclude "events for which normal planning and regulatory processes established by the Clean Air Act are not appropriate." Unfortunately, our recent request to exclude high wind events in Imperial County from PM10 planning requirements was denied. The planning implications of this action are detailed in Attachment 1.

In reviewing natural events, U.S. EPA staff is requiring extensive emissions evaluations and rule assessments, rather than focusing on whether the occurrence of an uncontrollable high wind or wildfire event was adequately documented. While the California Air Resources Board has worked with local air districts to provide extensive documentation of the timing and location of these events, U.S. EPA staff has expanded its technical review far beyond the event itself. Establishing that natural high wind and wildfire events occurred, and that they caused atypical elevated concentrations, can be accomplished with a straightforward technical assessment. We are suggesting specific improvements (Attachment 2) to rule implementation to ensure that our air quality planning efforts are appropriately focused to maximize the public health benefits of our programs.

Thank you for your commitment to clean air, and we look forward to working with you to develop a more workable approach to implementing the exceptional events rule.

Sincerely,


Mary D. Nichols
Chairman

Attachments

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

ATTACHMENT 1

**Planning Implications of the Exceptional Event Process
in Imperial County**

U.S. EPA's December 22, 2009 disapproval of several natural windblown dust events in Imperial County has had serious impacts on the PM10 State Implementation Plan (SIP) process for the region. U.S. EPA's review of these events, and the related planning implications, are discussed below to highlight our concerns regarding implementation of the Exceptional Events Rule (Rule).

Imperial County is located in the far southeastern corner of California. Most of Imperial County consists of large expanses of open desert, primarily managed by the federal government, with average rainfall of less than 3 inches per year. Due to the arid, desert nature of the region, PM10 emissions are dominated by fugitive dust. Windblown dust from open desert lands comprises more than half of these emissions. ~~The federal 24-hour PM10 standard is exceeded on average only two~~ to three times a year. These infrequent occurrences are due to two distinct types of conditions – transport of emissions from Mexico, or naturally occurring high winds.

In 2007 two high wind events occurred impacting a number of sites in the county. ARB and the Imperial County Air Pollution Control District (District) developed comprehensive technical documentation that was submitted to U.S. EPA in 2008. This documentation demonstrated that winds gusting 30 to 40 miles per hour caused elevated PM10 concentrations throughout Southern California as well as Arizona, with PM10 concentrations in Imperial reaching 291 ug/m³. The winds that contributed to both of these events were at least three standard deviations above those seen in the previous three years. A clear causal connection was made between the timing of the increasing winds and a shift in direction to winds blowing over the Anza Borrego Desert and the elevated PM10 concentrations. The documentation also demonstrated that concentrations before and after the events were well below the federal standard. Documentation of these events was supplemented by news media reports and airport observations.

Preparation of the exceptional events documentation was a significant drain on limited resources. Over the past two years, documentation for the Imperial County high wind events involved substantial resources by Imperial County and ARB staff, as well as lengthy review time by U.S. EPA staff. Initial documentation was submitted by ARB in June 2008, and later supplemented with additional information requested by U.S. EPA in July 2009. All told, the documentation submitted on these events totaled over 200 pages, with extensive citations to BACM rule assessment and documentation on the development of a windblown dust emissions model for the region. Throughout the U.S. EPA's review, ARB and Imperial County staff also worked closely with U.S. EPA staff on additional emissions inventory clarifications to help further support the natural events request.

As noted above, on December 22, 2009, U.S. EPA Region 9 issued a letter to ARB stating that they could not concur with the events (Laura Yoshii's letter to James Goldstene – Review of Exceptional Event Request (December 22, 2009)). In their review, U.S. EPA agreed that there were unusually high winds and that the evidence made a “compelling case of a causal relationship” between the wind-driven dust source and the PM10 exceedances (*id.* at p. 22) and that there was evidence that “the event was caused by wind-driven emissions stemming from a regional meteorological occurrence.” (*id.* at p. 23.) U.S. EPA concluded that the evidence presented “demonstrates that the April 12, and June 5, 2007 PM10 exceedances were probably caused by wind-driven PM10 emissions from some sources west of the monitors.” (*id.* at p. 25.) However, U.S. EPA subsequently concluded that the events could not be considered natural events under the Rule because the contribution of individual sources could not be quantified and linked to specific rules. U.S. EPA also raised concerns about the level of control for certain fugitive dust sources. (*id.* at p. 29.) This is a level of analysis that goes far beyond the simple requirements specified in the section 50.14(c)(3)(iii) of the Rule and what is needed for the necessary technical demonstration that a high wind event caused the exceedances.

The District has worked closely with the ARB and U.S. EPA to develop appropriate fugitive dust rules for the region. In 2004, Imperial County was reclassified as a serious PM10 nonattainment area, triggering a Clean Air Act requirement to implement BACM within four years. The District conducted a comprehensive BACM analysis and adopted a suite of fugitive dust controls in 2005 to implement these requirements. At the District's rule adoption hearing, U.S. EPA staff testified that the rules represented BACM and ARB subsequently submitted them U.S. EPA in 2006. While the District moved expeditiously to implement BACM, it was not required to be in place at the time of the 2007 natural events as four years had not passed since the reclassification for PM10.

In reviewing the high wind events, U.S. EPA Region 9 staff's initial written comments from July 2008 acknowledged that the Rule does not require implementation of BACM level controls for contributing anthropogenic sources. (Sean Hogan's letter to Karen Magliano – Evaluation of April 12, 2007 Exceptional Event Request for the Imperial County California PM-10 Nonattainment Area (July 30, 2008), at p. 2.) However, in their final review of these events in December 2009, U.S. EPA concluded “Because BACM is required in serious PM10 nonattainment areas such as Imperial County under CAA Section 189(b), it is appropriate to consider that level of control in evaluating whether reasonable controls are in place for purposes of the Exceptional Events Rule.” (Laura Yoshii's letter to James Goldstene – Review of Exceptional Event Request (December 22, 2009), at p. 9.) The review then went on to discuss several deficiencies in what U.S. EPA considered a BACM level of control for the region. We note that the Rule does not specify a required level of control, indeed it only specifies that the event itself not be reasonably preventable or controllable

(40 C.F.R. § 50.1(j)). In addition, at the time the events occurred, U.S. EPA had not raised any complaints regarding the appropriateness of the District's rules.

As a result of the disapproval, Imperial County must now implement serious area planning requirements using a design value based on a natural event. For example, the attainment demonstration would need to show a nearly fifty percent reduction in emissions to reduce wind generated concentrations of almost 300 ug/m³ down to the level of the standard. This is clearly not feasible and is precisely what the Rule was intended to avoid. The disapproval also has implications for which sources must be included in the BACM assessment. While the District has committed to working with U.S. EPA on further control measure improvements, development of a serious area SIP will not be possible until future natural events can be approved. Therefore it is essential that U.S. EPA and ARB work together to implement a more workable and appropriate process for approving natural events.

ATTACHMENT 2

**Air Resources Board Recommendations to Improve
U.S. EPA's Exceptional Events Rule**

Focus U.S. EPA Technical Review on the "Event"

The Rule provides the following definition of an exceptional event: "Exceptional event means an event that affects air quality, is not reasonably preventable or controllable, is an event caused by human activity that is unlikely to recur at a particular location or a natural event . . ." (40 C.F.R. § 50.1(j) (2007).) The Rule's preamble repeatedly describes an exceptional event as the **physical phenomena** that subsequently results in an air quality exceedance. For example, the Rule refers to *high winds*, rather than the dust entrained from the winds (72 Fed.Reg. 13565 (March 22, 2007).), as well as *wildfires*, not the smoke generated by these fires (72 Fed.Reg. 13566 (March 22, 2007).). In California and throughout the west, both high winds and wildfires can be common occurrences due to the west's unique geography, vegetation, and climate.

By their very nature, these physical phenomena are fundamentally not preventable or controllable. Thus we believe that evaluation of whether an event qualifies as exceptional under the Rule should initially focus upon whether the **event** in question is a natural phenomenon, rather than upon an analysis of the emissions caused by the natural phenomenon. Demonstrating that an event occurred resulting in elevated concentrations should not require detailed analysis of individual emissions source categories impacting each monitor, but rather a straightforward technical analysis of air quality and weather conditions to show that the elements justifying the exclusion of an event are met. The fact that the exceptional event analysis should be focused upon the nature of the event is shown by the language of 40 C.F.R. section 50.14(c)(3)(iii) which describes the demonstration necessary to exclude an event. Under section 50.14(c)(3)(iii) an exclusion of data must be supported by evidence that

- there is a clear causal relationship between the measurement under consideration and the **event** that is claimed to have affected air quality;
- the **event** is associated with a measured concentration in excess of normal historical fluctuations, including background; and
- there would have been no exceedance but for the **event**.

Link Rule Assessments to Controllable Emissions

Once this technical evaluation has been completed, a separate step should assess the existing control program. Because the natural events themselves are fundamentally not reasonably preventable or controllable, the rules assessment should focus on whether the control program is reasonable and appropriate for preventing exceedances under the typical range of weather conditions and emission events. It is neither reasonable nor cost-effective for a state to develop rules for events that occur only rarely under extreme circumstances.

We do agree that existing elements of the Rule requiring public notification and mitigation strategies are appropriate to help minimize public exposure during

these events. However, we wish to highlight the Rule's focus on a State's role in developing and enforcing such measures. The Rule's preamble makes clear that it is a State's responsibility to take "reasonable and adequate actions to protect public health." (72 Fed.Reg. 13576 (March 22, 2007).) A State is charged with deciding what actions are reasonable and adequate because "it is EPA's belief that States are in a better position to make decisions concerning what actions should be taken to protect the public when an exceptional event occurs." (*Id.* at p. 13575.)

Additionally, control measures satisfying the Rule's requirements are legally distinct from any RACM or BACM that may be required. As stated in the Rule's preamble, "the implementation of RACM or BACM is not required [under the Rule], but [instead] the State has the necessary flexibility to determine if, and what, controls should be implemented following an event, as well as the level of control that is required." (*Id.* at p. 13575.) Additional support for the distinction between RACM/BACM and "reasonable and adequate" control measures under the Rule is the fact that a State does not need to submit documentation of its mitigation actions to the U.S. EPA to allow for an exceptional event determination (*Id.* at p. 13576.); this lack of required documentation stands in contrast to the documentation of control measures a State is required to provide to the U.S. EPA under a RACM or BACM requirement.

Streamline Documentation

Finally, we believe that in order for both states and U.S. EPA to effectively address preparation and review of exceptional events documentation in a timely manner, the documentation process needs to be streamlined. The determination should be based on the overall weight-of-evidence presented, given data availability and considering whether more detailed and time intensive analyses are truly needed. As such, the level of documentation should be commensurate with the complexity of the event. Widespread and severe events such as the historic wildfire outbreak that occurred during the summer of 2008 in California, or windstorms affecting multiple regions and/or states, should require much less documentation than more isolated or lesser magnitude events.



News

From Imperial County

Ralph Cordova, Jr.

COUNTY EXECUTIVE OFFICER

940 W. Main Street, Suite 208

El Centro, CA 92243

760.482.4290

FOR IMMEDIATE RELEASE:

AIR DISTRICT BOARD APPROVES PURSUIT OF CHALLENGE TO EPA DISAPPROVAL OF DUST RULES

After meeting in closed session, the Imperial County Board of Supervisors, sitting in their capacity as the Imperial County Air Pollution Control District (ICAPCD) Board, today reported that it has formally approved action to pursue all appropriate legal remedies, including litigation if necessary, to challenge the Environmental Protection Agency's July 8, 2010 limited disapproval of the ICAPCD's Regulation VIII fugitive dust rules.

"The Regulation VIII rules are a critical part of the ICAPCD's strategy to implement best available control measures for dust and other particulate matter in the County," explained Brad Poiriez, Air Pollution Control Officer. "We feel EPA's decision not to approve the rules was unjustified, and it is vitally important for the County to challenge the disapproval and ultimately achieve the ability to move forward with these rules under an approved SIP."

The Board proactively adopted the Regulation VIII rules (District Rules 800-806) on November 8, 2005, over 3½ years before there was a specific legal requirement to do so. The Regulation VIII rules were adopted after nearly a year of active participation and workshops involving members of this community, EPA, the California Air Resources Board (ARB), representatives of the agricultural community, representatives of environmental groups, and other local organizations. On June 16, 2006, the California Air Resources Board (ARB) submitted the approved rules to EPA for formal approval as revisions to the California State Implementation Plan (SIP) for the ICAPCD. The rules mirror stringent dust requirements used in other "serious" PM10 nonattainment areas such as the San Joaquin Valley, the South Coast Air Basin and Maricopa County, Arizona, yet EPA disapproved the rules when submitted on behalf of Imperial County.

If any member of the public has any questions regarding the Board's action, please call County Counsel Mike Rood at 760.482.4400.



March 3, 2010

Jared Blumenfeld
Regional Administrator
U.S. Environmental Protection Agency (EPA), Region IX
75 Hawthorne Street
San Francisco, CA 94105-39001

SUBJECT: Response to the December 22, 2009 letter from the U.S. Environmental Protection Agency regarding the California Air Resources Board's Imperial County's Exceptional Events Request

Dear Mr. Blumenfeld:

The California Air Resources Board (ARB) submitted documentation of three exceptional events (September 2, 2006, April 12, 2007 and June 5, 2007) in May 2009 to the U.S. Environmental Protection Agency (EPA). In a December 22, 2009 letter (EPA Events Letter) from Laura Yoshii, Acting Regional Director of EPA Region IX to James Goldstene, ARB Executive Officer, EPA refused to concur with ARB's request to flag these exceedences as exceptional events. We have reviewed the EPA Events Letter and are greatly troubled by EPA's interpretation of the Exceptional Event Rule (EER) and the technical information available for these days, both of which we believe are plainly inconsistent with existing regulations and guidance on exceptional event determinations. The implications of EPA's refusal to flag these data, if it is allowed to stand, are far-reaching and could adversely impact air quality planning and policy in Imperial County and throughout the southwestern United States. Our concerns and objections are presented in more detail in Attachment A. The key issues are summarized briefly below:

- We do not agree with EPA's interpretation of the Exceptional Event Rule (EER) or the conclusion that the flagged natural events somehow do not merit EPA's concurrence because of its desire to see certain control measures on anthropogenic sources improved. As discussed herein, EPA's objections that dust controls were insufficient or inadequate on the event days is tantamount to a conclusion that the events were reasonably controllable or preventable. That conclusion is completely unsupported by the available evidence. EPA has provided no evidence to refute the critical conclusion legally required under the EER - that the exceptional events (i.e., the combination of the high winds, the unusual levels of dust entrainment from nonanthropogenic and anthropogenic sources, and the resulting exceedences at the Imperial County monitors) ~~were not reasonably controllable or preventable.~~
- In the EPA Events Letter, EPA takes the position that the requirement for an exceptional event to be "not reasonably controllable or preventable" inherently implies "a requirement that the state demonstrate that anthropogenic sources contributing to the exceedance caused by the event were reasonably controlled." This interpretation of the EER appears to be inconsistent with the language of 40 CFR §50.1(j), which defines an "exceptional event" as one caused by a natural event or non-recurring human activity and which is itself "not reasonably controllable or preventable." Under the legal

definition, it is *irrelevant* what controls are in place on the day of an otherwise qualifying event if it can be shown that such controls would not have reduced emissions enough to prevent an exceedance *anyway*.

- We also disagree with EPA's position that the EER justifies the use of Best Available Control Measures (BACM) as the "appropriate... level of control in evaluating whether reasonable controls are in place" in determining whether an event may qualify as exceptional under the EER. This interpretation is unsupported by the language of the EER and inconsistent with the intent of the EER. The purpose of the EER is to protect states from suffering the consequences of reclassification to a more serious designation as a result of "exceptional" events for which the normal planning and regulatory process established by the CAA is not appropriate. EPA's analysis of exceptional events should not depend on elements of the normal planning process, including the area's particular attainment status. In other words, the standards for determining an exceptional event in a serious nonattainment area should be no different than determining one in a moderate area or in an attainment area.
- We also object to EPA's incomplete and misleading characterization of fugitive dust controls in Imperial County. In the EPA Events letter, EPA implies that dust controls are not adequate because of concerns about fallowed lands and OHV-related contributions. On the contrary:
 - Farm lands produce significantly less emissions, taken as a whole or on a per-acre basis, compared to remote desert lands in the County due in part to ICAPCD's adoption of Rule 806, which requires a host of conservation management practices to prevent, reduce and mitigate PM emissions from agricultural sources.¹ Rule 806 was adopted in November 2005, years before the 2009 PM₁₀ SIP² was developed and adopted. That rule was modeled on the San Joaquin Valley Air Pollution Control District's Rule 4550, which was approved by EPA on May 26, 2004.³ EPA makes no mention of Rule 806 when discussing the County's agricultural controls.
 - Imperial County has been paving unpaved roads at great expense and despite hard economic times and record unemployment in the County; it began meeting its rule commitment starting in 2006.
 - Despite the fact that EPA has worked with ARB and ICAPCD for over a decade, including on the development of rules and BACM Technical Analysis beginning in 2004 and analysis of the exceptional events beginning in 2008, EPA never raised concerns about OHV-related contributions until *after* the Exceptional Events documents were submitted by ARB in May 2009 and after the draft PM₁₀ SIP was released in July 2009.⁴ The draft PM₁₀ SIP was revised to address those concerns. In any event, there is no basis for EPA's conclusion that OHV controls

¹ See Table 3.1 and Figure III.B.4 of the 2009 Imperial County PM₁₀ SIP.

² Imperial County 2009 PM₁₀ SIP, Final Draft, August 2009

³ 69 FR 30035, May 26, 2004

⁴ In addition, EPA did not raise these concerns while working with ARB and ICAPCD for over a year and a half on the Exceptional Events documentation or while working with ARB and ICAPCD for over two years on the development of the PM₁₀ SIP, or during the 30-day public comment period on the Exceptional Events documents (during which there were NO public comments submitted), or before the draft PM₁₀ SIP was released.

somehow would have prevented any of the exceedences attributable to the exceptional event days.

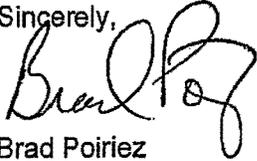
- EPA has misinterpreted technical information submitted by ARB and ICAPCD, which appears to have led to EPA's erroneous conclusions related to causality. ARB and ICAPCD carefully documented PM transport to show how such transport affected the September 2006 Westmorland and Calexico exceedences (see Sections 2.1.1 and 2.1.2 of Attachment A). As discussed further in the attachment, EPA's interpretation of the September 2006 exceedences is incorrect, and was not based on a sound technical understanding of the events associated with those exceedences.
- EPA's decision making regarding the level of evidence/documentation necessary to establish causality is not correct and is not consistent with the EER.
 - First, EPA's letter appears to set an impossible and legally unsupported standard for the evidence required to support the causality requirement of an exceptional event determination (i.e., to show a clear causal relationship between the exceedences and a qualifying event). EPA demands ever more detail about the exact sources of dust and wind transport as part of the exceptional events showing, yet has not clearly specified what level of detail (if any) would be sufficient to convince EPA that the exceptional events beyond the District's reasonable control were responsible for the measured exceedences.
 - Also, rather than considering the cumulative weight of the evidence showing that unpreventable exceptional events caused the exceedences at issue, EPA has chosen to evaluate each piece of supporting data separately and conclude that each separate piece *alone* does not support a causal relationship for the event. EPA has not considered the implications of this novel and troubling position regarding causality on SIP determinations and other regulatory processes.
 - For reasons that are detailed in Attachment A, we believe that the level of data, analyses, and documentation that would be required to meet EPA's apparent proof thresholds (i.e., to satisfy the causality and "but-for" requirements of the EER) here would exceed even the requirements for SIP planning itself. That is clearly inconsistent with the intent of the EER. The EER requires the weight of evidence to be taken as a whole, and rejecting flagged data is tantamount to a determination that "the exceedences were caused by recurring anthropogenic sources" (see 72 FR 13574). EPA cannot reject ARB's documentation of the exceptional events without producing such proof sufficient to overcome the great weight of the evidence to the contrary.

Based on the weight of available evidence and the established EER requirements and guidance, the events described in the ARB submittal clearly were exceptional events that ~~themselves were not reasonably controllable or preventable, and which directly led to the measured exceedences.~~ EPA has not demonstrated (and cannot demonstrate) that these exceedences were caused by anthropogenic sources and thus somehow appropriate for consideration in normal SIP planning.

Thus, we strongly urge EPA to reconsider its decision and concur with ARB's request to flag these exceedences as exceptional events, consistent with the intent and language of the EER. Failure to reverse this decision will not only result in a decision unsupported by the law or the

data, but also would create troubling precedent for both future exceptional event documentations and related SIP planning in the southwestern United States. Both results would be unacceptable, and could subject EPA to a challenge or other action.

Sincerely,



Brad Poiriez
Air Pollution Control Officer, ICAPCD

cc: ICAPCD Board of Directors
Gina McCarthy, Assistant Administrator for Air And Radiation, EPA Headquarters
Deborah Jordan, Air Division Director, EPA Region IX
James Goldstene, Executive Officer, ARB

**Attachment A: Detailed Initial Analysis of EPA's December 22, 2009 Letter
Concerning the Imperial County Exceptional Events Requests**

1. Not Reasonably Controllable or Preventable

1.1. General Interpretation of the Requirement for High-Wind Events

One of the key requirements of the Exceptional Events Rule (EER) that repeatedly surfaces in EPA's December 22, 2009 Review of the Imperial County Exceptional Event Requests is the criterion set forth in 40 CFR § 50.1(j) that an "exceptional event" is an event that "is not reasonably controllable or preventable." In that Response Document, EPA takes the position that this criterion inherently implies "a requirement that the state demonstrate that anthropogenic sources contributing to the exceedance caused by the event were reasonably controlled."

This requirement is simply inconsistent with the language of 40 CFR § 50.1(j). Under the plain regulatory language, it is irrelevant whether "reasonable and appropriate" controls are in place on the day of an otherwise qualifying event when it can be shown that such controls would not reduce emissions and impact at the monitor sufficiently to prevent the exceedance anyway. In such circumstances, an event would clearly not be reasonably controllable or preventable.

It is inconsistent with the intent of the CAA for EPA to refuse to concur in the flagging of an exceedance as caused by an exceptional event solely due to EPA's dissatisfaction with the stringency of certain controls when such controls could not have prevented the exceedance. The consequence of such an action would be to require a state to pursue control measures that are beyond the area's practicable abilities - a result the EER is specifically designed to avoid. Indeed, other specific exemption provisions are in place to prevent such difficulties (see "State Implementation Plans for Serious PM₁₀ Nonattainment Areas,"⁵ Section V: "Waivers for Certain PM₁₀ Nonattainment Areas). As stated in that document (p. 42008), "if emissions from anthropogenic sources are reduced to the point that it is no longer technologically or economically feasible to reduce those emissions further, and the area still cannot attain the NAAQS, the EPA may consider waiving the serious area attainment date and appropriate serious area requirements."

There are three types of sources identified in the Final Rule promulgating the EER (FR Vol. 72, No 55, March 22, 2007) for the specific case of High Wind Events: non-anthropogenic sources, anthropogenic sources within the state, or anthropogenic sources outside the state. (In Imperial County, anthropogenic sources of significance in High Wind events may include international lands in Mexico.) Importantly, the language of the rule suggests that the requirement that the sources be "reasonably well-controlled" only applies to anthropogenic sources within the state.⁶

⁵ FR, Vol. 59, No. 157, August 16, 1994, p. 41998.

⁶ "The EPA's final rule concerning high wind events states that ambient particulate matter concentrations due to dust being raised by unusually high winds will be treated as due to uncontrollable natural events where (1) the dust originated from nonanthropogenic sources, or (2) the dust originated from anthropogenic sources within the State, that are determined to have been reasonably well-controlled at the time that the event occurred, or from anthropogenic sources outside the State."

Objection: We fail to see the rationale for EPA's interpretation that the existence of "reasonable and appropriate" controls is a necessary condition to establish that the event *itself* was not reasonably controllable or preventable. The regulatory requirement that "an event was not reasonably controllable or preventable" for an otherwise qualifying event is met unless BOTH (i) reasonable controls for contributing anthropogenic sources within the state were not in place, AND (ii) these controls would have prevented the exceedance, had they been in place.

1.2. Meaning of "Reasonable and Appropriate Controls"

In its EPA Events Letter, EPA takes the position that "because implementation of BACM is required in serious PM₁₀ nonattainment areas such as Imperial County under Section 189(b) of the CAA, it is appropriate to consider that level of control in evaluating whether reasonable controls are in place for purposes of the Exceptional Events Rule". (p. 9)

EPA has provided no justification for this assertion. Not only would this create a new standard for exceptional events showings found nowhere in the language of the EER, it would be fundamentally inconsistent with the intent of the EER, which entails only "reasonable" control of anthropogenic sources and not the "best available" controls. The purpose of the EER is to protect states from suffering the consequences of reclassification to a more serious designation as a result of "exceptional" events not preventable by reasonable control measures and for which the normal CAA planning and regulatory process is not appropriate. By definition, exceptional events fall outside the normal planning process, and their analysis should not depend on elements of the normal planning process, including attainment or non-attainment designation status.

Objection: We fail to see the basis of EPA's contention that it is appropriate, in the context of reviewing a State's exceptional events documentation, for EPA to use different standards of judgment for different areas (based for example on attainment designation status) in determining whether an event was reasonably controllable or preventable.

If the same standard of analysis is used for all areas independent of their designation status, as we believe is appropriate, then the language of "reasonable and appropriate controls" suggests that RACM, rather than BACM, would be a more appropriate standard when assessing whether controls on anthropogenic sources are sufficiently reasonable and appropriate to show that the exceptional events was beyond reasonable prevention or control.

1.3. Determination of Which Anthropogenic Sources Require "Reasonable and Appropriate Controls"

In the EPA Events Letter (p. 8), EPA states that "ideally, exceptional event requests would identify all non-*de minimis* anthropogenic sources that contributed to an exceedance and would then describe how each is reasonably controlled." EPA then goes on to note that ARB's

documentation for the 2006 Westmorland and for the 2007 events fails to specify which anthropogenic sources need reasonable controls.

Again, EPA's proposed interpretation would stand the EER on its head. Rather than focusing on the ability or inability to reasonably control or prevent the exceptional event *itself*, EPA would ignore the event and instead have the District justify the "reasonableness" of virtually all (i.e., non-*de minimis*) its anthropogenic controls, *whether they would have prevented the exceedance or not*. Even if this was the test, which it is not, EPA has not specified a criterion defining what level(s) make an anthropogenic source *de minimis*, or explained how the EER even justifies the use of such a test. In any event, as noted above, any criterion for evaluating the reasonableness of local control measures should be independent of an area's attainment or non-attainment status and be technically implementable.

Objection: In the absence of criteria clearly defining the type of sources to be reasonably controlled during exceptional events, ad hoc decision-making by EPA regarding which sources require "reasonable and appropriate" controls during any given event is arbitrary. EPA has not justified the basis for such criteria, proposed such criteria, or specified what technical analyses will be required for implementing the criteria (including analysis of the feasibility of technically implementing the criteria).

1.3.1. Controls for Open Areas

April 12 and June 5, 2007 Events. For both the 2007 events, for which elevated PM concentrations were associated with high winds coming from the west, the open areas that may have contributed to the exceedences are the Plaster City, Superstition Mountains, Arroyo Salado, and Ocotillo Wells recreational areas, as well as areas around the Salton City. In the EPA Events Letter (p. 8), EPA claims that the ARB documentation (i) did not specifically address these emissions, and (ii) did not "provide any meaningful analysis of BACM or any other level of control for OHVs."

September 2, 2006 Event. Given the direction of surface winds on this day, the only open areas that may have contributed to an exceedence (at the Westmorland station) are the Imperial County Sand Dunes. In the EPA Events Letter, EPA objects that the ARB documentation did not specifically address the contribution of these emissions (p. 8).

Open areas where natural soil is disturbed by anthropogenic OHV activity were analyzed in Appendix III of the 2009 PM₁₀ SIP.⁷ Figure III.B.6 shows the location of OHV areas on a map of windblown PM₁₀ emissions calculated using the windblown dust model developed by ENVIRON and ERG. For open areas that may have contributed to windblown dust on the high-wind days considered here, it is not clear whether OHV sources should be considered *de minimis* sources (and therefore whether they are even subject to the requirement of reasonable controls), what level of control EPA expects for illegal OHV usage (if the District is even in a position to control such use), and why current California and Imperial County regulations do not constitute reasonable controls in the face of otherwise unavoidable exceptional events.

⁷ Imperial County 2009 PM₁₀ SIP, Final Draft, August 2009.

Moreover, as discussed in Appendix III of the SIP document, anthropogenic disturbance of the sand dunes does not actually increase the emissivity of these soils in wind events, since they are fully disturbed in the natural state. As quantified in Appendix III of the 2009 PM₁₀ SIP (see Tables III.B.2 and III.B.3), the incremental wind-blown emissions within the Sand Dunes Open Area that could possibly be due to anthropogenic disturbance is only a very small fraction (0.9 tpd, approximately 10%) of the total windblown emissions from the Imperial County sand dunes area. Note that this information was included at EPA's request after the District had worked with EPA staff for over a year before the event documentation was finalized, and after the public comment period for the exceptional events documents was over.

Objection: The substance and timing of EPA's stated concerns over open areas and OHV influence suggest that EPA has arbitrarily ignored data already developed for EPA, at EPA's request, through District staff's diligent work with CARB and EPA staff on these exceptional events and on the SIP Imperial County PM₁₀ inventory since August 2008. Furthermore, EPA is not justified in misusing EE documentations as a way to require arbitrary and increasingly expanding levels of analysis of source impacts and controls when the data already establishes that the exceptional events and exceedances still would have occurred even if controls were improved.

Direct Entrainment of Dust in Open Areas. In the EPA Events Letter, EPA cites direct entrainment of dust in open areas (p. 7, 8). Given the high winds of April 12 and June 5, 2007, and the thunderstorm activity of September 2, 2006, OHV activity on these days is expected to have been negligible, and so direct entrainment of dust from OHV activity on these days is also expected to have been negligible.

1.3.2. Controls for Agricultural Lands

Despite statements to the contrary in EPA's Events Letter, ICAPCD has adopted and enforces stringent controls on agricultural sources well beyond the reasonableness level required in the EER. ICAPCD and ARB have discussed controls on agricultural lands with EPA for many years. ICAPCD and ARB worked with EPA during the development of the 2005 Regulation VIII BACM Analysis,⁸ which was adopted by the ICAPCD in November 2005. Rule 806 was closely modeled on the San Joaquin Valley Air Pollution Control District's Rule 4550 that EPA had approved in May 2004 (69 FR 30035). At the adoption hearing, EPA testified that all of the Regulation VIII rules, including Rule 806, Conservation Management Practices, were BACM. Moreover, review of the emission inventory (2009 PM₁₀ SIP Appendix III) shows that agricultural lands are significantly less emissive than most of the non-populated areas in Imperial County that are not essentially bare rock (c.f., Figure III.B.6 of the 2009 PM₁₀ SIP).

In the EPA Events Letter discussion of controls for agricultural lands, EPA only mentions the following program, not Regulation VIII (including Rule 806) requirements that were in force on the event days. Fallowed land issues were included in the 2005 Regulation VIII BACM Analysis. It is not clear why EPA does not discuss Rule 806 at all. In any event, the failure to address Rule 806 alone makes EPA's conclusions regarding agricultural areas suspect.

⁸ Technical Memorandum: Regulation VIII BACM Analysis. October 2005. Prepared for ICAPCD by ENVIRON.

2. Clear Causal Relationship

2.1. Technical Objections

2.1.1. September 2, 2006 Calexico Exceedences

Comparison to Days with Similar Meteorological Conditions. The ARB documentation includes an analysis of historical data for days that have meteorological conditions in Calexico/Mexicali similar to those observed on September 2, 2006. This analysis (see discussion of Table 5 in the ARB document) reveals that:

- i. The impacts of local pollution emissions on such days are lower than average due to enhanced dispersion;
- ii. The impacts of Mexicali emissions at Calexico stations on such days are significant; but that
- iii. About half of the measured PM concentrations at Calexico stations on September 2, 2006 cannot be attributed to the expected impact of the local EI (including Calico and Mexicali) given the local meteorology for that day.

ARB argues that these results support the explanation that the Calexico exceedences were due to long-range transport of dust generated by high winds S, SE, or SSE of Mexicali, as opposed to unusual level of local emissions in Calexico and Mexicali (see Appendix A1).

In the EPA Events Letter, EPA concedes that September 2, 2006 was in some way atypical, but claims that the analysis "does not provide direct support for the required causal relationship. Indeed, if the conditions on September 2, 2006 were sufficient to cause an exceptional event as ARB claims, it is unclear why exceedences were not also recorded on the days with similar wind conditions." (p. 14).

The historical days used in this analysis (Table 5 of the September 2, 2006 documentation) are those that have similar wind conditions in Calexico. The selection for inclusion in the analysis does not consider other factors, including other meteorological factors which may be the cause for the differences in PM₁₀ concentrations recorded on September 2, 2006, August 19, 2003, August 18, 2002, and PM₁₀ concentrations recorded on the remainder of the days in Table 5. Our conclusion is that exceedences were not recorded on the other days in Table 5 **precisely because** September 2, 2006, August 19, 2003, and August 18, 2002 had very dissimilar wind conditions (away from Calexico), strongly indicating that high levels of dust leading to the exceedences must have come from remote sources in non-populated, non-monitored areas (most likely desert areas to the east along the Mexican border).

Consideration of Other Causes. On p. 14 of the EPA Events Letter, EPA expresses concern about emissions from OHV or fallow agricultural fields: "In addition, once surface crusts have been disturbed, emissions can result from OHVs or fallow agricultural fields without there being direct anthropogenic activities. As noted in Section 4.2.2, OHV activity indirectly increases PM₁₀ emissions by disturbing vegetation on surface crusts, leaving the surface less stable and more vulnerable to emissions during subsequent winds. Similarly, a fallow agricultural field can also be left in a condition that is vulnerable to wind erosion. Noting the absence of increased anthropogenic activity on the day of the exceedance does not address previous anthropogenic activities that could have left surfaces more vulnerable to emissions during subsequent winds."

This argument would appear to be irrelevant in the analysis of the September 2, 2006 Calexico exceedences, given that there are no OHV lands or domestic agricultural lands S, SE, or SSE of the Calexico monitors that could have contributed to the measured impact at these monitors on that day.

Objection: Based on the apparent misunderstanding of the comparison with non-exceedence days and the fact that 1) ARB did not make any implications about activity levels on the exceedence day and 2) that other causes raised by EPA did not need to be considered because they are not relevant to the exceedences in Calexico during this event, EPA's decision-making concerning the September 2, 2006 Calexico exceedences does not appear to be based on sound technical understanding of the events associated with these exceedences.

2.1.2. September 2, 2006 Westmorland Exceedence

Transport. High winds were observed NE and NW of Westmorland in the late afternoon, including a 27 mph hourly measurement at 5 pm at the Palo Verde station (~ 57 miles ENE of Westmorland), and a 23 mph hourly measurement at 6 pm at the Oasis station (~ 45 miles NW of Westmorland).

EPA concedes (EPA Events Letter, p. 16) that these winds "may be consistent with short-lived high wind with a direction different from the underlying flow, such as might be caused by thunderstorm outflow [and that] the directions can be interpreted as consistent with the theory that dust was transported to Westmorland." EPA then offers three objections as "conflicting evidence on the transport of emissions from north of the County to the Westmorland monitor, which undermines the case for a clear causal relationship" (p. 18):

- i. *"The increased wind at Oasis toward Westmorland is simultaneous with the Westmorland concentration spike, rather than an hour or two before as one would expect based on the distance between the two locations. Further, in order for dust generated at Oasis to reach Westmorland one must assume the wind followed a straight line path over the 50 mile distance for two hours, despite the observed variability in speed and direction."* (EPA Events Letter, p.16, see also first bullet of p. 18)

First, EPA's premise is incorrect; the increased wind at Oasis occurred at 6 pm, one hour ahead, rather than at the same time as the 7 pm PM₁₀ peak at Westmorland. Second, the wind speed measurement of 23 mph corresponds to an hourly average. Wind gusts (such as those generated by a thunderstorm cell collapse) responsible for this high hourly average would have been of much higher speed, consistent with ~45 miles travel over the space of one hour, as suggested in the ARB documentation.

- ii. *"Palo Verde experienced increased wind speed before Oasis, which is inconsistent with the path of the storm from west to east."* (EPA Events Letter, p.16-17)

First, the increased wind at Palo Verde actually occurred two hours ahead of the 7 pm PM₁₀ peak at Westmorland, and its direction (WNW) and speed (27 mph hourly average, with expected wind gusts of much higher speeds) are both consistent with transport toward Westmorland in the two-hour recorded time difference.

Second, this interpretation of recorded data is in no way weakened by incomplete certainty about the location of thunderstorm cells during the late afternoon. Recorded wind speeds are due to thunderstorm outburst, and the use of those recorded speeds helps to establish a cause-and-effect relationship between the *measured* wind speeds and direction, and the *measured* PM₁₀ concentrations at Westmorland. It does not appear that EPA is disputing that the recorded wind speeds are consistent with thunderstorm outbursts, nor does EPA appear to argue that the wind speed or direction are somehow inconsistent with transport of dust from Palo Verde to Westmorland. We fail to see how the lack of understanding about the precise location of the storm in time (a very difficult, if not impossible fact to ascertain, particularly in remote, non-populated/monitored areas) is relevant to a cause-and-effect analysis based on undisputed evidence of measured wind speeds, wind directions, PM concentration values and satellite evidence of thunderstorm activity suggesting that the high winds were caused by thunderstorms.

- iii. *"There is additional evidence which contradicts ARB's claim that dust was transported to Westmorland from the northeast or northwest. First, the wind direction at Westmorland itself was consistently from the southeast or east-southeast. HYSPLIT back-trajectories ending at Westmorland near the 7 pm high concentration hour are also inconsistent with transport from northern stations during the two hours in which high speed winds occurred."*

Short-lived high winds may have a direction different from the underlying flow. Thus, transport of dust by high winds from Oasis or Palo Verde to impact Westmorland at 7 pm is not inconsistent with a 7 pm hourly-average wind direction at Westmorland from the SE. Along the same lines, HYSPLIT back-trajectories are expected to capture the underlying flow pattern, not short-lived variations in flow superimposed on the underlying flow pattern. Thus, this evidence does not contradict ARB's claim.

Objection: Based on EPA's apparent misunderstandings regarding PM transport affecting the September 2006 Westmorland exceedence, we object that EPA's decision-making concerning the September 2, 2006 Westmorland apparently is not based on sound technical understanding of the events associated with that exceedence.

2.2. Discussion of Data availability and Feasibility of Technical Analysis

The EPA Events Letter expresses doubt about the extent of investigations of other possible sources of PM emissions, and cites insufficient source apportionment and satellite imagery as primary reasons in EPA's position that clear, causal relationships were not established in the 2006 and 2007 documentations (Table 1).

Table 1. Key issues in EPA's analysis of causality

Subject	Comment and Reference (2009 EPA Events Letter)	Event
Source apportionment	<p>"The submittal contains little assessment of the relative contributions of anthropogenic and non-anthropogenic emissions in the potential source areas, which could provide evidence of a causal relationship" p. 16</p> <p>"The relative contributions of possible source areas in the northwest, northeast, east, and southeast are little examined. The weight of evidence does not demonstrate a clear causal relationship as required by the EER" p. 18</p> <p>Referring to the various sources that may have contributed to the 2007 exceedences, EPA states that <u>"there should be fuller source attribution, both for deciding which sources need reasonable measures..., and also for establishing the required clear causal relationship."</u> (p. 20; this same concept is restated in Section 5.3.6 on p. 25, and in Section 9.3 on p. 29-30).</p>	<p>2006 Westmorland</p> <p>2006 Westmorland</p> <p>2007 events</p>
Satellite imagery	<p>"ARB presents satellite imagery to show that the times of elevated PM10 concentration at Indio/Palm Springs and Yuma correspond to the passage of the thunderstorm activity in each area... The 5 pm satellite image does provide evidence of thunderstorm activity north of Imperial County. However, it does not provide clear evidence of a causal relationship because the images are not taken frequently enough to compare them with the timing of the concentration spike." p. 17-18</p>	<p>2006 Westmorland</p>
Consideration of other causes	<p>"ARB notes an absence of unusual activity that would lead to increased anthropogenic emissions on this day. This is supported by ICAPCD's investigation of the period, and the lack of unusual entries in source inspection logs. This evidence is consistent with ARB's conclusion that the cause of the exceedance was not local; however, the extent of ICAPCD's investigation is unclear and this evidence does not directly support the causal relationship." p. 18</p> <p>Comments to the same effects are made on p. 24 and 25</p>	<p>2006 Westmorland</p> <p>2007 events</p>

To conduct the "fuller" source attribution reported in Table 1, EPA suggests (see last paragraph of p. 20, and first paragraph of p. 21) the need for a day-specific inventory and a method to account for the effect of distance from source to monitor on impact. Even if these steps were theoretically feasible, EPA fails to provide specific guidance describing the kind of technical methods that they would endorse for such an analysis. For example, although EPA proposes that a re-run of the existing ENVIRON/ERG Windblown Dust Model with episode-specific winds would improve the analysis, EPA is also quick to identify several deficiencies in this model (which is so far the best available). This leads us to the following objection.

Objection: Although EPA suggests that higher levels of documentation for source attribution, thunderstorm activity, or investigation of other potential causes would be preferred, EPA does not suggest reasonable, technically implementable analyses to achieve these higher levels of documentation. We would question what technical analyses EPA suggests should be conducted. We would also question whether these analyses and the required level of data are achievable or realistic now or in the future for similar events in Imperial County and in other areas (particularly those surrounded by remote, non-populated, non-monitored source areas), and whether these analyses exceed the requirements for SIP planning itself. EPA has not (and, we believe, cannot) propose reasonable, technically achievable investigations and analyses superior to those produced by the District and ARB that would address EPA's stated concerns. Thus, we find that both EPA's conclusions on causality and EPA's position on the level of analysis required to demonstrate causality are incorrect and inconsistent with the purpose of the EER.

2.3. Discussion of Implications of EPA's Position About Causality Requirements

EPA takes the position that there are not sufficient data to show a clear causal relationship between the exceedences and a qualifying exceptional event. EPA argues that the exact sources of the dust impacting the stations, that the high winds leading to entrainment from the sources, and that the transport of the dust from these sources to the impacted monitors have not been clearly elucidated.

2.3.1. Special Case of Class III Exceptional Events

The undeniable weight of the evidence establishes that the PM concentrations recorded on September 2, 2006 are not the result of PM emissions from recurring anthropogenic sources within the Imperial Valley:

- A statistical analysis shows that the exceedences in Imperial County cannot be attributed to unusual local impact from non-windblown dust sources, since high values were measured at every Imperial County station⁹
- In addition, the exceedences cannot be attributed to high windblown dust emissions from unpaved roads, agricultural lands, and other anthropogenic sources within the entire ICAPCD planning area (see also our discussion of OHV land emissions in Section 1.3.1), since there were no high winds over the entire Imperial Valley
- Comparison of PM data for September 2, 2006 and for days with similar wind speeds and wind direction within Imperial County shows that September 2, 2006 is similar to other days for which PM₁₀ concentrations in the valley were dominated by impacts due to long-range transport of dust (from outside the populated parts of the Imperial Valley)
- Indeed, there was thunderstorm activity in the region, and surrounding areas experiences exceedences consistent with Type III exceptional events (thunderstorm events)

⁹ PM concentrations on September 2, 2006 at the Niland, Westmorland, Brawley, El Centro, Calexico Ethel, and Calexico Grant stations are in the 97th, 98th, 97th, 99th, 98th, and 99th percentiles, respectively, of all 2001-2007 measurements at their respective stations. The chances of observing such same-day concentrations if they are caused by a set of independent factors is less than 1 in 10¹⁰. Unusual local impacts from unusual local events would be such a set of independent factors.

Therefore, consideration of these exceptional event air quality monitoring data in the normal planning and regulatory processes is absolutely inappropriate. As stated in the Introduction of EPA's response document, the proper review and handling of such PM data is the very purpose of the EER.

It would be a matter of great concern for both ICAPCD and ARB if, for events associated with thunderstorm activity in the southwestern United States and Northwestern Mexico, satisfying EPA's demands to establish "clear-causal relationship" and "no exceedence but-for" (including source apportionment and transport) required a level of information (including satellite data and wind data in all desert areas that are possible source contributors) that is unattainable for many areas and technical analyses that may not be feasible. Such a narrow application of the EER will preclude states from excluding from regulatory consideration exceptional PM data that are completely inappropriate for inclusion in the normal planning process.

**Appendix A1:
Possible Explanations for September 2, 2006 Calexico Exceedences**

There are only three possible explanations for the Calexico exceedences recorded on September 2, 2006:

- i. The exceedences were due to highly unusual, non-windblown local PM emitted south of the monitoring stations but north of the border. Given the very narrow (one mile) strip of land between the stations and the border, such unusual emissions (e.g. highly unusual disturbance of soil at the Calexico airport, or at the border) would have had to have been extraordinarily large to account for the exceptionally high measurements. *We note that no such activity was reported; and that such local emissions would furthermore not explain the regionally high PM concentrations observed on September 2, 2006.*
- ii. The exceedences were due to highly unusual, non-windblown PM emitted south of the border in Mexicali. *We note that no unusual activities were recorded, that such local emissions would not explain the low PM concentrations in Mexicali, and would not explain the regionally high PM concentrations observed on September 2, 2006.*
- iii. The exceedences were due to long-range transport of dust generated by high winds S, SE, or SSE of Mexicali. *This is the only explanation for the regionally high PM concentrations observed on September 2, 2006, and is consistent with historical patterns (i.e., the only other 2 days in Table 5 of the ARB documentation that also have high PM concentrations at Calexico were such days).*

Although EPA points out that explanation (iii) above does not account very well for the difference between the PM₁₀ concentrations measured at Calexico and at Mexicali stations (p. 12 of the 2009 EPA Events Letter), we maintain that it is by far the most plausible of all possible explanations, and that it is therefore an appropriate conclusion for a weight-of-evidence analysis.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

AUG 24 2010

OFFICE OF THE
REGIONAL ADMINISTRATOR

Benjamin Grumbles, Director
Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, AZ 85007

Dear Mr. Grumbles:

Thank you for your most recent communications regarding exceptional events dated June 30th, July 2nd, and August 2nd, and your August 2nd comments on the schedule in the proposed consent decree in Bahr v. Jackson, No. CV 09-2511-PHX-MHM (D. Ariz.). Regarding the consent decree, EPA and the Department of Justice will review all comments and make a decision based on what is in the public's best interest.

Based upon the proposed consent decree schedule, we will be proposing action on the Phoenix 5% PM-10 Plan on September 3rd. As you know, the Plan relies on the exclusion of exceedances that we have determined do not meet the requirements of our Exceptional Events Rule to support the attainment demonstration. Therefore, we will be addressing the exclusion of these exceedances again in that action. We will respond to any comments we receive during the public comment period on this aspect of our proposed action on the 5% Plan when we take final action.

We appreciate all the hard work that your staff has been devoting to these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared Blumenfeld".

Jared Blumenfeld
Regional Administrator

cc: Dennis Smith, MAG
Joy Rich, Maricopa County



Janice K. Brewer
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov



Benjamin H. Grumbles
Director

August 27, 2010

Mr. Jared Blumenfeld
Regional Administrator
U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

Re: Supplemental Information Regarding 2008 Exceptional Events

Dear ^{Jared} Regional Administrator Blumenfeld:

This letter continues my correspondence of August 2, 2010, which transmitted a revised draft report addressing issues EPA had identified in the Arizona Department of Environmental Quality's (ADEQ's) documentation of PM₁₀ exceedances that occurred on June 4, 2008. Enclosed are revised draft reports for the exceedances that were measured on March 14, 2008, April 30, 2008, and May 21, 2008. Although ADEQ maintains that the November 17, 2009 reports for all four of these 2008 events were complete at the time that they were submitted, EPA's May 21, 2010, letter indicates the need for additional consultation about the four dates in question.

In addition to these three revised draft reports, I am attaching a newly-updated, revised draft June 4, 2008 report that has been modified to reflect improvements and corrections that were identified in the course of preparing the reports for the other three dates. A summary of the differences between the two revised draft versions of the June 4, 2008, report is attached (see Attachment 1).

Finally, I am transmitting a document regarding the contribution of anthropogenic activities to monitored violations of the PM₁₀ air quality standard and a detailed breakdown of inspections that occurred on and around the four exceptional event dates in question. This information supplements the information in my June 30, 2010 letter.

Starting on August 30, 2010, and as required by 40 CFR § 50.14(c)(3)(i), ADEQ will be providing notice of the opportunity for public comment and review of all four revised draft reports. These documents will be available for download from the ADEQ website at: <http://www.azdeq.gov/environ/air/plan/index.html>. Upon completion of the public process, it is ADEQ's intent to formally submit these demonstrations, and any public comments received, to EPA Region 9.

Northern Regional Office
1801 W. Route 66 • Suite 117 • Flagstaff, AZ 86001
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

Through the submission of these revised draft reports, I once again request that EPA Region 9 revisit its May 21, 2010 decision not to concur with ADEQ's exceptional event documentation. Based upon the information in these documents, there is ample evidence to support the continuation of the consultation process envisioned at the time of the drafting of EPA's Exceptional Events Rule.

I remain hopeful that ADEQ's efforts to rekindle the consultation process will result in a thorough review of the materials and further discussion with ADEQ. If your staff has questions or would like to discuss this further, please have them contact Eric Massey, Air Quality Division Director, who can be reached at (602) 771-2308.

Sincerely,



Benjamin H Grumbles
Director

Enclosures (5)

1. Summary of Changes Made
2. Contribution of Anthropogenic Activities Paper and Detailed Exceptional Event Inspection Information
3. August 16, 2010 Assessment of Qualification for Treatment Under the Federal Exceptional Events Rule: High Particulate (PM10) Concentration Event in the Phoenix Area on March 14, 2008
4. August 16, 2010 Assessment of Qualification for Treatment Under the Federal Exceptional Events Rule: High Particulate (PM10) Concentration Event in the Phoenix Area on April 30, 2008
5. August 16, 2010 Assessment of Qualification for Treatment Under the Federal Exceptional Events Rule: High Particulate (PM10) Concentration Event in the Phoenix Area on May 21, 2008
6. August 16, 2010 Assessment of Qualification for Treatment Under the Federal Exceptional Events Rule: High Particulate (PM10) Concentration Event in the Phoenix Area on June 4, 2008

cc: Deborah Jordan (w/o enclosures)
Colleen McKaughan (w/o enclosures)
Dennis Smith, MAG (w/o enclosures)
Bill Wiley, MCAQD (w/o enclosures)

Congress of the United States

Washington, DC 20515

August 30, 2010

The Honorable Lisa Jackson
Administrator
U. S. Environmental Protection Agency
Mailcode: 1101A
1200 Pennsylvania Avenue NW
Washington, DC 20460

RE: PM-10 Nonattainment Area Plan for Maricopa County, Arizona

Dear Administrator Jackson:

We are writing to express our serious concerns with two recent decisions concerning Maricopa County's air quality plans that have been taken by the Environmental Protection Agency's (EPA's) Region IX Office.

Although Arizona state and local officials have attempted to work with EPA for many years on efforts to attain National Ambient Air Quality Standards (NAAQS) for coarse particulate matter (PM-10), we are concerned that EPA is presently pursuing a course of action that could result in a disruptive effect on Arizona's economy without ensuring a meaningful improvement in air quality. Instead of pursuing the present course of action, we ask that you review each matter and ensure that your agency employs a fair, collaborative and constructive process in resolving any outstanding issues. We believe this is the best course to help our state achieve the requirements of the Clean Air Act (CAA) while not imposing punitive and counterproductive measures.

First, we are concerned with EPA's pending actions concerning a proposed consent decree with respect to the Maricopa Association of Governments (MAG) Five Percent Plan for PM-10. This plan has been a success. It contains 53 new control measures for PM-10 emissions that are the best available control measures and as stringent as any in the country. Most importantly, except for certain natural conditions and events that temporarily caused elevated levels of PM-10, the PM-10 NAAQS has been met in the Maricopa County area. Clean data and compliant air quality has been achieved throughout 2010.

In a July 2, 2010 Federal Register Notice, EPA gave interested parties only 30 days to comment on whether the Agency should propose action on the MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area by September 3. Local and state agencies have, of course, weighed in on this matter, but EPA's overall timeframe in addressing this litigation is unacceptably short given the exceedingly technical nature of the information that is involved and the very large local and state interests that are at stake. After revealing this plan of action only this past July, EPA indicates in the Federal Register notice that it intends to propose action on the Five Percent Plan by September 3, 2010, and take final action by January 28, 2011.

Based on our understanding of EPA's intent in this matter, it appears that the agency will propose disapproval of the Five Percent Plan. According to MAG, this disapproval could initially result in a "conformity freeze" under which new transportation projects would be halted in the Phoenix area, and it could ultimately result in the imposition of CAA sanctions, including additional offset requirements for new construction and withholding of federal highway funds, putting literally billions of dollars in infrastructure investment at risk. Even prior to the imposition of any sanctions, we would be concerned that these actions could serve to chill private sector investment in the Phoenix area at a time when our country is attempting to emerge from a recession. Even the lowest level loss of transportation funding that has been threatened could cost at least 60,000 jobs, according to MAG estimates.

Second, we are concerned with regard to EPA Region IX's abrupt decision on May 21, 2010, to deny the State of Arizona's request regarding certain PM-10 "exceptional events" demonstrations. As you know, the CAA allows certain air quality data to be excluded from the consideration of an area's attainment status if the data was influenced by natural or certain human-caused events that are effectively out of an area's ability to control. Despite a lengthy albeit incomplete process in which Arizona and MAG submitted a considerable amount of technical data and analysis to EPA, the state's request to exclude four days worth of data at a single monitor was rejected by Region IX. At a meeting to discuss this disapproval, Region IX Administrator Jared Blumenfeld called the regulations under which he made his decision "flawed."

In this regard, we would note that the exceptional events rule has been consistently criticized by a wide range of interests since its adoption, including criticism by the state air quality managers in 15 western states most immediately affected by the rule. These states, through the Western States Air Resources Council, have requested action by the EPA Office of Air and Radiation since September 2009 to streamline implementation of the exceptional events rule and to make other changes in administration of the rule. To date, however, we are not aware of any action by EPA to effectively respond to this request or to work with states and localities that are most affected by conditions such as windblown dust and other particulate matter subject to transport.

We therefore request that EPA respond to concerns of states and localities, within existing rules, regulations and ethical guidelines, in an effort to seek a reasonable solution to these issues. In order to allow this process to occur, we respectfully request that:

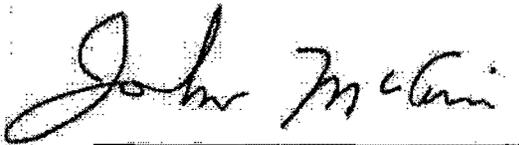
(1) EPA provide adequate time for an additional review of exceptional events requests by the State of Arizona. EPA should review and consider new data and information on these events and move to reconsider its May 21, 2010 determination with regard to the Maricopa County Nonattainment Area.

(2) EPA defer action with regard to its proposed consent decree so that there is adequate time for public comment and consideration. Under the accelerated timeframe that EPA revealed in its July 2, 2010 notice, EPA would propose and take final action on the consent decree in less than five months, allowing only 30 days for public comment. We seriously question whether such a truncated time period will allow sufficient opportunity for states, local areas, business and

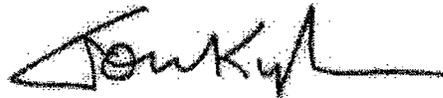
private individuals who are not parties or intervenors to the litigation, but who may have a substantial stake in the outcome, to respond and assemble the necessary comments and information for EPA to review.

Thank you for your kind consideration and prompt attention to our concerns. Given the immediacy of this matter, we would ask that you respond in writing to this letter prior to the September 3, 2010 date of proposed action.

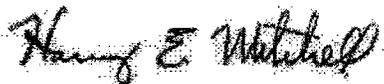
Sincerely,



Senator John McCain



Senator Jon Kyl



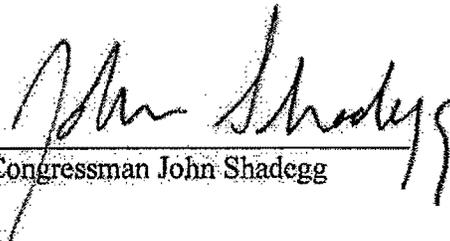
Congressman Harry Mitchell



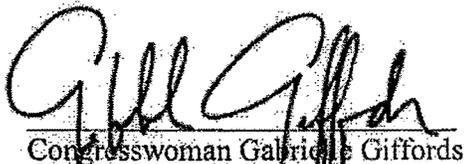
Congressman Jeff Flake



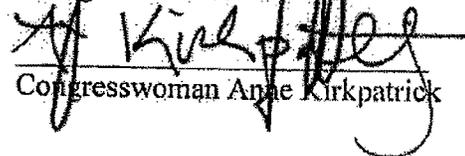
Congressman Ed Pastor



Congressman John Shadegg



Congresswoman Gabrielle Giffords



Congresswoman Anne Kirkpatrick



Congressman Trent Franks

August 31, 2010

TO: Members of the MAG Management Committee

FROM: Amy St. Peter, Human Services Manager

SUBJECT: SUSTAINABLE COMMUNITIES REGIONAL PLANNING GRANT PROGRAM

In July 2010, the MAG Regional Council approved MAG applying as the lead applicant on behalf of the Sun Corridor Consortium for the Sustainable Communities Regional Planning Grant Program. The purpose of the program is to integrate housing, economic development, and transportation planning through the creation of regional plans for sustainable development. In August 2010, with the assistance of 120 partners and nearly \$21 million in leverage, MAG submitted an application for nearly \$5 million representing six initiatives to inform the development of a regional sustainability plan. The purpose of this memorandum is to provide an update on the partnerships established and the activities proposed in the Sun Corridor Consortium's application.

The Sun Corridor Consortium comprises the Maricopa Association of Governments, the Pima Association of Governments (PAG), the Central Arizona Association of Governments (CAAG), and 117 additional partners representing the public and private sectors, as well as nonprofit agencies. All have signed partner agreements indicating support for activities throughout the three-year period of the grant. This is the first time in the history of the Sun Corridor that such a diverse and extensive consortium has been established to mobilize on issues related to sustainability. Activity at the Sun Corridor level will be coordinated through the Joint Planning Advisory Council (JPAC). The JPAC was established by a signed resolution in December 2009 by MAG, PAG, CAAG to address issues that impact all three regions. Local issues will be addressed by member agencies and community partners in work groups through MAG, PAG, and CAAG.

One of the key strengths of the project is the diverse consortium assembled to implement the proposed grant activities. Primary partners include the Arizona Department of Transportation, the Arizona Department of Housing, the Urban Land Institute, the Sonoran Institute, the Morrison Institute for Public Policy at Arizona State University (ASU), the Stardust Center for Affordable Homes and the Family at ASU, and the Drachman Institute at University of Arizona. Each partner contributes significant expertise and resources. For example, the Central Arizona Project has contributed the strategic right-of-way valued at \$14 million for the trail system along the canals that run through Maricopa, Pima, and Pinal counties. This resource will be leveraged to implement one of the initiatives proposed in the grant, the Canal Path Integration Study.

In total, six initiatives have been proposed to build a foundation for the regional plan for sustainable development. These include the following:

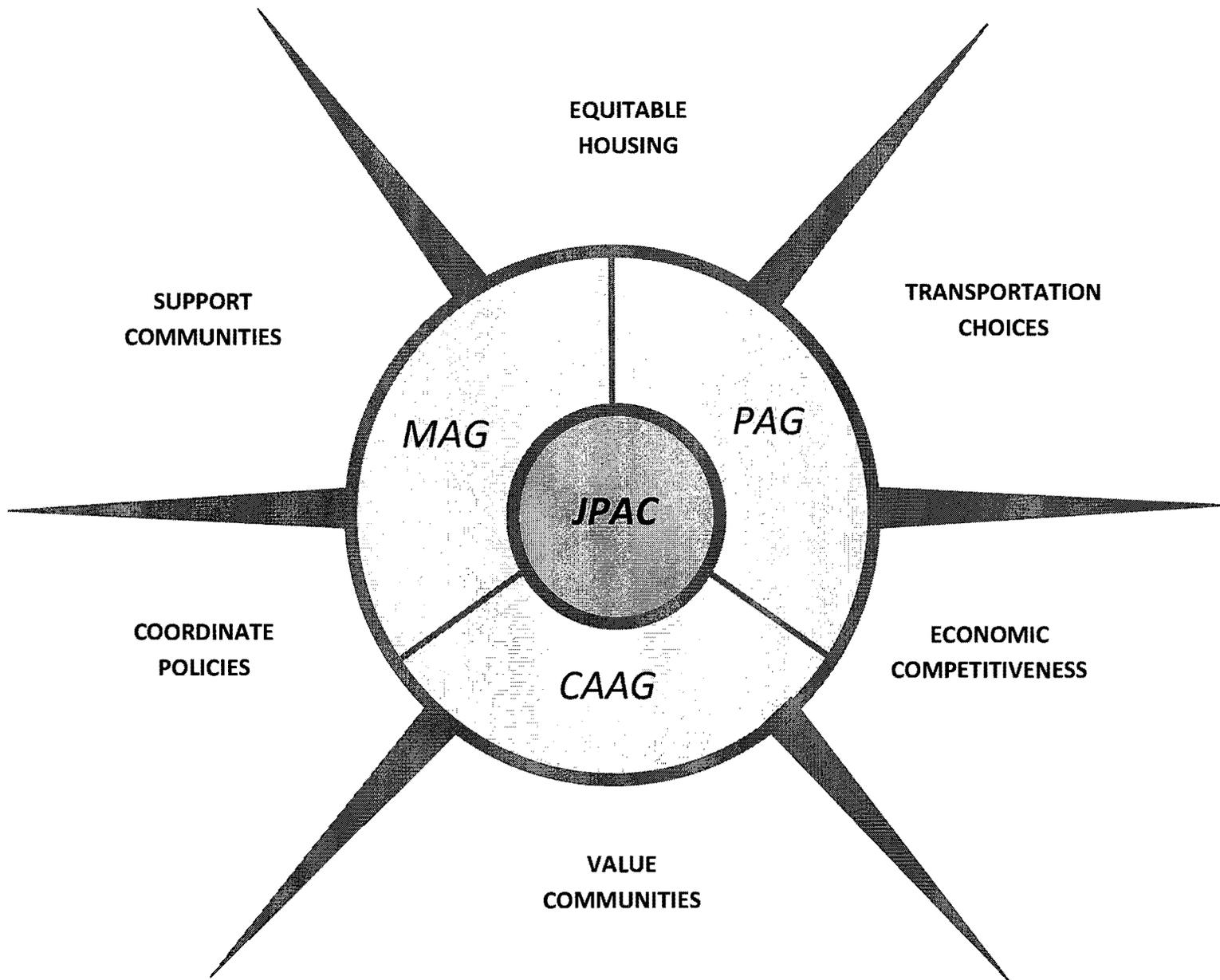
1. *Cluster Economic Development Study* to determine the industries, support, and strategies needed to promote economic development.
2. *Connected Centers Framework Study* to identify the factors needed to support existing and emerging activity centers.
3. *Native American Communities Transit Study* to better connect with employment and educational opportunities.
4. *Regional Housing Plan* to identify the range of housing needed, including affordable housing and fair housing.
5. *Arizona Health Survey* to track a robust data set of indicators relevant to health, quality of life, and social equity.
6. *Canal Path Integration Study* to identify missing segments and develop strategies to complete the trail system along the canals.

Feedback from member agencies and community partners defined these six initiatives as holding the most potential to have a positive impact on the region and to make the grant application as competitive as possible. The application process is expected to be very competitive. In total, up to \$98 million is available nationally. HUD has set aside 25 percent of the awards for small metropolitan or rural areas. Applications meeting threshold requirements but not receiving an award may be granted preferred sustainability status. Applicants with this status may apply for an additional \$2 million that will be available nationally in fall 2010 for technical assistance. HUD has indicated this status may also provide a benefit when applying for other federal funding sources. Applying for this funding source now may position MAG well in the future if such plans become a requirement with the reauthorization of federal transportation funding.

Staff will continue to track federal activity regarding the Sustainable Communities Regional Planning Grant Program and related programs. Originally, HUD indicated awards would be announced in October. In recent communications, HUD has withdrawn this deadline and has not published a new date for the awards announcement. Once the awards have been announced, MAG will convene the partners to determine next steps.

If you have any questions regarding this item, please contact me at the MAG office at (602) 254-6300.

SUN CORRIDOR CONSORTIUM ORGANIZATIONAL CHART



JPAC - Joint Planning Advisory Council

PAG - Pima Association of Governments

CAAG - Central Arizona Association of Governments

MAG - Maricopa Association of Governments

Roles

Joint Planning Advisory Council: Develop Sun Corridor strategies and sustainability plan.

CAAG, MAG, and PAG: Organize work groups, approve menu of strategies, and develop regional approach.

Livability principles: Housing, transportation, and economic competitiveness will be addressed by their respective work groups. Policy coordination will be addressed by the Sun Corridor Steering Committee composed of designated representatives from MAG, PAG, and CAAG. The supporting existing communities principle will be addressed by the Housing Plan and Centers Study. The valuing communities and neighborhoods principle will be addressed by scenario planning, the Canal Path Study, and the AZ Health Survey. Please refer to the Partner Role Matrix for details on specific agency commitments.